

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1291

AN ACT

To repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 92.105, 92.111, 92.115, 94.900, 108.120, 137.555, 137.556, 162.441, 184.503, 227.600, RSMo, and to enact in lieu thereof twenty-two new sections relating to political subdivisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 56.363, 56.805, 56.807, 56.814, 56.833,  
2 56.840, 59.800, 65.610, 65.620, 87.135, 92.105, 92.111, 92.115,  
3 94.900, 108.120, 137.555, 137.556, 162.441, 184.503, 227.600,  
4 RSMo, are repealed and twenty-two new sections enacted in lieu  
5 thereof, to be known as sections 41.657, 56.363, 56.805, 56.807,  
6 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 92.105,  
7 92.111, 92.115, 94.900, 108.120, 137.555, 137.556, 162.441,  
8 184.503, 227.600, 227.601, to read as follows:

9           41.657. 1. The county governing body or county planning  
10 commission, if any, of any county of the second classification  
11 with more than fifty-eight thousand but fewer than sixty-five  
12 thousand inhabitants, and any county of the third classification  
13 without a township form of government and with more than  
14 twenty-three thousand but fewer than twenty-six thousand

1 inhabitants may adopt ordinances regulating incompatible land  
2 uses and structures within all or any portion of the  
3 unincorporated area extending up to three thousand feet outward  
4 from the boundaries of any National Guard training center if the  
5 county has participated in the completion of a joint land use  
6 study associated with that training center.

7 2. As used in this section, "incompatible land uses and  
8 structures" are determined by the county governing body or county  
9 planning commission, if any, to be incompatible with noise,  
10 vibration, and other training impacts identified in the joint  
11 land use study or the most recent state operational noise  
12 management plan. Regulations the county governing body or county  
13 planning commission, if any, determines are necessary to  
14 effectuate the purposes of this section and the recommendations  
15 in the joint land use study or operational noise management plan  
16 may include, but are not limited to, density, lot size, outdoor  
17 lighting, land use, construction standards, and subdivision of  
18 land.

19 3. The county governing body or county planning commission,  
20 if any, may also provide for coordination with National Guard  
21 officials and notification to current and future property owners  
22 with respect to potential incompatible land uses, military  
23 training impacts, and the existence of any regulation adopted  
24 under this section.

25 56.363. 1. The county commission of any county may on its  
26 own motion and shall upon the petition of ten percent of the  
27 total number of people who voted in the previous general election  
28 in the county submit to the voters at a general or special

1 election the proposition of making the county prosecutor a  
2 full-time position. The commission shall cause notice of the  
3 election to be published in a newspaper published within the  
4 county, or if no newspaper is published within the county, in a  
5 newspaper published in an adjoining county, for three weeks  
6 consecutively, the last insertion of which shall be at least ten  
7 days and not more than thirty days before the day of the  
8 election, and by posting printed notices thereof at three of the  
9 most public places in each township in the county. The  
10 proposition shall be put before the voters substantially in the  
11 following form:

12            Shall the office of prosecuting attorney be made a full-time  
13 position in \_\_\_\_\_ County?

14                             YES                             NO

15  
16 If a majority of the voters voting on the proposition vote in  
17 favor of making the county prosecutor a full-time position, it  
18 shall become effective upon the date that the prosecutor who is  
19 elected at the next election subsequent to the passage of such  
20 proposal is sworn into office. The position shall then qualify  
21 for the retirement benefits available to a full-time prosecutor  
22 of a county of the first classification. Any county that elects  
23 to make the position of prosecuting attorney full-time shall pay  
24 into the Missouri prosecuting attorneys and circuit attorneys'  
25 retirement fund at the same contribution amount as paid by  
26 counties of the first classification.

27            2. The provisions of subsection 1 of this section  
28 notwithstanding, in any county where the proposition of making

1 the county prosecutor a full-time position was submitted to the  
2 voters at a general election in 1998 and where a majority of the  
3 voters voting on the proposition voted in favor of making the  
4 county prosecutor a full-time position, the proposition shall  
5 become effective on May 1, 1999. Any prosecuting attorney whose  
6 position becomes full time on May 1, 1999, under the provisions  
7 of this subsection shall have the additional duty of providing  
8 not less than three hours of continuing education to peace  
9 officers in the county served by the prosecuting attorney in each  
10 year of the term beginning January 1, 1999.

11 3. In counties that, prior to August 28, 2001, have elected  
12 pursuant to this section to make the position of prosecuting  
13 attorney a full-time position, the county commission may at any  
14 time elect to have that position also qualify for the retirement  
15 benefit available for a full-time prosecutor of a county of the  
16 first classification. Such election shall be made by a majority  
17 vote of the county commission and once made shall be irrevocable,  
18 unless the voters of the county elect to change the position of  
19 prosecuting attorney back to a part-time position under  
20 subsection 4 of this section. When such an election is made, the  
21 results shall be transmitted to the Missouri prosecuting  
22 attorneys and circuit attorneys' retirement system fund, and the  
23 election shall be effective on the first day of January following  
24 such election. Such election shall also obligate the county to  
25 pay into the Missouri prosecuting attorneys and circuit  
26 attorneys' system retirement fund the same retirement  
27 contributions for full-time prosecutors as are paid by counties  
28 of the first classification.

1           4. In any county of the third classification without a  
2 township form of government and with more than twelve thousand  
3 but fewer than fourteen thousand inhabitants and with a city of  
4 the fourth classification with more than one thousand seven  
5 hundred but fewer than one thousand nine hundred inhabitants as  
6 the county seat that has elected to make the county prosecutor a  
7 full-time position under this section after August 28, 2014, the  
8 county commission may on its own motion and shall upon the  
9 petition of ten percent of the total number of people who voted  
10 in the previous general election in the county submit to the  
11 voters at a general or special election the proposition of  
12 changing the full-time prosecutor position to a part-time  
13 position. The commission shall cause notice of the election to  
14 be published in a newspaper published within the county, or if no  
15 newspaper is published within the county, in a newspaper  
16 published in an adjoining county, for three weeks consecutively,  
17 the last insertion of which shall be at least ten days and not  
18 more than thirty days before the day of the election, and by  
19 posting printed notices thereof at three of the most public  
20 places in each township in the county. The proposition shall be  
21 put before the voters substantially in the following form:

22           Shall the office of prosecuting attorney be made a part-time  
23 position in \_\_\_\_\_ County?

24                            YES                            NO

25  
26 If a majority of the voters vote in favor of making the county  
27 prosecutor a part-time position, it shall become effective upon  
28 the date that the prosecutor who is elected at the next election

1 subsequent to the passage of such proposal is sworn into office.

2 5. In any county that has elected to make the full-time  
3 position of county prosecutor a part-time position under  
4 subsection 4 of this section, the county's retirement  
5 contribution to the retirement system and the retirement benefit  
6 earned by the member shall prospectively be that of a part-time  
7 prosecutor as established in this chapter. Any retirement  
8 contribution made and retirement benefit earned prior to the  
9 effective date of the voter-approved proposition under subsection  
10 4 of this section shall be maintained by the retirement system  
11 and used to calculate the retirement benefit for such prior  
12 full-time position service. Under no circumstances shall a  
13 member in a part-time prosecutor position earn full-time position  
14 retirement benefit service accruals for time periods after the  
15 effective date of the proposition changing the county prosecutor  
16 back to a part-time position.

