

FIRST REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 889

96TH GENERAL ASSEMBLY

1285L.07C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 11.010, 52.010, 52.230, 54.033, 54.330, 55.030, 56.807, 58.095, 66.010, 67.402, 67.1006, 67.1008, 67.1303, 67.1521, 70.660, 71.220, 72.401, 89.145, 99.820, 99.825, 107.170, 115.137, 115.305, 115.342, 137.010, 137.080, 137.082, 143.790, 190.015, 190.035, 190.040, 192.300, 226.720, 227.107, 230.220, 233.280, 256.400, 304.120, 311.297, 321.120, 447.708, 475.115, 478.170, 478.711, 479.011, 479.020, 483.420, 488.026, 488.426, 527.188, 537.620, and 546.902, RSMo, section 137.115 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, section 137.115 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 2058 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 711 merged with conference committee substitute for house committee substitute no. 2 for senate substitute for senate committee substitute for senate bill no. 718, ninety-fourth general assembly, second regular session, and to enact in lieu thereof eighty-six new sections relating to political subdivisions, with penalty provisions.

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

Section A. Sections 11.010, 52.010, 52.230, 54.033, 54.330, 55.030, 56.807, 58.095,
2 66.010, 67.402, 67.1006, 67.1008, 67.1303, 67.1521, 70.660, 71.220, 72.401, 89.145, 99.820,
3 99.825, 107.170, 115.137, 115.305, 115.342, 137.010, 137.080, 137.082, 143.790, 190.015,
4 190.035, 190.040, 192.300, 226.720, 227.107, 230.220, 233.280, 256.400, 304.120, 311.297,
5 321.120, 447.708, 475.115, 478.170, 478.711, 479.011, 479.020, 483.420, 488.026, 488.426,
6 527.188, 537.620, and 546.902, RSMo, section 137.115 as enacted by senate committee

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.

7 substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, section
8 137.115 as enacted by senate substitute for senate committee substitute for house committee
9 substitute for house bill no. 2058 merged with conference committee substitute for house
10 committee substitute for senate substitute for senate committee substitute for senate bill no. 711
11 merged with conference committee substitute for house committee substitute no. 2 for senate
12 substitute for senate committee substitute for senate bill no. 718, ninety-fourth general assembly,
13 second regular session, are repealed and eighty-six new sections enacted in lieu thereof, to be
14 known as sections 9.085, 9.086, 11.010, 11.025, 44.035, 52.010, 52.230, 54.033, 54.330, 55.030,
15 56.807, 58.095, 66.010, 67.314, 67.319, 67.402, 67.451, 67.1006, 67.1008, 67.1303, 67.1521,
16 67.2012, 67.4500, 67.4505, 67.4510, 67.4515, 67.4520, 70.660, 71.220, 71.950, 72.401, 82.292,
17 85.015, 89.145, 94.585, 99.820, 99.825, 107.170, 115.137, 115.305, 115.342, 137.010, 137.080,
18 137.082, 137.115, 143.789, 143.790, 190.015, 190.035, 190.040, 192.300, 226.224, 226.720,
19 227.107, 230.220, 233.280, 256.400, 256.433, 262.675, 304.120, 311.297, 321.120, 447.708,
20 475.115, 478.170, 478.187, 478.575, 478.577, 478.711, 479.011, 479.020, 483.420, 488.026,
21 488.426, 527.188, 537.293, 537.620, 546.902, 1, 2, 3, 4, 5, 6, 7, and 8, to read as follows:

**9.085. In recognition of the courage and unwavering patriotism of those valiant
2 men and women of the armed forces of the United States who served during the Vietnam
3 Conflict, April thirtieth of each year shall be known and designated as "Vietnam Veterans
4 Day" in Missouri. The citizens of the state of Missouri are encouraged to observe the day
5 with appropriate events, activities, and remembrances in honor of the veterans who
6 bravely fought, served, and sacrificed during the Vietnam Conflict and returned home to
7 no parades, ceremonies, or public celebrations to welcome them in gratitude for their
8 courageous service given and sacrifices made on behalf of our nation.**

**9.086. In recognition of the courage and unwavering patriotism of those valiant
2 men and women of the armed forces of the United States who served in Operation Iraqi
3 Freedom, Operation Enduring Freedom, Operation Desert Storm, and all future military
4 operations within the Iraq and Afghanistan regions, March twenty-sixth of each year shall
5 be known and designated as "Veterans of Operation Iraq/Enduring Freedom Day" in
6 Missouri. The citizens of the state of Missouri are encouraged to observe the day with
7 appropriate events, activities, and remembrances in honor of the veterans who bravely
8 fought, served, and sacrificed during the military operations in Iraq and Afghanistan and
9 in gratitude for their courageous service given and sacrifices made on behalf of our nation.**

11.010. The official manual, commonly known as the "Blue Book", compiled and
2 electronically published by the secretary of state on its official website is the official manual of
3 this state, and it is unlawful for any officer or employee of this state **except the secretary of
4 state**, or any board, or department or any officer or employee thereof, to cause to be printed, at

5 state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for
6 the secretary of state to publish, or permit to be published in the manual any duplication, or
7 rearrangement of any part of any report, or other document, required to be printed at the expense
8 of the state which has been submitted to and rejected by him or her as not suitable for publication
9 in the manual.

**11.025. Notwithstanding any other provision of law, the secretary of state may enter
2 into an agreement directly with a nonprofit organization for such nonprofit organization
3 to print and distribute copies of the official manual. The secretary of state shall provide
4 to the organization the electronic version of the official manual prepared and published
5 under this chapter. The nonprofit organization shall charge a fee for a copy of the official
6 manual to cover the cost of production and distribution.**

**44.035. The name, address, Social Security number, as well as any other personal
2 identifying information that is utilized in a voluntary registry of persons with
3 health-related ailments created by a public governmental body to assist individuals in case
4 of a disaster or emergency, shall not be considered a public record under the provisions of
5 chapter 610. Nothing in this section shall authorize a public governmental body to deny
6 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.**

52.010. **1. At the general election in 1906, and every four years thereafter, a collector,
2 to be styled the collector of the revenue, shall be elected in each of the counties of this state,
3 except counties under township organization, who shall hold his or her office for four years and
4 until his or her successor is duly elected and qualified. The collector shall [be a resident of]
5 reside in the county from which such person [was] is elected throughout his or her term in
6 office.**

**7 2. A candidate for the office of collector shall be at least twenty-one years of age
8 and a resident of the state and the county in which he or she is a candidate for at least one
9 year prior to the date of filing for such office. The candidate shall be a registered voter and
10 current in the payment of all state income taxes and personal and real property taxes.**

**11 3. The candidate shall present to the election authority a copy of a signed affidavit
12 from a surety company authorized to do business in this state, indicating that the candidate
13 meets the statutory bond requirements for the office for which the candidate is filing.**

52.230. Each year the collectors of revenue in all counties of the first class not having
2 a charter form of government, and in all second, third and fourth class counties of the state, not
3 under township organization, shall mail to all resident taxpayers[, at least thirty days prior to
4 delinquent date,] a statement of all real and tangible personal property taxes due and assessed on

5 the current tax books in the name of the taxpayers. **Such statements shall be mailed at least**
6 **thirty days before the delinquent date in all counties of the second classification, third**
7 **classification without a township form of government, and fourth classification, and at**
8 **least forty-five days before the delinquent date in all counties of the first classification,**
9 **unless the collector is prevented from mailing the statements as required in this section by**
10 **circumstances beyond the collector's control. The collector shall report to the county**
11 **commission on the reason for and circumstances of any such delay in mailing the**
12 **statements.** Such statement shall also include the amount of real and tangible personal property
13 taxes delinquent at the time of the mailing of the statement, including any interest and penalties
14 associated with the delinquent taxes. Such statement shall declare upon its face, or by an
15 attachment thereto, that they are delinquent at the time such statement is mailed for an amount
16 of real or tangible personal property taxes, or both. A collector of revenue or other collection
17 authority charged with the duty of tax or license collection may refuse to accept payment not
18 accompanied by such statement. Refusal by the collector of revenue to accept payment not
19 accompanied by such statement shall not relieve or delay the levy of interest and penalty on any
20 overdue unpaid tax or license. Collectors shall also mail tax receipts for all the taxes received
21 by mail.

54.033. In the event of a vacancy caused by death, resignation, or otherwise, in the office
2 of county treasurer in any county except a county **having a township form of government with**
3 **an office of collector-treasurer and any county** with a charter form of government, the county
4 commission shall appoint a deputy treasurer or a qualified person to serve as an interim treasurer
5 until said treasurer returns or the unexpired term is filled under section 105.030. Such individual
6 must be eligible to serve as a county treasurer under section 54.040, and must comply with
7 section 54.090.

54.330. 1. **A candidate for county collector-treasurer shall be at least twenty-one**
2 **years of age and a resident of the county in which he or she is a candidate for at least one**
3 **year prior to the date of filing for the office. The candidate shall also be a registered voter**
4 **and shall be current in the payment of all state income taxes and personal and real**
5 **property taxes. The candidate shall present to the election authority a copy of a signed**
6 **affidavit from a surety company authorized to do business in this state, indicating that the**
7 **candidate meets the statutory bond requirements for the office for which the candidate is**
8 **filing. A collector-treasurer shall reside in the county throughout his or her term in office**
9 **and shall remain in office until a successor is duly elected and qualified.**
10 2. County collector-treasurers in a county having township organization, shall be
11 required to give bonds as other county collectors under the general revenue law, **and shall have**
12 **the sole authority to appoint deputies under section 52.300.**

13 [2.] 3. Before entering upon the duties for which they are employed, deputies and
14 assistants employed in the office of any collector-treasurer shall give bond and security to the
15 satisfaction of the collector-treasurer. The bond for each individual deputy or assistant shall not
16 exceed one-half of the amount of the maximum bond required for any collector- treasurer. The
17 official bond required pursuant to this section shall be a surety bond with a surety company
18 authorized to do business in this state. The premium of the bond shall be paid by the county or
19 city being protected.

2 55.030. The county auditor of a county [of the first class] having a charter form of
3 government shall prescribe, with the approval of the governing body of the county and the state
4 auditor, the accounting system of the county. He shall keep accounts of all appropriations and
5 expenditures made by the governing body of the county; and no warrant shall be drawn or
6 obligation incurred without his certification that an unencumbered balance, sufficient to pay the
7 same, remains in the appropriation account against which such warrant or obligation is to be
8 charged. He shall audit and examine all accounts, demands, and claims of every kind and
9 character presented for payment against such county, and shall approve to the governing body
10 of the county all lawful, true, and just accounts, demands, and claims of every kind and character
11 payable out of the county revenue or out of any county funds before the same shall be allowed
12 and a warrant issued therefor. Whenever the county auditor deems it necessary to the proper
13 examination of any account, demand, or claim, he may examine the parties, witnesses, and others
14 on oath or affirmation touching any matter or circumstance in the examination of such account,
15 demand, or claim. At the direction of the governing body of the county, he shall audit the
16 accounts of all officers and employees of the county and upon their retirement from office and
17 shall keep a correct account between the county and all county officers; and he shall examine all
18 records and settlements made by them for and with the governing body of the county or with
19 each other; and the county auditor shall, at all reasonable times, have access to all books, county
20 records, or papers kept by any county or township officer, employee, or road overseer. He may
21 keep an inventory of all county property under the control and management of the various
22 officers and departments and shall annually take an inventory of any such property at an original
23 value of [two hundred fifty] **one thousand** dollars or more showing the amount, location and
24 estimated value thereof. He shall perform such other duties in relation to the fiscal
25 administration of the county as the governing body of the county shall from time to time
26 prescribe. The county auditor shall not be personally liable for any costs for any proceeding
instituted against him in his official capacity.

2 56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August
3 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2
of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003,
5 each county treasurer shall pay to the system the following amounts to be drawn from the general
6 revenues of the county:

7 (1) For counties of the third and fourth classification except as provided in subdivision
8 (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars and
10 sixty-seven cents;

11 (3) For counties of the first classification, counties which pursuant to section 56.363
12 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or
13 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of
14 section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and
15 sixty-seven cents.

16 3. Beginning August 28, 1989, and continuing until August 27, 2003, the county
17 treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the
18 Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting
19 Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys
20 held by the state treasurer on behalf of the system shall be paid to the system within ninety days
21 after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys'
22 retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840
23 and for no other purpose.

24 4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys
25 provided for in this section shall be paid from county or city funds and the surcharge established
26 in this section and collected as provided by this section and sections 488.010 to 488.020.

27 5. Beginning August 28, 2003, each county treasurer shall pay to the system the
28 following amounts to be drawn from the general revenues of the county:

29 (1) For counties of the third and fourth classification except as provided in subdivision
30 (3) of this subsection, one hundred eighty-seven dollars;

31 (2) For counties of the second classification, two hundred seventy-one dollars;

32 (3) For counties of the first classification, counties which pursuant to section 56.363
33 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or
34 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of
35 section 56.363, and the city of St. Louis, six hundred forty-six dollars.

36 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the
37 sums specified in subsection 5 of this section to the Missouri office of prosecution services for
38 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system
39 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund

40 shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other
41 purpose.

42 7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and
43 circuit attorneys shall be collected and paid as follows:

44 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases
45 filed in the courts of this state including violation of any county ordinance [or] , any violation
46 of criminal or traffic laws of this state, including infractions **and against any person who pled**
47 **guilty and paid a fine through a fine collection center**, but no such surcharge shall be assessed
48 when the costs are waived or are to be paid by the state, county, or municipality or when a
49 criminal proceeding or the defendant has been dismissed by the court [or against any person who
50 has pled guilty and paid their fine pursuant to subsection 4 of section 476.385]. For purposes of
51 this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

52 (2) The clerk responsible for collecting court costs in criminal cases shall collect and
53 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable
54 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the
55 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes
56 provided for in sections 56.800 to 56.840 and for no other purpose.

57 8. The board may accept gifts, donations, grants and bequests from private or public
58 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

59 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840
60 unless provided for by law.

58.095. 1. The county coroner in any county, other than in a first classification chartered
2 county, shall receive an annual salary computed on a basis as set forth in the following schedule.
3 The provisions of this section shall not permit or require a reduction in the amount of
4 compensation being paid for the office of coroner on January 1, 1997:

5 Assessed Valuation	Salary
6 \$ 18,000,000 to 40,999,999	\$8,000
7 41,000,000 to 53,999,999	8,500
8 54,000,000 to 65,999,999	9,000
9 66,000,000 to 85,999,999	10,000
10 100,000,000 to 130,999,999	11,000
11 131,000,000 to 159,999,999	12,000
12 160,000,000 to 189,999,999	13,000
13 190,000,000 to 249,999,999	14,000
14 250,000,000 to 299,999,999	15,000
15 300,000,000 or more	16,000

16 2. One thousand dollars of the salary authorized in this section shall be payable to the
17 coroner only if the coroner has completed at least twenty hours of classroom instruction each
18 calendar year relating to the operations of the coroner's office when approved by a professional
19 association of the county coroners of Missouri unless exempted from the training by the
20 professional association. The professional association approving the program shall provide a
21 certificate of completion to each coroner who completes the training program and shall send a
22 list of certified coroners to the treasurer of each county. Expenses incurred for attending the
23 training session may be reimbursed to the county coroner in the same manner as other expenses
24 as may be appropriated for that purpose. **All elected or appointed coroners, deputy coroners,**
25 **and assistants to the coroner shall complete the annual training described in this subsection**
26 **within six months of election or appointment.**

27 3. The county coroner in any county, other than a first classification charter county, shall
28 not, except upon two-thirds vote of all the members of the salary commission, receive an annual
29 compensation in an amount less than the total compensation being received for the office of
30 county coroner in the particular county for services rendered or performed on the date the salary
31 commission votes.

32 4. For the term beginning in 1997, the compensation of the coroner, in counties in which
33 the salary commission has not voted to pay one hundred percent of the maximum allowable
34 salary, shall be a percentage of the maximum allowable salary established by this section. The
35 percentage applied shall be the same percentage of the maximum allowable salary received or
36 allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of
37 that county for the year beginning January 1, 1997. In those counties in which the salary
38 commission has voted to pay one hundred percent of the maximum allowable salary, the
39 compensation of the coroner shall be based on the maximum allowable salary in effect at each
40 time a coroner's term of office commences following the vote to pay one hundred percent of the
41 maximum allowable compensation. Subsequent compensation shall be determined as provided
42 in section 50.333.

43 5. Effective January 1, 1997, the county coroner in any county, other than a county of
44 the first classification with a charter form of government, may, upon the approval of the county
45 commission, receive additional compensation for any month during which investigations or other
46 services are performed for three or more decedents in the same incident during such month. The
47 additional compensation shall be an amount that when added to the regular compensation the
48 sum shall equal the monthly compensation of the county sheriff.

66.010. 1. Any county framing and adopting a charter for its own government under the
2 provisions of section 18, article VI of the constitution of this state, may prosecute and punish
3 violations of its county ordinances in the circuit court of such counties in the manner and to the

4 extent herein provided or in a county municipal court. In addition, the county may prosecute and
5 punish municipal ordinance violations in the county municipal court pursuant to a contract with
6 any municipality within the county. Any county municipal court established pursuant to the
7 provisions of this section shall have jurisdiction over violations of that county's ordinances and
8 the ordinances of municipalities with which the county has a contract to prosecute and punish
9 violations of municipal ordinances of the city. Costs and procedures in any such county
10 municipal court shall be governed by the provisions of law relating to municipal ordinance
11 violations in municipal divisions of circuit courts.

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

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

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

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

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

36 7. In a county municipal court established pursuant to this section, the county may
37 provide by ordinance for court costs not to exceed the sum which may be provided by
38 municipalities for municipal violations before municipal courts. The county municipal judge
39 may assess costs against a defendant who pleads guilty or is found guilty except in those cases

40 where the defendant is found by the judge to be indigent and unable to pay the costs. The costs
41 authorized in this subsection are in addition to service costs, witness fees and jail costs that may
42 otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such
43 costs shall be collected by the authorized clerk and deposited into the county treasury.

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

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

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

**67.314. 1. The provisions of this section shall apply to contracts for construction
2 awarded by political subdivisions of the state of Missouri and shall be known as the
3 "Political Subdivision Construction Bidding Standards Act".**

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

**5 (1) "Contracts for construction", the construction or alteration of any building,
6 structure, highway, bridge, street, viaduct, water or sewer line or system, pipeline,
7 demolition, moving, or excavation connected therewith, and shall include the furnishing
8 of surveying, construction engineering, planning or management services, or labor,
9 material, or equipment, as required to perform work under the contract for construction.
10 The direct purchase by a political subdivision of products or equipment from a vendor
11 shall not be deemed a contract for construction. Neither shall a subcontract for labor,
12 materials, or equipment, or such purchases by the person awarded a contract by the
13 political subdivision be deemed a contract for construction for purposes of this section;**

**14 (2) "Established local construction procurement policy", a policy and procedure
15 for use in soliciting bids for multiple construction projects that has been officially adopted
16 by the governing body of the political subdivision or established by the public works**

17 director, engineer, or similar official authorized by the political subdivision to administer
18 the award of construction contracts.

19 **3. Nothing in this section shall be construed to require the design or engineering**
20 **of any project, as the term "project" is defined in section 8.287, to be awarded by**
21 **competitive bidding if the contract for such services is under a separate contract from a**
22 **contract for construction and is awarded under sections 8.285 to 8.291, or to construction**
23 **management services governed by sections 8.675 to 8.687. Neither shall this section be**
24 **construed to apply to contracts awarded for the design/build method of project delivery,**
25 **if the political subdivision's procurement of design/build projects is otherwise authorized**
26 **by statute.**

27 **4. If a political subdivision is not subject to a specific requirement for advertising**
28 **for bids or soliciting, awarding, or rejecting bids under Missouri statutes or rules, or**
29 **federal or state funding requirements, and if the political subdivision has not adopted an**
30 **established local construction procurement policy that is applicable to the specific political**
31 **subdivision regarding contracts for construction, the political subdivision shall comply**
32 **with the following provisions when soliciting bids and awarding construction contracts of**
33 **ten thousand dollars or more:**

34 **(1) Contracts for construction shall be advertised in advance of the acceptance of**
35 **bids. If no provision of Missouri statutes or rules, or federal or state funding requirements,**
36 **or established local construction procurement policy requiring advertising otherwise**
37 **applies, bids shall be solicited by advertisement once a week for two consecutive weeks in**
38 **a newspaper of general circulation, qualified under chapter 493, located in a county where**
39 **the political subdivision is located. If there is no newspaper in the county qualified under**
40 **chapter 493, advertisements may be placed in a newspaper in an adjoining county. The**
41 **last insertion of the advertisement shall be not less than ten days before the date stated in**
42 **the advertisement for acceptance of bids. For contracts for construction of over two**
43 **hundred fifty thousand dollars, bids shall also be advertised by providing project and bid**
44 **solicitation information at least fifteen days in advance of bid opening to one or more**
45 **commercial or not-for-profit organization, which provides construction project reporting**
46 **services to construction contractors and suppliers, or that operates internet or paper plan**
47 **rooms for the use of contractors, subcontractors, and suppliers. Project advertisements**
48 **and bid solicitations shall state the date and time of the deadline for the acceptance of bids,**
49 **the place for submission of bids, and shall provide for informing bidders of the date, time,**
50 **and place where bids shall be opened;**

51 **(2) If no provision of Missouri statute or rules, or federal or state funding**
52 **requirements, or established local construction procurement policy otherwise applies,**

53 contracts for construction shall be awarded in compliance with this subdivision. The
54 contract shall be awarded to the lowest and best bidder submitting a bid which is
55 responsive to the contract as advertised by the political subdivision. The political
56 subdivision may reject the low bidder by declaring the bidder ineligible for contract award
57 based on the bidder's failure to provide a performance or payment bond as required by
58 section 107.170, the bidder's nonperformance on previous contracts with a political
59 subdivision, or for other reasons specified as to the bidder's inability to adequately
60 perform the contract. The reasons for bid rejection or award of the contract to another
61 bidder shall be stated in writing to the low bidder within five business days of the rejection
62 of the bid, if requested.

