

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1553
97TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, May 8, 2014, with recommendation that the Senate Committee Substitute do pass.

5180S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 50.660, 50.783, 67.281, 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 94.579, 162.481, 182.802, 190.335, 190.339, and 349.045, RSMo, and to enact in lieu thereof seventeen new sections relating to political subdivisions.

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

Section A. Sections 50.660, 50.783, 67.281, 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 94.579, 162.481, 182.802, 190.335, 190.339, and 349.045, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 50.660, 50.783, 67.281, 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 94.579, 137.133, 162.481, 182.802, 190.335, 190.339, 349.045, 488.2206, and 1, to read as follows:

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

50.783. 1. The county commission may waive the requirement of

2 competitive bids or proposals for supplies when the commission has determined
3 in writing and entered into the commission minutes that there is only a single
4 feasible source for the supplies. Immediately upon discovering that other feasible
5 sources exist, the commission shall rescind the waiver and proceed to procure the
6 supplies through the competitive processes as described in this chapter. A single
7 feasible source exists when:

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

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

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

14 2. On any single feasible source purchase where the estimated
15 expenditure is three thousand dollars or over, the commission shall post notice
16 of the proposed purchase. Where the estimated expenditure is five thousand
17 dollars or over, the commission shall also advertise the commission's intent to
18 make such purchase in at least one daily and one weekly newspaper of general
19 circulation in such places as are most likely to reach prospective bidders or
20 offerors and may provide such information through an electronic medium
21 available to the general public at least ten days before the contract is to be let.

22 3. Notwithstanding subsection 2 of this section to the contrary, on any
23 single feasible service purchase by:

24 (1) Any county of the first classification with more than one hundred fifty
25 thousand but fewer than two hundred thousand inhabitants; [or]

26 (2) Any county of the first classification with more than two hundred sixty
27 thousand but fewer than three hundred thousand inhabitants; or

28 (3) **Any county with more than seventy-five thousand but fewer**
29 **than one hundred thousand inhabitants and with a city of the fourth**
30 **classification with more than seventeen thousand but fewer than**
31 **nineteen thousand inhabitants as the county seat;**

32 where the estimated expenditure is six thousand dollars or over, the commission
33 shall post notice of the proposed purchase and advertise the commission's intent
34 to make such purchase in at least one daily and one weekly newspaper of general
35 circulation in such places as are most likely to reach prospective bidders or
36 offerors and may provide such information through an electronic medium
37 available to the general public at least ten days before the contract is to be let.

67.281. 1. A builder of one- or two-family dwellings or townhouses shall
2 offer to any purchaser on or before the time of entering into the purchase contract
3 the option, at the purchaser's cost, to install or equip fire sprinklers in the
4 dwelling or townhouse. Notwithstanding any other provision of law to the
5 contrary, no purchaser of such a one- or two-family dwelling or townhouse shall
6 be denied the right to choose or decline to install a fire sprinkler system in such
7 dwelling or townhouse being purchased by any code, ordinance, rule, regulation,
8 order, or resolution by any county or other political subdivision. Any county or
9 other political subdivision shall provide in any such code, ordinance, rule,
10 regulation, order, or resolution the mandatory option for purchasers to have the
11 right to choose and the requirement that builders offer to purchasers the option
12 to purchase fire sprinklers in connection with the purchase of any one- or
13 two-family dwelling or townhouse. The provisions of this section shall expire on
14 December 31, [2019] **2024**.

15 2. Any governing body of any political subdivision that adopts the 2009
16 International Residential Code for One- and Two-Family Dwellings or a
17 subsequent edition of such code without mandated automatic fire sprinkler
18 systems in Section R313 of such code shall retain the language in section R317
19 of the 2006 International Residential Code for two-family dwellings (R317.1) and
20 townhouses (R317.2).

82.1025. 1. **[In] This section applies to a nuisance located within**
2 **the boundaries of** any county of the first classification with a charter form of
3 government and a population greater than nine hundred thousand, in any county
4 of the first classification with more than one hundred ninety-eight thousand but
5 fewer than one hundred ninety-nine thousand two hundred inhabitants, in any
6 county of the first classification with more than seventy-three thousand seven
7 hundred but fewer than seventy-three thousand eight hundred inhabitants, in
8 any county of the first classification with more than ninety-three thousand eight
9 hundred but fewer than ninety-three thousand nine hundred inhabitants, in any
10 home rule city with more than one hundred fifty-one thousand five hundred but
11 fewer than one hundred fifty-one thousand six hundred inhabitants, in any city
12 not within a county and in any city with at least three hundred fifty thousand
13 inhabitants which is located in more than one county[.].

14 2. A parcel of property is a nuisance, if such property adversely affects the
15 property values of a neighborhood **or the property value of any property**
16 **within the neighborhood** because the owner of such property allows the

17 property to be in a deteriorated condition, due to neglect **or failure to**
18 **reasonably maintain**, violation of a county or municipal building code [or],
19 standard, **or ordinance**, abandonment, failure to repair after a fire, flood or
20 some other damage to the property or because the owner or resident of the
21 property allows clutter on the property such as abandoned automobiles,
22 appliances or similar objects. Any property owner who owns property within [a
23 reasonable distance to] **one thousand two hundred feet of** a parcel of
24 property which is alleged to be a nuisance may bring a nuisance action against
25 the offending property owner for the amount of damage created by such
26 [property] **nuisance** to the value of the petitioner's property, **including**
27 **diminution in value of the petitioner's property**, and court costs, provided
28 that the owner of the property which is alleged to be a nuisance has received
29 notification of the alleged nuisance and has had a reasonable opportunity, not to
30 exceed forty-five days, to correct the alleged nuisance. This section is not
31 intended to abrogate, and shall not be construed as abrogating, any remedy
32 available under the common law of private nuisance.