17 56.805. As used in sections 56.800 to 56.840, the following  
18 words and terms mean:

19 (1) "Annuity", annual payments, made in equal monthly  
20 installments, to a retired member from funds provided for, in, or  
21 authorized by, the provisions of sections 56.800 to 56.840;

22 (2) "Average final compensation", the average compensation  
23 of an employee for the two consecutive years prior to retirement  
24 when the employee's compensation was greatest;

25 (3) "Board of trustees" or "board", the board of trustees  
26 established by the provisions of sections 56.800 to 56.840;

27 (4) "Compensation", all salary and other compensation  
28 payable by a county to an employee for personal services rendered

1 as an employee, including any salary reduction amounts under a  
2 cafeteria plan that satisfies 26 U.S.C. Section 125 or an  
3 eligible deferred compensation plan that satisfies 26 U.S.C.  
4 Section 457 but not including [travel and mileage] reimbursement  
5 for any expenses, any consideration for agreeing to terminate  
6 employment, or any other nonrecurring or unusual payment that is  
7 not part of regular remuneration;

8 (5) "County", the City of St. Louis and each county in the  
9 state;

10 (6) "Creditable service", the sum of both membership  
11 service and creditable prior service;

12 (7) "Effective date of the establishment of the system",  
13 August 28, 1989;

14 (8) "Employee", an elected or appointed prosecuting  
15 attorney or circuit attorney who is employed by a county or a  
16 city not within a county;

17 (9) "Membership service", service as a prosecuting attorney  
18 or circuit attorney after becoming a member that is creditable in  
19 determining the amount of the member's benefits under this  
20 system;

21 (10) "Prior service", service of a member rendered prior to  
22 the effective date of the establishment of the system which is  
23 creditable under section 56.823;

24 (11) "Retirement system" or "system", the prosecuting  
25 attorneys and circuit attorneys' retirement system authorized by  
26 the provisions of sections 56.800 to 56.840.

27 56.807. 1. Beginning August 28, 1989, and continuing  
28 monthly thereafter until August 27, 2003, the funds for

1 prosecuting attorneys and circuit attorneys provided for in  
2 subsection 2 of this section shall be paid from county or city  
3 funds.

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

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

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

13 (3) For counties of the first classification, and, except  
14 as otherwise provided under section 56.363, counties which  
15 pursuant to section 56.363 elect to make the position of  
16 prosecuting attorney a full-time position after August 28, 2001,  
17 or whose county commission has elected a full-time retirement  
18 benefit pursuant to subsection 3 of section 56.363, and the City  
19 of St. Louis, one thousand two hundred ninety-one dollars and  
20 sixty-seven cents.

21 3. Beginning August 28, 1989, and continuing until August  
22 27, 2003, the county treasurer shall at least monthly transmit  
23 the sums specified in subsection 2 of this section to the  
24 Missouri office of prosecution services for deposit to the credit  
25 of the "Missouri Prosecuting Attorneys and Circuit Attorneys'  
26 Retirement System Fund", which is hereby created. All moneys  
27 held by the state treasurer on behalf of the system shall be paid  
28 to the system within ninety days after August 28, 1993. Moneys

1 in the Missouri prosecuting attorneys and circuit attorneys'  
2 retirement system fund shall be used only for the purposes  
3 provided in sections 56.800 to 56.840 and for no other purpose.

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

9 5. (1) Beginning August 28, 2003, each county treasurer  
10 shall pay to the system the following amounts to be drawn from  
11 the general revenues of the county:

12 (a) For counties of the third and fourth classification  
13 except as provided in paragraph (c) of this subdivision, one  
14 hundred eighty-seven dollars;

15 (b) For counties of the second classification, two hundred  
16 seventy-one dollars;

17 (c) For counties of the first classification, counties  
18 which pursuant to section 56.363 elect to make the position of  
19 prosecuting attorney a full-time position after August 28, 2001,  
20 or whose county commission has elected a full-time retirement  
21 benefit pursuant to subsection 3 of section 56.363, and the City  
22 of St. Louis, six hundred forty-six dollars.

23 (2) Beginning August 28, 2015, the county contribution set  
24 forth in paragraphs (a) to (c) of subdivision (1) of this  
25 subsection shall be adjusted in accordance with the following  
26 schedule based upon the prosecuting attorneys and circuit  
27 attorneys' retirement system's annual actuarial valuation report.  
28 If the system's funding ratio is:

1 (a) One hundred twenty percent or more, no monthly sum  
2 shall be transmitted;

3 (b) More than one hundred ten percent but less than one  
4 hundred twenty percent, the monthly sum transmitted shall be  
5 reduced fifty percent;

6 (c) At least ninety percent and up to and including one  
7 hundred ten percent, the monthly sum transmitted shall remain the  
8 same;

9 (d) At least eighty percent and less than ninety percent,  
10 the monthly sum transmitted shall be increased fifty percent; and

11 (e) Less than eighty percent, the monthly sum transmitted  
12 shall be increased one hundred percent.

13 6. Beginning August 28, 2003, the county treasurer shall at  
14 least monthly transmit the sums specified in subsection 5 of this  
15 section to the Missouri office of prosecution services for  
16 deposit to the credit of the Missouri prosecuting attorneys and  
17 circuit attorneys' retirement system fund. Moneys in the  
18 Missouri prosecuting attorneys and circuit attorneys' retirement  
19 system fund shall be used only for the purposes provided in  
20 sections 56.800 to 56.840, and for no other purpose.

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

24 (1) There shall be assessed and collected a surcharge of  
25 four dollars in all criminal cases filed in the courts of this  
26 state including violation of any county ordinance, any violation  
27 of criminal or traffic laws of this state, including infractions,  
28 and against any person who has pled guilty for any violation and

1 paid a fine through a fine collection center, but no such  
2 surcharge shall be assessed when the costs are waived or are to  
3 be paid by the state, county, or municipality or when a criminal  
4 proceeding or the defendant has been dismissed by the court. For  
5 purposes of this section, the term "county ordinance" shall  
6 include any ordinance of the City of St. Louis;

7 (2) The clerk responsible for collecting court costs in  
8 criminal cases shall collect and disburse such amounts as  
9 provided by sections 488.010 to 488.026. Such funds shall be  
10 payable to the prosecuting attorneys and circuit attorneys'  
11 retirement fund. Moneys credited to the prosecuting attorneys  
12 and circuit attorneys' retirement fund shall be used only for the  
13 purposes provided for in sections 56.800 to 56.840 and for no  
14 other purpose.

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

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

21 10. Beginning January first following the effective date of  
22 this act, all members, who upon vesting and retiring are eligible  
23 to receive a normal annuity equal to fifty percent of the final  
24 average compensation and, as a condition of participation, shall  
25 contribute two percent of their gross salary to the fund.  
26 Beginning on January 1, 2020, each such member shall contribute  
27 four percent of their gross salary to the fund. Each county  
28 treasurer shall deduct the appropriate amount from the gross

1 salary of the prosecuting attorney or circuit attorney and, at  
2 least monthly, shall transmit the sum to the prosecuting attorney  
3 and circuit attorney retirement system for deposit in the  
4 prosecuting attorneys and circuit attorneys' retirement fund.

5 11. Upon separation from the system, a nonvested member  
6 shall receive a lump sum payment equal to the total contribution  
7 of the member without interest or other increases in value.

8 12. Upon retirement and in the sole discretion of the board  
9 on the advice of the actuary, a member shall receive a lump sum  
10 payment equal to the total contribution of the member without  
11 interest or other increases in value, but such lump sum shall not  
12 exceed twenty-five percent of the final average compensation of  
13 the member. This amount shall be in addition to any retirement  
14 benefits to which the member is entitled.

