

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1854
100TH GENERAL ASSEMBLY

Reported from the Committee on Local Government and Elections, April 29, 2020, with recommendation that the Senate Committee Substitute do pass.

3153S.05C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 29.230, 50.166, 50.327, 54.140, 59.021, 59.100, 64.805, 105.145, 144.757, 321.015, 321.190, 321.300, 321.603, and 610.021, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof twenty-six new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 29.230, 49.266, 50.166, 50.327, 54.140, 59.021, 59.100, 64.805, 105.145, 144.757, 321.015, 321.190, 321.300, 321.603, and 610.021, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 29.230, 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, 37.1098, 49.266, 50.166, 50.327, 54.140, 59.021, 59.100, 64.207, 64.805, 79.235, 105.145, 144.757, 321.015, 321.190, 321.300, 321.603, and 610.021, to read as follows:

29.230. 1. In every county which does not elect a county auditor, the state auditor shall audit, without cost to the county, at least once during the term for which any county officer is chosen, the accounts of the various county officers supported in whole or in part by public moneys.

2. The state auditor shall audit any political subdivision of the state,

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

6 including counties having a county auditor, if requested to do so by a petition
7 submitted by a person who resides or owns real property within the boundaries
8 or area of service of the political subdivision and such petition is submitted to the
9 state auditor within one year from requesting the petition from the state auditor
10 and is signed by the requisite percent of the qualified voters of the political
11 subdivision. The requisite percent of qualified voters to cause such an audit to
12 be conducted shall be determined as follows:

13 (1) If the number of qualified voters of the political subdivision
14 determined on the basis of the votes cast in the last gubernatorial election held
15 prior to the filing of the petition is less than one thousand, twenty-five percent
16 of the qualified voters of the political subdivision determined on the basis of the
17 registered voters eligible to vote at the last gubernatorial election held prior to
18 the filing of the petition;

19 (2) If the number of qualified voters of the political subdivision
20 determined on the basis of the votes cast in the last gubernatorial election held
21 prior to the filing of the petition is one thousand or more but less than five
22 thousand, fifteen percent of the qualified voters of the political subdivision
23 determined on the basis of the votes cast in the last gubernatorial election held
24 prior to the filing of the petition, provided that the number of qualified voters
25 signing such petition is not less than two hundred;

26 (3) If the number of qualified voters of the political subdivision
27 determined on the basis of the votes cast in the last gubernatorial election held
28 prior to the filing of the petition is five thousand or more but less than fifty
29 thousand, ten percent of the qualified voters of the political subdivision
30 determined on the basis of the votes cast in the last gubernatorial election held
31 prior to the filing of the petition, provided that the number of qualified voters
32 signing such petition is not less than seven hundred fifty;

33 (4) If the number of qualified voters of the political subdivision
34 determined on the basis of the votes cast in the last gubernatorial election held
35 prior to the filing of the petition is fifty thousand or more, five percent of the
36 qualified voters of the political subdivision determined on the basis of the votes
37 cast in the last gubernatorial election held prior to the filing of the petition,
38 provided that the number of qualified voters signing such petition is not less than
39 five thousand.

40 3. The political subdivision shall pay the actual cost of audit. The petition
41 that requests an audit of a political subdivision shall state on its face the

42 estimated cost of the audit and that it will be paid by the political subdivision
43 being audited. The estimated cost of the audit shall be provided by the state
44 auditor within sixty days of such request. The costs of the audit may be billed
45 and paid on an interim basis with individual billing periods to be set at the state
46 auditor's discretion. Moneys held by the state on behalf of a political subdivision
47 may be used to offset unpaid billings for audit costs of the political subdivision.
48 All moneys received by the state in payment of the costs of petition audits shall
49 be deposited in the state treasury and credited to the "Petition Audit Revolving
50 Trust Fund" which is hereby created with the state treasurer as custodian. The
51 general assembly may appropriate additional moneys to the fund as it deems
52 necessary. The state auditor shall administer the fund and approve all
53 disbursements, upon appropriation, from the fund to apply to the costs of
54 performing petition audits. The provisions of section 33.080 to the contrary
55 notwithstanding, money in the fund shall not be transferred and placed to the
56 credit of general revenue until the amount in the fund at the end of any biennium
57 exceeds one million dollars. The amount in the fund which shall lapse is the
58 amount which exceeds one million dollars. No political subdivision shall be
59 audited by petition more than once in any three calendar or fiscal years.

60 4. Any person who allegedly signed or has signed the original petition
61 may submit a sworn statement to the state auditor that the person did not sign
62 such petition or that the person wishes to rescind such signature. Such
63 statement shall be required to be made within ten days from submission of the
64 petition to the state auditor. If such statement is timely filed, such signature
65 shall be withdrawn and shall not count in the determination of the number of
66 qualified voters necessary to compel an audit under subsection 2 of this section.