33 [2. A nuisance] **3. An action for injunctive relief to abate a nuisance**
34 **under this section** may be brought by:

35 (1) **Anyone who owns property within one thousand two hundred**
36 **feet to a property which is alleged to be a nuisance; or**

37 (2) **By a neighborhood organization, as defined in subdivision (2) of**
38 **section [32.105] 82.1027, [representing] on behalf of any person or persons**
39 **who own property within the boundaries of the neighborhood or**
40 **neighborhoods described in the articles of incorporation or bylaws of**
41 **the neighborhood organization and who could maintain a nuisance action**
42 **under this section or under the common law of private nuisance, or on its own**
43 **behalf with respect to a nuisance on property anywhere within the**
44 **boundaries of the neighborhood or neighborhoods.**

45 **4. An action shall not be brought under this section until sixty**
46 **days after the party who brings the action has sent written notice of**
47 **intent to bring an action under this section, by certified mail, return**
48 **receipt requested, postage prepaid, to:**

49 (1) **The tenant, if any, or to "occupant" if the identity of the**
50 **tenant cannot be reasonably ascertained, at the property's address; and**

51 (2) **The property owner of record at the last known address of**
52 **the property owner on file with the county or city, or, if the property**

53 owner is a corporation or other type of limited liability company, to the
54 property owner's registered agent at the agent's address of record; that
55 a nuisance exists and that legal action may be taken against the owner
56 of the property. If the notice sent by certified mail is returned
57 unclaimed or refused, designated by the post office to be undeliverable,
58 or signed for by a person other than the addressee, then adequate and
59 sufficient notice may be given to the tenant, if any, and the property
60 owner of record by sending a copy of the notice by regular mail to the
61 address of the property owner or registered agent and posting a copy
62 of the notice on the property where the nuisance allegedly is occurring.
63 A sworn affidavit by the person who mailed or posted the notice
64 describing the date and manner that notice was given shall be prima
65 facie evidence of the giving of such notice. The notice shall specify:

- 66 (a) The act or condition that constitutes the nuisance;
- 67 (b) The date the nuisance was first discovered;
- 68 (c) The address of the property and location on the property
69 where the act or condition that constitutes the nuisance is allegedly
70 occurring or exists; and
- 71 (d) The relief sought in the action.

72 5. When a neighborhood organization files a suit under this
73 section, an officer of the neighborhood organization or its counsel shall
74 certify to the court:

- 75 (1) From personal knowledge, that the neighborhood
76 organization has taken the required steps to satisfy the notice
77 requirements under this section; and
- 78 (2) Based on reasonable inquiry, that each condition precedent
79 to the filing of the action under this section has been met.

80 6. A neighborhood organization may not bring an action under
81 this section if, at the time of filing suit, the neighborhood organization
82 or any of its directors own real estate, or have an interest in a trust or
83 a corporation or other limited liability company that owns real estate,
84 in the city or county in which the nuisance is located with respect to
85 which real property taxes are delinquent or a notice of violation of a
86 city code or ordinance has been issued and served and is outstanding.

87 7. This section is not intended to abrogate, and shall not be
88 construed as abrogating, any remedy available under the common law
89 of private nuisance.

82.1027. As used in sections 82.1027 to [82.1029] **82.1030**, the following
2 terms mean:

3 (1) "[Local] Code **or ordinance** violation", a violation under the
4 provisions of a [local] **municipal** code [of general ordinances] **or ordinance** of
5 any home rule city with more than four hundred thousand inhabitants and
6 located in more than one county, **or any city not within a county**, which
7 regulates fire prevention, animal control, noise control, property maintenance,
8 building construction, health [and], **safety, neighborhood detriment,**
9 sanitation, [and] **or** nuisances;

10 (2) "Neighborhood organization", [an organization defined in section
11 32.105] **a Missouri not-for-profit corporation whose articles of**
12 **incorporation or bylaws specify that one of the purposes for which the**
13 **corporation is organized is the preservation and protection of**
14 **residential and community property values in a neighborhood or**
15 **neighborhoods with geographic boundaries that conform to the**
16 **boundaries of not more than two adjoining neighborhoods recognized**
17 **by the planning division of the city or county in which the**
18 **neighborhood or neighborhoods are located provided that the**
19 **corporation's articles of incorporation or bylaws provide that:**

20 (a) **The corporation has members;**

21 (b) **Membership shall be open to all persons who own residential**
22 **real estate or who reside in the neighborhood or neighborhoods**
23 **described in the corporation's articles of incorporation or bylaws**
24 **subject to reasonable restrictions on membership to protect the**
25 **integrity of the organization; however, membership may not be**
26 **conditioned upon payment of monetary consideration in excess of**
27 **twenty-five dollars per year; and**

28 (c) **Only members who own residential real estate or who reside**
29 **in the neighborhood or neighborhoods described in the corporation's**
30 **articles of incorporation or bylaws may elect directors or serve as a**
31 **director;**

32 (3) "Nuisance", within the boundaries of the [community represented by]
33 **neighborhood or neighborhoods described in the articles of**
34 **incorporation or bylaws of the neighborhood organization, an act or condition**
35 **knowingly created, performed, [or] maintained, or permitted to exist on**
36 **private property that constitutes a [local] code or ordinance violation and that[**

37 (a)] significantly affects the other residents of the neighborhood; **and:**
38 [(b)] **(a)** Diminishes the value of the neighboring property; [and] **or**
39 [(c)] **(b)** Is injurious to **the** public health, safety, **security**, or welfare of
40 neighboring residents or [obstructs] **businesses; or**
41 **(c)** **Impairs** the reasonable use **or peaceful enjoyment** of other
42 property in the neighborhood.

82.1028. Sections 82.1027 to [82.1029] **82.1030** apply to a nuisance
2 located within the boundaries of **any city not within a county and** any home
3 rule city with more than four hundred thousand inhabitants and located in more
4 than one county.