63 5. An established local construction procurement policy complies with this section
64 if it provides for advertising of construction contracts in a manner reasonably likely to
65 inform potential bidders of the project on a timely basis, including advertisement in a
66 newspaper of general circulation qualified under chapter 493, and requires that the date,
67 time, and place for submission of bids be stated in the advertisement or solicitation for bids
68 and provides for informing bidders of the date, time, and place bids will be opened. Such
69 established local construction procurement policy shall also state any requirements for
70 prequalification of bidders. If any additional project-specific qualifications are
71 established, such qualifications shall be stated to potential bidders in advance of
72 submission of bids. The established local construction procurement policy shall also state
73 the bid award standard to be used in selecting contractors to perform contracts under the
74 policy.

75 6. Unless specifically required by conditions of funding from the federal
76 government or the requirement of a federal statute or regulation, no local construction
77 procurement policy shall include provisions and no contract for construction shall be
78 awarded by a political subdivision in violation of the following requirements:

79 (1) No bid shall be opened or contract awarded in advance of the advertised
80 deadline for submission of bids or in a place other than that established in subdivision (4)
81 of this subsection;

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

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

86 (4) All bids received shall be held secure and confidential from all persons until the
87 bids are opened on the date and at the time and place established in this section. Bids shall
88 be opened in public on the date and at the time and place stated in the advertisement and

89 request for bids or in an amended request for bids. If the date, time, or place of bid
90 opening is changed from information stated in the original or amended advertisement or
91 solicitation for bids or other notice to bidders, notice of the date, time, and place of bid
92 opening shall be made to the general public at least two business days in advance of the bid
93 opening. Bids shall be opened in public. No political subdivision shall bar any person or
94 persons from observing the bid opening;

95 (5) No construction contract shall be awarded in substantial violation of a state
96 statute or a political subdivision's established local construction procurement policy;

97 (6) No construction contract shall be awarded in violation of section 107.170
98 requiring performance and payment bonds.

99

100 The political subdivision shall notify any person who has prequalified for the specific
101 project or has registered and obtained plans and specifications from the political
102 subdivision or the political subdivision's engineer for the specific project regarding any
103 changes in the acceptance or opening of bids under this subsection.

104 7. Nothing in this section shall be construed to prohibit acceptance and processing
105 of bids through an established program of electronic bidding by computer, provided bids
106 accepted and processed electronically shall meet standards established by the requirements
107 of the electronic bidding program which are comparable to requirements for written bids
108 established by this section.

109 8. Any person submitting a bid for a contract for construction may file an action
110 for any violation of subsection 6 of this section or sections 34.203 to 34.216, and shall have
111 standing to seek equitable relief and monetary damages in a court of competent
112 jurisdiction for monetary losses resulting from violations of subsection 6 of this section or
113 sections 34.203 to 34.216 as provided by this subsection. If the court determines upon
114 substantial evidence there have been violations of subsection 6 of this section and awards
115 monetary damages, the sum of monetary damages shall be determined by the court. The
116 court shall consider documented costs of preparing a bid for the specific project as
117 submitted by the bidder, including provision of a required bid bond if not refunded by the
118 political subdivision, in determining the amount of monetary damages. Award of
119 monetary damages shall not preclude the court from also ordering equitable relief as
120 provided in this subsection including but not limited to setting aside award of a contract,
121 ordering a contract to be rebid, or requiring award of a contract to a different bidder than
122 originally awarded. The court may award reasonable attorney's fees upon a finding of
123 violation.

124 **9. Any person not submitting a bid due to violations of this section, upon a**
125 **determination by the court, shall be provided with monetary damages or equitable relief**
126 **as provided by this subsection:**

127 **(1) If a person would have submitted a bid, except for complete failure of the**
128 **political subdivision to advertise the contract and solicit and receive bids in violation of**
129 **subsection 4 or 5 of this section, or violation of sections 34.203 to 34.216, the court may**
130 **impose a monetary penalty of up to ten percent of the contract awarded, not to exceed**
131 **twenty-five thousand dollars, and may order rebidding of the project;**

132 **(2) If the court determines the only violation was unintentional failure to meet one**
133 **or more publication dates for newspaper advertising or other requirements to inform**
134 **potential bidders, but that bids for the construction contract were advertised in a**
135 **newspaper and solicited substantially in compliance with subsection 4 or 5 of this section**
136 **and the contract was awarded through competitive bidding, any person who did not**
137 **submit a bid shall not have standing to pursue monetary or equitable relief under this**
138 **section.**

139 **10. (1) Within three days after the filing of an action under subsection 8 or 9 of this**
140 **section, the clerk of the court shall issue a summons under applicable state law and**
141 **applicable local or supreme court rules. A copy of the petition shall be personally served**
142 **upon the defendant by personal process server as provided by law or by any sheriff. Such**
143 **service shall be served at the earliest time and shall take priority over service in other civil**
144 **actions.**

145 **(2) Final disposition of an action under subsection 8 or 9 of this section shall take**
146 **place not more than forty-five days after the service of such petition, unless waived by the**
147 **parties or for good cause shown. Final disposition shall not include appellate review.**

148 **(3) Any action under subsection 8 or 9 of this section that is brought by the**
149 **contractor more than fifteen days after the award of a contract shall be dismissed by the**
150 **court. The computation of time periods herein prescribed shall be per Rule 44.01(a).**

151 **(4) Any action under subsection 8 or 9 of this section shall be heard by a court**
152 **sitting without a jury and subject to review only per the standards set out in Murphy v.**
153 **Carron, 536 S.W. 30 (Mo. Banc 1976).**

154 **11. Nothing in this section shall be construed to prohibit a political subdivision**
155 **from rejecting any and all bids. Neither shall anything in this section prohibit a political**
156 **subdivision from awarding contracts without competitive bidding when the political**
157 **subdivision deems it necessary to remove an immediate danger to the public health or**
158 **safety, to prevent loss to public or private property which requires government action, or**
159 **to prevent an interruption of or to restore an essential public service.**

12. Nothing in this section shall be construed to prohibit a political subdivision from adopting an established local construction procurement policy governing contracts for construction after the effective date of this section. Neither shall this section be construed to allow a political subdivision to maintain or enact any provision governing construction contracts in conflict with subsection 6 of this section or any state statute in effect on the effective date of this section or as subsequently amended or enacted.

67.319. 1. If approved by a majority of the voters voting on the proposal, any city, town, village, sewer district, or water supply district located within this state may, by ordinance, levy and impose annually, upon water service lines providing water service to residential property having four or fewer dwelling units within the jurisdiction of such city, town, village, sewer district, or water supply district a fee not to exceed one dollar per month or twelve dollars annually.

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

For the purpose of repair or replacement of water lines extending from the water main to a residential dwelling due to failure of the line, shall (city, town, village, sewer district, or water supply district) be authorized to impose a fee not to exceed one dollar per month or twelve dollars annually on residential property for each water service line providing water service within the (city, town, village, sewer district, or water supply district) to residential property having four or fewer dwelling units for the purpose of paying for the costs of necessary water service line repairs or replacements?

G YES

G NO

3. For the purpose of this section, a water service line may be defined by local ordinance, but may not include the water meter or exceed that portion of water piping and related valves and connectors which extends from the water mains owned by the utility or municipality distributing public water supply to the first opportunity for a connection or joint beyond the point of entry into the premises receiving water service, and may not include facilities owned by the utility or municipality distributing public water supply. For purposes of this section, repair may be defined and limited by local ordinance, and may include replacement or repairs.

4. If a majority of the voters voting thereon approve the proposal authorized in subsection 1 of this section, the governing body of the city, town, village, sewer district, or water supply district may enact an ordinance for the collection of such fee. The funds collected under such ordinance shall be deposited in a special account to be used solely for the purpose of paying for the reasonable costs associated with and necessary to administer and carry out the water service line repairs as defined in the ordinance and to reimburse the necessary costs of water service line repair or replacement. All interest generated on

31 **deposited funds shall be accrued to the special account established for the repair of water**
32 **service lines.**

33 **5. The city, town, village, sewer district, or water supply district may establish, as**
34 **provided in the ordinance, regulations necessary for the administration of collections,**
35 **claims, repairs, replacements and all other activities necessary and convenient for the**
36 **implementation of any ordinance adopted and approved under this section. The city, town,**
37 **village, sewer district, or water supply district may administer the program or may**
38 **contract with one or more persons, through a competitive process, to provide for**
39 **administration of any portion of implementation activities of any ordinance adopted and**
40 **approved under this section, and reasonable costs of administering the program may be**
41 **paid from the special account established under this section.**

42 **6. Notwithstanding any other provision of law to the contrary, the collector in any**
43 **city, town, village, sewer district, or water supply district or county that adopts an**
44 **ordinance under this section, who now or hereafter collects any fee to provide for, ensure**
45 **or guarantee the repair of water service lines, may add such fee to the general tax levy bills**
46 **of property owners within the city, town, village, sewer district, or water supply district or**
47 **unincorporated area of the county. All revenues received on such combined bill which are**
48 **for the purpose of providing for, ensuring or guaranteeing the repair of water service lines,**
49 **shall be separated from all other revenues so collected and credited to the appropriate fund**
50 **or account of the city, town, village, sewer district, or water supply district or county. The**
51 **collector of the city, town, village, sewer district, or water supply district or county may**
52 **collect such fee in the same manner and to the same extent as the collector now or hereafter**
53 **may collect delinquent real estate taxes and tax bills.**

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 thousand**
4 **four hundred but [less] fewer than one hundred thirty-five thousand five hundred inhabitants[,]**
5 **;**

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-five thousand nine**
12 **hundred but fewer than eighty-six thousand inhabitants;**

13 **(5) Any county of the third classification without a township form of government**
14 **and with more than sixteen thousand four hundred but fewer than sixteen thousand five**
15 **hundred inhabitants;**

16 **(6) Any county of the first classification with more than eighty-two thousand but**
17 **fewer than eighty-two thousand one hundred inhabitants;**

18 **(7) Any county of the third classification with a township form of government and**
19 **with more than fourteen thousand five hundred but fewer than fourteen thousand six**
20 **hundred inhabitants.**

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

27 **[2.] 3. Any ordinance enacted pursuant to this section shall:**

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

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

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

41 **(4) Provide that upon failure to commence work of abating the nuisance within the time**
42 **specified or upon failure to proceed continuously with the work without unnecessary delay, the**
43 **building commissioner or designated officer or officers shall call and have a full and adequate**
44 **hearing upon the matter before the county commission, giving the affected parties at least ten**
45 **days' written notice of the hearing. Any party may be represented by counsel, and all parties shall**
46 **have an opportunity to be heard. After the hearings, if evidence supports a finding that the**
47 **property is a nuisance or detrimental to the health, safety, or welfare of the residents of the**
48 **county, the county commission shall issue an order making specific findings of fact, based upon**

49 competent and substantial evidence, which shows the property to be a nuisance and detrimental
50 to the health, safety, or welfare of the residents of the county and ordering the nuisance abated.
51 If the evidence does not support a finding that the property is a nuisance or detrimental to the
52 health, safety, or welfare of the residents of the county, no order shall be issued.

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

66 5. No county of the first, second, third, or fourth classification shall have the power
67 to adopt any ordinance, resolution, or regulation under this section governing any railroad
68 company, telecommunications or wireless companies, public utilities, rural electric
69 cooperatives, or municipal utilities.

67.451. Any city in which voters have approved fees to recover costs associated with
2 enforcement of municipal housing, property maintenance, or nuisance ordinances may
3 issue a special tax bill against the property where such ordinance violations existed. The
4 officer in charge of finance shall cause the amount of unrecovered costs to be included in
5 a special tax bill or added to the annual real estate tax bill for the property at the collecting
6 official's option, and the costs shall be collected by the city collector or other official
7 collecting taxes in the same manner and procedure for collecting real estate taxes. If the
8 cost is not paid, the tax bill shall be considered delinquent, and the collection of the
9 delinquent bill shall be governed by laws governing delinquent and back taxes. The tax
10 bill shall be deemed a personal debt against the owner from the date of issuance, and shall
11 also be a lien on the property until paid. Notwithstanding any provision of the city's
12 charter to the contrary, the city may provide, by ordinance, that the city may discharge the
13 special tax bill upon a determination by the city that a public benefit will be gained by such
14 discharge, and such discharge shall include any costs of tax collection, accrued interest, or
15 attorney fees related to the special tax bill.

67.1006. 1. In any county of the second class which has a two-year community college and is located south of the Missouri River and adjacent to a county of the second class which contains a state educational institution described as a state teachers college in paragraph (c) of subdivision (5) of section 176.010, a proposal to authorize the governing body of the county to impose a tax may be submitted to the voters of the county at a state general, primary or special election as follows:

(1) By a majority vote of the county governing body; or

(2) Upon petition of eight percent of the voters who cast votes for the member of the county governing body who received the highest number of votes at the last election in which members of the governing body were elected, the county clerk shall submit the proposal to the voters of the county. The tax shall be levied on the sales or charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county at a rate not to exceed two dollars per room per night. The tax authorized by sections 67.1006 to 67.1012 shall be in addition to any and all taxes imposed by law and shall be stated separately from all other charges and taxes.

2. The question shall be submitted in substantially the following form:

Shall there be imposed in the county of (name of county) a tax of (rate of tax) on each sleeping room occupied and rented by transient guests of hotels and motels located in the county, the proceeds of which shall be expended for tourism purposes?

G YES

G NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by sections 67.1006 to 67.1012 shall not become effective unless and until the question is resubmitted under the provisions of sections 67.1006 to 67.1012 to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question.

3. The governing body of any county imposing a tax under this section may, by order or ordinance, change the rate of such tax from two dollars per room per night to not more than five percent per occupied room per night. No such order or ordinance shall become effective unless the governing body of the county submits to the voters of the county at a state general, primary, or special election a proposal to authorize the governing body of the county to change the rate of tax imposed under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the

37 **question, then the change in the tax rate shall become effective on the first day of the**
38 **second calendar quarter following the calendar quarter in which the election was held. If**
39 **a majority of the votes cast on the question by the qualified voters voting thereon are**
40 **opposed to the question, then the change in the tax rate shall not become effective unless**
41 **and until the question is resubmitted under this section to the qualified voters of the county**
42 **and such question is approved by a majority of the qualified voters voting on the question.**

67.1008. Upon adoption of the tax authorized in sections 67.1006 to 67.1012, there shall
2 be established a "Tourism Commission", to consist of [five] **seven** members, two of whom shall
3 be appointed by the governing body of the county and two of whom shall be appointed by the
4 governing body of the largest city within the county. Of the two members each appointed by the
5 governing bodies of the city and county, [one member each shall be a representative of the hotel
6 and motel industry. Of each of the members so appointed by the governing bodies of the city and
7 county,] one member shall be appointed for a term of three years and one member shall be
8 appointed for a term of two years. The remaining [member] **three members** of the commission
9 shall be appointed jointly by the governing bodies of the city and county and shall be [a member
10 of a locally formed organization representing the local general business interests in the area and
11 shall be appointed for a term of four years] **representatives of the hotel and motel industry,**
12 **with two of such members to be appointed for a term of three years and one member to be**
13 **appointed for a term of two years.**

67.1303. 1. The governing body of any home rule city with more than one hundred
2 fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred
3 inhabitants, any home rule city with more than forty-five thousand five hundred but less than
4 forty-five thousand nine hundred inhabitants and the governing body of any city within any
5 county of the first classification with more than one hundred four thousand six hundred but less
6 than one hundred four thousand seven hundred inhabitants and the governing body of any county
7 of the third classification without a township form of government and with more than forty
8 thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within
9 such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or
10 county which are subject to sales tax under chapter 144. In addition, the governing body of any
11 county of the first classification with more than eighty-five thousand nine hundred but less than
12 eighty-six thousand inhabitants or the governing body of any home rule city with more than
13 seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or
14 ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax
15 under chapter 144. The tax authorized in this section shall not be more than one-half of one
16 percent. The order or ordinance imposing the tax shall not become effective unless the
17 governing body of the city or county submits to the voters of the city or county at a state general

18 or primary election a proposal to authorize the governing body to impose a tax under this section.
19 The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and
20 shall be stated separately from all other charges and taxes.

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

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

25 G YES

G NO

26

27 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
28 of the question, then the tax shall become effective [on the first day of the second calendar
29 quarter following the calendar quarter in which the election was held. If a majority of the votes
30 cast on the question by the qualified voters voting thereon are opposed to the question, then the
31 tax shall not become effective unless and until the question is resubmitted under this section to
32 the qualified voters and such question is approved by a majority of the qualified voters voting
33 on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve
34 months from the date of the submission of the last proposal] **as provided by section 32.087.**
35 **If a majority of the votes cast on the question by the qualified voters voting on the question**
36 **are opposed, then the tax shall not become effective unless the question is resubmitted**
37 **under this section to the qualified voters and such question is approved by a majority of**
38 **the qualified voters voting on the question. No proposal shall be resubmitted to the voters**
39 **sooner than twelve months from the date of the submission of the last proposal.**

40 3. No revenue generated by the tax authorized in this section shall be used for any retail
41 development project. At least twenty percent of the revenue generated by the tax authorized in
42 this section shall be used solely for projects directly related to long-term economic development
43 preparation, including, but not limited to, the following:

44 (1) Acquisition of land;

45 (2) Installation of infrastructure for industrial or business parks;

46 (3) Improvement of water and wastewater treatment capacity;

47 (4) Extension of streets;

48 (5) Providing matching dollars for state or federal grants;

49 (6) Marketing;

50 (7) **Construction and operation of job training and educational facilities;**

51 (8) Providing grants and low-interest loans to companies for job training, equipment
52 acquisition, site development, and infrastructure. Not more than twenty-five percent of the

53 revenue generated may be used annually for administrative purposes, including staff and facility
54 costs.

55 4. All revenue generated by the tax shall be deposited in a special trust fund and shall
56 be used solely for the designated purposes. If the tax is repealed, all funds remaining in the
57 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
58 special trust fund which are not needed for current expenditures may be invested by the
59 governing body in accordance with applicable laws relating to the investment of other city or
60 county funds.

61 5. **The director of revenue may authorize the state treasurer to make refunds from**
62 **the amounts in the trust fund and credited to any city or county for erroneous payments**
63 **in the trust fund and credited to any city or county for erroneous payments and**
64 **overpayments made, and may redeem dishonored checks and drafts deposited to the credit**
65 **of such counties. If any city or county abolishes the tax authorized under this section, the**
66 **repeal of such tax shall become effective December thirty-first of the calendar year in**
67 **which such abolishment was approved. Each city or county shall notify the director of**
68 **revenue at least ninety days prior to the effective date of the expiration of the sales tax**
69 **authorized by this section and the repeal shall be effective as provided by section 32.087.**
70 **The director of revenue may order retention in the trust fund, for a period of one year, of**
71 **two percent of the amount collected after receipt of such notice to cover possible refunds**
72 **or overpayment of such tax and to redeem dishonored checks and drafts deposited to the**
73 **credit of such accounts. After one year has elapsed after the date of expiration of the tax**
74 **authorized by this section in such city or county, the director of revenue shall remit the**
75 **balance in the account to the city or county and close the account of that city or county.**
76 **The director of revenue shall notify each city or county of each instance of any amount**
77 **refunded or any check redeemed from receipts due the city or county.**

78 6. Any city or county imposing the tax authorized in this section shall establish an
79 economic development tax board. The board shall consist of eleven members, to be appointed
80 as follows:

81 (1) Two members shall be appointed by the school boards whose districts are included
82 within any economic development plan or area funded by the sales tax authorized in this section.
83 Such members shall be appointed in any manner agreed upon by the affected districts;

84 (2) One member shall be appointed, in any manner agreed upon by the affected districts,
85 to represent all other districts levying ad valorem taxes within the area selected for an economic
86 development project or area funded by the sales tax authorized in this section, excluding
87 representatives of the governing body of the city or county;

88 (3) One member shall be appointed by the largest public school district in the city or
89 county;

90 (4) In each city or county, five members shall be appointed by the chief elected officer
91 of the city or county with the consent of the majority of the governing body of the city or county;

92 (5) In each city, two members shall be appointed by the governing body of the county
93 in which the city is located. In each county, two members shall be appointed by the governing
94 body of the county. At the option of the members appointed by a city or county the members
95 who are appointed by the school boards and other taxing districts may serve on the board for a
96 term to coincide with the length of time an economic development project, plan, or designation
97 of an economic development area is considered for approval by the board, or for the definite
98 terms as provided in this subsection. If the members representing school districts and other
99 taxing districts are appointed for a term coinciding with the length of time an economic
100 development project, plan, or area is approved, such term shall terminate upon final approval of
101 the project, plan, or designation of the area by the governing body of the city or county. If any
102 school district or other taxing jurisdiction fails to appoint members of the board within thirty
103 days of receipt of written notice of a proposed economic development plan, economic
104 development project, or designation of an economic development area, the remaining members
105 may proceed to exercise the power of the board. Of the members first appointed by the city or
106 county, three shall be designated to serve for terms of two years, three shall be designated to
107 serve for a term of three years, and the remaining members shall be designated to serve for a term
108 of four years from the date of such initial appointments. Thereafter, the members appointed by
109 the city or county shall serve for a term of four years, except that all vacancies shall be filled for
110 unexpired terms in the same manner as were the original appointments.

111 [6.] 7. The board, subject to approval of the governing body of the city or county, shall
112 develop economic development plans, economic development projects, or designations of an
113 economic development area, and shall hold public hearings and provide notice of any such
114 hearings. The board shall vote on all proposed economic development plans, economic
115 development projects, or designations of an economic development area, and amendments
116 thereto, within thirty days following completion of the hearing on any such plan, project, or
117 designation, and shall make recommendations to the governing body within ninety days of the
118 hearing concerning the adoption of or amendment to economic development plans, economic
119 development projects, or designations of an economic development area.

120 [7.] 8. The board shall report at least annually to the governing body of the city or county
121 on the use of the funds provided under this section and on the progress of any plan, project, or
122 designation adopted under this section.

[8.] 9. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the 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?

G YES

G 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.