15 13. Upon the death of a nonvested member or the death of a  
16 vested member prior to retirement, the lump sum payment in  
17 subsection 11 or 12 of this section shall be made to the  
18 designated beneficiary of the member or, if no beneficiary has  
19 been designated, to the member's estate.

20 56.814. 1. Any [member] person who became a member prior  
21 to January 1, 2019, who has attained the age of sixty-two years  
22 and who has twelve years or more of creditable service as  
23 prosecuting attorney or circuit attorney may retire with a normal  
24 annuity as determined in subsection 3 of section 56.840.

25 2. Any person who becomes a member on or after January 1,  
26 2019, who has attained the age of sixty-five and who has twelve  
27 years or more of creditable service as a prosecuting attorney or  
28 circuit attorney may retire with a normal annuity.

1           56.833. 1. Upon termination of employment, any [member  
2 with twelve or more years of creditable service] person who  
3 became a member prior to January 1, 2019, shall be entitled to a  
4 deferred normal annuity, payable at age fifty-five with twelve or  
5 more years of creditable service as determined in subsection 3 of  
6 section 56.840. Upon termination of employment, any person who  
7 became a member on or after January 1, 2019, shall be entitled to  
8 a deferred normal annuity, payable at age sixty with twelve or  
9 more years of creditable service as determined in subsection 3 of  
10 section 56.840. Any member with less than twelve years of  
11 creditable service shall forfeit all rights in the fund,  
12 including the member's accrued creditable service as of the date  
13 of the member's termination of employment.

14           2. A former member who has forfeited creditable service may  
15 have the creditable service restored by again becoming an  
16 employee [and] within ten years of the date of the termination of  
17 employment, completing four years of continuous membership  
18 service, and contributing an amount to the fund equal to any lump  
19 sum payment received under subsections 11 and 12 of section  
20 56.807. Notwithstanding any other provision of section 104.800  
21 to the contrary, a former member shall not be entitled to  
22 transfer creditable service into this retirement system unless  
23 the member previously vested in this system.

24           3. Absences for sickness or injury of less than twelve  
25 months shall be counted as membership service.

26           56.840. 1. Annuity payments to retired employees under the  
27 provisions of sections 56.800 to 56.840 shall be available  
28 beginning January first next succeeding the expiration of two

1 calendar years from the effective date of the establishment of  
2 the system to eligible retired employees, and employees with at  
3 least twelve years of creditable service shall have vested rights  
4 and upon reaching the required age shall be entitled to  
5 retirement benefits.

6 2. All members serving as a prosecuting attorney or circuit  
7 attorney in a county of the first classification, a county with a  
8 charter form of government, or a city not within a county shall  
9 receive one year of creditable service for each year served.

10 3. Notwithstanding any provision of law to the contrary,  
11 members serving as a prosecuting attorney in counties that  
12 elected to make the position of prosecuting attorney a full-time  
13 position shall receive one year of creditable vesting service for  
14 each year served as a part-time or full-time prosecuting  
15 attorney. Such members shall receive one year of creditable  
16 benefit service for each year served as a full-time prosecuting  
17 attorney and six-tenths of a year of creditable benefit service  
18 for each year served as a part-time prosecuting attorney. Upon  
19 retirement, any member who has less than twelve years of  
20 creditable benefit service shall receive a reduced full-time  
21 benefit in a sum equal to the portion that the member's  
22 creditable benefit years bear to twelve vesting years.

23 4. Members restoring creditable service under subsection 2  
24 of section 56.833 shall receive one year of creditable service  
25 for each restored year served as a full-time prosecuting attorney  
26 and six-tenths of a year of creditable service for each restored  
27 year served as a part-time prosecuting attorney. Unless  
28 otherwise permitted by law, no member shall receive credit for

1 any partial year of employment.

2 5. Notwithstanding any provision of law to the contrary,  
3 any member who vested in the system as a part-time prosecuting  
4 attorney and who ceased being a member for more than six months  
5 before returning as a full-time prosecuting attorney shall be  
6 entitled only to retirement benefits as a part-time prosecuting  
7 attorney. Any creditable service earned by such an employee upon  
8 returning to the system as a full-time prosecuting attorney shall  
9 begin a new vesting period subject to the provision of the system  
10 in effect at the time of the member's return. No member shall  
11 receive benefits while employed as a prosecuting attorney or  
12 circuit attorney.

13 59.800. 1. Beginning on July 1, 2001, notwithstanding any  
14 other condition precedent required by law to the recording of any  
15 instrument specified in subdivisions (1) and (2) of subsection 1  
16 of section 59.330, an additional fee of five dollars shall be  
17 charged and collected by every recorder of deeds in this state on  
18 each instrument recorded. The additional fee shall be  
19 distributed as follows:

20 (1) One dollar and twenty-five cents to the recorder's fund  
21 established [pursuant to] under subsection 1 of section 59.319,  
22 provided, however, that all funds received [pursuant to] under  
23 this section shall be used exclusively for the purchase,  
24 installation, upgrade and maintenance of modern technology  
25 necessary to operate the recorder's office in an efficient  
26 manner;

27 (2) One dollar and seventy-five cents to the county general  
28 revenue fund; and

1           (3) Two dollars to the fund established in subsection 2 of  
2 this section.

3           2. (1) There is hereby established a revolving fund known  
4 as the "Statutory County Recorder's Fund", which shall receive  
5 funds paid to the recorders of deeds of the counties of this  
6 state [pursuant to] under subdivision (3) of subsection 1 of this  
7 section. The director of the department of revenue shall be  
8 custodian of the fund and shall make disbursements from the fund  
9 for the purpose of subsidizing the fees collected by counties  
10 that hereafter elect or have heretofore elected to separate the  
11 offices of clerk of the circuit court and recorder. The subsidy  
12 shall consist of the total amount of moneys collected [pursuant  
13 to] under subdivisions (1) and (2) of subsection 1 of this  
14 section subtracted from fifty-five thousand dollars, except under  
15 such circumstances where the annual average of funds collected  
16 under subsection 1 of this section during the previous three  
17 calendar years are insufficient to meet all obligations  
18 calculated in this subdivision. In such cases the provisions of  
19 subdivision (2) of this subsection shall apply. The moneys paid  
20 to qualifying counties [pursuant to] under this subsection shall  
21 be deposited in the county general revenue fund. For purposes of  
22 this section a "qualified county" is a county that hereafter  
23 elects or has heretofore elected to separate the offices of clerk  
24 of the circuit court and recorder and in which the office of the  
25 recorder of deeds collects less than fifty-five thousand dollars  
26 in fees [pursuant to] under subdivisions (1) and (2) of  
27 subsection 1 of this section, on an annual basis. Moneys in the  
28 statutory county recorder's fund shall not be considered state

1 funds and shall be deemed nonstate funds.

2 (2) In the event funds collected under subdivision (3) of  
3 subsection 1 of this section are insufficient to meet the  
4 obligations set out in subdivision (1) of this subsection, the  
5 director of the department of revenue shall calculate the  
6 projected shortfall that would otherwise be incurred based on the  
7 formula outlined in subdivision (1) of this subsection. If the  
8 fund balance is greater than the annual average disbursement from  
9 the fund during the previous three years, up to thirty-three  
10 percent of the amount that exceeds the annual three-year average  
11 to meet the obligation may be used to meet the obligations.  
12 Should this amount be insufficient or unavailable to meet the  
13 shortfall, the director of the department of revenue shall set a  
14 new requisite amount to determine a qualified county under  
15 subdivision (1) of this subsection other than fifty-five thousand  
16 dollars, which reflects the revenue collected under subdivision  
17 (3) of subsection 1 of this section in addition to thirty-three  
18 percent of the excess fund balance.