82.1029. 1. A neighborhood organization [representing], **on behalf of a**
2 **person or persons** [aggrieved by a local code violation] **who own real estate**
3 **or reside within one thousand two hundred feet of a property on which**
4 **there is a condition or activity constituting a code or ordinance**
5 **violation in the neighborhood or neighborhoods described in the**
6 **articles of incorporation or the bylaws of the neighborhood**
7 **organization, or on its own behalf with respect to a code or ordinance**
8 **violation on property anywhere within the boundaries of the**
9 **neighborhood or neighborhoods**, may seek injunctive and other equitable
10 relief in the circuit court for abatement of a nuisance upon showing:

11 (1) The notice requirements of this [subsection] **section** have been
12 satisfied; and

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

14 2. An action under this section shall not be brought **until:**

15 (1) [Until] Sixty days after the neighborhood organization sends **written**
16 notice [of the violation and] **by certified mail, return receipt requested,**
17 **postage prepaid, to the appropriate municipal code enforcement agency**
18 of the neighborhood organization's intent to bring an action under this section,
19 [by certified mail, return receipt requested, to the appropriate municipal code
20 enforcement agency] **together with a copy of the notice the neighborhood**
21 **organization sent or attempted to send to the property owner in**
22 **compliance with subdivision (2) of subsection 2 of this section; and**

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

25 (3) [Until] Sixty days after the neighborhood organization sends notice by
26 first class prepaid postage certified mail, **return receipt requested, to:**

27 **(a) The tenant, if any, or to "occupant" if the identity of the tenant**
28 **cannot be reasonably ascertained, at the property's address; and**

29 **(b) The property owner of record at the last known address of the**
30 **property owner on file with the county or city, or, if the property**
31 **owner is a corporation or other type of limited liability company, to the**
32 **property owner's registered agent at the registered agent's address of**
33 **record;**

34 that a nuisance exists and that legal action may be taken if the nuisance is not
35 abated. If the notice sent by certified mail is returned unclaimed or refused,
36 designated by the post office to be undeliverable, or signed for by a person other
37 than the addressee, then adequate and sufficient notice may be given to the
38 tenant, if any, and the property owner of record by sending a copy of the notice
39 by regular mail **to the address of the property owner or registered agent**
40 and posting a copy of notice on the property where the nuisance allegedly is
41 occurring.

42 **3. A sworn affidavit by the person who mailed or posted the**
43 **notice describing the date and manner that notice was given shall be**
44 **prima facie evidence of the giving of such notice.**

45 **4. The notice required by this section shall specify:**

46 **[(a)] (1) The [nature of the alleged] act or condition that constitutes**
47 **the nuisance;**

48 **[(b)] (2) The date [and time of day] the nuisance was first discovered;**

49 **[(c)] (3) The address of the property and location on the property**
50 **where the act or condition that constitutes the nuisance is allegedly**
51 **occurring or exists; and**

52 **[(d)] (4) The relief sought in the action.**

53 **[3.] 5. In filing a suit under this section, an officer of the neighborhood**
54 **organization or its counsel shall certify to the court:**

55 **(1) From personal knowledge,** that the neighborhood organization has
56 taken the required steps to satisfy the notice requirements under this
57 **[subsection] section; and**

58 **(2) Based on reasonable inquiry,** that each condition precedent to the
59 filing of the action under this section has been met.

60 **[4.] 6. An action [shall] may not be brought [against an owner of**
61 **residential rental property unless, prior to giving notice under this section, a**
62 **notice of violation relating to the nuisance first has been issued by an appropriate**

63 municipal code enforcement agency and remains outstanding after a period of
64 forty-five days] **under this section based on an alleged violation of a**
65 **particular code provision or ordinance if there is then pending against**
66 **the property or the owner of the property a notice of violation with**
67 **respect to such code provision or ordinance issued by an appropriate**
68 **municipal code enforcement agency unless such notice of violation has**
69 **been pending for more than forty-five days and the condition or**
70 **activity that gave rise to the violation has not been abated. This**
71 **subsection shall not preclude an action under this section where the**
72 **appropriate municipal code enforcement agency has declined to issue**
73 **a notice of violation against the property or the property owner.**

74 **7. A neighborhood organization may not bring an action under**
75 **this section if, at the time of filing suit, the neighborhood organization**
76 **or any of its directors own real estate, or have an interest in a trust or**
77 **a corporation or other limited liability company that owns real estate,**
78 **in the city or county in which the nuisance is located with respect to**
79 **which real property taxes are delinquent or a notice of violation of a**
80 **city code or ordinance has been issued and served and is outstanding.**

81 [5. (1) If a violation notice issued by an appropriate municipal code
82 enforcement agency is an essential element of the municipal enforcement action,
83 a copy of the notice signed by an official of the appropriate municipal code
84 enforcement agency shall be prima facie evidence of the facts contained in the
85 notice.

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

89 **8. A copy of the notice of citation issued by the city that shows**
90 **the date the citation was issued shall be prima facie evidence of**
91 **whether and for how long a citation has been pending against the**
92 **property or the property owner.**

93 [6.] **9. A proceeding under this section shall:**

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

95 (2) Be expedited in every way.

82.1030. 1. Subject to subsection 2 of this section, sections 82.1027 to
2 82.1029 shall not be construed as to abrogate any equitable or legal right or
3 remedy otherwise available under the law to abate a nuisance.

4 2. Sections 82.1027 to 82.1029 shall not be construed as to grant standing
5 for an action[:

6 (1)] challenging any zoning application or approval[;

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

9 (3) Involving any violation of municipal alcoholic beverages law].