[9.] 10. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective [on December thirty-first of the calendar year in which such repeal was approved] **as provided by section 32.087**. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

11. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

12. Except as provided in this section, all provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.

67.1521. 1. A district may levy by resolution one or more special assessments against
2 real property within its boundaries, upon receipt of and in accordance with a petition signed by:

3 (1) Owners of real property collectively owning more than fifty percent by assessed value
4 of real property within the boundaries of the district; and

5 (2) More than fifty percent per capita of the owners of all real property within the
6 boundaries of the district.

7 2. The special assessment petition shall be in substantially the following form:

8 The (insert name of district) Community Improvement District
9 ("District") shall be authorized to levy special assessments against real property benefited within
10 the District for the purpose of providing revenue for (insert general description of
11 specific service and/or projects) in the district, such special assessments to be levied against each
12 tract, lot or parcel of real property listed below within the district which receives special benefit
13 as a result of such service and/or projects, the cost of which shall be allocated among this
14 property by (insert method of allocation, e.g., per square foot of property, per
15 square foot on each square foot of improvement, or by abutting foot of property abutting streets,
16 roads, highways, parks or other improvements, or any other reasonable method) in an amount
17 not to exceed dollars per (insert unit of measure). Such authorization to levy the special
18 assessment shall expire on (insert date). The tracts of land located in the district
19 which will receive special benefit from this service and/or projects are: (list of
20 properties by common addresses and legal descriptions).

21 3. The method for allocating such special assessments set forth in the petition may be
22 any reasonable method which results in imposing assessments upon real property benefited in
23 relation to the benefit conferred upon each respective tract, lot or parcel of real property and the
24 cost to provide such benefit.

25 4. By resolution of the board, the district may levy a special assessment rate lower than
26 the rate ceiling set forth in the petition authorizing the special assessment and may increase such
27 lowered special assessment rate to a level not exceeding the special assessment rate ceiling set
28 forth in the petition without further approval of the real property owners; provided that a district
29 imposing a special assessment pursuant to this section may not repeal or amend such special
30 assessment or lower the rate of such special assessment if such repeal, amendment or lower rate
31 will impair the district's ability to pay any liabilities that it has incurred, money that it has
32 borrowed or obligations that it has issued.

33 5. Each special assessment which is due and owing shall constitute a perpetual lien
34 against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed
35 in the same manner as any other special assessment lien as provided in section 88.861 **or, at the**
36 **option of the county collector, and upon certification by the district for collection, each**

37 **special assessment may be added to the annual real estate tax bill for the property and**
38 **collected by the county collector in the same manner and procedure for collecting real**
39 **estate taxes. Each special assessment remaining unpaid on the first day of January**
40 **annually is delinquent and enforcement of collection of the delinquent bill by the county**
41 **collector shall be governed by the laws concerning delinquent and back taxes. The lien**
42 **may be foreclosed in the same manner as a tax upon real property by land tax sale under**
43 **chapter 140 or, if applicable to that county, chapter 141.**

44 6. A separate fund or account shall be created by the district for each special assessment
45 levied and each fund or account shall be identifiable by a suitable title. The proceeds of such
46 assessments shall be credited to such fund or account. Such fund or account shall be used solely
47 to pay the costs incurred in undertaking the specified service or project.

48 7. Upon completion of the specified service or project or both, the balance remaining in
49 the fund or account established for such specified service or project or both shall be returned or
50 credited against the amount of the original assessment of each parcel of property pro rata based
51 on the method of assessment of such special assessment.

52 8. Any funds in a fund or account created pursuant to this section which are not needed
53 for current expenditures may be invested by the board in accordance with applicable laws
54 relating to the investment of funds of the city in which the district is located.

55 9. The authority of the district to levy special assessments shall be independent of the
56 limitations and authorities of the municipality in which it is located; specifically, the provisions
57 of section 88.812 shall not apply to any district.

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

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

39 5. Any person charged with the violation of a county ordinance in a county which
40 has established a county municipal court under this section shall, upon request, be entitled
41 to a trial by jury before a county municipal court judge. Any jury trial shall be heard, and
42 a record shall be made.

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

67.4500. As used in sections 67.4500 to 67.4520, the following terms shall mean:

- 2 (1) "Authority", any county drinking water supply lake authority created by
3 sections 67.4500 to 67.4520;

4 (2) "Conservation storage level", the target elevation established for a drinking
5 water supply lake at the time of design and construction of such lake;

6 (3) "Costs", the sum total of all reasonable or necessary expenses incidental to the
7 acquisition, construction, expansion, repair, alteration, and improvement of the project,
8 including without limitation the following: the expense of studies and surveys; the cost of
9 all lands, properties, rights, easements, and franchises acquired; land title and mortgage
10 guaranty policies; architectural and engineering services; legal, organizational marketing,
11 or other special services; provisions for working capital; reserves for principal and
12 interest; and all other necessary and incidental expenses, including interest during
13 construction on bonds issued to finance the project and for a period subsequent to the
14 estimated date of completion of the project;

15 (4) "Project", recreation and tourist facilities and services, including, but not
16 limited to, lakes, parks, recreation centers, restaurants, hunting and fishing reserves, and
17 historic sites and attractions, including the related infrastructure buildings and the usual
18 and convenient facilities appertaining to any undertakings, and any extensions or
19 improvements of any facilities, and the acquisition of any property necessary therefore, all
20 as may be related to the development of a water supply source, recreational and tourist
21 accommodations, and facilities;

22 (5) "Water commission", a water commission owning a reservoir formed under
23 sections 393.700 to 393.770;

24 (6) "Watershed", the area that contributes or may contribute to the surface water
25 of any lake as determined by the authority.

67.4505. 1. Any county of the third classification with a township form of
2 government and with more than seven thousand two hundred but fewer than seven
3 thousand three hundred inhabitants or any county of the second classification with more
4 than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred
5 inhabitants may establish a county drinking water supply lake authority, which shall be
6 a body corporate and politic and a political subdivision of this state.

7 2. The authority may exercise the powers provided to it under section 67.4520 over
8 the reservoir area encompassing any drinking water supply lake of one thousand five
9 hundred acres or more, as measured at its conservation storage level, and within the lake's
10 watershed.

11 3. It shall be the purpose of each authority to promote the general welfare and a
12 safe drinking water supply through the construction, operation, and maintenance of a
13 drinking water supply lake.

14 **4. The income of the authority and all property at any time owned by the authority**
15 **shall be exempt from all taxation or any assessments whatsoever to the state or of any**
16 **political subdivision, municipality, or other governmental agency thereof.**

17 **5. No county in which an authority is organized shall be held liable in connection**
18 **with the construction, operation, or maintenance of any project or program undertaken**
19 **under sections 67.4500 to 67.4520, including any actions taken by the authority in**
20 **connection with such project or program.**

67.4510. A county drinking water supply lake authority shall consist of at least six
2 **but not more than thirty members, appointed as follows:**

3 **(1) Members of the water commission shall appoint all members to the authority,**
4 **one-third of the initial members for a six-year term, one-third for a four-year term, and**
5 **the remaining one-third for a two-year term, until a successor is appointed; provided that,**
6 **if there is an odd number of members, the last person appointed shall serve a two-year**
7 **term. Upon the expiration of each term, a successor shall be appointed for a six-year term;**

8 **(2) No person shall be appointed to serve on the authority unless he or she is a**
9 **registered voter in the state for more than five years, a resident in the county where the**
10 **water commission is located for more than five years, and over the age of twenty-five years.**
11 **If any member moves outside such county, the seat shall be deemed vacant and a new**
12 **member shall be appointed by the county commission to complete the unexpired term.**

67.4515. 1. The water commission shall by resolution establish a date and time for
2 **the initial meeting of the authority.**

3 **2. At the initial meeting, and annually thereafter, the authority shall elect one of its**
4 **members as chairman and one as vice chairman, and appoint a secretary and a treasurer**
5 **who may be a member of the authority. If not a member of the authority, the secretary or**
6 **treasurer shall receive compensation that shall be fixed from time to time by action of the**
7 **authority. The authority may appoint an executive director who shall not be a member of**
8 **the authority and who shall serve at its pleasure. If an executive director is appointed, he**
9 **or she shall receive such compensation as shall be fixed from time to time by action of the**
10 **authority. The authority may designate the secretary to act in lieu of the executive**
11 **director. The secretary shall keep a record of the proceedings of the authority and shall**
12 **be the custodian of all books, documents, and papers filed with the authority, the minute**
13 **books or journal thereof, and its official seal. The secretary may cause copies to be made**
14 **of all minutes and other records and documents of the authority and may give certificates**
15 **under the official seal of the authority to the effect that the copies are true and correct**
16 **copies, and all persons dealing with the authority may rely on such certificates. The**

17 authority, by resolution duly adopted, shall fix the powers and duties of its executive
18 director as it may from time to time deem proper and necessary.

19 3. Each member of the authority shall execute a surety bond in the penal sum of
20 fifty thousand dollars or, in lieu thereof, the chairman of the authority shall execute a
21 blanket bond covering each member and the employees or other officers of the authority,
22 each surety bond to be conditioned upon the faithful performance of the duties of the office
23 or offices covered, to be executed by a surety company authorized to transact business in
24 the state as surety, and to be approved by the attorney general and filed in the office of the
25 secretary of state. The cost of any individual member's bond shall be paid for by the
26 member, and the cost of a blanket bond shall be paid for by the authority.

27 4. No authority member shall participate in any deliberations or decisions
28 concerning issues where the authority member has a direct financial interest in contracts,
29 property, supplies, services, facilities, or equipment purchased, sold, or leased by the
30 authority. Authority members shall additionally be subject to the limitations regarding the
31 conduct of public officials as provided in chapter 105.

67.4520. 1. The authority may:

2 (1) Acquire, own, construct, lease, and maintain recreational or water quality
3 projects;

4 (2) Acquire, own, lease, sell, or otherwise dispose of interests in and to real property
5 and improvements situated thereon and in personal property necessary to fulfill the
6 purposes of the authority;

7 (3) Contract and be contracted with, and to sue and be sued;

8 (4) Accept gifts, grants, loans, or contributions from the federal government, the
9 state of Missouri, political subdivisions, municipalities, foundations, other public or private
10 agencies, individuals, partnerships, or corporations;

11 (5) Employ such managerial, engineering, legal, technical, clerical, accounting,
12 advertising, stenographic, and other assistance as it may deem advisable. The authority
13 may also contract with independent contractors for any of the foregoing assistance;

14 (6) Disburse funds for its lawful activities and fix reasonable salaries and wages of
15 its employees;

16 (7) Fix rates, fees, and charges for the use of any projects and property owned,
17 leased, operated, or managed by the authority;

18 (8) Adopt, alter, or repeal its own bylaws, rules, and regulations governing the
19 manner in which its business may be transacted; however, said bylaws, rules, and
20 regulations shall not exceed the powers granted to the authority by sections 67.4500 to
21 67.4520;

22 **(9) Either jointly with a similar body, or separately, recommend to the proper**
23 **departments of the government of the United States, or any state or subdivision thereof,**
24 **or to any other body, the carrying out of any reasonable public improvement;**

25 **(10) Provide for membership in any official, industrial, commercial, or trade**
26 **association, or any other organization concerned with such purposes, for receptions of**
27 **officials or others as may contribute to the advancement of the authority and development**
28 **therein, and for such other public relations activities as will promote the same, and such**
29 **activities shall be considered a public purpose;**

30 **(11) Cooperate with municipalities and other political subdivisions as provided in**
31 **chapter 70;**

32 **(12) Enter into any agreement with any other state, agency, authority, commission,**
33 **municipality, person, corporation, or the United States, to effect any of the provisions**
34 **contained in sections 67.4500 to 67.4520;**

35 **(13) Sell and supply water and construct, own, and operate infrastructure projects**
36 **in areas within its jurisdiction, including but not limited to roads, bridges, water and sewer**
37 **systems, and other infrastructure improvements;**

38 **(14) Issue revenue bonds in the same manner as provided under section 67.789; and**

39 **(15) Adopt tax increment financing within its boundaries in the same manner as**
40 **provided under section 67.790.**

41 **2. The state or any political subdivision or municipal corporation thereof may in**
42 **its discretion, with or without consideration, transfer or cause to be transferred to the**
43 **authority or may place in its possession or control, by deed, lease, or other contract or**
44 **agreement, either for a limited period or in fee, any property wherever situated.**

45 **3. The state or any political subdivision may appropriate, allocate, and expend such**
46 **funds of the state or political subdivision for the benefit of the authority as are reasonable**
47 **and necessary to carry out the provisions of sections 67.4500 to 67.4520.**

48 **4. The authority shall have the authority to exercise all zoning and planning powers**
49 **that are granted to cities, towns, and villages under chapter 89, except that the authority**
50 **shall not exercise such powers inside the corporate limits of any city, town, or village which**
51 **has adopted a city plan under the laws of this state before August 28, 2011.**

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.

71.220. 1. The various cities, towns and villages in this state, whether organized under
2 special charter or under the general laws of the state, are hereby authorized and empowered to,
3 by ordinance, cause all persons who have been convicted and sentenced by the court having
4 jurisdiction, for violation of ordinance of such city, town or village, whether the punishment be
5 by fine or imprisonment, or by both, to be put to work and perform labor on the public streets,
6 highways and alleys or other public works or buildings of such city, town or village, for such
7 purposes as such city, town or village may deem necessary. And the marshal, constable, street
8 commissioner, or other proper officer of such city, town or village, shall have power and be
9 authorized and required to have or cause all such prisoners as may be directed by the mayor, or
10 other chief officer of such city, town or village, to work out the full number of days for which
11 they may have been sentenced, at breaking rock, or at working upon such public streets,
12 highways or alleys or other public works or buildings of such city, town or village as may have
13 been designated. And if the punishment is by fine, and the fine be not paid, then for [every ten
14 dollars of such judgment] **a portion of such judgment that is equal to the greater of the**

15 **actual daily cost of incarcerating the prisoner or the amount the municipality is**
16 **reimbursed by the state for incarcerating the prisoner,** the prisoner shall work one day. And
17 it shall be deemed a part of the judgment and sentence of the court that such prisoner may be
18 worked as herein provided.

19 2. When a fine is assessed for violation of an ordinance, it shall be within the discretion
20 of the judge, or other official, assessing the fine to provide for the payment of the fine on an
21 installment basis under such terms and conditions as he may deem appropriate.

71.950. 1. No municipal employment contract shall exceed a two-year period, but
2 **such contract may be renewed so long as each renewal does not exceed such period.**

3 **2. Upon resignation or termination of a municipal employment contract, no**
4 **employee covered under such contract shall receive a payout of more than six months' pay.**

72.401. 1. If a commission has been established pursuant to [section] **sections 72.400**
2 **to 72.423** in any county with a charter form of government where fifty or more cities, towns and
3 villages have been established, any boundary change within the county shall proceed solely and
4 exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any
5 statutory provisions to the contrary concerning such boundary changes.

6 2. In any county with a charter form of government where fifty or more cities, towns and
7 villages have been established, if the governing body of such county has by ordinance established
8 a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such
9 county shall proceed only as provided in sections 72.400 to 72.423.

10 3. The commission shall be composed of eleven members as provided in this subsection.
11 No member, employee or contractor of the commission shall be an elective official, employee
12 or contractor of the county or of any political subdivision within the county or of any
13 organization representing political subdivisions or officers or employees of political
14 subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this
15 subsection shall appoint persons who shall be residents of their respective locality so described.
16 The appointing authority making the appointments shall be:

17 (1) The chief elected officials of all municipalities wholly within the county which have
18 a population of more than twenty thousand persons, who shall name two members to the
19 commission as prescribed in this subsection each of whom is a resident of a municipality within
20 the county of more than twenty thousand persons;

21 (2) The chief elected officials of all municipalities wholly within the county which have
22 a population of twenty thousand or less but more than ten thousand persons, who shall name one
23 member to the commission as prescribed in this subsection who is a resident of a municipality
24 within the county with a population of twenty thousand or less but more than ten thousand
25 persons;

26 (3) The chief elected officials of all municipalities wholly within the county which have
27 a population of ten thousand persons or less, who shall name one member to the commission as
28 prescribed in this subsection who is a resident of a municipality within the county with a
29 population of ten thousand persons or less;

30 (4) An appointive body consisting of the director of the county department of planning,
31 the president of the municipal league of the county, one additional person designated by the
32 county executive, and one additional person named by the board of the municipal league of the
33 county, which appointive body, acting by a majority of all of its members, shall name three
34 members of the commission who are residents of the county; and

35 (5) The county executive of the county, who shall name four members of the
36 commission, three of whom shall be from the unincorporated area of the county and one of
37 whom shall be from the incorporated area of the county. The seat of a commissioner shall be
38 automatically vacated when the commissioner changes his or her residence so as to no longer
39 conform to the terms of the requirements of the commissioner's appointment. The commission
40 shall promptly notify the appointing authority of such change of residence.

41 4. Upon the passage of an ordinance by the governing body of the county establishing
42 a boundary commission, the governing body of the county shall, within ten days, send by United
43 States mail written notice of the passage of the ordinance to the chief elected official of each
44 municipality wholly or partly in the county.

45 5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection
46 3 of this section shall meet within thirty days of the passage of the ordinance establishing the
47 commission to compile its list of appointees. Each list shall be delivered to the county executive
48 within forty-one days of the passage of such ordinance. The county executive shall appoint
49 members within forty-five days of the passage of the ordinance. If a list is not submitted by the
50 time specified, the county executive shall appoint the members using the criteria of subsection
51 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting
52 of the commission appointed after the effective date of the ordinance, the commissioners shall
53 choose by lot the length of their terms. Three shall serve for one year, two for two years, two for
54 three years, two for four years, and two for five years. All succeeding commissioners shall serve
55 for five years. Terms shall end on December thirty-first of the respective year. No commissioner
56 shall serve more than two consecutive full terms. Full terms shall include any term longer than
57 two years.

58 6. When a member's term expires, or if a member is for any reason unable to complete
59 his term, the respective appointing authority shall appoint such member's successor. Each
60 appointing authority shall act to ensure that each appointee is secured accurately and in a timely
61 manner, when a member's term expires or as soon as possible when a member is unable to

62 complete his term. A member whose term has expired shall continue to serve until his successor
63 is appointed and qualified.

64 7. The commission, its employees and subcontractors shall be subject to the regulation
65 of conflicts of interest as defined in sections 105.450 to [105.498] **105.496** and to the
66 requirements for open meetings and records under chapter 610.

67 8. Notwithstanding any provisions of law to the contrary, any boundary adjustment
68 approved by the residential property owners and the governing bodies of the affected
69 municipalities or the county, if involved, shall not be subject to commission review. Such a
70 boundary adjustment is not prohibited by the existence of an established unincorporated area.

71 **9. Notwithstanding any provisions of law to the contrary, any voluntary annexation**
72 **approved by ordinance of any municipality that is a service provider for both water and**
73 **sewer service within the municipality shall be effective as provided in such annexation**
74 **ordinance and shall not be subject to boundary commission review. Such an annexation**
75 **is not prohibited by the existence of an established unincorporated area.**

82.292. The governing body of any city may, by order or ordinance, enter into
2 **contracts with private attorneys or professional collection agencies for the collection of**
3 **delinquent taxes, fines, and costs for criminal convictions owed to such city by residents**
4 **or nonresidents of such city. No contract entered into under this section shall provide for**
5 **a collection fee in excess of twenty percent of the amount collected.**

85.015. No political subdivision shall restrict any paid member of a fire department
2 **or fire district from supporting or opposing any political party, candidate, or petition while**
3 **off duty and not in uniform.**

89.145. 1. Any constitutional charter city having a population of more than thirty-five
2 thousand inhabitants, located in any county of the first class not having a charter form of
3 government or in any county of the second class, may, by ordinance, adopt and enforce any and
4 all regulations governing zoning, planning, subdivision and building within all unincorporated
5 area extending up to two miles outward from the corporate limits of the city if the city has a
6 zoning commission and a board of adjustment established pursuant to sections 89.010 to 89.140.
7 When authorized by ordinance, the zoning commission and the board of adjustment of the city
8 shall have the same powers within the above county as they have within the corporate limits of
9 the city.

10 2. The ordinances, before passage, must be approved by order of a majority of the county
11 commission of the county in which the city is located and the ordinances shall not be more, but
12 may be less, restrictive than the ordinances governing zoning, planning, subdivision and building
13 within the corporate limits of the city. Before the approval of the ordinance, the county
14 commission shall hold at least one public hearing thereon, fourteen days' notice of the time and

15 place of which shall be published in at least one newspaper having general circulation within the
16 county; the notice of such hearing shall also be posted at least fourteen days in advance thereof
17 in one or more public areas of the courthouse of the county. Such hearing may be adjourned
18 from time to time.

19 3. In the event the county in which such city is located creates a county planning
20 commission and the planning commission adopts an official master plan for the unincorporated
21 areas of the county in accordance with the authority granted by sections 64.211 to 64.295 or by
22 sections 64.510 to 64.690, the authority granted such constitutional charter city under the terms
23 of this section shall terminate.