19 65.610. 1. Upon the petition of at least ten percent of  
20 voters at the last general election of any county having  
21 heretofore adopted township organization, praying therefor, the  
22 county commission shall submit the question of the abolition of  
23 township organization to the voters of the county at a general or  
24 special election. The question shall include a countywide tax  
25 levy for road and bridge purposes. The total vote for governor  
26 at the last general election before the filing of the petition  
27 where a governor was elected shall be used to determine the  
28 number of voters necessary to sign the petition. If the petition

1 is filed six months or more prior to a general election, the  
2 proposition shall be submitted at a special election to be  
3 ordered by the county commission within sixty days after the  
4 petition is filed; if the petition is filed less than six months  
5 before a general election, then the proposition shall be  
6 submitted at the general election next succeeding the filing of  
7 the petition. The election shall be conducted, the vote  
8 canvassed and the result declared in the same manner as provided  
9 by law in respect to elections of county officers. The clerk of  
10 the county commission shall give notice that a proposition for  
11 the abolition of township organization form of county government  
12 in the county is to be voted upon by causing a copy of the order  
13 of the county commission authorizing such election to be  
14 published at least once each week for three successive weeks, the  
15 last insertion to be not more than one week prior to the  
16 election, in some newspaper published in the county where the  
17 election is to be held, if there is a newspaper published in the  
18 county and, if not, by posting printed or written handbills in at  
19 least two public places in each election precinct in the county  
20 at least twenty-one days prior to the date of election. The  
21 clerk of the county commission shall provide the ballot which  
22 shall be printed and in substantially the following form:

23 OFFICIAL BALLOT

24 (Check the one for which you wish to vote)

25 Shall township organization form of county government be  
26 abolished in \_\_\_\_\_ County and a countywide ..... tax at a  
27 rate of ..... collected for road and bridge purposes?

28  YES

NO

1 If a majority of the electors voting upon the proposition shall  
2 vote for the abolition thereof the township organization form of  
3 county government shall be declared to have been abolished; and  
4 township organization shall cease in said county; and except as  
5 provided in section 65.620 all laws in force in relation to  
6 counties not having township organization shall immediately take  
7 effect and be in force in such county.

8 2. No election or any proposal for either the adoption of  
9 township organization or for the abolition of township  
10 organization in any county shall be held within two years after  
11 an election is held under this section.

12 65.620. 1. Whenever any county abolishes township  
13 organization the county treasurer and ex officio collector shall  
14 immediately settle his accounts as treasurer with the county  
15 commission and shall thereafter perform all duties, exercise all  
16 powers, have all rights and be subject to all liabilities imposed  
17 and conferred upon the county collector of revenue under chapter  
18 52 until the first Monday in March after the general election  
19 next following the abolishment of township organization and until  
20 a collector of revenue for the county is elected and qualified.  
21 The person elected collector at the general election as  
22 aforesaid, if that election is not one for collector of revenue  
23 under chapter 52, shall serve until the first Monday in March  
24 following the election and qualification of a collector of  
25 revenue under chapter 52. Upon abolition of township  
26 organization a county treasurer shall be appointed to serve until  
27 the expiration of the term of such officer pursuant to chapter  
28 54.

1           2. Upon abolition of township organization, title to all  
2 property of all kinds theretofore owned by the several townships  
3 of the county shall vest in the county and the county shall be  
4 liable for all outstanding obligations and liabilities of the  
5 several townships.

6           3. The terms of office of all township officers shall  
7 expire on the abolition of township organization and the township  
8 trustee of each township shall immediately settle his accounts  
9 with the county clerk and all township officers shall promptly  
10 deliver to the appropriate county officers, as directed by the  
11 county commission, all books, papers, records and property  
12 pertaining to their offices.

13           [4. For a period of one calendar year following the  
14 abolition of the townships or until the voters of the county have  
15 approved a tax levy for road and bridge purposes, whichever  
16 occurs first, the county collector shall continue to collect a  
17 property tax on a countywide basis in an amount equal to the tax  
18 levied by the township that had the lowest total tax rate in the  
19 county immediately prior to the abolishment of the townships.  
20 The continued collection of the tax shall be considered a  
21 continuation of an existing tax and shall not be considered a new  
22 tax levy.]

23           87.135. 1. Under such rules and regulations as the board  
24 of trustees shall adopt, each member who was a firefighter on and  
25 prior to the date of the establishment of the retirement system  
26 shall file a detailed statement of all service as a firefighter  
27 rendered by him or her prior to that date for which the  
28 firefighter claims credit.

1           2. The board of trustees shall fix and determine by proper  
2 rules and regulations how much service in any year is equivalent  
3 to one year of service, but in no case shall more than one year  
4 of service be creditable for all service in one calendar year,  
5 nor shall the board of trustees allow credit as service for any  
6 period of more than one month's duration during which the member  
7 was absent without pay.

8           3. Subject to the above restrictions and to such other  
9 rules and regulations as the board of trustees may adopt, the  
10 board of trustees shall verify the service claims as soon as  
11 practicable after the filing of the statement of service.

12           4. Upon verification of the statements of service the board  
13 of trustees shall issue prior service certificates, certifying to  
14 each member the length of prior service with which the member is  
15 credited on the basis of his or her statement of service. So  
16 long as the holder of the certificate continues to be a member, a  
17 prior service certificate shall be final and conclusive for  
18 retirement purposes as to such service, except that any member  
19 may, within one year from the date of issuance or modification of  
20 the certificate, request the board of trustees to modify or  
21 correct the member's prior service certificate, and upon such  
22 request or of its own motion the board may correct the  
23 certificate. When any firefighter ceases to be a member his or  
24 her prior service certificate shall become void. Should he or  
25 she again become a member, he or she shall enter the retirement  
26 system as a member not entitled to prior service credit except as  
27 provided in section 87.215.

28           5. Creditable service at retirement on which the retirement

1 allowance of a member shall be based shall consist of creditable  
2 membership service rendered by him or her, and also if the member  
3 has a prior service certificate which is in full force and  
4 effect, the amount of the service certified on the member's prior  
5 service certificate. Service rendered by a firefighter after the  
6 operative date and prior to becoming a member shall be included  
7 as creditable membership service provided the service was  
8 rendered since he or she last became a firefighter.

9 6. The retirement system, with the approval of the board of  
10 trustees, may enter into cooperative agreements to transfer  
11 creditable service between the retirement system and any other  
12 retirement plan established by the state of Missouri or any  
13 political subdivision or instrumentality of the state when a  
14 member who has been employed in a position covered by one plan is  
15 employed in a position covered by another plan. The transfer of  
16 creditable service shall be in accordance with the provisions of  
17 section 105.691 and the policies and procedures established by  
18 the board of trustees.

19 92.105. It is the intent of sections 92.105 to 92.125 that  
20 starting in 2011 voters in any city imposing an earnings tax will  
21 decide in local elections to continue the earnings tax. If the  
22 majority of local voters vote to continue the earnings tax, it  
23 will continue for five or ten years, as provided under section  
24 92.115, and then will be voted on again. If a majority of  
25 voters in any city having an earnings tax vote against continuing  
26 the earnings tax, it will be phased out pursuant to section  
27 92.125 in such city over a period of ten years. Further,  
28 sections 92.105 to 92.125 prohibit any Missouri city or town that

1 does not, as of November 2, 2010, impose an earnings tax, from  
2 imposing such a tax on residents and businesses.