67 5. (1) **The provisions of section 29.185 to the contrary**
68 **notwithstanding, in the course of conducting any audit in any county**
69 **of the third classification pursuant to subsection 1 of this section, the**
70 **state auditor shall not conduct a performance audit if:**

71 (a) **The county commission has elected not to be subject to a**
72 **performance audit through the passage of a resolution; and**

73 (b) **The county has undergone an audit examination by a**
74 **certified public accountant licensed pursuant to chapter 326 in**
75 **accordance with generally accepted auditing standards at least once in**
76 **the preceding two years.**

77 (2) **Any resolution adopted pursuant to subdivision (1) of this**

78 subsection shall be transmitted to the state auditor within sixty days
79 of its passage.

80 (3) The county commission shall transmit to the state auditor a
81 copy of any audit report conducted by a certified public accountant
82 licensed pursuant to chapter 326 not later than October thirty-first
83 following the close of the fiscal period covered by the audit. In the
84 event the report is not transmitted to the state auditor by such date,
85 absent good cause shown, the state auditor may conduct a performance
86 audit.

37.1090. As used in sections 37.1090 to 37.1098, the following
2 terms mean:

3 (1) "Expenditure", any monetary payment from a municipality or
4 county to any vendor including, but not limited to, a payment,
5 distribution, loan, advance, reimbursement, deposit, or gift;

6 (2) "Municipality", a city, town, or village that is incorporated in
7 accordance with the laws of this state;

8 (3) "State entity", the general assembly; the supreme court of
9 Missouri; the office of an elected state official; or an agency, board,
10 commission, department, institution, instrumentality, office, or other
11 governmental entity of this state, excluding municipalities, counties,
12 institutions of higher education, and any public employee retirement
13 system;

14 (4) "Vendor", any person, partnership, corporation, association,
15 organization, state entity, or other party that:

16 (a) Sells, leases, or otherwise provides equipment, materials,
17 goods, supplies, or services to a municipality or county; or

18 (b) Receives reimbursement from a municipality or county for
19 any expense.

37.1091. The "Missouri Local Government Expenditure Database"
2 is hereby created and shall be maintained on the Missouri
3 accountability portal, established under section 37.850, by the office of
4 administration. The database shall be available on the office of
5 administration website and shall include information about
6 expenditures made during each fiscal year that begins after December
7 31, 2022. The database shall be publicly accessible without charge.

37.1092. For each expenditure, the Missouri local government
2 expenditure database shall include the following information:

- 3 (1) The amount of the expenditure;
4 (2) The date the expenditure was paid;
5 (3) The vendor to whom the expenditure was paid, unless the
6 disclosure of the vendor's name would violate a confidentiality
7 requirement, in which case the vendor may be listed as confidential;
8 (4) The purpose of the expenditure; and
9 (5) The municipality or county that made the expenditure or
10 requested the expenditure be made.

 37.1093. The Missouri local government expenditure database
2 shall provide:

- 3 (1) A database of all expenditures; and
4 (2) The ability to download information.

 37.1094. 1. A municipality or county may choose to voluntarily
2 participate in the Missouri local government expenditure database, or,
3 if a requisite number of residents of a municipality or county request
4 the municipality or county to participate, such jurisdiction shall
5 participate in the Missouri local government expenditure
6 database. The requisite number of residents requesting participation
7 shall be five percent of the registered voters of such jurisdiction voting
8 in the last general municipal election, as described under section
9 115.121. Residents may request participation by submitting a written
10 letter by certified mail to the governing body of the municipality or
11 county and the office of administration. Multiple residents may sign
12 one letter, but the number of requests from residents shall include all
13 requests from all letters received. Upon receiving such a letter, a
14 municipality or county shall acknowledge receipt thereof to the
15 resident and the office of administration within thirty days. After
16 receiving the requisite number of requests, a municipality or county
17 shall begin participating in the database but shall not be required to
18 report expenditures incurred before one complete six-month reporting
19 period described under subsection 2 of this section has elapsed.

20 2. Each municipality or county participating in the database
21 shall provide electronically transmitted information to the office of
22 administration, in a format the office requires, for inclusion in the
23 Missouri local government expenditure database regarding each of the
24 municipality's or county's expenditures biannually. Information
25 regarding the first half of the calendar year shall be submitted before

26 July thirty-first of such year. Information regarding the second half of
27 the calendar year shall be submitted before January thirty-first of the
28 year immediately following such year.

29 3. Notwithstanding subsection 1 of this section, no submission
30 shall be required for any expenditures incurred before January 1, 2023.

31 4. The office of administration shall provide each municipality
32 and county participating in the database with a template in the format
33 described under section 37.1092 for the purpose of uploading the
34 data. The office of administration shall have the authority to grant the
35 municipality or county access for the purpose of uploading data.

36 5. Upon appropriation, the office of administration shall provide
37 financial reimbursement to any participating municipality or county
38 for actual expenditures incurred for participating in the database.

37.1095. No later than one year after the Missouri local
2 government expenditure database is implemented, the office of
3 administration shall provide, on the office of administration website,
4 an opportunity for public comment on the utility of the database.