24 **4. This section shall not apply to any home rule city with more than eighty-four**
25 **thousand five hundred but fewer than eighty-four thousand six hundred inhabitants, any**
26 **home rule city with more than forty-five thousand five hundred but fewer than forty-five**
27 **thousand nine hundred inhabitants and partially located in any county of the first**
28 **classification with more than one hundred four thousand six hundred but fewer than one**
29 **hundred four thousand seven hundred inhabitants, or to any home rule city with more**
30 **than sixty thousand three hundred but fewer than sixty thousand four hundred**
31 **inhabitants.**

94.585. 1. The governing body of any city of the third classification with more than
2 **ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and**
3 **located in more than one county may impose, by order or ordinance, a sales tax on all retail**
4 **sales made within the city which are subject to sales tax under chapter 144. The tax**
5 **authorized in this section shall not exceed one percent, and shall be imposed solely for the**
6 **purpose of funding the construction, maintenance, operation, and equipping of a**
7 **community center and retiring any bonds issued for such purposes. The tax authorized**
8 **in this section shall be in addition to all other sales taxes imposed by law, and shall be**
9 **stated separately from all other charges and taxes.**

10 **2. No such order or ordinance adopted under this section shall become effective**
11 **unless the governing body of the city submits to the voters residing within the city at a state**
12 **general, primary, or special election a proposal to authorize the governing body of the city**
13 **to impose a tax and issue bonds under this section. Such a proposal may include only the**
14 **proposal to impose a sales tax or a proposal to issue bonds and to impose a sales tax to**
15 **retire such bonds.**

16 **3. The ballot of submission shall contain, but need not be limited to the following**
17 **language:**

18 **(1) If the proposal submitted involves only authorization to impose the tax**
19 **authorized by this section, the following language:**

20 **Shall the municipality of (municipality's name) impose a sales tax of (insert**
21 **amount) for a period of twenty-five years for the purpose of funding the construction,**
22 **maintenance, operation, and equipping of a community center which may include the**
23 **retirement of debt under previously authorized bonded indebtedness?**

24 **(2) If the proposal submitted involves authorization to issue bonds and repay such**
25 **bonds with revenues from the tax authorized by this section, the following language:**

26 **Shall the municipality of (municipality's name) issue bonds in the amount of (insert amount) for a period of twenty-five years to fund construction, maintenance,**
27 **operation, and equipping of a community center and impose a sales tax of (insert**
28 **amount) to repay bonds?**

30

31 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
32 **favor of the question, then the tax shall become effective on the first day of the second**
33 **calendar quarter after the director of revenue receives notification of adoption of the local**
34 **sales tax, except that any proposal submitted to issue bonds shall be approved by the**
35 **constitutionally required percentage of the voters voting thereon to become effective. If**
36 **a majority of the votes cast on the question by the qualified voters voting thereon are**
37 **opposed to the question, then the tax shall not become effective unless and until the**
38 **question is resubmitted under this section to the qualified voters and such question is**
39 **approved by the requisite majority of the qualified voters voting on the question. In no**
40 **event shall a proposal under this section be submitted to the voters sooner than twelve**
41 **months from the date of the last proposal under this section.**

42 **4. Except as modified in this section, all provisions of sections 32.085 and 32.087**
43 **shall apply to the tax imposed under this section.**

44 **5. All revenue collected under this section by the director of the department of**
45 **revenue on behalf of any city, except for one percent for the cost of collection which shall**
46 **be deposited in the state's general revenue fund after payment of premiums for surety**
47 **bonds as provided in section 32.087, shall be deposited in a special trust fund, which is**
48 **hereby created and shall be known as the "City Community Center Sales Tax Trust**
49 **Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not**
50 **be deemed to be state funds, and shall not be commingled with any funds of the state. The**
51 **director may make refunds from the amounts in the fund and credited to the city for**
52 **erroneous payments and overpayments made, and may redeem dishonored checks and**
53 **drafts deposited to the credit of such city. Any funds in the special fund which are not**
54 **needed for meeting current obligations under any bond issued under this section or for**

55 current expenditures shall be invested in the same manner as other funds are invested.
56 Any interest and moneys earned on such investments shall be credited to the fund.

57 6. The governing body of any city that has adopted the sales tax authorized in this
58 section may submit the question of repeal of the tax to the voters on any date available for
59 elections for the city. Except as provided in subsection 9 of this section, if a majority of the
60 votes cast on the question by the qualified voters voting thereon are in favor of the repeal,
61 that repeal shall become effective on December thirty-first of the calendar year in which
62 such repeal was approved. If a majority of the votes cast on the question by the qualified
63 voters voting thereon are opposed to the repeal, then the sales tax authorized in this section
64 shall remain effective until the question is resubmitted under this section to the qualified
65 voters and the repeal is approved by a majority of the qualified voters voting on the
66 question.

67 7. Whenever the governing body of any city that has adopted the sales tax
68 authorized in this section receives a petition, signed by a number of registered voters of the
69 city equal to at least ten percent of the number of registered voters of the city voting in the
70 last gubernatorial election, calling for an election to repeal the sales tax imposed under this
71 section, the governing body shall submit to the voters of the city a proposal to repeal the
72 tax. Except as provided in subsection 9 of this section, if a majority of the votes cast on the
73 question by the qualified voters voting thereon are in favor of the repeal, the repeal shall
74 become effective on December thirty-first of the calendar year in which such repeal was
75 approved. If a majority of the votes cast on the question by the qualified voters voting
76 thereon are opposed to the repeal, then the sales tax authorized in this section shall remain
77 effective until the question is resubmitted under this section to the qualified voters and the
78 repeal is approved by a majority of the qualified voters voting on the question.

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

89 9. No sales tax imposed under this section shall be terminated until all of any bonds
90 issued under this section have been retired.

91 **10. The sales tax imposed under this section shall be imposed for a period of**
92 **twenty-five years, and may be extended upon the approval of the voters of the city in the**
93 **same manner in which the sales tax was adopted.**

94 **11. The city shall establish a board consisting of seven members, one of which shall**
95 **be the mayor of the city, to administer the provisions of this section with such powers and**
96 **duties which shall be delegated by the governing body of the city.**

97 **12. No bonds issued under this section shall be refinanced for a term longer than**
98 **the number of years remaining on the original terms of the bonds being refinanced without**
99 **the approval of the voters of the city. Any proposal to refinance such bonds submitted to**
100 **the voters shall include the number of years the bonds will be refinanced and the number**
101 **of years the sales tax will be extended to repay such refinanced bonds.**

99.820. 1. A municipality may:

2 (1) By ordinance introduced in the governing body of the municipality within fourteen
3 to ninety days from the completion of the hearing required in section 99.825, approve
4 redevelopment plans and redevelopment projects, and designate redevelopment project areas
5 pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment
6 project shall be approved unless a redevelopment plan has been approved and a redevelopment
7 area has been designated prior to or concurrently with the approval of such redevelopment
8 project and the area selected for the redevelopment project shall include only those parcels of real
9 property and improvements thereon directly and substantially benefitted by the proposed
10 redevelopment project improvements;

11 (2) Make and enter into all contracts necessary or incidental to the implementation and
12 furtherance of its redevelopment plan or project;

13 (3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire
14 by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own,
15 convey, lease, mortgage, or dispose of land and other property, real or personal, or rights or
16 interests therein, and grant or acquire licenses, easements and options with respect thereto, all
17 in the manner and at such price the municipality or the commission determines is reasonably
18 necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage,
19 disposition of land or other property, acquired by the municipality, or agreement relating to the
20 development of the property shall be made except upon the adoption of an ordinance by the
21 governing body of the municipality. Each municipality or its commission shall establish written
22 procedures relating to bids and proposals for implementation of the redevelopment projects.
23 Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating
24 to the development of property shall be made without making public disclosure of the terms of
25 the disposition and all bids and proposals made in response to the municipality's request. Such

26 procedures for obtaining such bids and proposals shall provide reasonable opportunity for any
27 person to submit alternative proposals or bids;

28 (4) Within a redevelopment area, clear any area by demolition or removal of existing
29 buildings and structures;

30 (5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or
31 building;

32 (6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site
33 improvements essential to the preparation of the redevelopment area for use in accordance with
34 a redevelopment plan;

35 (7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges
36 for the use of any building or property owned or leased by it or any part thereof, or facility
37 therein;

38 (8) Accept grants, guarantees, and donations of property, labor, or other things of value
39 from a public or private source for use within a redevelopment area;

40 (9) Acquire and construct public facilities within a redevelopment area;

41 (10) Incur redevelopment costs and issue obligations;

42 (11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

43 (12) Disburse surplus funds from the special allocation fund to taxing districts as
44 follows:

45 (a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within
46 the redevelopment area which impose ad valorem taxes on a basis that is proportional to the
47 current collections of revenue which each taxing district receives from real property in the
48 redevelopment area;

49 (b) Surplus economic activity taxes shall be distributed to taxing districts in the
50 redevelopment area which impose economic activity taxes, on a basis that is proportional to the
51 amount of such economic activity taxes the taxing district would have received from the
52 redevelopment area had tax increment financing not been adopted;

53 (c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes,
54 deposited in the special allocation fund, shall be distributed on a basis that is proportional to the
55 total receipt of such other revenues in such account in the year prior to disbursement;

56 (13) If any member of the governing body of the municipality, a member of a
57 commission established pursuant to subsection 2 or 3 of this section, or an employee or
58 consultant of the municipality, involved in the planning and preparation of a redevelopment plan,
59 or redevelopment project for a redevelopment area or proposed redevelopment area, owns or
60 controls an interest, direct or indirect, in any property included in any redevelopment area, or
61 proposed redevelopment area, which property is designated to be acquired or improved pursuant

62 to a redevelopment project, he or she shall disclose the same in writing to the clerk of the
63 municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any
64 such interest, which disclosures shall be acknowledged by the governing body of the
65 municipality and entered upon the minutes books of the governing body of the municipality. If
66 an individual holds such an interest, then that individual shall refrain from any further official
67 involvement in regard to such redevelopment plan, redevelopment project or redevelopment area,
68 from voting on any matter pertaining to such redevelopment plan, redevelopment project or
69 redevelopment area, or communicating with other members concerning any matter pertaining
70 to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such
71 member or employee shall acquire any interest, direct or indirect, in any property in a
72 redevelopment area or proposed redevelopment area after either (a) such individual obtains
73 knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant
74 to section 99.830, whichever first occurs;

75 (14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other
76 official in administering the redevelopment project. The charge for the clerk's or other official's
77 costs shall be determined by the municipality based on a recommendation from the commission,
78 created pursuant to this section.

79 2. Prior to adoption of an ordinance approving the designation of a redevelopment area
80 or approving a redevelopment plan or redevelopment project, the municipality shall create a
81 commission of nine persons if the municipality is a county or a city not within a county and not
82 a first class county with a charter form of government with a population in excess of nine
83 hundred thousand, and eleven persons if the municipality is not a county and not in a first class
84 county with a charter form of government having a population of more than nine hundred
85 thousand, and twelve persons if the municipality is located in or is a first class county with a
86 charter form of government having a population of more than nine hundred thousand, to be
87 appointed as follows:

88 (1) In all municipalities two members shall be appointed by the school boards whose
89 districts are included within the redevelopment plan or redevelopment area. Such members shall
90 be appointed in any manner agreed upon by the affected districts;

91 (2) In all municipalities one member shall be appointed, in any manner agreed upon by
92 the affected districts, to represent all other districts levying ad valorem taxes within the area
93 selected for a redevelopment project or the redevelopment area, excluding representatives of the
94 governing body of the municipality;

95 (3) In all municipalities six members shall be appointed by the chief elected officer of
96 the municipality, with the consent of the majority of the governing body of the municipality;

97 (4) In all municipalities which are not counties and not in a first class county with a
98 charter form of government having a population in excess of nine hundred thousand, two
99 members shall be appointed by the county of such municipality in the same manner as members
100 are appointed in subdivision (3) of this subsection;

101 (5) In a municipality which is a county with a charter form of government having a
102 population in excess of nine hundred thousand, three members shall be appointed by the cities
103 in the county which have tax increment financing districts in a manner in which the cities shall
104 agree;

105 (6) In a municipality which is located in the first class county with a charter form of
106 government having a population in excess of nine hundred thousand, three members shall be
107 appointed by the county of such municipality in the same manner as members are appointed in
108 subdivision (3) of this subsection;

109 (7) At the option of the members appointed by the municipality, the members who are
110 appointed by the school boards and other taxing districts may serve on the commission for a term
111 to coincide with the length of time a redevelopment project, redevelopment plan or designation
112 of a redevelopment area is considered for approval by the commission, or for a definite term
113 pursuant to this subdivision. If the members representing school districts and other taxing
114 districts are appointed for a term coinciding with the length of time a redevelopment project, plan
115 or area is approved, such term shall terminate upon final approval of the project, plan or
116 designation of the area by the governing body of the municipality. Thereafter the commission
117 shall consist of the six members appointed by the municipality, except that members representing
118 school boards and other taxing districts shall be appointed as provided in this section prior to any
119 amendments to any redevelopment plans, redevelopment projects or designation of a
120 redevelopment area. If any school district or other taxing jurisdiction fails to appoint members
121 of the commission within thirty days of receipt of written notice of a proposed redevelopment
122 plan, redevelopment project or designation of a redevelopment area, the remaining members may
123 proceed to exercise the power of the commission. Of the members first appointed by the
124 municipality, two shall be designated to serve for terms of two years, two shall be designated to
125 serve for a term of three years and two shall be designated to serve for a term of four years from
126 the date of such initial appointments. Thereafter, the members appointed by the municipality
127 shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms
128 in the same manner as were the original appointments. Members appointed by the county
129 executive or presiding commissioner prior to August 28, 2008, shall continue their service on
130 the commission established in subsection 3 of this section without further appointment unless
131 the county executive or presiding commissioner appoints a new member or members.

132 3. Beginning August 28, 2008:

(1) In lieu of a commission created under subsection 2 of this section, any city, town, or village in a county with a charter form of government and with more than one million inhabitants, in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, or in a county of the first classification with more than one hundred eighty-five thousand but fewer than two hundred thousand inhabitants shall, prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, create a commission consisting of twelve persons to be appointed as follows:

(a) Six members appointed either by the county executive or presiding commissioner; notwithstanding any provision of law to the contrary, no approval by the county's governing body shall be required;

(b) Three members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;

(c) Two members appointed by the school boards whose districts are included in the county in a manner in which the school boards agree; and

(d) One member to represent all other districts levying ad valorem taxes in the proposed redevelopment area in a manner in which all such districts agree. No city, town, or village subject to this subsection shall create or maintain a commission under subsection 2 of this section, except as necessary to complete a public hearing for which notice under section 99.830 has been provided prior to August 28, 2008, and to vote or make recommendations relating to redevelopment plans, redevelopment projects, or designation of redevelopment areas, or amendments thereto that were the subject of such public hearing;

(2) Members appointed to the commission created under this subsection, except those six members appointed by either the county executive or presiding commissioner, shall serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan, or designation of a redevelopment area is considered for approval by the commission. The six members appointed by either the county executive or the presiding commissioner shall serve on all such commissions until replaced. The city, town, or village that creates a commission under this subsection shall send notice thereof by certified mail to the county executive or presiding commissioner, to the school districts whose boundaries include any portion of the proposed redevelopment area, and to the other taxing districts whose boundaries include any portion of the proposed redevelopment area. The city, town, or village that creates the commission shall also be solely responsible for notifying all other cities, towns, and villages in the county that have tax increment financing districts and shall exercise all administrative functions of the commission. The school districts receiving notice from the city,

169 town, or village shall be solely responsible for notifying the other school districts within the
170 county of the formation of the commission. If the county, school board, or other taxing district
171 fails to appoint members to the commission within thirty days after the city, town, or village
172 sends the written notice, as provided herein, that it has convened such a commission or within
173 thirty days of the expiration of any such member's term, the remaining duly appointed members
174 of the commission may exercise the full powers of the commission.

175 4. (1) Any commission created under this section, subject to approval of the governing
176 body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865,
177 except final approval of plans, projects and designation of redevelopment areas. The
178 commission shall hold public hearings and provide notice pursuant to sections 99.825 and
179 99.830.

180 (2) Any commission created under subsection 2 of this section shall vote on all proposed
181 redevelopment plans, redevelopment projects and designations of redevelopment areas, and
182 amendments thereto, within thirty days following completion of the hearing on any such plan,
183 project or designation and shall make recommendations to the governing body within ninety days
184 of the hearing referred to in section 99.825 concerning the adoption of or amendment to
185 redevelopment plans and redevelopment projects and the designation of redevelopment areas.
186 The requirements of subsection 2 of this section and this subsection shall not apply to
187 redevelopment projects upon which the required hearings have been duly held prior to August
188 31, 1991.

189 (3) Any commission created under subsection 3 of this section shall, within fifteen days
190 of the receipt of a redevelopment plan meeting the minimum requirements of section 99.810, as
191 determined by counsel to the city, town, or village creating the commission and a request by the
192 applicable city, town, or village for a public hearing, **provide a copy of the redevelopment**
193 **plan, redevelopment projects, and designations of redevelopment areas, and amendments**
194 **thereto, for the purpose of receiving comment on the regional benefits of the proposal to**
195 **the designated metropolitan planning organization, the regional chamber of commerce**
196 **organization, and any regional consortium of chief executive officers representing at least**
197 **eighty of the region's largest mid-cap companies, and** fix a time and place for the public
198 hearing referred to in section 99.825. The public hearing shall be held no later than seventy-five
199 days from the commission's receipt of such redevelopment plan and request for public hearing.
200 The commission shall vote and make recommendations to the governing body of the city, town,
201 or village requesting the public hearing on all proposed redevelopment plans, redevelopment
202 projects, and designations of redevelopment areas, and amendments thereto within thirty days
203 following the completion of the public hearing. If the commission fails to vote within thirty days
204 following the completion of the public hearing referred to in section 99.825 concerning the

205 proposed redevelopment plan, redevelopment project, or designation of redevelopment area, or
206 amendments thereto, such plan, project, designation, or amendment thereto shall be deemed
207 rejected by the commission.

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a
2 redevelopment area, or approving a redevelopment plan or redevelopment project, the
3 commission shall fix a time and place for a public hearing as required in subsection 4 of section
4 99.820 and notify each taxing district located wholly or partially within the boundaries of the
5 proposed redevelopment area, plan or project. At the public hearing any interested person or
6 affected taxing district may file with the commission written objections to, or comments on, and
7 may be heard orally in respect to, any issues embodied in the notice. The commission shall hear
8 and consider all protests, objections, comments and other evidence presented at the hearing. The
9 hearing may be continued to another date without further notice other than a motion to be entered
10 upon the minutes fixing the time and place of the subsequent hearing; provided, if the
11 commission is created under subsection 3 of section 99.820, the hearing shall not be continued
12 for more than thirty days beyond the date on which it is originally opened unless such longer
13 period is requested by the chief elected official of the municipality creating the commission and
14 approved by a majority of the commission. Prior to the conclusion of the hearing, changes may
15 be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that
16 each affected taxing district is given written notice of such changes at least seven days prior to
17 the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance
18 approving a redevelopment plan or redevelopment project, or designating a redevelopment area,
19 changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas
20 without a further hearing, if such changes do not enlarge the exterior boundaries of the
21 redevelopment area or areas, and do not substantially affect the general land uses established in
22 the redevelopment plan or substantially change the nature of the redevelopment projects,
23 provided that notice of such changes shall be given by mail to each affected taxing district and
24 by publication in a newspaper of general circulation in the area of the proposed redevelopment
25 not less than ten days prior to the adoption of the changes by ordinance. After the adoption of
26 an ordinance approving a redevelopment plan or redevelopment project, or designating a
27 redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the
28 general land uses established pursuant to the redevelopment plan or changing the nature of the
29 redevelopment project without complying with the procedures provided in this section pertaining
30 to the initial approval of a redevelopment plan or redevelopment project and designation of a
31 redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or
32 redevelopment plan may be held simultaneously.

33 2. [Effective January 1, 2008, if,] **No municipality shall approve a proposed**
34 **redevelopment plan, redevelopment project, or designation of a redevelopment area, or any**
35 **amendments thereto unless** after concluding the hearing required under this section, **a majority**
36 **of the members of** the commission [makes] **created under subsection 3 of section 99.820**
37 **votes to make** a recommendation under section 99.820 [in opposition to a proposed
38 redevelopment plan, redevelopment project, or designation of a redevelopment area, or any
39 amendments thereto, a municipality desiring] to approve such project, plan, designation, or
40 amendments [shall do so only upon a two-thirds majority vote of the governing body of such
41 municipality].

42 3. Tax incremental financing projects within an economic development area shall apply
43 to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers,
44 traffic control systems and devices, water distribution and supply systems, curbing, sidewalks
45 and any other similar public improvements, but in no case shall it include buildings.

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.

115.137. 1. Except as provided in subsection 2 of this section, any citizen who is
2 entitled to register and vote shall be entitled to register for and vote pursuant to the provisions
3 of this chapter in all statewide public elections and all public elections held for districts and
4 political subdivisions within which he resides.

5 2. Any person **or entity** who and only persons **or entities** who fulfill the ownership
6 requirements shall be entitled to vote in elections for which ownership of real property is
7 required by law for voting.

115.305. **Except for section 115.350**, this subchapter shall not apply to candidates for
2 special district offices, township offices in township organization counties, or city, town and
3 village offices; provided that, cities of the fourth class, except those in a county of the first class
4 with a charter form of government and which adjoins a city not within a county, may elect, only
5 by ordinance, to hold primary elections in accordance with the provisions of sections 115.305
6 to 115.405 or in accordance with the provisions of sections 78.470, 78.480 and 78.510, and the
7 ordinance shall state which of these provisions of law are being adopted.

115.342. 1. Any person who files as a candidate for election to a public office shall be
2 disqualified from participation in the election for which the candidate has filed if such person
3 is delinquent in the payment of any state income taxes, personal property taxes, real property
4 taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past
5 or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

"AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. **I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.**

..... Candidate's Signature

..... Printed Name of Candidate."

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

4. Any person who files as a candidate for election to a public office having a bond requirement shall file with the department of revenue a signed affidavit from a surety company authorized to do business in this state, indicating that the candidate meets the bond requirements set by statute or by the county commission for the office for which the candidate is filing. The candidate shall include a copy of the surety company affidavit with the declaration of candidacy required in this chapter.