3 92.111. 1. After December 31, 2011, no city, including any  
4 constitutional charter city, shall impose or levy an earnings  
5 tax, except a constitutional charter city that imposed or levied  
6 an earnings tax on November 2, 2010, may continue to impose the  
7 earnings tax if it submits to the voters of such city pursuant to  
8 section 92.115 the question whether to continue such earnings tax  
9 for a period of five or ten years, as provided under section  
10 92.115, and a majority of such qualified voters voting thereon  
11 approve such question, however, if no such election is held, or  
12 if in any election held to continue to impose or levy the  
13 earnings tax a majority of such qualified voters voting thereon  
14 fail to approve the continuation of the earnings tax, such city  
15 shall no longer be authorized to impose or levy such earnings tax  
16 except to reduce such tax in the manner provided by section  
17 92.125.

18 2. As used in sections 92.111 to 92.200, unless the context  
19 clearly requires otherwise, the term "earnings tax" means a tax  
20 on the:

21 (1) Salaries, wages, commissions and other compensation  
22 earned by its residents;

23 (2) Salaries, wages, commissions and other compensation  
24 earned by nonresidents of the city for work done or services  
25 performed or rendered in the city;

26 (3) Net profits of associations, businesses or other  
27 activities conducted by residents;

28 (4) Net profits of associations, businesses or other

1 activities conducted in the city by nonresidents;

2 (5) Net profits earned by all corporations as the result of  
3 work done or services performed or rendered and business or other  
4 activities.

5 92.115. 1. Any constitutional charter city which as of  
6 November 2, 2010, imposed or levied an earnings tax may continue  
7 to impose or levy an earnings tax, pursuant to sections 92.111 to  
8 92.200, if it submits to the qualified voters of such city on the  
9 next general municipal election date immediately following  
10 November 2, 2010, and once every five or ten years thereafter, as  
11 provided under subsection 2 of this section, the question whether  
12 to continue to impose and levy the earnings tax authorized  
13 pursuant to sections 92.111 to 92.200, and if a majority of  
14 qualified voters voting approve the continuance of the earnings  
15 tax at such election.

16 2. (1) The question submitted to the qualified voters in  
17 any such city other than a home rule city with more than four  
18 hundred thousand inhabitants and located in more than one county  
19 shall contain the earnings tax percentage imposed and the name of  
20 the city submitting the question and shall otherwise contain  
21 exactly the following language:

22 Shall the earnings tax of \_\_\_\_\_ %, imposed by the City of  
23 \_\_\_\_\_, be continued for a period of five (5) years commencing  
24 January 1 immediately following the date of this election?

25  YES  NO

26  
27 (2) The question submitted to the qualified voters in a  
28 home rule city with more than four hundred thousand inhabitants

1 and located in more than one county shall contain the earnings  
2 tax percentage imposed and the name of the city submitting the  
3 question and shall otherwise contain exactly the following  
4 language:

5 Shall the earnings tax of .....%, imposed by the City  
6 of ....., be continued for a period of ten (10) years  
7 commencing January 1 immediately following the date of this  
8 election?

9  YES  NO

10 3. If the question whether to continue to impose and levy  
11 the earnings tax fails to be approved by the majority of  
12 qualified voters voting thereon, the earnings tax levied and  
13 imposed on November 2, 2010, shall be reduced pursuant to section  
14 92.125 commencing January first of the calendar year following  
15 the date of the election held under this section or January first  
16 of the calendar year following the calendar year in which such  
17 election was authorized under this section but not held by such  
18 city.

19 4. No city which has begun reductions of its earnings tax  
20 pursuant to section 92.125 may, by ordinance or any other means,  
21 with or without voter approval, stop or suspend such reduction.

22 94.900. 1. (1) The governing body of the following cities  
23 may impose a tax as provided in this section:

24 (a) Any city of the third classification with more than ten  
25 thousand eight hundred but less than ten thousand nine hundred  
26 inhabitants located at least partly within a county of the first  
27 classification with more than one hundred eighty-four thousand  
28 but less than one hundred eighty-eight thousand inhabitants;

1 (b) Any city of the fourth classification with more than  
2 four thousand five hundred but fewer than five thousand  
3 inhabitants;

4 (c) Any city of the fourth classification with more than  
5 eight thousand nine hundred but fewer than nine thousand  
6 inhabitants;

7 (d) Any home rule city with more than forty-eight thousand  
8 but fewer than forty-nine thousand inhabitants;

9 (e) Any home rule city with more than seventy-three  
10 thousand but fewer than seventy-five thousand inhabitants;

11 (f) Any city of the fourth classification with more than  
12 thirteen thousand five hundred but fewer than sixteen thousand  
13 inhabitants; [or]

14 (g) Any city of the fourth classification with more than  
15 seven thousand but fewer than eight thousand inhabitants;

16 (h) Any city of the fourth classification with more than  
17 four thousand but fewer than four thousand five hundred  
18 inhabitants and located in any county of the first classification  
19 with more than one hundred fifty thousand but fewer than two  
20 hundred thousand inhabitants; or

21 (i) Any city of the third classification with more than  
22 thirteen thousand but fewer than fifteen thousand inhabitants and  
23 located in any county of the third classification without a  
24 township form of government and with more than thirty-three  
25 thousand but fewer than thirty-seven thousand inhabitants.

26 (2) The governing body of any city listed in subdivision  
27 (1) of this subsection is hereby authorized to impose, by  
28 ordinance or order, a sales tax in the amount of up to one-half

1 of one percent on all retail sales made in such city which are  
2 subject to taxation under the provisions of sections 144.010 to  
3 144.525 for the purpose of improving the public safety for such  
4 city, including but not limited to expenditures on equipment,  
5 city employee salaries and benefits, and facilities for police,  
6 fire and emergency medical providers. The tax authorized by this  
7 section shall be in addition to any and all other sales taxes  
8 allowed by law, except that no ordinance or order imposing a  
9 sales tax pursuant to the provisions of this section shall be  
10 effective unless the governing body of the city submits to the  
11 voters of the city, at a county or state general, primary or  
12 special election, a proposal to authorize the governing body of  
13 the city to impose a tax.

14 2. If the proposal submitted involves only authorization to  
15 impose the tax authorized by this section, the ballot of  
16 submission shall contain, but need not be limited to, the  
17 following language:

18 Shall the city of \_\_\_\_\_ (city's name) impose a citywide  
19 sales tax of \_\_\_\_\_ (insert amount) for the purpose of improving  
20 the public safety of the city?

21  YES  NO

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

25  
26 If a majority of the votes cast on the proposal by the qualified  
27 voters voting thereon are in favor of the proposal submitted  
28 pursuant to this subsection, then the ordinance or order and any

1 amendments thereto shall be in effect on the first day of the  
2 second calendar quarter after the director of revenue receives  
3 notification of adoption of the local sales tax. If a proposal  
4 receives less than the required majority, then the governing body  
5 of the city shall have no power to impose the sales tax herein  
6 authorized unless and until the governing body of the city shall  
7 again have submitted another proposal to authorize the governing  
8 body of the city to impose the sales tax authorized by this  
9 section and such proposal is approved by the required majority of  
10 the qualified voters voting thereon. However, in no event shall  
11 a proposal pursuant to this section be submitted to the voters  
12 sooner than twelve months from the date of the last proposal  
13 pursuant to this section.