37.1096. The Missouri local government expenditure database
2 shall not include any confidential information or any information that
3 is not a public record under the laws of this state. However, the state
4 shall not be liable for the disclosure of a record in the Missouri local
5 government expenditure database that is confidential information or
6 is not a public record under the laws of this state.

37.1097. Each municipality or county that has a website shall
2 display on its website a prominent internet link to the Missouri local
3 government expenditure database.

37.1098. The office of administration may adopt rules to
2 implement the provisions of sections 37.1090 to 37.1098. Any rule or
3 portion of a rule, as that term is defined in section 536.010, that is
4 created under the authority delegated in this section shall become
5 effective only if it complies with and is subject to all of the provisions
6 of chapter 536 and, if applicable, section 536.028. This section and
7 chapter 536 are nonseverable, and if any of the powers vested with the
8 general assembly pursuant to chapter 536 to review, to delay the
9 effective date, or to disapprove and annul a rule are subsequently held
10 unconstitutional, then the grant of rulemaking authority and any rule
11 proposed or adopted after August 28, 2020, shall be invalid and void.

[49.266. 1. The county commission in all counties of the first, second or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. Violation of any regulation so adopted under subsection 1 of this section is an infraction.

3. Upon a determination by the state fire marshal that a burn ban order is appropriate for a county because:

(1) An actual or impending occurrence of a natural disaster of major proportions within the county jeopardizes the safety and welfare of the inhabitants of such county; and

(2) The U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought, the county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

4. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted.]

49.266. 1. The county commission in all [noncharter] counties **of the first, second, third, or fourth classification** may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

6 2. Violation of any regulation so adopted under subsection 1 of this section
7 is an infraction.

8 3. Upon a determination by the state fire marshal that a burn ban order
9 is appropriate for a county because:

10 (1) An actual or impending occurrence of a natural disaster of major
11 proportions within the county jeopardizes the safety and welfare of the
12 inhabitants of such county; and

13 (2) The U.S. Drought Monitor has designated the county as an area of
14 severe, extreme, or exceptional drought, the county commission may adopt an
15 order or ordinance issuing a burn ban, which may carry a penalty of up to a class
16 A misdemeanor. State agencies responsible for fire management or suppression
17 activities and persons conducting agricultural burning using best management
18 practices shall not be subject to the provisions of this subsection. The ability of
19 an individual, organization, or corporation to sell fireworks shall not be affected
20 by the issuance of a burn ban. The county burn ban may prohibit the explosion
21 or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are
22 defined by the 2012 edition of the American Fireworks Standards Laboratory, but
23 shall not ban the explosion or ignition of any other consumer fireworks as the
24 term "consumer fireworks" is defined under section 320.106.

25 4. The regulations so adopted shall be codified, printed and made
26 available for public use and adequate signs concerning smoking, traffic and
27 parking regulations shall be posted.

50.166. 1. In all cases of claims allowed against the county, and in all
2 cases of grants, salaries, pay and expenses allowed by law, the county clerk may
3 fill in on a form of warrant the amount due as approved by the county commission
4 and other necessary information. The form of the warrant thus filled in by the
5 county clerk may be transmitted to the county treasurer. The warrant may be in
6 such form that a single instrument may serve as the warrant and the county
7 treasurer's draft or check, and may be so designed that it is a nonnegotiable
8 warrant when signed by the county clerk and becomes a negotiable check or draft
9 after it has been signed by the county treasurer.

10 **2. Upon request, the county treasurer shall have access to any**
11 **financially relevant document in the possession of any county official**
12 **for the purposes of processing a warrant, unless such warrant is**
13 **received in the absence of a check then the county treasurer shall have**
14 **access to the information necessary to process the warrant.**

15 **3. No official of any county shall refuse a request from the**
16 **county treasurer for access to or a copy of any document in the**
17 **possession of a county official that is financially relevant to his or her**
18 **duties under section 50.330.**

19 **4. No county treasurer shall refuse to release funds for the**
20 **payment of any properly approved expenditure.**

50.327. 1. Notwithstanding any other provisions of law to the contrary,
2 the salary schedules contained in sections 49.082, 50.334, 50.343, 51.281, 51.282,
3 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, 57.317, 58.095, and
4 473.742 shall be set as a base schedule for those county officials. Except when
5 it is necessary to increase newly elected or reelected county officials' salaries, in
6 accordance with Section 13, Article VII, Constitution of Missouri, to comply with
7 the requirements of this section, the salary commission in all counties except
8 charter counties in this state shall be responsible for the computation of salaries
9 of all county officials; provided, however, that any percentage salary adjustments
10 in a county shall be equal for all such officials in that county.

11 2. Upon majority approval of the salary commission, the annual
12 compensation of part-time prosecutors contained in section 56.265 and the county
13 offices contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269,
14 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and 473.742 may be increased by
15 up to two thousand dollars greater than the compensation provided by the salary
16 schedules; provided, however, that any vote to increase compensation be effective
17 for all county offices in that county.