94.579. 1. The governing body of any home rule city with more than one
2 hundred fifty-one thousand five hundred but fewer than one hundred fifty-one
3 thousand six hundred inhabitants is hereby authorized to impose, by order or
4 ordinance, a sales tax on all retail sales made within the city which are subject
5 to sales tax under chapter 144. The tax authorized in this section shall not
6 exceed one percent, and shall be imposed solely for the purpose of providing
7 revenues for the operation of public safety departments, including police and fire
8 departments, and for pension programs, and health care for employees and
9 pensioners of the public safety departments. The tax authorized in this section
10 shall be in addition to all other sales taxes imposed by law, and shall be stated
11 separately from all other charges and taxes. The order or ordinance shall not
12 become effective unless the governing body of the city submits to the voters
13 residing within the city at a state general, primary, or special election a proposal
14 to authorize the governing body of the city to impose a tax under this section. If
15 the tax authorized in this section is not approved by the voters, then the city
16 shall have an additional year during which to meet its required contribution
17 payment beyond the time period described in section 105.683. If the city meets
18 its required contribution payment in this time, then, notwithstanding the
19 provisions of section 105.683 to the contrary, the delinquency shall not constitute
20 a lien on the funds of the political subdivision, the board of such plan shall not
21 be authorized to compel payment by application for writ of mandamus, and the
22 state treasurer and the director of the department of revenue shall not withhold
23 twenty-five percent of the certified contribution deficiency from the total moneys
24 due the political subdivision from the state. The one-year extension shall only be
25 available to the city on a one-time basis.

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

28 Shall (insert the name of the city) impose a sales tax at a rate
29 of (up to one) percent, solely for the purpose of providing revenues for the
30 operation of public safety departments of the city?

31 ☐ YES ☐ NO

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

34 If a majority of the votes cast on the question by the qualified voters voting
35 thereon are in favor of the question, then the tax shall become effective on the
36 first day of the second calendar quarter immediately following notification to the
37 department of revenue. If a majority of the votes cast on the question by the
38 qualified voters voting thereon are opposed to the question, then the tax shall not
39 become effective unless and until the question is resubmitted under this section
40 to the qualified voters and such question is approved by a majority of the
41 qualified voters voting on the question.

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

61 4. On or after the effective date of the tax, the director of revenue shall
62 be responsible for the administration, collection, enforcement, and operation of
63 the tax, and sections 32.085 and 32.087 shall apply. In order to permit sellers
64 required to collect and report the sales tax to collect the amount required to be
65 reported and remitted, but not to change the requirements of reporting or
66 remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions

67 of pennies, the governing body of the city may authorize the use of a bracket
68 system similar to that authorized in section 144.285, and notwithstanding the
69 provisions of that section, this new bracket system shall be used where this tax
70 is imposed and shall apply to all taxable transactions. Beginning with the
71 effective date of the tax, every retailer in the city shall add the sales tax to the
72 sale price, and this tax shall be a debt of the purchaser to the retailer until paid,
73 and shall be recoverable at law in the same manner as the purchase price. For
74 purposes of this section, all retail sales shall be deemed to be consummated at the
75 place of business of the retailer.

76 5. All applicable provisions in sections 144.010 to 144.525 governing the
77 state sales tax, and section 32.057, the uniform confidentiality provision, shall
78 apply to the collection of the tax, and all exemptions granted to agencies of
79 government, organizations, and persons under sections 144.010 to 144.525 are
80 hereby made applicable to the imposition and collection of the tax. The same
81 sales tax permit, exemption certificate, and retail certificate required by sections
82 144.010 to 144.525 for the administration and collection of the state sales tax
83 shall satisfy the requirements of this section, and no additional permit or
84 exemption certificate or retail certificate shall be required; except that, the
85 director of revenue may prescribe a form of exemption certificate for an exemption
86 from the tax. All discounts allowed the retailer under the state sales tax for the
87 collection of and for payment of taxes are hereby allowed and made applicable to
88 the tax. The penalties for violations provided in section 32.057 and sections
89 144.010 to 144.525 are hereby made applicable to violations of this section. If any
90 person is delinquent in the payment of the amount required to be paid under this
91 section, or in the event a determination has been made against the person for the
92 tax and penalties under this section, the limitation for bringing suit for the
93 collection of the delinquent tax and penalties shall be the same as that provided
94 in sections 144.010 to 144.525.

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

99 Shall (insert the name of the city) repeal the sales
100 tax imposed at a rate of (up to one) percent for the purpose of providing
101 revenues for the operation of public safety departments of the city?

102

☐ YES☐ NO

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

105 If a majority of the votes cast on the question by the qualified voters voting
106 thereon are in favor of repeal, that repeal shall become effective on December
107 thirty-first of the calendar year in which such repeal was approved.

108 If a majority of the votes cast on the question by the qualified voters voting
109 thereon are opposed to the repeal, then the sales tax authorized in this section
110 shall remain effective until the question is resubmitted under this section to the
111 qualified voters and the repeal is approved by a majority of the qualified voters
112 voting on the question.

113 7. The governing body of any city that has adopted the sales tax
114 authorized in this section shall submit the question of [repeal] **continuation** of
115 the tax to the voters every five years from the date of its inception on a date
116 available for elections for the city. The ballot of submission shall be in
117 substantially the following form:

118 Shall (insert the name of the city) [repeal the]
119 **continue collecting a** sales tax imposed at a rate of (up to one) percent
120 for the purpose of providing revenues for the operation of public safety
121 departments of the city?

122 ☐ YES ☐ NO

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

125 If a majority of the votes cast on the question by the qualified voters voting
126 thereon are [in favor of repeal, that] **opposed to continuation**, repeal shall
127 become effective on December thirty-first of the calendar year in which such
128 [repeal was] **continuation was failed to be** approved. If a majority of the
129 votes cast on the question by the qualified voters voting thereon are [opposed to
130 the repeal] **in favor of continuation**, then the sales tax authorized in this
131 section shall remain effective until the question is resubmitted under this section
132 to the qualified voters and [the repeal is] **continuation fails to be** approved by
133 a majority of the qualified voters voting on the question.