14 3. All revenue received by a city from the tax authorized  
15 under the provisions of this section shall be deposited in a  
16 special trust fund and shall be used solely for improving the  
17 public safety for such city for so long as the tax shall remain  
18 in effect.

19 4. Once the tax authorized by this section is abolished or  
20 is terminated by any means, all funds remaining in the special  
21 trust fund shall be used solely for improving the public safety  
22 for the city. Any funds in such special trust fund which are not  
23 needed for current expenditures may be invested by the governing  
24 body in accordance with applicable laws relating to the  
25 investment of other city funds.

26 5. All sales taxes collected by the director of the  
27 department of revenue under this section on behalf of any city,  
28 less one percent for cost of collection which shall be deposited

1 in the state's general revenue fund after payment of premiums for  
2 surety bonds as provided in section 32.087, shall be deposited in  
3 a special trust fund, which is hereby created, to be known as the  
4 "City Public Safety Sales Tax Trust Fund". The moneys in the  
5 trust fund shall not be deemed to be state funds and shall not be  
6 commingled with any funds of the state. The provisions of  
7 section 33.080 to the contrary notwithstanding, money in this  
8 fund shall not be transferred and placed to the credit of the  
9 general revenue fund. The director of the department of revenue  
10 shall keep accurate records of the amount of money in the trust  
11 and which was collected in each city imposing a sales tax  
12 pursuant to this section, and the records shall be open to the  
13 inspection of officers of the city and the public. Not later  
14 than the tenth day of each month the director of the department  
15 of revenue shall distribute all moneys deposited in the trust  
16 fund during the preceding month to the city which levied the tax;  
17 such funds shall be deposited with the city treasurer of each  
18 such city, and all expenditures of funds arising from the trust  
19 fund shall be by an appropriation act to be enacted by the  
20 governing body of each such city. Expenditures may be made from  
21 the fund for any functions authorized in the ordinance or order  
22 adopted by the governing body submitting the tax to the voters.

23 6. The director of the department of revenue may make  
24 refunds from the amounts in the trust fund and credited to any  
25 city for erroneous payments and overpayments made, and may redeem  
26 dishonored checks and drafts deposited to the credit of such  
27 cities. If any city abolishes the tax, the city shall notify the  
28 director of the department of revenue of the action at least

1 ninety days prior to the effective date of the repeal and the  
2 director of the department of revenue may order retention in the  
3 trust fund, for a period of one year, of two percent of the  
4 amount collected after receipt of such notice to cover possible  
5 refunds or overpayment of the tax and to redeem dishonored checks  
6 and drafts deposited to the credit of such accounts. After one  
7 year has elapsed after the effective date of abolition of the tax  
8 in such city, the director of the department of revenue shall  
9 remit the balance in the account to the city and close the  
10 account of that city. The director of the department of revenue  
11 shall notify each city of each instance of any amount refunded or  
12 any check redeemed from receipts due the city.

13 7. Except as modified in this section, all provisions of  
14 sections 32.085 and 32.087 shall apply to the tax imposed  
15 pursuant to this section.

16 108.120. 1. The county commissions of the counties of this  
17 state are hereby authorized to issue bonds for and on behalf of  
18 their respective counties for the construction, reconstruction,  
19 improvement, maintenance and repair of any and all public roads,  
20 highways, bridges [and], culverts, streets, avenues, or alleys  
21 within such county, including the payment of any cost, judgment  
22 and expense for property, or rights in property, acquired by  
23 purchase or eminent domain, as may be provided by law, in such  
24 amount and such manner as may be provided by the general law  
25 authorizing the issuance of bonds by counties.

26 2. The proceeds of all bonds issued under the provisions of  
27 this section shall be paid into the county treasury where they  
28 shall be kept as a separate fund to be known as "The Road Bond

1 Construction Fund" and such proceeds shall be used only for the  
2 purpose mentioned herein. [Such funds may be used in the  
3 construction, reconstruction, improvement, maintenance and repair  
4 of any street, avenue, road or alley in any incorporated city,  
5 town or village if such street, avenue, road or alley or any part  
6 thereof shall form a part of a continuous road, highway, bridge  
7 or culvert of said county leading into or through such city, town  
8 or village.] The county may contract with any other political  
9 subdivision to share the proceeds of such bonds to be used for  
10 the purposes authorized.

11 137.555. In addition to other levies authorized by law, the  
12 county commission in counties not adopting an alternative form of  
13 government and the proper administrative body in counties  
14 adopting an alternative form of government, in their discretion  
15 may levy an additional tax, not exceeding thirty-five cents on  
16 each one hundred dollars assessed valuation, all of such tax to  
17 be collected and turned into the county treasury, where it shall  
18 be known and designated as "The Special Road and Bridge Fund" to  
19 be used for road and bridge purposes and for no other purpose  
20 whatever; except that the term "road and bridge purposes" may  
21 include certain storm water control projects off rights of way  
22 that are directly related to the construction of roads and  
23 bridges, in any county of the first classification without a  
24 charter form of government with a population of at least ninety  
25 thousand inhabitants but not more than one hundred thousand  
26 inhabitants, in any county of the first classification without a  
27 charter form of government with a population of at least two  
28 hundred thousand inhabitants, in any county of the first

1 classification without a charter form of government and bordered  
2 by one county of the first classification and one county of the  
3 second classification or in any county of the first  
4 classification with a charter form of government and containing  
5 part of a city with a population of three hundred thousand or  
6 more inhabitants; provided, however, that all that part or  
7 portion of such tax which shall arise from and be collected and  
8 paid upon any property lying and being within any special road  
9 district shall be paid into the county treasury and four-fifths  
10 of such part or portion of such tax so arising from and collected  
11 and paid upon any property lying and being within any such  
12 special road district shall be placed to the credit of such  
13 special road district from which it arose and shall be paid out  
14 to such special road district upon warrants of the county  
15 commission, in favor of the commissioners or treasurer of the  
16 district as the case may be; provided further, that the part of  
17 such special road and bridge tax arising from and paid upon  
18 property not situated in any special road district and the  
19 one-fifth part retained in the county treasury may, in the  
20 discretion of the county commission and pursuant to a written  
21 contract, be shared with any other political subdivision to be  
22 used [in] for road and bridge purposes within the county,  
23 including but not limited to constructing, improving or repairing  
24 [any street in any incorporated city or village in the county, if  
25 such street shall form a part of a continuous highway of such  
26 county leading through such city or village] streets, avenues, or  
27 alleys of such political subdivision.

28 137.556. 1. Notwithstanding the provisions of section

1 137.555, any county of the second class which now has or may  
2 hereafter have more than one hundred thousand inhabitants, and  
3 any county of the first class not having a charter form of  
4 government, shall expend not less than twenty-five percent of the  
5 moneys accruing to it from the county's special road and bridge  
6 tax levied upon property situated within the limits of any city,  
7 town or village within the county for the repair and improvement  
8 of existing roads, streets and bridges within the city, town or  
9 village from which such moneys accrued, except that any county of  
10 the [second] first classification with more than sixty-five  
11 thousand but fewer than seventy-five thousand inhabitants and  
12 with a county seat with more than fifteen thousand but fewer than  
13 seventeen thousand inhabitants shall not be required to expend  
14 such moneys as prescribed in this section.

15 2. The city council or other governing body of the city,  
16 town or village shall designate the roads, streets and bridges to  
17 be repaired and improved and shall specify the kinds and types of  
18 materials to be used.

19 3. The county commission may make and supervise the  
20 improvements or the city, town or village, with the consent and  
21 approval of the county commission, may provide for the repairs  
22 and improvement by private contract and, in either case, the  
23 county commission shall pay the costs thereof out of any funds  
24 available under the provisions of this section.