18 3. Upon majority approval of the salary commission, the annual
19 compensation of a county sheriff as provided in section 57.317 may be increased
20 by up to six thousand dollars greater than the compensation provided by the
21 salary schedule of such section.

22 4. The salary commission of any county of the third classification may
23 amend the base schedules for the computation of salaries for county officials
24 referenced in subsection 1 of this section to include assessed valuation factors in
25 excess of three hundred million dollars; provided that the percentage of any
26 adjustments in assessed valuation factors shall be equal for all such officials in
27 that county.

28 **5. Upon the majority approval of the salary commission, the**
29 **annual compensation of a county coroner of any county of the second**
30 **classification as provided in section 58.095 may be increased up to**

31 **fourteen thousand dollars greater than the compensation provided by**
32 **the salary schedule of such section.**

54.140. It shall be the duty of the county treasurer to separate and divide
2 the revenues of such county in his **or her** hands and as they come into his **or**
3 **her** hands in compliance with the provision of law; and it shall be [his] **the**
4 **treasurer's** duty to pay out the revenues thus subdivided, on warrants issued
5 by order of the commission, on the respective funds so set apart and subdivided,
6 and not otherwise; and for this purpose the treasurer shall keep a separate
7 account with the county commission of each fund which several funds shall be
8 known and designated as provided by law; and no warrant shall be paid out of
9 any fund other than that upon which it has been drawn by order of the
10 commission as aforesaid. Any county treasurer or other county officer, who shall
11 fail or refuse to perform the duties required of him or [them] **her** under the
12 provisions of this section and chapters 136 to 154, and in the express manner
13 provided and directed, shall be guilty of a misdemeanor, and, upon conviction
14 thereof, shall be punished by a fine of not less than one hundred dollars, and not
15 more than five hundred dollars[, and in addition to such punishment, his office
16 shall become vacant].

59.021. A candidate for county recorder where the offices of the clerk of
2 the court and recorder of deeds are separate, except in any city not within a
3 county or any county having a charter form of government, shall be at least
4 twenty-one years of age, a registered voter, and a resident of the state of Missouri
5 as well as the county in which he or she is a candidate for at least one year prior
6 to the date of the general election. Upon election to office, the person shall
7 continue to reside in that county during his or her tenure in office. **Each**
8 **candidate for county recorder shall provide to the election authority**
9 **a copy of an affidavit from a surety company authorized to do business**
10 **in this state that indicates the candidate is able to satisfy the bond**
11 **requirements under section 59.100.**

59.100. Every recorder elected as provided in section 59.020, before
2 entering upon the duties of the office as recorder, shall enter into bond to the
3 state, in a sum set by the county commission [of not less than one thousand
4 dollars], with sufficient sureties, not less than two, to be approved by the
5 commission, conditioned for the faithful performance of the duties enjoined on
6 such person by law as recorder, and for the delivering up of the records, books,
7 papers, writings, seals, furniture and apparatus belonging to the office, whole,

8 safe and undefaced, to such officer's successor. For a recorder elected before
9 January 1, 2021, the bond shall be no less than one thousand
10 dollars. For a recorder elected after December 31, 2020, the bond shall
11 be no less than five thousand dollars.

64.207. 1. The county commission of any county of the first
2 classification with more than one hundred fifty thousand but fewer
3 than two hundred thousand inhabitants may adopt rules, regulations,
4 or ordinances to ensure the habitability of rented residences.

5 2. The rules, regulations, or ordinances shall require each rented
6 residence provide:

- 7 (1) Structural protection from the elements;
- 8 (2) Access to water service, including hot water;
- 9 (3) Sewer service;
- 10 (4) Access to electrical service;
- 11 (5) Heat to the residence; and
- 12 (6) Basic security, which, at a minimum, shall include locking
13 doors and windows.

14 If a utility service is unavailable because a tenant fails to pay for
15 service, the unavailability shall not be a violation of the rules,
16 regulations, or ordinances.

17 3. If a county elects to enact rules, regulations, or ordinances
18 under this section, at a minimum, they shall contain the following
19 provisions:

20 (1) (a) The county commission shall create a process for
21 selecting a designated officer to respond to written complaints of the
22 condition of a rented residence that threatens the health or safety of
23 tenants;

24 (b) Any written complaint under this section shall be submitted
25 by a tenant who is a lawful tenant that has signed a lease agreement
26 with the property owner or his or her agent, and which tenant is
27 current on all rent due;

28 (2) The owner of record of any rental residence against which a
29 written complaint has been submitted shall be served with adequate
30 notice. The notice shall specify the condition alleged in the complaint
31 and state a reasonable date that abatement of the condition shall
32 commence. Notice shall be served by personal service or certified mail,
33 return receipt requested, or, if those methods are unsuccessful, by

34 publication;

35 (3) The owner of record and any other person who has an
36 interest in the rented residence shall be parties in a hearing under
37 subdivision (4) of this subsection;