134 8. Whenever the governing body of any city that has adopted the sales tax
135 authorized in this section receives a petition, signed by a number of registered
136 voters of the city equal to at least two percent of the number of registered voters
137 of the city voting in the last gubernatorial election, calling for an election to
138 repeal the sales tax imposed under this section, the governing body shall submit

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

147 9. If the tax is repealed or terminated by any means, all funds remaining
148 in the special trust fund shall continue to be used solely for the designated
149 purposes, and the city shall notify the director of the department of revenue of
150 the action at least ninety days before the effective date of the repeal and the
151 director may order retention in the trust fund, for a period of one year, of two
152 percent of the amount collected after receipt of such notice to cover possible
153 refunds or overpayment of the tax and to redeem dishonored checks and drafts
154 deposited to the credit of such accounts. After one year has elapsed after the
155 effective date of abolition of the tax in such city, the director shall remit the
156 balance in the account to the city and close the account of that city. The director
157 shall notify each city of each instance of any amount refunded or any check
158 redeemed from receipts due the city.

**137.133. In any county with a charter form of government and
2 with more than nine hundred fifty thousand inhabitants, any
3 correspondence by the assessor with a taxpayer requesting information
4 from the taxpayer shall include the following statement in bold,
5 fourteen point font: "Disclosure of information requested on this
6 document is voluntary and not required by law. Any information
7 disclosed will become public record.". The provisions of this section
8 shall not apply to requests for information required to be disclosed
9 under sections 137.092 and 137.115.**

162.481. 1. Except as otherwise provided in this section, all elections of
2 school directors in urban districts shall be held biennially at the same times and
3 places as municipal elections.

4 2. In any urban district which includes all or the major part of a city
5 which first obtained a population of more than seventy-five thousand inhabitants
6 by reason of the 1960 federal decennial census, elections of directors shall be held
7 on municipal election days of even-numbered years. The directors of the prior

8 district shall continue as directors of the urban district until their successors are
9 elected as herein provided. On the first Tuesday in April, 1964, four directors
10 shall be elected, two for terms of two years to succeed the two directors of the
11 prior district who were elected in 1960 and two for terms of six years to succeed
12 the two directors of the prior district who were elected in 1961. The successors
13 of these directors shall be elected for terms of six years. On the first Tuesday in
14 April, 1968, two directors shall be elected for terms to commence on November 5,
15 1968, and to terminate on the first Tuesday in April, 1974, when their successors
16 shall be elected for terms of six years. No director shall serve more than two
17 consecutive six-year terms after October 13, 1963.

18 3. Except as otherwise provided in subsections 4 and 5 of this section,
19 hereafter when a seven-director district becomes an urban district, the directors
20 of the prior seven-director district shall continue as directors of the urban district
21 until the expiration of the terms for which they were elected and until their
22 successors are elected as provided in this subsection. The first biennial school
23 election for directors shall be held in the urban district at the time provided in
24 subsection 1 which is on the date of or subsequent to the expiration of the terms
25 of the directors of the prior district which are first to expire, and directors shall
26 be elected to succeed the directors of the prior district whose terms have expired.
27 If the terms of two directors only have expired, the directors elected at the first
28 biennial school election in the urban district shall be elected for terms of six
29 years. If the terms of four directors have expired, two directors shall be elected
30 for terms of six years and two shall be elected for terms of four years. At the next
31 succeeding biennial election held in the urban district, successors for the
32 remaining directors of the prior seven-director district shall be elected. If only
33 two directors are to be elected they shall be elected for terms of six years each. If
34 four directors are to be elected, two shall be elected for terms of six years and two
35 shall be elected for terms of two years. After seven directors of the urban district
36 have been elected under this subsection, their successors shall be elected for
37 terms of six years.

38 4. In any school district in any [city with a population of one hundred
39 thousand or more inhabitants which is located within a county of the first
40 classification that adjoins no other county of the first classification] **home rule**
41 **city with more than one hundred fifty-five thousand but fewer than two**
42 **hundred thousand inhabitants**, or any school district which becomes an urban
43 school district by reason of the 2000 federal decennial census, elections shall be

44 held annually at the same times and places as general municipal elections for all
45 years where one or more terms expire, and the terms shall be for three years and
46 until their successors are duly elected and qualified for all directors elected on
47 and after August 28, 1998.

48 5. In any school district in any county with a charter form of government
49 and with more than three hundred thousand but fewer than four hundred fifty
50 thousand inhabitants which becomes an urban school district by reason of the
51 2010 federal decennial census, elections shall be held annually at the same times
52 and places as general municipal elections for all years where one or more terms
53 expire, and the terms shall be for three years and until their successors are duly
54 elected and qualified for all directors elected on and after April 2, 2012.

182.802. 1. (1) Any public library district located in any of the following
2 counties may impose a tax as provided in this section:

3 (a) At least partially within any county of the third classification without
4 a township form of government and with more than forty thousand eight hundred
5 but fewer than forty thousand nine hundred inhabitants;

6 (b) Any county of the third classification without a township form of
7 government and with more than thirteen thousand five hundred but fewer than
8 thirteen thousand six hundred inhabitants;

9 (c) Any county of the third classification without a township form of
10 government and with more than thirteen thousand two hundred but fewer than
11 thirteen thousand three hundred inhabitants;

12 (d) Any county of the third classification with a township form of
13 government and with more than twenty-nine thousand seven hundred but fewer
14 than twenty-nine thousand eight hundred inhabitants;

15 (e) Any county of the second classification with more than nineteen
16 thousand seven hundred but fewer than nineteen thousand eight hundred
17 inhabitants;

18 (f) Any county of the third classification with a township form of
19 government and with more than thirty-three thousand one hundred but fewer
20 than thirty-three thousand two hundred inhabitants;