25 162.441. 1. If any school district desires to be attached  
26 to a community college district organized under sections 178.770  
27 to 178.890 or to one or more adjacent seven-director school  
28 districts for school purposes, upon the receipt of a petition

1 setting forth such fact, signed either by voters of the district  
2 equal in number to ten percent of those voting in the last school  
3 election at which school board members were elected or by a  
4 majority of the voters of the district, whichever is the lesser,  
5 the school board of the district desiring to be so attached shall  
6 submit the question to the voters.

7 2. As an alternative to the procedure in subsection 1 of  
8 this section, a seven-director district may, by a majority vote  
9 of its board of education, propose a plan to the voters of the  
10 district to attach the district to one or more adjacent  
11 seven-director districts and call [for] an election upon the  
12 question of such plan.

13 3. As an alternative to the procedures in subsection 1 or 2  
14 of this section, a community college district organized under  
15 sections 178.770 to 178.890 may, by a majority vote of its board  
16 of trustees, propose a plan to the voters of the school district  
17 to attach the school district to the community college district,  
18 levy the tax rate applicable to the community college district at  
19 the time of the vote of the board of trustees, and call an  
20 election upon the question of such plan. The community college  
21 district shall be responsible for the costs associated with the  
22 election.

23 4. A plat of the proposed changes to all affected districts  
24 shall be published and posted with the notice of election.

25 [4.] 5. The question shall be submitted in substantially  
26 the following form:

27 Shall the \_\_\_\_\_ school district be annexed to the \_\_\_\_\_  
28 school districts effective the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_?

1           [5.] 6. If a majority of the votes cast in the district  
2 proposing annexation favor annexation, the secretary shall  
3 certify the fact, with a copy of the record, to the board of the  
4 district and to the boards of the districts to which annexation  
5 is proposed; whereupon the boards of the seven-director districts  
6 to which annexation is proposed shall meet to consider the  
7 advisability of receiving the district or a portion thereof, and  
8 if a majority of all the members of each board favor annexation,  
9 the boundary lines of the seven-director school districts from  
10 the effective date shall be changed to include the district, and  
11 the board shall immediately notify the secretary of the district  
12 which has been annexed of its action.

13           [6.] 7. Upon the effective date of the annexation, all  
14 indebtedness, property and money on hand belonging thereto shall  
15 immediately pass to the seven-director school district. If the  
16 district is annexed to more than one district, the provisions of  
17 sections 162.031 and 162.041 shall apply.

18           184.503. 1. The governing body of any eligible county may,  
19 by resolution, authorize the creation of or participation in a  
20 district, and may impose a sales tax on all retail sales made  
21 within the eligible county which are subject to sales tax under  
22 chapter 144. The tax authorized in this section shall not exceed  
23 one-fourth of one percent, and shall be imposed solely for the  
24 purpose of funding the support of zoological activities within  
25 the district. The tax authorized in this section shall be in  
26 addition to all other sales taxes imposed by law, and shall be  
27 stated separately from all other charges and taxes. Such  
28 creation of or participation in such district and the levy of the

1 sales tax may be accomplished individually or on a cooperative  
2 basis with another eligible county or other eligible counties for  
3 financial support of the district. A petition requesting such  
4 creation of or participation in such district and the levy of the  
5 sales tax for the purpose of funding the support of zoological  
6 activities within the district may also be filed with the  
7 governing body, and shall be signed by not less than the number  
8 of qualified electors of an eligible county equal to five percent  
9 of the number of ballots cast and counted at the last preceding  
10 gubernatorial election held in such county. No such resolution  
11 adopted or petition presented under this section shall become  
12 effective unless the governing body of the eligible county  
13 submits to the voters residing within the eligible county at a  
14 state general, primary, or special election a proposal to  
15 authorize the governing body of the eligible county to create or  
16 participate in a district and to impose a tax under this section.  
17 The county election official shall give legal notice at least  
18 sixty days prior to such general or primary election or special  
19 election in at least two newspapers that such proposition or  
20 propositions shall be submitted at the next general or primary  
21 election or special election held for submission of this  
22 proposition. The resolution or proposition shall be printed on  
23 the ballot and in the notice of election. Provisions of this  
24 section to the contrary notwithstanding, no tax authorized under  
25 the provisions of this section shall be effective in any eligible  
26 noncharter county unless the tax authorized under the provisions  
27 of this section is also collected by an eligible charter county.

28 2. The ballot for the proposition in any county shall be in

1 substantially the following form:

2        Shall a retail sales tax of \_\_\_\_\_ (insert amount, not to  
3 exceed one-quarter of one percent) be levied and collected for  
4 the benefit of the Kansas City Zoological District, which shall  
5 be created and consist of the county(s) of \_\_\_\_\_ (insert name of  
6 counties), for the support of zoological activities with the  
7 district?

8                     YES                     NO

9

10 The governing body of the county may place additional language on  
11 the ballot to describe the use or allocation of the funds.

12        3. In the event that a majority of the voters voting on  
13 such proposition in such county at said election cast votes for  
14 the proposition, then the district shall be deemed established  
15 and the tax rate for such subdistrict shall be deemed in full  
16 force and effect as of the first day of the year following the  
17 year of said election and the governing body of such county may  
18 proceed with the performance of all things necessary and  
19 incidental to participation in the district. The results of the  
20 aforesaid election shall be certified by the election officials  
21 of such county to the governing body of such county not less than  
22 thirty days after the day of election. In the event the  
23 proposition shall fail to receive a majority of the votes "FOR",  
24 then such proposition shall not be resubmitted at any election  
25 held within one year of the date of the election the proposition  
26 was rejected. Any such resubmissions of such proposition shall  
27 substantially comply with the provisions of sections 184.500 to  
28 **[184.515] 184.512.**

1           4. Any tax which is submitted to and authorized by the  
2 voters of an eligible county under the provisions of this section  
3 shall expire on December 31, 2022, unless reauthorized by the  
4 voters of such county. Thereafter, any tax which is reauthorized  
5 under this subsection shall be subject to reauthorization every  
6 ten years. If an eligible county fails to reauthorize the tax  
7 imposed under this section, such tax shall be abolished and the  
8 county and the director of revenue shall be subject to the  
9 provisions of subsection 7 of this section.

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

13           [5.] 6. All sales taxes collected by the director of  
14 revenue from the tax authorized by this section on behalf of the  
15 district, less one percent for cost of collection, which shall be  
16 deposited in the state's general revenue fund after payment of  
17 premiums for surety bonds, as provided in section 32.087, shall  
18 be deposited in a special trust fund, which is hereby created, to  
19 be known as the "Kansas City Zoological District Sales Tax Trust  
20 Fund". The moneys in the Kansas City zoological district sales  
21 tax trust fund shall not be deemed to be state funds and shall  
22 not be commingled with any funds of the state. The director of  
23 revenue shall keep accurate records of the amount of money  
24 collected and deposited in the trust fund and the records shall  
25 be open to the inspection of officers of the district, the  
26 counties composing the district, and the public. Not later than  
27 the tenth day of each month the director of revenue shall  
28 distribute all moneys deposited in the Kansas City zoological

1 district sales tax trust fund during the preceding month to the  
2 district.