38 (4) If work to abate the condition does not commence by the date
39 stated in the notice or if the work does not proceed continuously and
40 without unnecessary delay, as determined by the designated officer, the
41 complaint shall be given a hearing before the county
42 commission. Parties shall be given at least ten days' notice of the
43 hearing. Any party may be represented by counsel, and all parties shall
44 have an opportunity to be heard. If the county commission finds that
45 the rented residence has a dangerous condition that is detrimental to
46 the health, safety, or welfare of the tenant, the county commission shall
47 issue an order that the condition be abated. The order shall state
48 specific facts, based on competent and substantiated evidence, that
49 support its finding. If the county commission finds that the rented
50 residence does not have a dangerous condition that is detrimental to
51 the health, safety, or welfare of the tenant, the county commission shall
52 not issue an order; and

53 (5) Any violation of the order issued by the county commission
54 may be punished by a penalty, which shall not exceed a class C
55 misdemeanor. Each day a violation continues shall be deemed a
56 separate violation. Any penalty enacted in the rules, regulations, or
57 ordinances shall not be the exclusive punishment for the
58 condition. The designated officer may, in his or her own name or in the
59 name of the county, seek and obtain any judicial relief provided under
60 equity or law including, but not limited to, civil fines authorized under
61 section 49.272, declaratory relief, and injunctive relief. The designated
62 officer may declare the continued occupancy of the rented residence
63 unlawful while the condition or conditions remain unabated.

64 4. The county commission shall only have the authority to
65 respond to written complaints submitted to the county commission and
66 shall not have the authority to:

67 (1) Charge any fee for any action authorized under this section;

68 (2) Perform any inspection of rented residences unless in
69 response to a written complaint; or

70 (3) Require licensing, registration, or certification of a rental

71 unit on a regular schedule or before offering a residence for rent.

64.805. The county planning commission shall consist of the county
2 highway engineer, and one resident of the county appointed by the county
3 commission, from the unincorporated part of each township in the county, except
4 that no such person shall be appointed from a township in which there is no
5 unincorporated area. The township representatives are hereinafter referred to
6 as appointed members. The term of each appointed member shall be four years
7 or until a successor takes office, except that the terms shall be overlapping and
8 that the respective terms of the members first appointed may be less than four
9 years. The term of the county highway engineer shall be only for the duration of
10 the engineer's tenure of official position. All members of the county planning
11 commission shall serve as such without compensation, except that an attendance
12 fee as reimbursement for expenses may be paid to the appointed members of the
13 county planning commission in an amount, as set by the county commission, not
14 to exceed [twenty-five] **thirty-five** dollars per meeting. The planning commission
15 shall elect its chairman, who shall serve for one year.

79.235. 1. Notwithstanding any law to the contrary but subject
2 **to the provisions of subsection 2 of this section, if a statute or**
3 **ordinance authorizes the mayor of a city of the fourth classification**
4 **with no more than two thousand inhabitants to appoint a member of a**
5 **board or commission, any requirement that the appointed person be a**
6 **resident of the city shall be deemed satisfied if the person owns real**
7 **property or a business in the city, regardless of whether the position**
8 **to which the appointment is made is considered an officer of the city.**

9 **2. This subsection applies only to cities of the fourth**
10 **classification with no more than two thousand inhabitants. If the board**
11 **to which a person is appointed is established under state statute or city**
12 **ordinance to manage a city's municipal utilities, then any requirement**
13 **that the appointed person be a resident of the city shall be deemed**
14 **satisfied only if all of the following conditions are met:**

15 **(1) The board has no authority to set utility rates or to issue**
16 **bonds;**

17 **(2) The person resides within a five-mile radius of the city limits;**

18 **(3) The person owns real property or a business in the city;**

19 **(4) The person or the person's business is a customer of the**
20 **public utility as described in section 91.450 that is owned and operated**

21 **by the city; and**

22 **(5) The person has no pecuniary interest in, or is not a member**
23 **of, any other utility of the type managed by the board.**

105.145. 1. The following definitions shall be applied to the terms used
2 in this section:

3 (1) "Governing body", the board, body, or persons in which the powers of
4 a political subdivision as a body corporate, or otherwise, are vested;

5 (2) "Political subdivision", any agency or unit of this state, except counties
6 and school districts, which now is, or hereafter shall be, authorized to levy taxes
7 or empowered to cause taxes to be levied.

8 2. The governing body of each political subdivision in the state shall cause
9 to be prepared an annual report of the financial transactions of the political
10 subdivision in such summary form as the state auditor shall prescribe by rule,
11 except that the annual report of political subdivisions whose cash receipts for the
12 reporting period are ten thousand dollars or less shall only be required to contain
13 the cash balance at the beginning of the reporting period, a summary of cash
14 receipts, a summary of cash disbursements and the cash balance at the end of the
15 reporting period.

16 3. Within such time following the end of the fiscal year as the state
17 auditor shall prescribe by rule, the governing body of each political subdivision
18 shall cause a copy of the annual financial report to be remitted to the state
19 auditor.