137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

4 (1) "Grain and other agricultural crops in an unmanufactured condition" shall mean
5 grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley,
6 kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and
7 other elevators and on farms; but excluding such grains and other agricultural crops after being
8 processed into products of such processing, when packaged or sacked. The term "processing"
9 shall not include hulling, cleaning, drying, grating, or polishing;

10 (2) **"Hydroelectric power generating equipment", very-low-head turbine**
11 **generators with a nameplate generating capacity of at least four hundred kilowatts but not**
12 **more than six hundred kilowatts and related machinery and equipment used in the**
13 **production, generation, conversion, storage, or conveyance of hydroelectric power to land-**
14 **based devices and appurtenances used in the transmission of electrical energy;**

15 (3) "Intangible personal property", for the purpose of taxation, shall include all property
16 other than real property and tangible personal property, as defined by this section;

17 [(3)] (4) "Real property" includes land itself, whether laid out in town lots or otherwise,
18 and all growing crops, buildings, structures, improvements and fixtures of whatever kind
19 thereon, the installed poles used in the transmission or reception of electrical energy, audio
20 signals, video signals or similar purposes, provided the owner of such installed poles is also an
21 owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is
22 the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land;
23 attached wires, transformers, amplifiers, substations, and other such devices and appurtenances
24 used in the transmission or reception of electrical energy, audio signals, video signals or similar
25 purposes when owned by the owner of the installed poles, otherwise such items are considered
26 personal property; and stationary property used for transportation of liquid and gaseous products,
27 including, but not limited to, petroleum products, natural gas, water, and sewage;

28 [(4)] (5) "Tangible personal property" includes every tangible thing being the subject of
29 ownership or part ownership whether animate or inanimate, other than money, and not forming
30 part or parcel of real property as herein defined, **and hydroelectric power generating**
31 **equipment**, but does not include household goods, furniture, wearing apparel and articles of
32 personal use and adornment, as defined by the state tax commission, owned and used by a person
33 in his home or dwelling place.

137.080. Real estate and tangible personal property shall be assessed annually at the
2 assessment which commences on the first day of January. For purposes of assessing and taxing
3 tangible personal property, all tangible personal property shall be divided into the following
4 subclasses:

5 (1) Grain and other agricultural crops in an unmanufactured condition;

6 (2) Livestock;

7 (3) Farm machinery;

8 (4) Vehicles, including recreational vehicles, but not including manufactured homes, as
9 defined in section 700.010, which are actually used as dwelling units;

10 (5) Manufactured homes, as defined in section 700.010, which are actually used as
11 dwelling units;

12 (6) Motor vehicles which are eligible for registration and are registered as historic motor
13 vehicles under section 301.131;

14 (7) **Hydroelectric power generating equipment;**

15 (8) All taxable tangible personal property not included in subclass (1), subclass (2),
16 subclass (3), subclass (4), subclass (5), [or] subclass (6), **or subclass (7).**

137.082. 1. Notwithstanding the provisions of sections 137.075 and 137.080 to the
2 contrary, a building or other structure classified as residential property pursuant to section
3 137.016 newly constructed and occupied on any parcel of real property shall be assessed and
4 taxed on such assessed valuation as of the first day of the month following the date of occupancy
5 for the proportionate part of the remaining year at the tax rates established for that year, in all
6 taxing jurisdictions located in the county adopting this section as provided in subsection 8 of this
7 section. Newly constructed residential property which has never been occupied shall not be
8 assessed as improved real property until such occupancy or the first day of January of the
9 [second] **fourth** year following the year in which construction of the improvements was
10 completed. **The provisions of this subsection shall apply in those counties including any city**
11 **not within a county in which the governing body has previously adopted or hereafter**
12 **adopts the provisions of this subsection.**

13 2. The assessor may consider a property residentially occupied upon personal verification
14 or when any two of the following conditions have been met:

15 (1) An occupancy permit has been issued for the property;

16 (2) A deed transferring ownership from one party to another has been filed with the
17 recorder of deeds' office subsequent to the date of the first permanent utility service;

18 (3) A utility company providing service in the county has verified a transfer of service
19 for property from one party to another;

20 (4) The person or persons occupying the newly constructed property has registered a
21 change of address with any local, state or federal governmental office or agency.

22 3. In implementing the provisions of this section, the assessor may use occupancy
23 permits, building permits, warranty deeds, utility connection documents, including telephone
24 connections, or other official documents as may be necessary to discover the existence of newly
25 constructed properties. No utility company shall refuse to provide verification monthly to the
26 assessor of a utility connection to a newly occupied single family building or structure.

27 4. In the event that the assessment under subsections 1 and 2 of this section is not
28 completed until after the deadline for filing appeals in a given tax year, the owner of the newly
29 constructed property who is aggrieved by the assessment of the property may appeal this
30 assessment the following year to the county board of equalization in accordance with chapter 138
31 and may pay any taxes under protest in accordance with section 139.031; provided however, that
32 such payment under protest shall not be required as a condition of appealing to the county board
33 of equalization. The collector shall impound such protested taxes and shall not disburse such
34 taxes until resolution of the appeal.

35 5. The increase in assessed valuation resulting from the implementation of the provisions
36 of this section shall be considered new construction and improvements under the provisions of
37 this chapter.

38 6. In counties which adopt the provisions of subsections 1 to 7 of this section, an amount
39 not to exceed ten percent of all ad valorem property tax collections on newly constructed and
40 occupied residential property allocable to each taxing authority within counties of the first
41 classification having a population of nine hundred thousand or more, one-tenth of one percent
42 of all ad valorem property tax collections allocable to each taxing authority within all other
43 counties of the first classification and one-fifth of one percent of all ad valorem property tax
44 collections allocable to each taxing authority within counties of the second, third and fourth
45 classifications and any county of the first classification having a population of at least eighty-
46 two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants, in addition
47 to the amount prescribed by section 137.720 shall be deposited into the assessment fund of the
48 county for collection costs.

49 7. For purposes of figuring the tax due on such newly constructed residential property,
50 the assessor or the board of equalization shall place the full amount of the assessed valuation on
51 the tax book upon the first day of the month following occupancy. Such assessed valuation shall
52 be taxed for each month of the year following such date at its new assessed valuation, and for
53 each month of the year preceding such date at its previous valuation. The percentage derived
54 from dividing the number of months at which the property is taxed at its new valuation by twelve
55 shall be applied to the total assessed valuation of the new construction and improvements, and
56 such product shall be included in the next year's base for the purposes of figuring the next year's
57 tax levy rollback. The untaxed percentage shall be considered as new construction and
58 improvements in the following year and shall be exempt from the rollback provisions.

59 8. Subsections 1 to 7 of this section shall be effective in those counties including any city
60 not within a county in which the governing body of such county elects to adopt a proposal to
61 implement the provisions of subsections 1 to 7 of this section. Such subsections shall become
62 effective in such county on the first day of January of the year following such election.

63 9. In any county which adopts the provisions of subsections 1 to 7 of this section prior
64 to the first day of June in any year pursuant to subsection 8 of this section, the assessor of such
65 county shall, upon application of the property owner, remove on a pro rata basis from the tax
66 book for the current year any residential real property improvements destroyed by a natural
67 disaster if such property is unoccupied and uninhabitable due to such destruction. On or after
68 the first day of July, the board of equalization shall perform such duties. Any person claiming
69 such destroyed property shall provide a list of such destroyed property to the county assessor.
70 The assessor shall have available a supply of appropriate forms on which the claim shall be
71 made. The assessor may verify all such destroyed property listed to ensure that the person made
72 a correct statement. Any person who completes such a list and, with intent to defraud, includes
73 property on the list that was not destroyed by a natural disaster shall, in addition to any other
74 penalties provided by law, be assessed double the value of any property fraudulently listed. The
75 list shall be filed by the assessor, after he has provided a copy of the list to the county collector
76 and the board of equalization, in the office of the county clerk who, after entering the filing
77 thereof, shall preserve and safely keep them. If the assessor, subsequent to such destruction,
78 considers such property occupied as provided in subsection 2 of this section, the assessor shall
79 consider such property new construction and improvements and shall assess such property
80 accordingly as provided in subsection 1 of this section. For the purposes of this section, the term
81 "natural disaster" means any disaster due to natural causes such as tornado, fire, flood, or
82 earthquake.

83 10. Any political subdivision may recover the loss of revenue caused by subsection 9 of
84 this section by adjusting the rate of taxation, to the extent previously authorized by the voters of
85 such political subdivision, for the tax year immediately following the year of such destruction
86 in an amount not to exceed the loss of revenue caused by this section.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's
2 deputies in all counties of this state including the city of St. Louis shall annually make a list of
3 all real and tangible personal property taxable in the assessor's city, county, town or district.
4 Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor
5 shall annually assess all personal property at thirty-three and one-third percent of its true value
6 in money as of January first of each calendar year. The assessor shall annually assess all real
7 property, including any new construction and improvements to real property, and possessory
8 interests in real property at the [percent] **percentage** of its true value in money set in subsection
9 5 of this section. The true value in money of any possessory interest in real property in subclass
10 (3), where such real property is on or lies within the ultimate airport boundary as shown by a
11 federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR
12 Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true

13 value in money of any such possessory interest in real property, less the total dollar amount of
14 costs paid by a party, other than the political subdivision, towards any new construction or
15 improvements on such real property completed after January 1, 2008, and which are included in
16 the above-mentioned possessory interest, regardless of the year in which such costs were incurred
17 or whether such costs were considered in any prior year. The assessor shall annually assess all
18 real property in the following manner: new assessed values shall be determined as of January
19 first of each odd-numbered year and shall be entered in the assessor's books; those same assessed
20 values shall apply in the following even-numbered year, except for new construction and
21 property improvements which shall be valued as though they had been completed as of January
22 first of the preceding odd-numbered year. The assessor may call at the office, place of doing
23 business, or residence of each person required by this chapter to list property, and require the
24 person to make a correct statement of all taxable tangible personal property owned by the person
25 or under his or her care, charge or management, taxable in the county. On or before January first
26 of each even-numbered year, the assessor shall prepare and submit a two-year assessment
27 maintenance plan to the county governing body and the state tax commission for their respective
28 approval or modification. The county governing body shall approve and forward such plan or
29 its alternative to the plan to the state tax commission by February first. If the county governing
30 body fails to forward the plan or its alternative to the plan to the state tax commission by
31 February first, the assessor's plan shall be considered approved by the county governing body.
32 If the state tax commission fails to approve a plan and if the state tax commission and the
33 assessor and the governing body of the county involved are unable to resolve the differences, in
34 order to receive state cost-share funds outlined in section 137.750, the county or the assessor
35 shall petition the administrative hearing commission, by May first, to decide all matters in
36 dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter
37 may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by
38 the parties. The final decision of the administrative hearing commission shall be subject to
39 judicial review in the circuit court of the county involved. In the event a valuation of subclass
40 (1) real property within any county with a charter form of government, or within a city not within
41 a county, is made by a computer, computer-assisted method or a computer program, the burden
42 of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be
43 on the assessor at any hearing or appeal. In any such county, unless the assessor proves
44 otherwise, there shall be a presumption that the assessment was made by a computer,
45 computer-assisted method or a computer program. Such evidence shall include, but shall not be
46 limited to, the following:

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

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

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

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

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

59 3. The following items of personal property shall each constitute separate subclasses of
60 tangible personal property and shall be assessed and valued for the purposes of taxation at the
61 following percentages of their true value in money:

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

64 (2) Livestock, twelve percent;

65 (3) Farm machinery, twelve percent;

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

70 (5) Poultry, twelve percent; [and]

71 (6) Tools and equipment used for pollution control and tools and equipment used in
72 retooling for the purpose of introducing new product lines or used for making improvements to
73 existing products by any company which is located in a state enterprise zone and which is
74 identified by any standard industrial classification number cited in subdivision (6) of section
75 135.200, twenty-five percent;

76 **(7) Hydroelectric power generating equipment, one percent.**

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

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

84 (1) For real property in subclass (1), nineteen percent;

85 (2) For real property in subclass (2), twelve percent; and

86 (3) For real property in subclass (3), thirty-two percent.

87 6. Manufactured homes, as defined in section 700.010, which are actually used as
88 dwelling units shall be assessed at the same percentage of true value as residential real property
89 for the purpose of taxation. The percentage of assessment of true value for such manufactured
90 homes shall be the same as for residential real property. If the county collector cannot identify
91 or find the manufactured home when attempting to attach the manufactured home for payment
92 of taxes owed by the manufactured home owner, the county collector may request the county
93 commission to have the manufactured home removed from the tax books, and such request shall
94 be granted within thirty days after the request is made; however, the removal from the tax books
95 does not remove the tax lien on the manufactured home if it is later identified or found. For
96 purposes of this section, a manufactured home located in a manufactured home rental park, rental
97 community or on real estate not owned by the manufactured home owner shall be considered
98 personal property. For purposes of this section, a manufactured home located on real estate
99 owned by the manufactured home owner may be considered real property.

100 7. Each manufactured home assessed shall be considered a parcel for the purpose of
101 reimbursement pursuant to section 137.750, unless the manufactured home is **deemed to be** real
102 estate [as defined in] **under** subsection 7 of section 442.015 and assessed as a realty
103 improvement to the existing real estate parcel.

104 8. Any amount of tax due and owing based on the assessment of a manufactured home
105 shall be included on the personal property tax statement of the manufactured home owner unless
106 the manufactured home is **deemed to be** real estate [as defined in] **under** subsection 7 of section
107 442.015, in which case the amount of tax due and owing on the assessment of the manufactured
108 home as a realty improvement to the existing real estate parcel shall be included on the real
109 property tax statement of the real estate owner.

110 9. The assessor of each county and each city not within a county shall use the trade-in
111 value published in [the October issue of the National Automobile Dealers' Association Official
112 Used Car Guide, or its successor publication,] **any nationally recognized guide used for**
113 **establishing the value of motor vehicles** as the recommended guide of information for
114 determining the true value of motor vehicles described in such publication. In the absence of a
115 listing for a particular motor vehicle in such publication, the assessor shall use such information
116 or publications which in the assessor's judgment will fairly estimate the true value in money of
117 the motor vehicle.

118 10. Before the assessor may increase the assessed valuation of any parcel of subclass (1)
119 real property by more than fifteen percent since the last assessment, excluding increases due to

120 new construction or improvements, the assessor shall conduct a physical inspection of such
121 property.

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

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

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

137 14. A county or city collector may accept credit cards as proper form of payment of
138 outstanding property tax or license due. No county or city collector may charge surcharge for
139 payment by credit card which exceeds the fee or surcharge charged by the credit card bank,
140 processor, or issuer for its service. A county or city collector may accept payment by electronic
141 transfers of funds in payment of any tax or license and charge the person making such payment
142 a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic
143 payment.

144 15. Any county or city not within a county in this state may, by an affirmative vote of
145 the governing body of such county, opt out of the provisions of this section and sections 137.073,
146 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly,
147 second regular session and section 137.073 as modified by house committee substitute for senate
148 substitute for senate committee substitute for senate bill no. 960, ninety-second general
149 assembly, second regular session, for the next year of the general reassessment, prior to January
150 first of any year. No county or city not within a county shall exercise this opt-out provision after
151 implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as
152 enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and
153 section 137.073 as modified by house committee substitute for senate substitute for senate
154 committee substitute for senate bill no. 960, ninety-second general assembly, second regular
155 session, in a year of general reassessment. For the purposes of applying the provisions of this

subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

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

17. (1) As used in this subsection, the following terms mean:

(a) "Disabled", totally and permanently disabled or blind and receiving federal Social Security disability benefits, federal supplemental security income benefits, veterans administration benefits, state blind pension under sections 209.010 to 209.160, state aid to blind persons under section 209.240, or state supplemental payments under section 208.030;

(b) "Maximum upper limit", in the calendar year 2012, the federal adjusted gross income sum of seventy-two thousand three hundred eighty dollars. In each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined under section 17, article X, of the Missouri Constitution;

(c) "Principal residence", real property owned and occupied by or held in trust for a qualified taxpayer, or owned and occupied jointly by or held in trust for any individuals, any of whom is a qualified taxpayer;

(d) "Qualified taxpayer", any individual who:

a. Owns and occupies a principal residence;

b. Is sixty-five years of age or older, or is disabled;

c. Had a federal adjusted gross income not exceeding the maximum upper limit in the year before becoming qualified under this subsection.

192 (2) Notwithstanding any other provision of law to the contrary, for all property
193 assessments conducted after December 31, 2011, the assessed valuation of a principal
194 residence shall not increase by a percentage greater than the percentage of cost of living
195 increase in Social Security benefits in the previous year, except as otherwise provided in
196 this subsection, in any assessment conducted after the qualified taxpayer has reached
197 sixty-five years of age or has become disabled.

198 (3) This subsection shall not apply to any increase in the assessed valuation of a
199 principal residence due to an improvement made on the principal residence, unless the
200 improvement was made solely for increased accessibility for individuals with physical
201 disabilities.

202 (4) This subsection shall not apply to any increase in the assessed valuation of a
203 principal residence after the conveyance of the principal residence to another individual
204 who is not a qualified taxpayer. The assessed valuation of such principal residence shall
205 be the assessed valuation as provided in subsections 1 to 16 of this section in the next
206 annual assessment.

207 (5) Upon reaching sixty-five years of age, information regarding the age and income
208 of qualified taxpayers that own and occupy a principal residence in this state shall be
209 provided to the county assessor by affidavit by the owner of the real property before the
210 next assessment is conducted to be eligible for assessment under this subsection. Any
211 qualified taxpayer who is disabled or becomes disabled before the next assessment is
212 conducted shall provide by affidavit proof of disability to the county assessor to claim
213 assessment under this subsection. All qualified taxpayers claiming assessment authorized
214 under this subsection shall annually file the affidavit required by this subdivision before
215 the next assessment is conducted to be eligible for assessment authorized under this section.

216 (6) The state tax commission shall promulgate rules to implement the provisions
217 of this subsection, including developing and making available to assessors the affidavit
218 required under subdivision (5) of this subsection on the commission's website. Such
219 affidavit shall clearly contain an acceptable standard of proof to reasonably determine
220 whether the person submitting the affidavit is a qualified taxpayer. The state tax
221 commission shall also promulgate by rule and provide a method for the assessor to
222 determine the proper percentage of increase for such property owned by a qualified
223 taxpayer that files the affidavit required by subdivision (5) of this subsection. Any rule or
224 portion of a rule, as that term is defined in section 536.010, that is created under the
225 authority delegated in this section shall become effective only if it complies with and is
226 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
227 section and chapter 536 are nonseverable and if any of the powers vested with the general

228 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
229 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
230 authority and any rule proposed or adopted after August 28, 2011, shall be invalid and
231 void.

232 (7) Under section 23.253 of the Missouri sunset act:

233 (a) The provisions of the new program authorized under this subsection shall
234 automatically sunset on December thirty-first six years after the effective date of this
235 subsection unless reauthorized by an act of the general assembly; and

236 (b) If such program is reauthorized, the program authorized under this subsection
237 shall automatically sunset on December thirty-first twelve years after the effective date of
238 the reauthorization of this subsection; and

239 (c) This subsection shall terminate on September first of the calendar year
240 immediately following the calendar year in which the program authorized under this
241 subsection is sunset.

2 [137.115. 1. All other laws to the contrary notwithstanding, the assessor
3 or the assessor's deputies in all counties of this state including the city of St.
4 Louis shall annually make a list of all real and tangible personal property taxable
5 in the assessor's city, county, town or district. Except as otherwise provided in
6 subsection 3 of this section and section 137.078, the assessor shall annually
7 assess all personal property at thirty-three and one-third percent of its true value
8 in money as of January first of each calendar year. The assessor shall annually
9 assess all real property, including any new construction and improvements to real
10 property, and possessory interests in real property at the percent of its true value
11 in money set in subsection 5 of this section. The true value in money of any
12 possessory interest in real property in subclass (3), where such real property is on
13 or lies within the ultimate airport boundary as shown by a federal airport layout
14 plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part
15 139 certification and owned by a political subdivision, shall be the otherwise
16 applicable true value in money of any such possessory interest in real property,
17 less the total dollar amount of costs paid by a party, other than the political
18 subdivision, towards any new construction or improvements on such real
19 property completed after January 1, 2008, and which are included in the
20 above-mentioned possessory interest, regardless of the year in which such costs
21 were incurred or whether such costs were considered in any prior year. The
22 assessor shall annually assess all real property in the following manner: new
23 assessed values shall be determined as of January first of each odd-numbered
24 year and shall be entered in the assessor's books; those same assessed values shall
25 apply in the following even-numbered year, except for new construction and
26 property improvements which shall be valued as though they had been completed
27 as of January first of the preceding odd-numbered year. The assessor may call
at the office, place of doing business, or residence of each person required by this

chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

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

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

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

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

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

69 3. The following items of personal property shall each constitute separate
70 subclasses of tangible personal property and shall be assessed and valued for the
71 purposes of taxation at the following percentages of their true value in money:

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

74 (2) Livestock, twelve percent;

75 (3) Farm machinery, twelve percent;

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

81 (5) Poultry, twelve percent; and

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

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

92 5. All subclasses of real property, as such subclasses are established in
93 section 4(b) of article X of the Missouri Constitution and defined in section
94 137.016, shall be assessed at the following percentages of true value:

95 (1) For real property in subclass (1), nineteen percent;

96 (2) For real property in subclass (2), twelve percent; and

97 (3) For real property in subclass (3), thirty-two percent.

98 6. Manufactured homes, as defined in section 700.010, which are actually
99 used as dwelling units shall be assessed at the same percentage of true value as
100 residential real property for the purpose of taxation. The percentage of
101 assessment of true value for such manufactured homes shall be the same as for
102 residential real property. If the county collector cannot identify or find the
103 manufactured home when attempting to attach the manufactured home for
104 payment of taxes owed by the manufactured home owner, the county collector
105 may request the county commission to have the manufactured home removed
106 from the tax books, and such request shall be granted within thirty days after the
107 request is made; however, the removal from the tax books does not remove the
108 tax lien on the manufactured home if it is later identified or found. A
109 manufactured home located in a manufactured home rental park, rental
110 community or on real estate not owned by the manufactured home owner shall

111 be considered personal property. A manufactured home located on real estate
112 owned by the manufactured home owner may be considered real property.

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

117 8. Any amount of tax due and owing based on the assessment of a
118 manufactured home shall be included on the personal property tax statement of
119 the manufactured home owner unless the manufactured home has been converted
120 to real property in compliance with section 700.111, in which case the amount
121 of tax due and owing on the assessment of the manufactured home as a realty
122 improvement to the existing real estate parcel shall be included on the real
123 property tax statement of the real estate owner.

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

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

136 11. If a physical inspection is required, pursuant to subsection 10 of this
137 section, the assessor shall notify the property owner of that fact in writing and
138 shall provide the owner clear written notice of the owner's rights relating to the
139 physical inspection. If a physical inspection is required, the property owner may
140 request that an interior inspection be performed during the physical inspection.
141 The owner shall have no less than thirty days to notify the assessor of a request
142 for an interior physical inspection.