21 (g) Any county of the third classification without a township form of
22 government and with more than eighteen thousand but fewer than twenty
23 thousand inhabitants and with a city of the third classification with more than
24 six thousand but fewer than seven thousand inhabitants as the county seat;

25 **(h) Any county of the fourth classification with more than twenty**

26 **thousand but fewer than thirty thousand inhabitants.**

27 (2) Any public library district listed in subdivision (1) of this subsection
28 may, by a majority vote of its board of directors, impose a tax not to exceed
29 one-half of one cent on all retail sales subject to taxation under sections 144.010
30 to 144.525 for the purpose of funding the operation and maintenance of public
31 libraries within the boundaries of such library district. The tax authorized by
32 this subsection shall be in addition to all other taxes allowed by law. No tax
33 under this subsection shall become effective unless the board of directors submits
34 to the voters of the district, at a county or state general, primary or special
35 election, a proposal to authorize the tax, and such tax shall become effective only
36 after the majority of the voters voting on such tax approve such tax.

37 2. In the event the district seeks to impose a sales tax under this
38 subsection, the question shall be submitted in substantially the following form:

39 Shall a cent sales tax be levied on all retail sales within the district
40 for the purpose of providing funding for library district?

41 ☐ YES ☐ NO

42 If a majority of the votes cast on the proposal by the qualified voters voting
43 thereon are in favor of the proposal, then the tax shall become effective. If a
44 majority of the votes cast by the qualified voters voting are opposed to the
45 proposal, then the board of directors shall have no power to impose the tax unless
46 and until another proposal to authorize the tax is submitted to the voters of the
47 district and such proposal is approved by a majority of the qualified voters voting
48 thereon. The provisions of sections 32.085 and 32.087 shall apply to any tax
49 approved under this subsection.

50 3. As used in this section, "qualified voters" or "voters" means any
51 individuals residing within the district who are eligible to be registered voters
52 and who have registered to vote under chapter 115, or, if no individuals are
53 eligible and registered to vote reside within the proposed district, all of the
54 owners of real property located within the proposed district who have
55 unanimously petitioned for or consented to the adoption of an ordinance by the
56 governing body imposing a tax authorized in this section. If the owner of the
57 property within the proposed district is a political subdivision or corporation of
58 the state, the governing body of such political subdivision or corporation shall be
59 considered the owner for purposes of this section.

60 4. For purposes of this section the term "public library district" shall
61 mean any city library district, county library district, city-county library district,

62 municipal library district, consolidated library district, or urban library district.

190.335. 1. In lieu of the tax levy authorized under section 190.305 for
2 emergency telephone services, the county commission of any county may impose
3 a county sales tax for the provision of central dispatching of fire protection,
4 including law enforcement agencies, emergency ambulance service or any other
5 emergency services, including emergency telephone services, which shall be
6 collectively referred to herein as "emergency services", and which may also
7 include the purchase and maintenance of communications and emergency
8 equipment, including the operational costs associated therein, in accordance with
9 the provisions of this section.

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

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

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

22 ☐ YES ☐ NO

23 If a majority of the votes cast on the proposal by the qualified voters voting
24 thereon are in favor of the proposal, then the ordinance shall be in effect as
25 provided herein. If a majority of the votes cast by the qualified voters voting are
26 opposed to the proposal, then the county commission shall have no power to
27 impose the tax authorized by this section unless and until the county commission
28 shall again have submitted another proposal to authorize the county commission
29 to impose the tax under the provisions of this section, and such proposal is
30 approved by a majority of the qualified voters voting thereon.

31 4. The sales tax may be imposed at a rate not to exceed one percent on the
32 receipts from the sale at retail of all tangible personal property or taxable
33 services at retail within any county adopting such tax, if such property and
34 services are subject to taxation by the state of Missouri under the provisions of
35 sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six

36 months before operation of the central dispatching of emergency services.

37 5. Except as modified in this section, all provisions of sections 32.085 and
38 32.087 shall apply to the tax imposed under this section.

39 6. Any tax imposed pursuant to section 190.305 shall terminate at the end
40 of the tax year in which the tax imposed pursuant to this section for emergency
41 services is certified by the board to be fully operational. Any revenues collected
42 from the tax authorized under section 190.305 shall be credited for the purposes
43 for which they were intended.

44 7. At least once each calendar year, the board shall establish a tax rate,
45 not to exceed the amount authorized, that together with any surplus revenues
46 carried forward will produce sufficient revenues to fund the expenditures
47 authorized by this act. Amounts collected in excess of that necessary within a
48 given year shall be carried forward to subsequent years. The board shall make
49 its determination of such tax rate each year no later than September first and
50 shall fix the new rate which shall be collected as provided in this
51 act. Immediately upon making its determination and fixing the rate, the board
52 shall publish in its minutes the new rate, and it shall notify every retailer by
53 mail of the new rate.

54 8. Immediately upon the affirmative vote of voters of such a county on the
55 ballot proposal to establish a county sales tax pursuant to the provisions of this
56 section, the county commission shall appoint the initial members of a board to
57 administer the funds and oversee the provision of emergency services in the
58 county. Beginning with the general election in 1994, all board members shall be
59 elected according to this section and other applicable laws of this state. At the
60 time of the appointment of the initial members of the board, the commission shall
61 relinquish and no longer exercise the duties prescribed in this chapter with
62 regard to the provision of emergency services and such duties shall be exercised
63 by the board.

64 9. The initial board shall consist of seven members appointed without
65 regard to political affiliation, who shall be selected from, and who shall represent,
66 the fire protection districts, ambulance districts, sheriff's department,
67 municipalities, any other emergency services and the general public. This initial
68 board shall serve until its successor board is duly elected and installed in
69 office. The commission shall ensure geographic representation of the county by
70 appointing no more than four members from each district of the county
71 commission.