20 4. The state auditor shall immediately on receipt of each financial report
21 acknowledge the receipt of the report.

22 5. In any fiscal year no member of the governing body of any political
23 subdivision of the state shall receive any compensation or payment of expenses
24 after the end of the time within which the financial statement of the political
25 subdivision is required to be filed with the state auditor and until such time as
26 the notice from the state auditor of the filing of the annual financial report for
27 the fiscal year has been received.

28 6. The state auditor shall prepare sample forms for financial reports and
29 shall mail the same to the political subdivisions of the state. Failure of the
30 auditor to supply such forms shall not in any way excuse any person from the
31 performance of any duty imposed by this section.

32 7. All reports or financial statements herein above mentioned shall be
33 considered to be public records.

34 8. The provisions of this section apply to the board of directors of every
35 transportation development district organized under sections 238.200 to 238.275.

36 9. Any political subdivision that fails to timely submit a copy of the
37 annual financial statement to the state auditor shall be subject to a fine of five
38 hundred dollars per day.

39 10. The state auditor shall report any violation of subsection 9 of this
40 section to the department of revenue. Upon notification from the state auditor's
41 office that a political subdivision failed to timely submit a copy of the annual
42 financial statement, the department of revenue shall notify such political
43 subdivision by certified mail that the statement has not been received. Such
44 notice shall clearly set forth the following:

45 (1) The name of the political subdivision;

46 (2) That the political subdivision shall be subject to a fine of five hundred
47 dollars per day if the political subdivision does not submit a copy of the annual
48 financial statement to the state auditor's office within thirty days from the
49 postmarked date stamped on the certified mail envelope;

50 (3) That the fine will be enforced and collected as provided under
51 subsection 11 of this section; and

52 (4) That the fine will begin accruing on the thirty-first day from the
53 postmarked date stamped on the certified mail envelope and will continue to
54 accrue until the state auditor's office receives a copy of the financial statement.
55 In the event a copy of the annual financial statement is received within such
56 thirty-day period, no fine shall accrue or be imposed. The state auditor shall
57 report receipt of the financial statement to the department of revenue within ten
58 business days. Failure of the political subdivision to submit the required annual
59 financial statement within such thirty-day period shall cause the fine to be
60 collected as provided under subsection 11 of this section.

61 11. The department of revenue may collect the fine authorized under the
62 provisions of subsection 9 of this section by offsetting any sales or use tax
63 distributions due to the political subdivision. The director of revenue shall retain
64 two percent for the cost of such collection. The remaining revenues collected from
65 such violations shall be distributed annually to the schools of the county in the
66 same manner that proceeds for all penalties, forfeitures, and fines collected for
67 any breach of the penal laws of the state are distributed.

68 12. Any [transportation development district organized under sections
69 238.200 to 238.275 having] **political subdivision that has** gross revenues of

70 less than five thousand dollars **or that has not levied or collected sales or**
71 **use taxes** in the fiscal year for which the annual financial statement was not
72 timely filed shall not be subject to the fine authorized in this section.

73 **13. If a failure to timely submit the annual financial statement**
74 **is the result of fraud or other illegal conduct by an employee or officer**
75 **of the political subdivision, the failure shall not be subject to a fine**
76 **authorized under this section if the statement is filed within thirty**
77 **days of the discovery of the fraud or illegal conduct. If a fine is**
78 **assessed and paid prior to the filing of the statement, the department**
79 **of revenue shall refund the fine upon notification from the political**
80 **subdivision.**

81 **14. If a political subdivision has an outstanding balance for fines**
82 **or penalties at the time it files its first annual financial statement after**
83 **January 1, 2021, the director of revenue shall make a one-time**
84 **downward adjustment to such outstanding balance in an amount that**
85 **reduces the outstanding balance by ninety percent.**

86 **15. The director of revenue shall have the authority to make a**
87 **one-time downward adjustment to any outstanding penalty imposed**
88 **under this section on a political subdivision if the director determines**
89 **the fine is uncollectible. The director of revenue may prescribe rules**
90 **and regulations necessary to carry out the provisions of this**
91 **subsection. Any rule or portion of a rule, as that term is defined in**
92 **section 536.010, that is created under the authority delegated in this**
93 **section shall become effective only if it complies with and is subject to**
94 **all of the provisions of chapter 536 and, if applicable, section**
95 **536.028. This section and chapter 536 are nonseverable, and if any of**
96 **the powers vested with the general assembly pursuant to chapter 536**
97 **to review, to delay the effective date, or to disapprove and annul a rule**
98 **are subsequently held unconstitutional, then the grant of rulemaking**
99 **authority and any rule proposed or adopted after August 28, 2020, shall**
100 **be invalid and void.**

101 **16. If a political subdivision with an outstanding balance for**
102 **fines or penalties:**

103 **(1) Fails to file an annual financial statement after August 28,**
104 **2020, and before January 1, 2021; or**

105 **(2) Files an annual financial statement after August 28, 2020, and**
106 **before January 1, 2021, but fails to file any annual financial statement**

107 thereafter,
108 then the director of revenue shall initiate the process to disincorporate
109 the political subdivision as prescribed by law.