143 12. A physical inspection, as required by subsection 10 of this section,
144 shall include, but not be limited to, an on-site personal observation and review
145 of all exterior portions of the land and any buildings and improvements to which
146 the inspector has or may reasonably and lawfully gain external access, and shall
147 include an observation and review of the interior of any buildings or
148 improvements on the property upon the timely request of the owner pursuant to
149 subsection 11 of this section. Mere observation of the property via a drive-by
150 inspection or the like shall not be considered sufficient to constitute a physical
151 inspection as required by this section.

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

155 14. A county or city collector may accept credit cards as proper form of
156 payment of outstanding property tax or license due. No county or city collector
157 may charge surcharge for payment by credit card which exceeds the fee or
158 surcharge charged by the credit card bank, processor, or issuer for its service. A
159 county or city collector may accept payment by electronic transfers of funds in
160 payment of any tax or license and charge the person making such payment a fee
161 equal to the fee charged the county by the bank, processor, or issuer of such
162 electronic payment.

163 15. Any county or city not within a county in this state may, by an
164 affirmative vote of the governing body of such county, opt out of the provisions
165 of this section and sections 137.073, 138.060, and 138.100 as enacted by house
166 bill no. 1150 of the ninety-first general assembly, second regular session and
167 section 137.073 as modified by house committee substitute for senate substitute
168 for senate committee substitute for senate bill no. 960, ninety-second general
169 assembly, second regular session, for the next year of the general reassessment,
170 prior to January first of any year. No county or city not within a county shall
171 exercise this opt-out provision after implementing the provisions of this section
172 and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of
173 the ninety-first general assembly, second regular session and section 137.073 as
174 modified by house committee substitute for senate substitute for senate
175 committee substitute for senate bill no. 960, ninety-second general assembly,
176 second regular session, in a year of general reassessment. For the purposes of
177 applying the provisions of this subsection, a political subdivision contained
178 within two or more counties where at least one of such counties has opted out and
179 at least one of such counties has not opted out shall calculate a single tax rate as
180 in effect prior to the enactment of house bill no. 1150 of the ninety-first general
181 assembly, second regular session. A governing body of a city not within a county
182 or a county that has opted out under the provisions of this subsection may choose
183 to implement the provisions of this section and sections 137.073, 138.060, and
184 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly,
185 second regular session, and section 137.073 as modified by house committee
186 substitute for senate substitute for senate committee substitute for senate bill no.
187 960, ninety-second general assembly, second regular session, for the next year of
188 general reassessment, by an affirmative vote of the governing body prior to
189 December thirty-first of any year.

190 16. The governing body of any city of the third classification with more
191 than twenty-six thousand three hundred but fewer than twenty-six thousand seven
192 hundred inhabitants located in any county that has exercised its authority to opt
193 out under subsection 15 of this section may levy separate and differing tax rates
194 for real and personal property only if such city bills and collects its own property

195 taxes or satisfies the entire cost of the billing and collection of such separate and
196 differing tax rates. Such separate and differing rates shall not exceed such city's
197 tax rate ceiling.]
198

**143.789. The director of the department shall have the authority to impose an offset
2 against a refund owed to any taxpayer for the following items and in the following order
3 of priority:**

4 **(1) Delinquent taxes owed by the taxpayer to the United States;**

5 **(2) Delinquent taxes owed by the taxpayer to the state of Missouri;**

6 **(3) Debts owed by such taxpayer to any state agency or support obligation owed by
7 such taxpayer which are enforced by the division of family services on behalf of a person
8 who is receiving support enforcement services under section 454.425;**

9 **(4) Collection assistance fees authorized under section 143.790; and**

10 **(5) Eligible claims under section 143.790.**

143.790. 1. [Any hospital or health care provider who has provided health care services
2 to an individual who was not covered by a health insurance policy or was not eligible to receive
3 benefits under the state's medical assistance program of needy persons, Title XIX, P.L. 89-97,
4 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq., under
5 chapter 208, RSMo, and the health insurance for uninsured children under sections 208.631 to
6 208.657, RSMo, at the time such health care services were administered, and such person has
7 failed to pay for such services for a period greater than ninety days, may submit a claim to the
8 director of the department of health and senior services for the unpaid health care services. The
9 director of the department of health and senior services shall review such claim. If the claim
10 appears meritorious on its face, the claim for the unpaid medical services shall constitute a debt
11 of the department of health and senior services for purposes of sections 143.782 to 143.788, and
12 the director may certify the debt to the department of revenue in order to set off the debtor's
13 income tax refund. Once the debt has been certified, the director of the department of health and
14 senior services shall submit the debt to the department of revenue under the setoff procedure
15 established under section 143.783.

16 2. At the time of certification, the director of the department of health and senior services
17 shall supply any information necessary to identify each debtor whose refund is sought to be set
18 off pursuant to section 143.784 and certify the amount of the debt or debts owed by each such
19 debtor.

20 3. If a debtor identified by the director of the department of health and senior services
21 is determined by the department of revenue to be entitled to a refund, the department of revenue
22 shall notify the department of health and senior services that a refund has been set off on behalf
23 of the department of health and senior services for purposes of this section and shall certify the

24 amount of such setoff, which shall not exceed the amount of the claimed debt certified. When
25 the refund owed exceeds the claimed debt, the department shall send the excess amount to the
26 debtor within a reasonable time after such excess is determined.

27 4. The department of revenue shall notify the debtor by certified mail the taxpayer whose
28 refund is sought to be set off that such setoff will be made. The notice shall contain the
29 provisions contained in subsection 3 of section 143.794, including the opportunity for a hearing
30 to contest the setoff provided therein, and shall otherwise substantially comply with the
31 provisions of subsection 3 of section 143.784.

32 5. Once a debt has been set off and finally determined under the applicable provisions
33 of sections 143.782 to 143.788, and the department of health and senior services has received
34 the funds transferred from the department of revenue, the department of health and senior
35 services shall settle with each hospital or health care provider for the amounts that the
36 department of revenue set off for such party. At the time of each settlement, each hospital or
37 health care provider shall be charged for administration expenses which shall not exceed twenty
38 percent of the collected amount.

39 6. Lottery prize payouts made under section 313.321, RSMo, shall also be subject to the
40 setoff procedures established in this section and any rules and regulations promulgated thereto.

41 7. The director of the department of revenue shall have priority to offset any delinquent
42 tax owed to the state of Missouri. Any remaining refund shall be offset to pay a state agency
43 debt or to meet a child support obligation that is enforced by the division of family services on
44 behalf of a person who is receiving support enforcement services under section 454.425, RSMo.

45 8.] As used in this section, the following terms shall mean:

46 (1) "Appeals committee", a committee consisting of at least three people appointed
47 by a provider to hear patient appeals of review officer rulings:

48 (a) That the provider has a valid claim;

49 (b) Regarding the amount of the claim;

50 (c) That a claim qualifies as an eligible claim under this section;

51 (2) "Collection assistance fee", a fee in the amount of seven dollars payable to the
52 general fund of this state for each debt setoff being processed and an additional seventeen
53 dollars payable to the claim clearinghouse for each debt being processed by the claim
54 clearinghouse shall be recovered from each eligible claim to recover the costs incurred in
55 collecting debts under this section;

56 (3) "Court", the supreme court, court of appeals, or any circuit court of the state,
57 or any of their judicially or legislatively created subdivisions;

58 (4) "Department", the department of revenue;

59 (5) "Claim", a claim by a provider to receive payment of fifty dollars or more for
60 health care services provided by such provider to a patient which has not been paid in
61 whole or in part by the patient or third party payer for more than ninety days after the
62 date the patient was first billed for such health care services;

63 (6) "Claim clearinghouse", the entity selected by the department to receive and
64 submit eligible claims on behalf of a provider in accordance with this section. The claim
65 clearinghouse shall be selected by the department through use of and in compliance with
66 the applicable requirements of chapter 34;

67 (7) "Health care services", any services that a provider renders to a patient in the
68 course of such provider's furnishing of ambulance services to the patient. Health care
69 services shall include, but not be limited to, treatment of patients and transporting of
70 patients incidental, or pursuant, to the delivery of ambulance services by a provider or in
71 furtherance of the purposes for which such provider is organized and licensed, provided
72 that with respect to ground ambulance services provided by a provider that is not owned
73 and operated by a city, county, municipality, political subdivision, governmental entity, or
74 an entity that is exempt from federal and state income taxation, health care services shall
75 only include those ground ambulance services provided by the provider that qualify and
76 emergency services as defined in section 190.100 and are provided under the terms of an
77 agreement between the provider and a city, county, municipality, political subdivision, or
78 a governmental entity under section 190.105;

79 (8) "Patient", an individual who has received health care services from a provider
80 and who was not, at the time such health care services were provided, eligible to receive
81 benefits under the state's medical assistance program for needy persons under chapter 208
82 and the health insurance for uninsured children under sections 208.631 to 208.657;

83 (9) "Provider", any provider of ambulance services licensed by the Missouri
84 department of health and senior services in accordance with chapter 190, to include but
85 not be limited to any provider of air ambulance services licensed under section 190.108 and
86 any provider of ground ambulance services licensed under section 190.109;

87 (10) "Refund", a patient's Missouri income tax refund which the department
88 determines to be due pursuant to the provisions of this chapter;

89 (11) "Review officer", a person designated by a provider to review claims, at the
90 request of a patient, to determine whether such provider has a valid claim, the amount of
91 such claim, and whether such claim qualifies as an eligible claim under this section.

92 2. Prior to submission of a claim to the claim clearinghouse, a provider shall send
93 written notice to a patient that such provider intends to submit a claim to the claim
94 clearinghouse for collection by setoff under this section. The notice shall:

- 95 (1) Provide the basis for the claim;
- 96 (2) State that the provider intends to request that the department apply the
97 patient's refund against the claim;
- 98 (3) State that a collection assistance fee will be added to the claim if it is submitted
99 for setoff;
- 100 (4) Inform the patient of the right to contest the validity or amount of such claim
101 by filing a request for a review with the provider; and
- 102 (5) State the time limit and procedure for requesting such review, and that failure
103 to request a review within thirty days following receipt of the notice required under this
104 section shall result in submission of the claim to the claim clearinghouse for setoff of the
105 debt by the department.
- 106 3. Upon receipt of the notice required under subsection 2 of this section, any patient
107 seeking review of a claim with the provider shall file a written request for review within
108 thirty days of receipt of such notice. A request for a review shall be deemed filed when
109 properly addressed and delivered to the United States Postal Service for mailing with
110 postage prepaid. A review officer shall be appointed by the provider to review such claim.
111 In reviewing a claim, any issue that has previously been litigated in a court proceeding
112 shall not be considered by the review officer. If the patient seeks a review of the claim and
113 the review officer finds either that the claim is invalid or the claim does not qualify as an
114 eligible claim under this section, the review officer's determination shall be final and
115 binding on the provider and such provider shall have no right to appeal such
116 determination. If all or part of the claim is found by the review officer to be valid and
117 eligible for setoff under this section, the review officer shall notify the provider and the
118 patient of such fact. Such notice shall:
- 119 (1) Inform the patient that the patient has the right to appeal the review officer's
120 determination by filing an appeal with the appeals committee;
- 121 (2) State the time limit and procedure for requesting such an appeal; and
- 122 (3) State that failure to request the appeal within thirty days following receipt of
123 the notice required under this subsection shall result in submission of the claim to the claim
124 clearinghouse for setoff of the debt by the department.
- 125 4. Upon receipt of the notice required under subsection 3 of this section, any patient
126 seeking an appeal of a determination of a review officer under subsection 4 of this section
127 shall file a written request for such appeal within thirty days following receipt of such
128 notice. An appeal shall be deemed filed when properly addressed and delivered to the
129 United States Postal Service for mailing with postage prepaid. An appeal of a review
130 officer's determination shall be heard by an appeals committee. In an appeal under this

section, any issue that has been previously litigated in a court proceeding shall not be considered. A decision made after an appeal under this section shall determine whether a claim is owed to the provider, the amount of the claim, and whether the claim is an eligible claim under this section.

5. If the appeals committee finds a claim to be invalid or otherwise ineligible under this section, the decision of the appeals committee shall be final and binding on the provider and may not be appealed by the provider. If all or part of the claim is found by the appeals committee to be valid and eligible for setoff under this section, the appeals committee shall notify the provider and the patient of such fact. Such notice shall:

(1) Inform the patient that the patient has the right to challenge the appeals committee determination by notifying the provider that it disagrees with the determination and advising the provider as to the basis of such disagreement;

(2) State that the patient must notify the provider of the challenge within ninety days of the patient's receipt of the notice from the appeals committee;

(3) Advise the patient that if the patient challenges the appeals committee's determination under this subsection, the provider will not be permitted to setoff the provider's claim against the patient's refund under this section unless and until the provider files suit against the patient in court seeking a determination that the provider's claim is valid regarding the amount of the claim and that the claim is eligible for setoff under this section, and the court determines that the provider's claim is valid, the amount of the provider's claim, and that provider's claim is eligible for setoff under this section; and

(4) Advise the patient that if the patient does not challenge the appeal committee's determination under this subsection, the provider will submit the claim to the claim clearinghouse for setoff by the department under this subsection.

6. If the provider prevails in the lawsuit filed under subsection 5 of this section, the provider may submit the claim to the claim clearinghouse for setoff by the department under this section. If the patient prevails in the lawsuit filed by the provider under subsection 5 of this section, the provider shall be:

(1) Forever barred from submitting the claim to the claim clearinghouse for setoff by the department under this section;

(2) Forever barred from taking any other steps to collect the amount of the claim from the patient; and

(3) Obligated to reimburse the patient for court costs and attorney's fees associated with the lawsuit filed under subsection 5 of this section.

166 7. Any provider may submit a claim to the claim clearinghouse for review. In
167 connection with its submission of a claim to the claim clearinghouse, the provider,
168 whenever possible, shall provide the claim clearinghouse with the patient's full name,
169 Social Security number, address, and any other identifying information that the
170 department advises the claim clearinghouse is necessary for the department to setoff the
171 claim under this section. The provider shall also provide the claim clearinghouse with
172 information demonstrating the provider's compliance with the requirements of this section
173 with respect to the claim.

174 8. If the claim clearinghouse receives sufficient evidence that a provider has fully
175 complied with the requirements of this section and finds the claim valid, the claim shall be
176 deemed eligible for setoff by the department under this section and shall be forwarded to
177 the department. In connection with its submission of the claim to the department, the
178 claim clearinghouse, whenever possible, shall provide the department with the patient's full
179 name, Social Security number, address, and any other identifying information that the
180 department advises the claim clearinghouse is necessary for the department to setoff the
181 claim under this section.

182 9. If the claim clearinghouse determines that the provider has failed to comply with
183 any applicable requirements in this section or that the claim is not valid, the claim
184 clearinghouse shall return the claim to the provider.

185 10. If the department determines that a patient identified by a provider in an
186 eligible claim filed with the department is entitled to a refund, the department shall notify
187 the claim clearinghouse that a refund is available for setoff and the amount of such refund,
188 and whether the refund results from a joint or combined return. Notwithstanding any
189 provision of section 32.057 and any other confidentiality statute of this state to the
190 contrary, the department may provide the claim clearinghouse with all information
191 necessary to accomplish and carry out the provisions of this section and section 143.789,
192 but shall not provide the claim clearinghouse with any information whose disclosure is
193 prohibited by Section 6103(d) of the Internal Revenue Code of 1986, as amended. The
194 information obtained by the claim clearinghouse from the department in accordance with
195 this section and section 143.789 shall retain its confidentiality and shall only be used by the
196 claim clearinghouse for the purpose described in this section and section 143.789.

197 11. (1) At that time, the department shall also notify the patient by regular mail
198 that setoff against the patient's tax refund has been authorized under this section. The
199 notice shall include the following information:

200 (a) The amount of the eligible claim and the name of the provider seeking setoff;

(b) That a setoff to the patient's refund against the eligible claim has been performed; and

(c) Any amount of the refund remaining after the offset of the eligible claim.

(2) In the case of a joint or combined return, the notice shall also state the name of the nonobligated taxpayer named in the return, if any, against whom no claim is asserted, the fact that no claim is asserted against such taxpayer, and the fact that such taxpayer is entitled to receive a refund if it is due the taxpayer regardless of the claim asserted against the taxpayer's spouse. In order to obtain the refund due the taxpayer, the taxpayer shall apply in writing for an apportionment of the refund with the department within thirty days of the date of receipt of the notice unless, in anticipation of the setoff of the taxpayer's spouse's refund, such nonobligated taxpayer provided the department with a request for apportionment of the anticipated refund which was filed at the same time the original tax return was filed, in which case the department shall determine the apportionment of the refund and forward the determination of apportionment and the nonobligated taxpayer's portion of the refund to the nonobligated taxpayer within fifteen working days of the transfer of the obligated taxpayer's portion of the refund to the claim clearinghouse. Unless a request for apportionment of the anticipated refund was provided to the department as provided in this section, within ninety days after the filing of such taxpayer's application for apportionment of the refund with the department a determination of apportionment shall be mailed to the nonobligated taxpayer by the department. The apportionment of the refund shall be final upon the expiration of thirty days from the date on which the determination of apportionment is mailed to the nonobligated taxpayer unless, within such thirty-day period, the nonobligated taxpayer applies in writing for a hearing with the department.

12. The department shall then pay to the claim clearinghouse the amount that the department has setoff for such provider, which shall include the collection assistance allocable to the claim clearing. In the event the department is unable to setoff the entire eligible claim and collection assistance fee under this section, the setoff of the collection assistance fee shall have priority over the setoff of the eligible claim. If, after the department has paid to the claim clearinghouse the amount that the department has setoff for the provider, the provider is found not to have complied with any applicable requirement of this section, the provider shall send to the patient the entire amount of the claim offset by the department for the provider plus an amount equal to the collection assistance fee.

13. In addition to refunds, lottery prize payouts made under section 313.321 shall be subject to the setoff procedures established in this section.

237 **14.** The director of the department of revenue and the director of the department of
238 health and senior services shall promulgate rules and regulations necessary to administer the
239 provisions of this section. Any rule or portion of a rule, as that term is defined in section
240 536.010, that is created under the authority delegated in this section shall become effective only
241 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
242 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
243 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
244 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
245 and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

190.015. 1. Whenever the creation of an ambulance district is desired, a number of
2 voters residing in the proposed district equal to ten percent of the vote cast for governor in the
3 proposed district in the next preceding gubernatorial election may file with the county clerk in
4 which the territory or the greater part thereof is situated a petition requesting the creation thereof.
5 In case the proposed district is situated in two or more counties, the petition shall be filed in the
6 office of the county clerk of the county in which the greater part of the area is situated, and the
7 commissioners of the county commission of the county shall set the petition for public hearing.
8 The petition shall set forth:

- 9 (1) A description of the territory to be embraced in the proposed district;
- 10 (2) The names of the municipalities located within the area;
- 11 (3) The name of the proposed district;
- 12 (4) The population of the district which shall not be less than two thousand inhabitants;
- 13 (5) The assessed valuation of the area, which shall not be less than ten million dollars;
- 14 and
- 15 (6) A request that the question be submitted to the voters residing within the limits of
16 the proposed ambulance district whether they will establish an ambulance district pursuant to the
17 provisions of sections 190.001 to 190.090 to be known as "..... Ambulance District" for the
18 purpose of establishing and maintaining an ambulance service.

19 2. In any county with a charter form of government and with more than one million
20 inhabitants, fire protection districts created under chapter 321 may choose to create an ambulance
21 district with boundaries congruent with each participating fire protection district's existing
22 boundaries provided no ambulance district already exists in whole or part of any district being
23 proposed and the dominant provider of ambulance services within the proposed district as of
24 September 1, 2005, ceases to offer or provide ambulance services, and the board of each
25 participating district, by a majority vote, approves the formation of such a district and
26 participating fire protection districts are contiguous. Upon approval by the fire protection district
27 boards, subsection 1 of this section shall be followed for formation of the ambulance district.

28 Services provided by a district under this subsection shall only include emergency ambulance
29 services as defined in section 321.225.

30 **3. Except in any county with a charter form of government and with more than one**
31 **million inhabitants, any ambulance district established under this chapter on or after**
32 **August 28, 2011, may levy and impose a sales tax in lieu of a property tax to fund the**
33 **district. The petition to create the ambulance district shall state whether the district will**
34 **be funded by a property or a sales tax.**

190.035. Each notice shall state briefly the purpose of the election, setting forth the
2 proposition to be voted upon and a description of the territory. The notice shall further state that
3 any district upon its establishment shall have the powers, objects and purposes provided by
4 sections 190.005 to 190.085, and shall have the power to levy a property tax not to exceed thirty
5 cents on the one hundred dollars valuation, **or to impose a sales tax not to exceed one-half of**
6 **one percent on all retail sales made within the district which are subject to sales tax under**
7 **chapter 144.**

190.040. The question shall be submitted in substantially the following form:

2 Shall there be organized in the counties of, state of Missouri, an ambulance district
3 for the establishment and operation of an ambulance service to be located within the boundaries
4 of said proposed district and having the power to impose a property tax not to exceed the annual
5 rate of thirty cents on the hundred dollars assessed valuation without voter approval, **or a sales**
6 **tax not to exceed one-half of one percent with voter approval**, and such additional tax as may
7 be approved hereafter by vote thereon, to be known as "..... Ambulance District" as prayed for
8 by petition filed with the county clerk of County, Missouri, on the day of, 20....?