72 10. Beginning in 1994, three members shall be elected from each district
73 of the county commission and one member shall be elected at large, such member
74 to be the chairman of the board. Of those first elected, four members from
75 districts of the county commission shall be elected for terms of two years and two
76 members from districts of the county commission and the member at large shall
77 be elected for terms of four years. In 1996, and thereafter, all terms of office
78 shall be four years. Notwithstanding any other provision of law, if there is no
79 candidate for an open position on the board, then no election shall be held for
80 that position and it shall be considered vacant, to be filled pursuant to the
81 provisions of section 190.339, and, if there is only one candidate for each open
82 position, no election shall be held and the candidate or candidates shall assume
83 office at the same time and in the same manner as if elected.

84 11. Notwithstanding the provisions of subsections 8 to 10 of this section
85 to the contrary, in any county of the first classification with more than two
86 hundred forty thousand three hundred but fewer than two hundred forty
87 thousand four hundred inhabitants, any emergency telephone service 911 board
88 appointed by the county under section 190.309 which is in existence on the date
89 the voters approve a sales tax under this section shall continue to exist and shall
90 have the powers set forth under section 190.339. **Such boards which existed**
91 **prior to August 25, 2010 shall not be considered a body corporate and**
92 **a political subdivision of the state for any purpose, unless and until an**
93 **order is entered upon an unanimous vote of the commissioners of the**
94 **county in which such board is established reclassifying such board as**
95 **a corporate body and political subdivision of the state. The order shall**
96 **approve the transfer of the assets and liabilities related to the**
97 **operation of the emergency service 911 system to the new entity**
98 **created by the reclassification of the board.**

99 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this
100 section to the contrary, in any county of the second classification with more than
101 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred
102 inhabitants or any county of the first classification with more than fifty thousand
103 but fewer than seventy thousand inhabitants that has approved a sales tax under
104 this section, the county commission shall appoint the members of the board to
105 administer the funds and oversee the provision of emergency services in the
106 county.

107 (2) The board shall consist of seven members appointed without regard

108 to political affiliation. Except as provided in subdivision (4) of this subsection,
109 each member shall be one of the following:

- 110 (a) The head of any of the county's fire protection districts, or a designee;
- 111 (b) The head of any of the county's ambulance districts, or a designee;
- 112 (c) The county sheriff, or a designee;
- 113 (d) The head of any of the police departments in the county, or a designee;
- 114 and
- 115 (e) The head of any of the county's emergency management organizations,
- 116 or a designee.

117 (3) Upon the appointment of the board under this subsection, the board
118 shall have the power provided in section 190.339 and shall exercise all powers
119 and duties exercised by the county commission under this chapter, and the
120 commission shall relinquish all powers and duties relating to the provision of
121 emergency services under this chapter to the board.

122 (4) In any county of the first classification with more than fifty thousand
123 but fewer than seventy thousand inhabitants, each of the entities listed in
124 subdivision (2) of this subsection shall be represented on the board by at least one
125 member.

190.339. 1. The powers and duties of the emergency services board shall
2 include, but not be limited to:

- 3 (1) Planning a 911 system and dispatching system;
- 4 (2) Coordinating and supervising the implementation, upgrading or
- 5 maintenance of the system, including the establishment of equipment
- 6 specifications and coding systems;
- 7 (3) Receiving money from any county sales tax authorized to be levied
- 8 pursuant to section 190.335 and authorizing disbursements from such moneys
- 9 collected;
- 10 (4) Hiring any staff necessary for the implementation, upgrade or
- 11 operation of the system.

12 **2. Except for emergency services 911 boards in existence prior**
13 **to August 25, 2010 and operating under the authority of subsection 11**
14 **of section 190.335,** the board shall be a body corporate and a political
15 subdivision of the state and shall be known as the "..... Emergency Services
16 Board".

17 3. The administrative control and management of the moneys from any
18 county sales tax authorized to be levied pursuant to section 190.335 and the

19 administrative control and management of the central dispatching of emergency
20 services shall rest solely with the board, and the board shall employ all necessary
21 personnel, affix their compensation and provide suitable quarters and equipment
22 for the operation of the central dispatching of emergency services from the funds
23 available for this purpose.

24 4. The board may contract to provide services relating in whole or in part
25 to central dispatching of emergency services and for such purpose may expend the
26 tax funds or other funds.

27 5. The board shall elect a vice chairman, treasurer, secretary and such
28 other officers as it deems necessary. Before taking office, the treasurer shall
29 furnish a surety bond in an amount to be determined and in a form to be
30 approved by the board for the faithful performance of the treasurer's duties and
31 faithful accounting of all moneys that may come into the treasurer's hands. The
32 treasurer shall enter into the surety bond with a surety company authorized to
33 do business in Missouri, and the cost of such bond shall be paid by the board of
34 directors.

35 6. The board may accept any gift of property or money for the use and
36 benefit of the central dispatching of emergency services, and the board is
37 authorized to sell or exchange any such property which it believes would be to the
38 benefit of the service so long as the proceeds are used exclusively for central
39 dispatching of emergency services. The board shall have exclusive control of all
40 gifts, property or money it may accept; of all interest of other proceeds which may
41 accrue from the investment of such gifts or money or from the sale of such
42 property; of all tax revenues collected by the county on behalf of the central
43 dispatching of emergency services; and of all other funds granted, appropriated
44 or loaned to it by the federal government, the state or its political subdivisions
45 so long as such resources are used solely to benefit the central dispatching of
46 emergency services.

47 7. Any board member may, following notice and an opportunity to be
48 heard, be removed from any office by a majority vote of the other members of the
49 board for any of the following reasons:

- 50 (1) Failure to attend five consecutive meetings, without good cause;
51 (2) Conduct prejudicial to the good order and efficient operation of the
52 central dispatching of emergency services; or
53 (3) Neglect of duty.