110 17. If any resident of a political subdivision believes or knows
111 that the political subdivision has failed to file the annual financial
112 report required under subsection 2 of this section, the resident may file
113 an affidavit with the director of revenue that attests to the alleged
114 failure. The director of revenue shall evaluate the allegation and, if
115 true, notify the political subdivision and any municipality or county
116 encompassing the political subdivision by both certified mail and first-
117 class mail that the political subdivision has ninety days to comply with
118 subsection 2 of this section. If the political subdivision has not
119 complied after ninety days, the director of revenue shall initiate the
120 process to disincorporate the political subdivision as prescribed by law.

121 18. (1) The question of whether a political subdivision subject to
122 possible disincorporation under subsection 16 or 17 of this section shall
123 be disincorporated shall be submitted to the voters of the political
124 subdivision. The election upon the question shall be held on the next
125 general election day.

126 (2) No later than five o'clock p.m. on the tenth Tuesday prior to
127 the election, the director of revenue shall notify the election authorities
128 responsible for conducting the election according to the provisions of
129 section 115.125 and the county governing body in which the political
130 subdivision is located.

131 (3) The election authority shall give notice of the election for
132 eight consecutive weeks prior to the election by publication in a
133 newspaper of general circulation published in the political subdivision
134 or, if there is no such newspaper in the political subdivision, in the
135 newspaper in the county published nearest the political subdivision.

136 (4) Any costs of submitting the question shall be paid by the
137 political subdivision.

138 (5) The question shall be submitted to the voters of such city,
139 town, or village in substantially the following form:

140 The (city/town/village) of _____ (has an outstanding
141 balance for fines or penalties and) has failed to file an
142 annual financial statement, as required by law. Shall the
143 (city/town/village) of _____ be disincorporated?

144 ☐ YES ☐ NO

145 **Upon the affirmative vote of a majority of the qualified voters voting**
146 **on the question, the director of revenue shall file an action to**
147 **disincorporate the political subdivision in the circuit court with**
148 **jurisdiction over the political subdivision.**

149 **19. In an action to disincorporate a political subdivision, the**
150 **circuit court shall order:**

151 **(1) The appointment of an administrative authority for the**
152 **political subdivision, which may be another political subdivision, the**
153 **state, a qualified private party, or other qualified entity;**

154 **(2) All financial and other institutions holding funds of the**
155 **political subdivision, as identified by the director of revenue, to honor**
156 **the directives of the administrative authority;**

157 **(3) The director of revenue or other party charged with**
158 **distributing tax revenue to distribute the revenues and funds of the**
159 **political subdivision to the administrative authority; and**

160 **(4) The disincorporation of the political subdivision and the**
161 **effective date of the disincorporation, taking into consideration a**
162 **reasonable transition period.**

163 **The administrative authority shall administer all revenues under the**
164 **name of the political subdivision or its agents and administer all funds**
165 **collected on behalf of the political subdivision. The administrative**
166 **authority shall use the revenues and existing funds to pay all debts and**
167 **obligations of the political subdivision other than the penalties accrued**
168 **under this section. The circuit court shall have ongoing jurisdiction to**
169 **enforce its orders and carry out the remedies under this subsection.**

170 **20. The attorney general shall have the authority to file an action**
171 **in a court of competent jurisdiction against any political subdivision**
172 **that fails to comply with this section in order to force the political**
173 **subdivision into compliance.**

144.757. 1. Any county or municipality, except municipalities within a
2 county having a charter form of government with a population in excess of nine
3 hundred thousand, may, by a majority vote of its governing body, impose a local
4 use tax if a local sales tax is imposed as defined in section 32.085 at a rate equal
5 to the rate of the local sales tax in effect in such county or municipality; provided,
6 however, that no ordinance or order enacted pursuant to sections 144.757 to

7 144.761 shall be effective unless the governing body of the county or municipality
8 submits to the voters thereof at a municipal, county or state general, primary or
9 special election a proposal to authorize the governing body of the county or
10 municipality to impose a local use tax pursuant to sections 144.757 to
11 144.761. Municipalities within a county having a charter form of government
12 with a population in excess of nine hundred thousand may, upon voter approval
13 received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this
14 section, impose a local use tax at the same rate as the local municipal sales tax
15 with the revenues from all such municipal use taxes to be distributed pursuant
16 to subsection 4 of section 94.890. The municipality shall within thirty days of the
17 approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of
18 subsection 2 of this section select one of the distribution options permitted in
19 subsection 4 of section 94.890 for distribution of all municipal use taxes.