3 [6.] 7. The director of revenue may make refunds from the  
4 amounts in the Kansas City zoological district sales tax trust  
5 fund and credited to the district for erroneous payments and  
6 overpayments made, and may redeem dishonored checks and drafts  
7 deposited to the credit of the district. If the district  
8 abolishes the tax, the county shall notify the director of  
9 revenue of the action at least ninety days prior to the effective  
10 date of the repeal and the director of revenue may order  
11 retention in the Kansas City zoological district sales tax trust  
12 fund, for a period of one year, of two percent of the amount  
13 collected after receipt of such notice to cover possible refunds  
14 or overpayment of the tax and to redeem dishonored checks and  
15 drafts deposited to the credit of such account. After one year  
16 has elapsed after the effective date of abolition of the tax in  
17 the district, the director of revenue shall remit the balance in  
18 the account to the district and close the account of the  
19 district. The director of revenue shall notify the district of  
20 each instance of any amount refunded or any check redeemed from  
21 receipts due the district.

22 [7.] 8. Any of the eligible counties composing the Kansas  
23 City zoological district may withdraw from the district by  
24 adoption of a resolution and approval of the resolution by a  
25 majority of the qualified electors of the county, in the same  
26 manner provided in this section for creating or becoming a part  
27 of the district. The governing body of a withdrawing county  
28 shall provide for the sending of formal written notice of

1 withdrawal from the district to the governing body of the other  
2 county or each of the other counties comprising the district.  
3 Actual withdrawal shall not take effect until ninety days after  
4 notice has been sent. A withdrawing county shall not be relieved  
5 from any obligation that such county may have assumed or incurred  
6 by reason of being a part of the district, including, but not  
7 limited to, the retirement of any outstanding bonded indebtedness  
8 of the district.

9 227.600. 1. Sections 227.600 to 227.669 shall be known and  
10 may be cited as the "Missouri Public-Private Partnerships  
11 Transportation Act".

12 2. As used in sections 227.600 to 227.669, unless the  
13 context clearly requires otherwise, the following terms mean:

14 (1) "Commission", the Missouri highways and transportation  
15 commission;

16 (2) "Comprehensive agreement", the final binding written  
17 comprehensive project agreement between a private partner and the  
18 commission required in section 227.621 to finance, develop,  
19 and/or operate the project;

20 (3) "Department", the Missouri department of  
21 transportation;

22 (4) "Develop" or "development", to plan, locate, relocate,  
23 establish, acquire, lease, design, or construct;

24 (5) "Finance", to fund the costs, expenses, liabilities,  
25 fees, profits, and all other charges incurred to finance,  
26 develop, and/or operate the project;

27 (6) "Interim agreement", a preliminary binding written  
28 agreement between a private partner and the commission that

1 provides for completion of studies and any other activities to  
2 advance the financing, development, and/or operation of the  
3 project required by section 227.618;

4 (7) "Material default", any uncured default by a private  
5 partner in the performance of its duties that jeopardizes  
6 adequate service to the public from the project as determined by  
7 the commission;

8 (8) "Operate" or "operation", to improve, maintain, equip,  
9 modify, repair, administer, or collect user fees;

10 (9) "Private partner", any natural person, corporation,  
11 partnership, limited liability company, joint venture, business  
12 trust, nonprofit entity, other business entity, or any  
13 combination thereof;

14 (10) "Project", exclusively includes any pipeline, ferry,  
15 port facility, water facility, water way, water supply facility  
16 or pipeline, stormwater facility or system, wastewater system or  
17 [wastewater] treatment facility, public building, airport,  
18 railroad, light rail, vehicle parking facility, mass transit  
19 facility, or other similar facility currently available or to be  
20 made available to a government entity for public use, including  
21 any structure, parking area, appurtenance and other property  
22 required to operate the structure or facility to be financed,  
23 developed, and/or operated under agreement between the commission  
24 and a private partner. The commission or private partner shall  
25 not have the authority to collect user fees in connection with  
26 the project from motor carriers as defined in section 227.630.  
27 Project shall not include any highway, interstate or bridge  
28 construction, or any rest area, rest stop, or truck parking

1 facility connected to an interstate or other highway under the  
2 authority of the commission. Any project not specifically  
3 included in this subdivision shall not be financed, developed, or  
4 operated by a private partner until such project is approved by a  
5 vote of the people;

6 (11) "Public use", a finding by the commission that the  
7 project to be financed, developed, and/or operated by a private  
8 partner under sections 227.600 to 227.669 will improve or is  
9 needed as a necessary addition to the state transportation  
10 system;

11 (12) "Revenues", include but are not limited to the  
12 following which arise out of or in connection with the financing,  
13 development, and/or operation of the project:

14 (a) Income;

15 (b) Earnings;

16 (c) Proceeds;

17 (d) User fees;

18 (e) Lease payments;

19 (f) Allocations;

20 (g) Federal, state, and local moneys; or

21 (h) Private sector moneys, grants, bond proceeds, and/or  
22 equity investments;

23 (13) "State", the state of Missouri;

24 (14) "State highway system", the state system of highways  
25 and bridges planned, located, relocated, established, acquired,  
26 constructed, and maintained by the commission under Section  
27 30(b), Article IV, Constitution of Missouri;

28 (15) "State transportation system", the state system of

1 nonhighway transportation programs, including but not limited to  
2 aviation, transit and mass transportation, railroads, ports,  
3 waterborne commerce, freight and intermodal connections;

4 (16) "User fees", tolls, fees, or other charges authorized  
5 to be imposed by the commission and collected by the private  
6 partner for the use of all or a portion of a project under a  
7 comprehensive agreement.

8 227.601. 1. Notwithstanding any provision of sections  
9 227.600 to 227.669 to the contrary, the process and approval for  
10 concession agreements to build, maintain, operate, or finance  
11 projects owned by a political subdivision shall be approved by  
12 the governing body of such political subdivision and shall not be  
13 subject to approval by the commission. Notwithstanding the  
14 provisions of subsection 5 of this section, the sale or  
15 conveyance of any project owned by a political subdivision shall  
16 be subject to voter approval if required by law.

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

18 (1) "Competitive bidding process", a request for proposal  
19 for the financing, development, or operation of the project,  
20 including any deadline for submission of such proposals, and  
21 notice of the request which shall be published once a week for  
22 two consecutive weeks in:

23 (a) A newspaper of general circulation in the city where  
24 the proposed project is located;

25 (b) At least one construction industry trade publication  
26 that is nationally distributed; and

27 (c) Such other publications or manner as the governing body  
28 of the political subdivision may determine;

1       (2) "Concession agreement", a license or lease between a  
2 private partner and a political subdivision for the development,  
3 finance, operation, or maintenance of a project, as such term is  
4 defined in section 227.600.

5       3. Notwithstanding any provision of law to the contrary,  
6 political subdivisions may enter into concession agreements  
7 provided that:

8       (1) The term of the concession agreement shall be for a  
9 term not exceeding thirty years;

10       (2) The political subdivision shall retain oversight of  
11 operations of any such project;

12       (3) The political subdivision shall retain oversight of  
13 rate setting methodology;

14       (4) The political subdivision shall have the right to  
15 terminate the agreement if the private partner does not comply  
16 with the concession agreement.

17       4. The commission shall not be required to oversee, or  
18 issue an annual report under section 227.669 for, projects  
19 approved by political subdivisions, provided that any political  
20 subdivision entering into a concession agreement shall use a  
21 public-private partnership framework that shall include a  
22 competitive bidding process.

23       5. Except as provided in subsection 1 of this section, the  
24 provisions of sections 71.530, 71.550, 78.190, 78.630, 81.190,  
25 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not  
26 apply to concession agreements that are approved as provided in  
27 this section.