192.300. **1.** The county commissions and the county health center boards of the several
2 counties may make and promulgate orders, ordinances, rules or regulations, respectively as will
3 tend to enhance the public health and prevent the entrance of infectious, contagious,
4 communicable or dangerous diseases into such county, but any orders, ordinances, rules or
5 regulations shall not be in conflict with any rules or regulations authorized and made by the
6 department of health and senior services in accordance with this chapter or by the department
7 of social services under chapter 198. The county commissions and the county health center
8 boards of the several counties may establish reasonable fees to pay for any costs incurred in
9 carrying out such orders, ordinances, rules or regulations, however, the establishment of such
10 fees shall not deny personal health services to those individuals who are unable to pay such fees
11 or impede the prevention or control of communicable disease. Fees generated shall be deposited
12 in the county treasury. All fees generated under the provisions of this section shall be used to
13 support the public health activities for which they were generated. After the promulgation and
14 adoption of such orders, ordinances, rules or regulations by such county commission or county

15 health board, such commission or county health board shall make and enter an order or record
16 declaring such orders, ordinances, rules or regulations to be printed and available for distribution
17 to the public in the office of the county clerk, and shall require a copy of such order to be
18 published in some newspaper in the county in three successive weeks, not later than thirty days
19 after the entry of such order, ordinance, rule or regulation. Any person, firm, corporation or
20 association which violates any of the orders or ordinances adopted, promulgated and published
21 by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined
22 as otherwise provided by law. The county commission or county health board of any such
23 county has full power and authority to initiate the prosecution of any action under this section.

24 **2. Notwithstanding the provisions of subsection 1 of this section to the contrary, no**
25 **public health order, ordinance, rule, or regulation promulgated by a county health board**
26 **under this section shall apply to any agricultural operation and its appurtenances. As used**
27 **in this subsection, the term "agricultural operation and its appurtenances" shall have the**
28 **same meaning as in section 537.295.**

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 and may delay repayment of the**
15 **advanced funds if highway revenues fall below the projections used to determine the**
16 **repayment schedule or if repayment would jeopardize the receipt of federal highway**
17 **moneys.**

226.720. 1. No junkyard shall be established, maintained or operated within two
2 hundred feet of any other state or county road in this state unless such junkyard is **fully** screened
3 from the **state or county** road by a **permanent** tight board or other screen fence not less than ten
4 feet high, or of sufficient height to **fully** screen the wrecked or disabled automobiles or junk kept
5 therein from the view of persons using the **state or county** road on foot or in vehicles in the

6 ordinary manner, except that nothing in this section shall apply to any junkyard located in any
7 incorporated town, village or city. The provisions of sections 226.650 through 226.710 shall not
8 apply to this section except the definitions appearing in section 226.660.

9 2. Any person, firm or corporation who establishes, conducts, owns, maintains or
10 operates a junkyard without complying with the provisions of this section shall, [on] **upon their**
11 **first** conviction, be guilty of a **class C** misdemeanor **and shall be ordered to either remove the**
12 **junk from the property or build a fence as described in this section. Any person, firm, or**
13 **corporation who establishes, conducts, owns, maintains, or operates a junkyard without**
14 **complying with the provisions of this section shall, upon their second or subsequent**
15 **violation, be guilty of a class A misdemeanor and shall be ordered to either remove the**
16 **junk from the property or build a fence as described in this section.**

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

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

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

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

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

230.220. 1. In each county adopting it, the county highway commission established by
2 sections 230.200 to 230.260 shall be composed of the three commissioners of the county
3 commission and one person elected from the unincorporated area of each of the two county
4 commission districts. Except that the presiding commissioner and one of the associate
5 commissioners by process of election may reside in the same township, not more than one
6 member of the county highway commission shall be a resident of the same township of the
7 county. The county commission shall designate one county commission district as district A and
8 the other as district B. The member of the county highway commission first elected from district
9 A shall serve a term of two years. The member first elected from district B shall serve a term
10 of four years. Upon the expiration of the term of each such member, his successors shall be
11 elected for a term of four years. The commissioners of the county commission shall serve as
12 members of the county highway commission during their term as county commissioners.

13 2. The elected members of the county highway commission shall be nominated at the
14 primary election and elected at the general election next following the adoption of the
15 proposition for the alternative county highway commission by the voters of the county.
16 Candidates shall file and the election shall be conducted in the same manner as for the
17 nomination and election of candidates for county office. Within thirty days after the adoption
18 of an alternative county highway commission by the voters of any county as provided in sections
19 230.200 to 230.260, the governor shall appoint a county highway commissioner from each
20 district from which a member will be elected at the next following general election. The
21 commissioners so appointed shall hold their office until their successors are elected at the
22 following general election. Appointments shall be made by naming one member from each of
23 the two political parties casting the highest number of votes in the preceding general election.

24 3. Members of the county highway commission [shall receive as compensation for their
25 services fifteen dollars per day for the first meeting each month and five dollars for each meeting
26 thereafter during the month. The members shall also receive a mileage allowance of eight cents
27 per mile actually and necessarily traveled in the performance of their duties. The compensation
28 and mileage allowance of the members of the commission shall be paid out of the road and
29 bridge fund of the county] **who are not also members of the county's governing body shall**

30 **receive an attendance fee in an amount per meeting as set by the county's governing body,**
31 **not to exceed one hundred dollars, and a mileage allowance for miles actually and**
32 **necessarily traveled in the performance of their duties in the same amount per mile**
33 **received by the members of the county's governing body to be paid out of the road and**
34 **bridge fund of the county.**

35 4. If a vacancy occurs among the elected members of the county highway commission,
36 the members of the county highway commission shall select a successor who shall serve until
37 the next regular election.

233.280. 1. County collectors shall receive for collecting special tax bills authorized by
2 sections 233.170 to 233.315 the same compensation as if collected as county taxes.

3 2. Clerks of county commissions shall receive for issuing and attesting each special tax
4 bill issued under sections 233.170 to 233.315, six cents; for recording an abstract or description
5 of each such tax bill, five cents; for making the record of a special tax payable in installments,
6 four cents for each tract of land against which such tax is assessed; for attesting special
7 assessment bonds issued under sections 233.170 to 233.315, and registering the same, twenty
8 cents for each bond; for any other services performed under sections 233.170 to 233.315, such
9 compensation as may be fixed by law, and if not fixed by law, such as may be fixed by the
10 county commission.

11 3. Commissioners of road districts incorporated under sections 233.170 to 233.315 shall
12 receive [no compensation for their services, but shall be paid any and all expenses they may incur
13 in transacting business of the district, including reasonable attorney's fees] **such compensation**
14 **for their services as a majority of the road district commissioners shall fix from time to**
15 **time, not to exceed one hundred dollars per month, provided the compensation of a**
16 **commissioner shall not change during the time for which he or she was elected or**
17 **appointed. In addition to the compensation for their services, commissioners of road**
18 **districts incorporated under sections 233.170 to 233.315 shall be paid any and all expenses**
19 **they incur in transacting business of the district, including reasonable attorney's fees.**

256.400. As used in sections 71.287 and 256.400 to [256.430] **256.433**, unless the
2 context clearly indicates otherwise, the following terms mean:

- 3 (1) "Department", the department of natural resources;
4 (2) "Director", the director of the department of natural resources;
5 (3) "Division", the division of geology and land survey of the department of natural
6 resources;
7 (4) "Major water user", any person, firm, corporation or the state of Missouri, its
8 agencies or corporations and any other political subdivision of this state, their agencies or

9 corporations, with a water source and equipment necessary to withdraw or divert one hundred
10 thousand gallons or more per day from any stream, river, lake, well, spring or other water source;

11 (5) "State geologist", the director of the division of geology and land survey of the
12 department of natural resources;

13 (6) "Water source", any stream, river, lake, well, spring or other water source.

**256.433. Notwithstanding any provision of law to the contrary, no major water user
2 shall convey water withdrawn or diverted from within the Southeast Missouri Regional
3 Water District created under section 256.643 when such withdrawal or diversion and
4 subsequent conveyance to a location outside such district unduly interferes with the
5 reasonable and customary activities of a major water user registered under section 256.410
6 located within said district. If such conveyance occurs, the attorney general or the party
7 or parties affected may file an action for an injunction, however, in no case shall an
8 injunction be issued if the injunction would be detrimental to public health or safety.**

**262.675. 1. There is hereby created the "Missouri Sustainable Local Food Policy
2 Council" within the department of agriculture for the purpose of building a local food
3 economy benefitting Missouri by creating jobs, stimulating statewide economic
4 development, preservation of farmlands and water resources, increasing consumer access
5 to fresh and nutritious foods, and providing greater food security for all Missourians.**

6 2. The council shall be comprised of the following members:

7 (1) The director of the department of agriculture, or the director's designee;

**8 (2) A member of the house of representatives appointed by the speaker of the
9 house;**

10 (3) A member of the senate appointed by the president pro tem of the senate;

11 (4) The commissioner of education, or the commissioner's designee;

**12 (5) The director of the department of health and senior services, or the director's
13 designee;**

14 (6) The director of the department of social services, or the director's designee;

**15 (7) The director of the department of economic development, or the director's
16 designee;**

17 (8) The president of the Missouri Farm Bureau, or the president's designee;

**18 (9) Three local food producers, at least one of whom shall be a sustainable local
19 food producer, to be appointed by the director of the department of agriculture;**

**20 (10) One representative of a food bank located in Missouri to be appointed by the
21 director of the department of agriculture;**

**22 (11) One representative of Truman State University, to be appointed by the
23 chancellor of the university;**

- 24 (12) One representative of Missouri State University, to be appointed by the
25 chancellor of the university;
- 26 (13) One representative from Northwest Missouri State University, to be appointed
27 by the president of the university;
- 28 (14) One representative from the University of Missouri extension service;
- 29 (15) One registered dietician appointed by the Missouri Dietetic Association
30 (MDA);
- 31 (16) One representative of a business specializing in retail or direct food sales
32 appointed by the director of the department of agriculture;
- 33 (17) One representative of a farmers market management organization appointed
34 by the director of the department of agriculture;
- 35 (18) One representative from the Missouri Soybean Association, appointed by the
36 president of the association;
- 37 (19) One representative from the Missouri Cattlemen's Association, appointed by
38 the president of the association;
- 39 (20) One representative from the Missouri Corn Growers Association, appointed
40 by the president of the association;
- 41 (21) One representative from the Missouri Pork Association, appointed by the
42 chairman of the board of directors of the association;
- 43 (22) One representative from the Missouri Dairy Producers Association, appointed
44 by the president of the association.
- 45 3. The director of the department of agriculture shall appoint the chair of the
46 council, and all other officers, if any, shall be elected by the membership of the council.
47 The director shall convene the council for its first meeting no later than December 1, 2011.
48 Support staff for the council shall be provided by the departments and agencies of the
49 executive branch, as requested by the chair of the council. The council shall meet at
50 regularly scheduled intervals, not less than quarterly, and at the call of the chair thereafter.
- 51 4. Members of the council shall serve at the pleasure of the appointing authority.
52 Vacancies shall be filled in the same manner as the original appointment.
- 53 5. Council members shall not receive additional compensation or a per diem for
54 serving on the council; except that, legislative members shall receive the same per diem and
55 travel allowance as is normally provided for meetings of legislative committees, payable out
56 of funds appropriated for expenses of the general assembly.
- 57 6. In developing sustainable local food policies for Missouri, the council may
58 consider the following policy issues:

- 59 **(1) An assessment of the foods that are served to public school students under the**
60 **National School Lunch Program and the School Breakfast Program and the possibility of**
61 **increasing the amount of sustainable local food used in such programs;**
- 62 **(2) An analysis of the possibility of making sustainable local food available under**
63 **public assistance programs, including the possibility of the use of food stamps and the**
64 **Women's, Infant's and Children's (WIC) benefits at local farmers markets;**
- 65 **(3) An analysis of the potential of promoting urban gardens and backyard gardens**
66 **for the purpose of improving the health of citizens, making use of idle urban property, and**
67 **lowering food costs for Missouri;**
- 68 **(4) An evaluation of the potential impacts that the production of sustainable local**
69 **food would have on economic development, both the direct impacts for the producers of**
70 **sustainable local food and the actual and potential indirect impacts;**
- 71 **(5) Identification of local and regional efforts that could provide information and**
72 **training programs to assist entrepreneurs and local farmers pursuing opportunities related**
73 **to a sustainable local food economy;**
- 74 **(6) Issues regarding the identification and development of solutions to regulatory**
75 **and policy barriers to developing a strong sustainable local food economy;**
- 76 **(7) Issues regarding strengthening local infrastructure and entrepreneurial efforts**
77 **related to a sustainable local food economy;**
- 78 **(8) Any other strategies, initiatives, or policy issues that the council deems**
79 **necessary in carrying out its duties and responsibilities under this section.**
- 80 **7. The council may seek and accept gifts, grants, and donations from public and**
81 **private entities to use for the purpose of this section.**
- 82 **8. The council may use existing programs that it determines to be useful in**
83 **performing its duties under this section.**
- 84 **9. On or before November 1, 2014, the council shall report its findings and**
85 **recommendations, including any legislative proposals or proposals for administrative**
86 **action, to the general assembly and the director of the department of agriculture.**
- 87 **10. The provisions of this section shall expire on June 30, 2015.**

304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations
2 for motor vehicles within the limits of such municipalities. No person who is not a resident of
3 such municipality and who has not been within the limits thereof for a continuous period of more
4 than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown
5 by competent evidence that there was posted at the place where the boundary of such
6 municipality joins or crosses any highway a sign displaying in black letters not less than four
7 inches high and one inch wide on a white background the speed fixed by such municipality so

8 that such sign may be clearly seen by operators and drivers from their vehicles upon entering
9 such municipality.

10 2. Municipalities, by ordinance, may:

11 (1) Make additional rules of the road or traffic regulations to meet their needs and traffic
12 conditions;

13 (2) Establish one-way streets and provide for the regulation of vehicles thereon;

14 (3) Require vehicles to stop before crossing certain designated streets and boulevards;

15 (4) Limit the use of certain designated streets and boulevards to passenger vehicles,
16 **except that each municipality shall allow at least one street, with lawful traffic movement**
17 **and access from both directions, to be available for use by commercial vehicles to access**
18 **any roads in the state highway system. Under no circumstances shall the provisions of this**
19 **subdivision be construed to authorize municipalities to limit the use of all streets in the**
20 **municipality;**

21 (5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid
22 rubber tires;

23 (6) Regulate the parking of vehicles on streets by the installation of parking meters for
24 limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory
25 method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

26 (7) Require the use of signaling devices on all motor vehicles; and

27 (8) Prohibit sound producing warning devices, except horns directed forward.

28 3. No ordinance shall be valid which contains provisions contrary to or in conflict with
29 this chapter, except as herein provided.

30 4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the
31 vehicle is being permissively used by a lessee and is illegally parked or operated if the registered
32 owner-lessor of such vehicle furnishes the name, address and operator's license number of the
33 person renting or leasing the vehicle at the time the violation occurred to the proper municipal
34 authority within three working days from the time of receipt of written request for such
35 information. Any registered owner-lessor who fails or refuses to provide such information
36 within the period required by this subsection shall be liable for the imposition of any fine
37 established by municipal ordinance for the violation. Provided, however, if a leased motor
38 vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused
39 by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal
40 parking of such vehicle.

41 **5. No ordinance shall deny the use of commercial vehicles on all streets within the**
42 **municipality.**

311.297. 1. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this section, a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

2. Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

3. (1) Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with section 311.294 or hold a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.

(2) Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer, or brewer or by a sampling service retained by the retailer, winery, distiller, manufacturer, or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the division of alcohol and tobacco control.

(3) Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.

321.120. 1. The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree, and until it has been assented to by a majority vote of the voters of the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three or five persons to act as the first board of directors, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

8 Shall there be incorporated a fire protection district?

9 G YES

G NO

10 3. The proposition of electing the first board of directors or the election of subsequent
11 directors may be submitted on a separate ballot or on the same ballot which contains any other
12 proposition of the fire protection district. The ballot to be used for the election of a director or
13 directors shall be substantially in the following form:

14 OFFICIAL BALLOT

15 Instruction to voters:

16 Place a cross (X) mark in the square opposite the name of the candidate or candidates you
17 favor. (Here state the number of directors to be elected and their term of office.)

18 ELECTION

19 (Here insert name of district.) Fire Protection District. (Here insert date of election.)

20 FOR BOARD OF DIRECTORS

21 []

22 []

23 []

24 4. If a majority of the voters voting on the proposition or propositions voted in favor of
25 the proposition to incorporate the district, then the court shall enter its further order declaring the
26 decree of incorporation to be final and conclusive. In the event, however, that the court finds that
27 a majority of the voters voting thereon voted against the proposition to incorporate the district,
28 then the court shall enter its further order declaring the decree of incorporation to be void and
29 of no effect. If the court enters an order declaring the decree of incorporation to be final and
30 conclusive, it shall at the same time designate the first board of directors of the district who have
31 been elected by the voters voting thereon. If a board of three members is elected, the person
32 receiving the third highest number of votes shall hold office for a term of two years, the person
33 receiving the second highest number of votes shall hold office for a term of four years, and the
34 person receiving the highest number of votes shall hold office for a term of six years from the
35 date of the election of the first board of directors and until their successors are duly elected and
36 qualified. If a board of five members is elected, the person who received the highest number of
37 votes shall hold office for a term of six years, the persons who received the second and third
38 highest numbers of votes shall hold office for terms of four years and the persons who received
39 the fourth and fifth highest numbers of votes shall hold office for terms of two years and until
40 their successors are duly elected and qualified. Thereafter, members of the board shall be elected
41 to serve terms of six years and until their successors are duly elected and qualified[, provided
42 however, in any county with a charter form of government and with more than two hundred fifty
43 thousand but fewer than three hundred fifty thousand inhabitants, any successor elected and

44 qualified in the year 2005 shall hold office for a term of six years and until his or her successor
45 is duly elected and qualified and any successor elected and qualified in the year 2006 or 2007
46 shall hold office for a term of five years and until his or her successor is duly elected and
47 qualified, and thereafter, members of the board shall be elected to serve terms of four years and
48 until their successors are duly elected and qualified]. The court shall at the same time enter an
49 order of record declaring the result of the election on the proposition, if any, to incur bonded
50 indebtedness.

51 5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary,
52 upon a motion by the board of directors in districts where there are three-member boards, and
53 upon approval by the voters in the district, the number of directors may be increased to five,
54 except that in any county of the first classification with a population of more than nine hundred
55 thousand inhabitants such increase in the number of directors shall apply only in the event of a
56 consolidation of existing districts. The ballot to be used for the approval of the voters to increase
57 the number of members on the board of directors of the fire protection district shall be
58 substantially in the following form:

59 Shall the number of members of the board of directors of the (Insert
60 name of district) Fire Protection District be increased to five members?

61 G YES

G NO

62

63 If a majority of the voters voting on the proposition vote in favor of the proposition then at the
64 next election of board members after the voters vote to increase the number of directors, the
65 voters shall select two persons to act in addition to the existing three directors as the board of
66 directors. The court which entered the order declaring the decree of incorporation to be final
67 shall designate the additional board of directors who have been elected by the voters voting
68 thereon as follows: the one receiving the second highest number of votes to hold office for a
69 term of four years, and the one receiving the highest number of votes to hold office for a term
70 of six years from the date of the election of such additional board of directors and until their
71 successors are duly elected and qualified. Thereafter, members of the board shall be elected to
72 serve terms of six years and until their successors are duly elected and qualified[, provided
73 however, in any county with a charter form of government and with more than two hundred fifty
74 thousand but fewer than three hundred fifty thousand inhabitants, any successor elected and
75 qualified in the year 2005 shall hold office for a term of six years and until his or her successor
76 is duly elected and qualified and any successor elected and qualified in the year 2006 or 2007
77 shall hold office for a term of five years and until his or her successor is duly elected and
78 qualified, and thereafter, members of the board shall be elected to serve terms of four years and
79 until their successors are duly elected and qualified].

80 6. Members of the board of directors in office on the date of an election pursuant to
81 subsection 5 of this section to elect additional members to the board of directors shall serve the
82 term to which they were elected or appointed and until their successors are elected and qualified.

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

beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer's tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to 260.575. The tax credit may also include up to one hundred percent of the costs of demolition that are not directly part of the remediation activities, provided that the demolition is on the property where the voluntary remediation activities are occurring, the demolition is necessary to accomplish the planned use of the facility where the remediation activities are occurring, and the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development. The demolition may occur on an adjacent property if the project is located in a municipality which has a population less than twenty thousand and the above conditions are otherwise met. The adjacent property shall independently qualify as abandoned or underutilized. The amount of the credit available for demolition not associated with remediation cannot exceed the total amount of credits approved for remediation including demolition required for remediation.

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

(3) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. The remediation tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

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

(5) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a letter of completion letter or covenant not to sue following completion of the voluntary remediation activities. It shall not include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations

of the facility. In the event the department of natural resources issues a letter of completion for a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated amount of the remaining percentage may be released based on the percentage of the total site receiving a letter of completion.

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 [to 6] **and 5** of section 135.250. The director of the department of economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

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

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

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

(2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five 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.

223

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

475.115. 1. When a guardian or conservator dies, is removed by order of the court, or
2 resigns and his **or her** resignation is accepted by the court, the court shall have the same
3 authority as it has in like cases over personal representatives and their sureties and may appoint
4 another guardian or conservator in the same manner and subject to the same requirements as are
5 herein provided for an original appointment of a guardian or conservator.

6 **2. A public administrator may request transfer of any case to the jurisdiction of**
7 **another county by filing a petition for transfer. If the receiving county meets the venue**
8 **requirements of section 475.035 and the public administrator of the receiving county**
9 **consents to the transfer, the court shall transfer the case. The court with jurisdiction over**
10 **the receiving county shall, without the necessity of any hearing as required by section**
11 **475.075, appoint the public administrator of the receiving county as successor guardian**
12 **and/or successor conservator and issue letters therein. In the case of a conservatorship, the**
13 **final settlement of the public administrator's conservatorship shall be filed within thirty**
14 **days of the court's transfer of the case, in the court with jurisdiction over the original**
15 **conservatorship, and forwarded to the receiving county upon audit and approval.**

478.170. **Beginning January 1, 2012, circuit number thirty-eight shall consist of the**
2 **[counties] county of Christian [and Taney].**

478.187. Beginning January 1, 2012, circuit number forty-six shall consist of the
2 **county of Taney.**

478.575. 1. Beginning January 1, 2012, there shall be one circuit judge in the
2 **thirty-eighth judicial circuit consisting of the county of Christian.**

3 **2. The circuit judge who sat as the only circuit judge in the thirty-eighth judicial**
4 **circuit on December 31, 2011, shall, beginning January 1, 2012, be the circuit judge in**
5 **Christian County in the thirty-eighth judicial circuit and shall hold office for the**
6 **remainder of the term to which he or she was elected or appointed, and until his or her**
7 **successor is elected and qualified.**

478.577. Beginning January 1, 2012, there shall be one circuit judge in the forty-
2 **sixth judicial circuit consisting of the county of Taney who shall be elected in 2011.**

 478.711. 1. Within Cape Girardeau County the circuit court [shall] **may** hold court in
2 the courthouses at Jackson and at Cape Girardeau, and while holding court at Jackson may be
3 known as the "Circuit Court of Cape Girardeau County at Jackson" and while holding court at
4 Cape Girardeau may be known as the "Circuit Court of Cape Girardeau County at Cape
5 Girardeau". All matters which are handled by circuit judges or associate circuit judges of the
6 circuit court of Cape Girardeau County may be handled at either of the locations.