54 8. The chairperson of the board shall preside at such removal hearing,

55 unless the chairperson is the person sought to be removed, in which case the
56 hearing shall be presided over by another member elected by a majority vote of
57 the other board members. All interested parties may present testimony and
58 arguments at such hearing, and the witnesses shall be sworn in by oath or
59 affirmation before testifying. Any interested party may, at his or her own
60 expense, record the proceedings.

61 9. Vacancies on the board occasioned by removals, resignations or
62 otherwise, shall be filled by the remaining members of the board. The appointee
63 or appointees shall act until the next election at which a director or directors are
64 elected to serve the remainder of the unexpired term.

65 10. Individual board members shall not be eligible for employment by the
66 board within twelve months of termination of service as a member of the board.

67 11. No person shall be employed by the board who is related within the
68 fourth degree by blood or by marriage to any member of the board.

349.045. 1. Except as provided in subsection 2 of this section, the
2 corporation shall have a board of directors in which all the powers of the
3 corporation shall be vested and which shall consist of any number of directors,
4 not less than five, all of whom shall be duly qualified electors of and taxpayers
5 in the county or municipality; except that, for any industrial development
6 corporation formed by any municipality located wholly within any county of the
7 second, third, or fourth classification **or any county of the first classification**
8 **with more than sixty-five thousand but fewer than seventy-five**
9 **thousand inhabitants**, directors may be qualified taxpayers in and registered
10 voters of such county. The directors shall serve as such without compensation
11 except that they shall be reimbursed for their actual expenses incurred in and
12 about the performance of their duties hereunder. The directors shall be resident
13 taxpayers for at least one year immediately prior to their appointment. No
14 director shall be an officer or employee of the county or municipality. All
15 directors shall be appointed by the chief executive officer of the county or
16 municipality with the advice and consent of a majority of the governing body of
17 the county or municipality, and in all counties, other than a city not within a
18 county and counties with a charter form of government, the appointments shall
19 be made by the county commission and they shall be so appointed that they shall
20 hold office for staggered terms. At the time of the appointment of the first board
21 of directors the governing body of the municipality or county shall divide the
22 directors into three groups containing as nearly equal whole numbers as may be

23 possible. The first term of the directors included in the first group shall be two
24 years, the first term of the directors included in the second group shall be four
25 years, the first term of the directors in the third group shall be six years;
26 provided, that if at the expiration of any term of office of any director a successor
27 thereto shall not have been appointed, then the director whose term of office shall
28 have expired shall continue to hold office until a successor shall be appointed by
29 the chief executive officer of the county or municipality with the advice and
30 consent of a majority of the governing body of the county or municipality. The
31 successors shall be resident taxpayers for at least one year immediately prior to
32 their appointment.

33 2. A corporation in a county of the third classification without a township
34 form of government and with more than ten thousand four hundred but fewer
35 than ten thousand five hundred inhabitants shall have a board of directors in
36 which all the powers of the corporation shall be vested and which shall consist
37 of a number of directors not less than the number of townships in such county.
38 All directors shall be duly qualified electors of and taxpayers in the county. Each
39 township within the county shall elect one director to the board. Additional
40 directors may be elected to the board to succeed directors appointed to the board
41 as of the effective date of this section if the number of directors on the effective
42 date of this section exceeds the number of townships in the county. The directors
43 shall serve as such without compensation except that they shall be reimbursed
44 for their actual expenses incurred in the performance of their duties. The
45 directors shall be resident taxpayers for at least one year immediately prior to
46 their election. No director shall be an officer or employee of the county. Upon
47 the expiration of the term of office of any director appointed to the board prior to
48 the effective date of this section, a director shall be elected to succeed him or her;
49 provided that if at the expiration of any term of office of any director a successor
50 thereto shall not have been elected, then the director whose term of office shall
51 have expired shall continue to hold office until a successor shall be elected. The
52 successors shall be resident taxpayers for at least one year immediately prior to
53 their election.

**488.2206. 1. In addition to all court fees and costs prescribed by
2 law, a surcharge of up to ten dollars shall be assessed as costs in each
3 court proceeding filed in any court within the thirty-first judicial
4 circuit in all criminal cases including violations of any county or
5 municipal ordinance or any violation of a criminal or traffic law of the**

6 state, including an infraction, except that no such surcharge shall be
7 collected in any proceeding in any court when the proceeding or
8 defendant has been dismissed by the court or when costs are to be paid
9 by the state, county, or municipality. For violations of the general
10 criminal laws of the state or county ordinances, no such surcharge shall
11 be collected unless it is authorized, by order, ordinance, or resolution
12 by the county government where the violation occurred. For violations
13 of municipal ordinances, no such surcharge shall be collected unless it
14 is authorized, by order, ordinance, or resolution by the municipal
15 government where the violation occurred. Such surcharges shall be
16 collected and disbursed by the clerk of each respective court
17 responsible for collecting court costs in the manner provided by
18 sections 488.010 to 488.020, and shall be payable to the treasurer of the
19 political subdivision authorizing such surcharge.

20 2. Each county or municipality shall use all funds received
21 pursuant to this section only to pay for the costs associated with the
22 construction, maintenance, and operation of any county or municipal
23 judicial facility including, but not limited to, debt service, utilities,
24 maintenance, and building security. The county or municipality shall
25 maintain records identifying such operating costs, and any moneys not
26 needed for the operating costs of the county or municipal judicial
27 facility shall be transmitted quarterly to the general revenue fund of
28 the county or municipality respectively.

Section 1. No action shall be brought under section 82.1025 or
2 sections 82.1027 to 82.1030 if the owner of the property that is the
3 subject of the action is in good faith compliance with any order issued
4 by the department of natural resources, the United States
5 Environmental Protection Agency, or the office of attorney general.

✓