7 2. The probate division of the circuit court of Cape Girardeau County [shall] **may**
8 maintain an office at the courthouse in Jackson and an office at the courthouse in Cape
9 Girardeau.

 479.011. 1. **(1) The following cities may establish an administrative adjudication**
2 **system under this section:**

3 **(a)** Any city not within a county [or] ;

4 **(b)** Any home rule city with more than four hundred thousand inhabitants and located
5 in more than one county;

6 **(c) Any home rule city with more than seventy-three thousand but fewer than**
7 **seventy-five thousand inhabitants.**

8 **(2) The cities listed in subdivision (1) of this subsection** may establish, by order or
9 ordinance, an administrative system for adjudicating **housing, property maintenance, nuisance,**
10 parking, and other civil, nonmoving municipal code violations consistent with applicable state
11 law. Such administrative adjudication system shall be subject to practice, procedure, and
12 pleading rules established by the state supreme court, circuit court, or municipal court. This
13 section shall not be construed to affect the validity of other administrative adjudication systems
14 authorized by state law and created before August 28, 2004.

15 2. The order or ordinance creating the administrative adjudication system shall designate
16 the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The
17 administrative tribunal may operate under the supervision of the municipal court, parking
18 commission, or other entity designated by order or ordinance and in a manner consistent with
19 state law. The administrative tribunal shall adopt policies and procedures for administrative

20 hearings, and filing and notification requirements for appeals to the municipal or circuit court,
21 subject to the approval of the municipal or circuit court.

22 3. The administrative adjudication process authorized in this section shall ensure a fair
23 and impartial review of contested municipal code violations, and shall afford the parties due
24 process of law. The formal rules of evidence shall not apply in any administrative review or
25 hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the
26 type of evidence commonly relied upon by reasonably prudent persons in the conduct of their
27 affairs. The code violation notice, property record, and related documentation in the proper
28 form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The
29 officer who issued the code violation citation need not be present.

30 4. An administrative tribunal may not impose incarceration or any fine in excess of the
31 amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs,
32 remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures
33 under chapter 536 shall be a debt due and owing the city, and may be collected in accordance
34 with applicable law.

35 5. Any final decision or disposition of a code violation by an administrative tribunal shall
36 constitute a final determination for purposes of judicial review. Such determination is subject
37 to review under chapter 536 or, at the request of the defendant made within ten days, a trial de
38 novo in the circuit court. After expiration of the judicial review period under chapter 536, unless
39 stayed by a court of competent jurisdiction, the administrative tribunal's decisions, findings,
40 rules, and orders may be enforced in the same manner as a judgment entered by a court of
41 competent jurisdiction. Upon being recorded in the manner required by state law or the uniform
42 commercial code, a lien may be imposed on the real or personal property of any defendant
43 entering a plea of nolo contendere, pleading guilty to, or found guilty of a municipal code
44 violation in the amount of any debt due the city under this section and enforced in the same
45 manner as a judgment lien under a judgment of a court of competent jurisdiction. **The city may**
46 **also issue a special tax bill to collect fines issued for housing, property maintenance, and**
47 **nuisance code violations.**

479.020. 1. Any city, town or village, including those operating under a constitutional
2 or special charter, may, and cities with a population of four hundred thousand or more shall,
3 provide by ordinance or charter for the selection, tenure and compensation of a municipal judge
4 or judges consistent with the provisions of this chapter who shall have original jurisdiction to
5 hear and determine all violations against the ordinances of the municipality. The method of
6 selection of municipal judges shall be provided by charter or ordinance. Each municipal judge
7 shall be selected for a term of not less than two years as provided by charter or ordinance.

8 2. Except where prohibited by charter or ordinance, the municipal judge may be a
9 part-time judge and may serve as municipal judge in more than one municipality.

10 3. No person shall serve as a municipal judge of any municipality with a population of
11 seven thousand five hundred or more or of any municipality in a county of the first class with a
12 charter form of government unless the person is licensed to practice law in this state unless, prior
13 to January 2, 1979, such person has served as municipal judge of that same municipality for at
14 least two years.

15 4. Notwithstanding any other statute, a municipal judge need not be a resident of the
16 municipality or of the circuit in which the municipal judge serves except where ordinance or
17 charter provides otherwise. Municipal judges shall be residents of Missouri.

18 5. Judges selected under the provisions of this section shall be municipal judges of the
19 circuit court and shall be divisions of the circuit court of the circuit in which the municipality,
20 or major geographical portion thereof, is located. The judges of these municipal divisions shall
21 be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme
22 court. The presiding judge of the circuit shall have general administrative authority over the
23 judges and court personnel of the municipal divisions within the circuit.

24 6. No municipal judge shall hold any other office in the municipality which the
25 municipal judge serves as judge. The compensation of any municipal judge and other court
26 personnel shall not be dependent in any way upon the number of cases tried, the number of guilty
27 verdicts reached or the amount of fines imposed or collected.

28 7. Municipal judges shall be at least twenty-one years of age. No person shall serve as
29 municipal judge after that person has reached that person's [seventy-fifth] **seventy-eighth**
30 birthday.

31 8. Within six months after selection for the position, each municipal judge who is not
32 licensed to practice law in this state shall satisfactorily complete the course of instruction for
33 municipal judges prescribed by the supreme court. The state courts administrator shall certify
34 to the supreme court the names of those judges who satisfactorily complete the prescribed
35 course. If a municipal judge fails to complete satisfactorily the prescribed course within six
36 months after the municipal judge's selection as municipal judge, the municipal judge's office
37 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal
38 judge, nor shall any compensation thereafter be paid to such person for serving as municipal
39 judge.

 483.420. The circuit clerk of Cape Girardeau County [shall] **may** maintain and staff
2 offices at the courthouses in Jackson and Cape Girardeau.

 488.026. As provided by section 56.807, there shall be assessed and collected a
2 surcharge of four dollars in all criminal cases filed in the courts of this state, including violations

3 of any county ordinance [or] , any violation of criminal or traffic laws of this state, including
4 infractions, **and against any person who pled guilty and paid a fine through a fine collection**
5 **center**, but no such surcharge shall be assessed when the costs are waived or are to be paid by
6 the state, county, or municipality or when a criminal proceeding or the defendant has been
7 dismissed by the court [or against any person who has pled guilty and paid their fine pursuant
8 to subsection 4 of section 476.385]. For purposes of this section, the term "county ordinance"
9 shall include any ordinance of the city of St. Louis. The clerk responsible for collecting court
10 costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010
11 to 488.020. Such funds shall be payable to the prosecuting attorneys and circuit attorneys'
12 retirement fund.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are
5 to be paid by the county or state or any city.

6 2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County, may
8 change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County
9 may change the fee to any amount not to exceed twenty dollars. A change in the fee shall
10 become effective and remain in effect until further changed.

11 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or
12 are paid by the county or state or any city.

13 4. In addition to any fee authorized by subsection 1 of this section, any county of the first
14 classification with more than ninety-three thousand eight hundred but less than ninety-three
15 thousand nine hundred inhabitants may impose an additional fee of ten dollars excluding cases
16 concerning adoption and those in small claims court. The provisions of this subsection shall
17 expire on December 31, 2014.

18 **5. Any county of the first classification with more than two hundred forty thousand**
19 **three hundred but fewer than two hundred forty thousand four hundred inhabitants may**
20 **charge an additional five dollars if approved by the county commission.**

527.188. 1. A property owner of land burdened by an easement created after December
2 31, 2006, abandoned in whole for a period in excess of ten years, may petition a court of
3 competent jurisdiction to obtain the rights previously transferred and vacation of the easement
4 for monetary consideration equal to the original consideration obtained by the property owner
5 in exchange for the easement. The holder of the easement shall be a party to such action. The
6 holder of any such easement shall be allowed to maintain the easement upon a showing that the

7 holder, in good faith, plans to make future use of the easement. The right to request that an
8 easement be vacated may be waived by the property owner of record from whom the easement
9 was originally acquired or by such property owner's successor in title to the burdened property
10 either in the original instrument of conveyance or in a subsequent signed writing.

11 **2. Any owner or operator of pipelines transporting petroleum that fails to maintain**
12 **an easement for the purpose described in the instrument of conveyance for a period of five**
13 **years shall be deemed to have abandoned the easement, thereby terminating the easement**
14 **and surrendering the rights previously transferred to the property owner of record. The**
15 **property owner of record shall provide monetary consideration equal to the original**
16 **consideration obtained by the property owner in exchange for the easement. Any owner**
17 **or operator of pipelines transporting petroleum shall, upon abandonment of its easement,**
18 **remove any improvements made to the property and remediate and restore the property**
19 **to its original condition prior to the creation of the easement.**

537.293. 1. Notwithstanding any other provision of law, the use of vehicles on a
2 **public street or highway in a manner which is legal under state and local law shall not**
3 **constitute a public or private nuisance, and shall not be the basis of a civil action for public**
4 **or private nuisance.**

5 **2. No individual or business entity shall be subject to any civil action in law or**
6 **equity for a public or private nuisance on the basis of such individual or business entity**
7 **legally using vehicles on a public street or highway. Any actions by a court in this state to**
8 **enjoin the use of a public street or highway in violation of this section and any damages**
9 **awarded or imposed by a court, or assessed by a jury, against an individual or business**
10 **entity for public or private nuisance in violation of this section shall be null and void.**

11 **3. Notwithstanding any other provision of law, nothing in this section shall be**
12 **construed to limit civil liability for compensatory damages arising from physical injury to**
13 **another human being.**

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.**

546.902. **Notwithstanding any other provisions of law to the contrary,** any
2 municipality located within any county of the first classification with a population in excess of
3 nine hundred thousand, **or any municipality located within any county with a charter form
4 of government and with more than two hundred fifty thousand but fewer than three
5 hundred fifty thousand inhabitants,** for any purpose or purposes mentioned in this chapter,
6 may enact and make all necessary ordinances, rules and regulations; and they may enact and
7 make all such ordinances and rules, not inconsistent with the laws of the state, as may be
8 expedient for maintaining the peace and good government and welfare of the city and its trade
9 and commerce; and all ordinances may be enforced by prescribing and inflicting upon its
10 inhabitants, or other persons violating the same, such fine not exceeding one thousand dollars,
11 and such imprisonment not exceeding three months, or both such fine and imprisonment, as may
12 be just for any offense, recoverable with costs of suit, together with judgment of imprisonment,
13 until the fine and costs are paid or satisfied; and any person committed for the nonpayment of
14 fine and costs, or either, may be compelled to work out the same as herein provided; but, in any
15 case wherein the penalty for an offense is fixed by any statute, the council shall affix the same
16 penalty by ordinance for the punishment of such offense, except that imprisonments, when made
17 under city ordinances, may be in the city prison or workhouse instead of the county jail.

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

6 **All of the North 50 feet of lot 70 in range H in the City of Cape Girardeau.**
7 **2. The parties shall negotiate and set the terms and conditions for the conveyance.**
8 **Such terms and conditions may include, but are not limited to, the number of appraisals
9 required, the time, place, and terms of the conveyance.**
10 **3. The attorney general shall approve the form of the instrument of conveyance.**

Section 2. 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 82E43'21" 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 07E16'39" 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 82E13'40" 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 07E16'39" 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 82E43'21" 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, 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 82E43'21" East 324.11' on the North line of Farmington Industrial Park - Plat 4 to a set No.5 rebar at the Southwest corner of a cemetery; thence leaving said North line, North 07E16'39" East 515.48' to a set No.4 rebar, the POINT OF BEGINNING of the tract herein described; thence continue North 07E16'39" East 807.46' to a set No.4 rebar; thence South 82E43'21" East 466.88' to a set No.4 rebar on the West line of a tract of land described in a lease recorded in Book 1265 at Page 285-302; thence South 08E30'07" West 806.79' on the West line of

42 said Book 1265 at Page 285-302 and on the West line of a tract of land
43 described in Book 1619 at Page 197 to a set No.4 rebar on said West line of
44 Book 1619 at Page 197; thence leaving said West line, North 82E49'53" West
45 449.64' to the point of beginning. Containing 8.49 acres, more or less.

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

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

Section 3. 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 82E43'21" 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 07E10'39" 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 82E49'53" East 298.12' to a set No.4 rebar; thence South
19 07E16'39" West 515.38' to a set No.4 rebar on said North line of Farmington
20 Industrial Park - Plat 4; thence North 82E16'52" West 297.23' on said North
21 line to the point of beginning. Containing 3.51 acres, more or less.

22

23 Tract 2

24 A tract of land situated in the city of Farmington, county of St. Francois and
25 the state of Missouri, lying in part of Lot 94 of United States Survey 2969,
26 Township 35 North, Range 5 East of the Fifth Principal Meridian, described

27 as follows, to-wit: Commencing at a found iron rod marking the Northwest
28 corner of Lot 6A of Farmington Industrial Park - Plat 4, a subdivision filed
29 for record in Plat Book 16 at Page 624; thence South 82E43'21" East 324.11'
30 on the North line of Farmington Industrial Park - Plat 4 to a set No.5 rebar
31 at the Southwest corner of a cemetery; the thence leaving said North line,
32 North 07E16' 39" East 173.34' to a set No.4 rebar marking the Northwest
33 corner of said cemetery, the POINT OF BEGINNING of the tract herein
34 described; thence continue North 07E16'39" East 342.14' to a set No.4 rebar;
35 thence South 82E49'53" East 449.64' to a set No.4 rebar on the West line of
36 a tract of land described in Book 1309 at Page 109; thence South 08E30'07"
37 West 342.95' on said West line to a set No.4 rebar marking the Northeast
38 corner of said cemetery; thence leaving said West line, North 82E44'16"
39 West 442.30' on the North line of said cemetery to the point of beginning.
40 Containing 3.51 acres, more or less.

41

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

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

Section 4. 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

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

12

13 Commence at a found No. 5 rebar marking the Northwest corner of Lot 62
14 of said F.W. Rohland Subdivision; thence S 36 deg. 46 min. 52 sec. W a
15 distance of 1905.27 feet to a Point, 55.00 feet right of Route 221 centerline
16 station 796+00.00, said point being located on the existing Southerly MHTC
17 (Missouri Highways and Transportation Commission) Boundary line of

18 Route 221 and being the Point of Beginning; From the Point of Beginning
19 S 24 deg. 38 min. 52 sec. E, a distance of 498.03 feet; thence S 16 deg. 01 min.
20 44 sec. E, 238.03 feet; thence S 25 deg. 42 min. 49 sec. W, 2024.68 feet; thence
21 N 81 deg. 56 min. 11 sec. W, 30.15 feet; thence N 03 deg. 45 min. 57 sec. E,
22 36.31 feet; thence N 14 deg. 32 min. 57 sec. E, 133.50 feet; thence N 03 deg.
23 21 min. 42 sec. W, 201.56 feet; thence N 03 deg. 45 min. 48 sec. E, 950.30
24 feet; thence N 12 deg. 19 min. 44 sec. E, 735.45 feet; thence N 56 deg. 11 min.
25 56 sec. E, 86.14 feet; thence N 33 deg. 16 min. 10 sec. E, 224.72 feet; thence
26 N 40 deg. 14 min. 38 sec. E, 304.18 feet to the point of beginning and
27 containing 23.01 acres more or less.

28

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

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

Section 5. 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
18 MHTC Boundary line; thence S 40 deg. 14 min. 38 sec. W a distance of
19 304.18 feet to a set Point, 185.00 feet right of Route 221 centerline station
20 793+25.00; thence S 33 deg. 16 min. 10 sec. W a distance of 224.72 feet to a
21 set Point, 305.00 feet right of Route 221 centerline station 791+35.00; thence
22 S 56 deg. 11 min. 56 sec. W a distance of 86.14 feet to a set Point, 318.99 feet
23 right of Route 221 centerline station 790+50.00; thence N 12 deg. 19 min. 44
24 sec. E a distance of 225.83 feet to a found Steel MHTC Boundary Marker,

25 **138.13 feet right of Route 221 centerline station 791+85.22; thence N 40 deg.**
26 **49 min. 53 sec. E a distance of 127.55 feet to a found Steel MHTC Boundary**
27 **Marker, 84.80 feet right of Route 221 centerline station 793+01.09; thence**
28 **N 59 deg. 51 min. 09 sec. E a distance of 300.39 feet to the Point of**
29 **Beginning, containing 0.95 acres, more or less.**

30

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

37

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

46

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

53

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

59

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

61

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

66

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

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

72 **EXCEPT all that part of right-of-way of DOUBET ROAD**
73 **Ingress & Egress Easement Description for above described property at**
74 **Northwest Driveway**
75

76 **Part of Lot 85 and Lot 94 of U.S. Survey 2969, Township 35 North, Range**
77 **5 East, St. Francois County, Missouri, more particularly described as**
78 **follows:**

79 From the southeast corner of said Lot 85; thence N82°17'32"W, along the
80 southerly line of said Lot 85, 681.19 feet; thence N8°01'10"E, 1086.14 feet to
81 an iron rod; thence N81°58'50"W, 453.00 feet to an iron rod; thence
82 N8°01'10"E, 382.07 feet to the POINT OF BEGINNING for this description;
83 thence N4°24'17"W, 58.00 feet; thence N41°50'28"E, 36.00 feet to the
84 northerly line of said Lot 94; thence S81°11'48"E, along the northerly line
85 of said Lot 94 and said Lot 85, 40.00 feet; thence S8°01'10"W, 80.00 feet to
86 the point of beginning.
87

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

89 **2. The property hereby authorized to be conveyed by the governor shall be verified**
90 **by a survey. Such survey shall be authorized by the division of facilities, management,**
91 **design and construction of the office of administration under this section.**

92 **3. The commissioner of administration shall set the terms and conditions for the**
93 **conveyance as the commissioner deems reasonable. Such terms and conditions may**
94 **include, but not be limited to, the number of appraisals required, the time, place, and terms**
95 **of the conveyance.**

96 **4. The attorney general shall approve as to form the instrument of conveyance.**

Section 7. In addition to any other cost, fee, or surcharge authorized by law, the
2 **circuit clerk in any judicial circuit located wholly within one county may impose and**
3 **collect any cost, fee, or surcharge authorized by any provision of chapter 488 in any class**
4 **or category of county or city not within a county in any civil, criminal, or domestic action,**
5 **provided that the cost, fee, or surcharge is approved by the voters of the county at a**
6 **general, primary, or special election.**

Section 8. 1. If approved by a majority of the voters voting on the proposal, any city, town, village, sewer district, or water supply district located within this state may, by order or ordinance, levy and impose annually, upon lateral sewer service lines providing sewer service to residential property having four or fewer dwelling units within the jurisdiction of such city, town, village, sewer district, or water supply district, a fee not to exceed four dollars per month or forty-eight dollars annually.

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

For the purpose of repair or replacement of lateral sewer service lines extending from the residential dwelling to its connection with the public sewer system line, due to failure of the line, shall (city, town, village, sewer district, or water supply district) be authorized to impose a fee not to exceed four dollars per month or forty-eight dollars annually on residential property for each lateral sewer service line providing sewer service within the (city, town, village, sewer district, or water supply district) to residential property having four or fewer dwelling units for the purpose of paying for the costs of necessary lateral sewer service line repairs or replacements?

3. For the purpose of this section, a lateral sewer service line may be defined by local order or ordinance, but shall not include more than the portion of the sewer line which extends from the sewer mains owned by the utility or municipality to the point of entry into the premises receiving sewer service, and may not include facilities owned by the utility or municipality. For purposes of this section, repair may be defined and limited by local ordinance, and may include replacement or repairs.

4. If a majority of the voters voting thereon approve the proposal authorized in subsection 1 of this section, the governing body of the city, town, village, sewer district, or water supply district may enact an order or ordinance for the collection of such fee. The funds collected under such ordinance shall be deposited in a special account to be used solely for the purpose of paying for the reasonable costs associated with and necessary to administer and carry out the lateral sewer service line repairs as defined in the order or ordinance and to reimburse the necessary costs of lateral sewer service line repair or replacement. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

5. The city, town, village, sewer district, or water supply district may establish, as provided in the order or ordinance, regulations necessary for the administration of collections, claims, repairs, replacements and all other activities necessary and convenient for the implementation of any order or ordinance adopted and approved under this section. The city, town, village, sewer district, or water supply district may administer the

36 program or may contract with one or more persons, through a competitive process, to
37 provide for administration of any portion of implementation activities of any order or
38 ordinance adopted and approved under this section, and reasonable costs of administering
39 the program may be paid from the special account established under this section not to
40 exceed five percent of the fund on an annual basis.

41 6. Notwithstanding any other provision of law to the contrary, the collector in any
42 city, town, village, sewer district, or water supply district that adopts an order or ordinance
43 under this section, who now or hereafter collects any fee to provide for, ensure or
44 guarantee the repair of lateral sewer service lines, may add such fee to the general tax levy
45 bills of property owners within the city, town, village, sewer district, or water supply
46 district. All revenues received on such combined bill which are for the purpose of
47 providing for, ensuring or guaranteeing the repair of lateral sewer service lines, shall be
48 separated from all other revenues so collected and credited to the appropriate fund or
49 account of the city, town, village, sewer district, or water supply district. The collector of
50 the city, town, village, sewer district, or water supply district may collect such fee in the
51 same manner and to the same extent as the collector now or hereafter may collect
52 delinquent real estate taxes and tax bills.

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