20 2. (1) The ballot of submission, except for counties and municipalities
21 described in subdivisions (2) and (3) of this subsection, shall contain substantially
22 the following language:

23 Shall the _____ (county or municipality's name) impose a local use
24 tax at the same rate as the total local sales tax rate, [currently
25 _____ (insert percent),] provided that if the local sales tax rate is
26 reduced or raised by voter approval, the local use tax rate shall
27 also be reduced or raised by the same action? [A use tax return
28 shall not be required to be filed by persons whose purchases from
29 out-of-state vendors do not in total exceed two thousand dollars in
30 any calendar year.] **Approval of this question will eliminate
31 the disparity in tax rates collected by local and out-of-state
32 sellers by imposing the same rate on all sellers.**

33 ☐ YES ☐ NO

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

37 (2) (a) The ballot of submission in a county having a charter form of
38 government with a population in excess of nine hundred thousand shall contain
39 substantially the following language:

40 For the purposes of enhancing county and municipal public safety,
41 parks, and job creation and enhancing local government services,
42 shall the county be authorized to collect a local use tax equal to the

43 total of the existing county sales tax rate [of (insert tax rate)],
44 provided that if the county sales tax is repealed, reduced or raised
45 by voter approval, the local use tax rate shall also be repealed,
46 reduced or raised by the same voter action? Fifty percent of the
47 revenue shall be used by the county throughout the county for
48 improving and enhancing public safety, park improvements, and
49 job creation, and fifty percent shall be used for enhancing local
50 government services. The county shall be required to make
51 available to the public an audited comprehensive financial report
52 detailing the management and use of the countywide portion of the
53 funds each year.

54 A use tax is the equivalent of a sales tax on purchases from
55 out-of-state sellers by in-state buyers and on certain taxable
56 business transactions. [A use tax return shall not be required to
57 be filed by persons whose purchases from out-of-state vendors do
58 not in total exceed two thousand dollars in any calendar year.]

59 **Approval of this question will eliminate the disparity in**
60 **tax rates collected by local and out-of-state sellers by**
61 **imposing the same rate on all sellers.**

62 ☐ YES ☐ NO

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

66 (b) The ballot of submission in a municipality within a county having a
67 charter form of government with a population in excess of nine hundred thousand
68 shall contain substantially the following language:

69 Shall the municipality be authorized to impose a local use tax at
70 the same rate as the local sales tax by a vote of the governing body,
71 provided that if any local sales tax is repealed, reduced or raised
72 by voter approval, the respective local use tax shall also be
73 repealed, reduced or raised by the same action? [A use tax return
74 shall not be required to be filed by persons whose purchases from
75 out-of-state vendors do not in total exceed two thousand dollars in
76 any calendar year.] **Approval of this question will eliminate**
77 **the disparity in tax rates collected by local and out-of-state**
78 **sellers by imposing the same rate on all sellers.**

79 ☐ YES ☐ NO

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

83 (3) The ballot of submission in any city not within a county shall contain
84 substantially the following language:

85 Shall the _____ (city name) impose a local use tax at the same rate
86 as the local sales tax, [currently at a rate of _____ (insert
87 percent)] which includes the capital improvements sales tax and
88 the transportation tax, provided that if any local sales tax is
89 repealed, reduced or raised by voter approval, the respective local
90 use tax shall also be repealed, reduced or raised by the same
91 action? [A use tax return shall not be required to be filed by
92 persons whose purchases from out-of-state vendors do not in total
93 exceed two thousand dollars in any calendar year.] **Approval of
94 this question will eliminate the disparity in tax rates
95 collected by local and out-of-state sellers by imposing the
96 same rate on all sellers.**

97 ☐ YES ☐ NO

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

101 (4) If any of such ballots are submitted on August 6, 1996, and if a
102 majority of the votes cast on the proposal by the qualified voters voting thereon
103 are in favor of the proposal, then the ordinance or order and any amendments
104 thereto shall be in effect October 1, 1996, provided the director of revenue
105 receives notice of adoption of the local use tax on or before August 16, 1996. If
106 any of such ballots are submitted after December 31, 1996, and if a majority of
107 the votes cast on the proposal by the qualified voters voting thereon are in favor
108 of the proposal, then the ordinance or order and any amendments thereto shall
109 be in effect on the first day of the calendar quarter which begins at least
110 forty-five days after the director of revenue receives notice of adoption of the local
111 use tax. If a majority of the votes cast by the qualified voters voting are opposed
112 to the proposal, then the governing body of the county or municipality shall have
113 no power to impose the local use tax as herein authorized unless and until the
114 governing body of the county or municipality shall again have submitted another

115 proposal to authorize the governing body of the county or municipality to impose
116 the local use tax and such proposal is approved by a majority of the qualified
117 voters voting thereon.

118 3. The local use tax may be imposed at the same rate as the local sales
119 tax then currently in effect in the county or municipality upon all transactions
120 which are subject to the taxes imposed pursuant to sections 144.600 to 144.745
121 within the county or municipality adopting such tax; provided, however, that if
122 any local sales tax is repealed or the rate thereof is reduced or raised by voter
123 approval, the local use tax rate shall also be deemed to be repealed, reduced or
124 raised by the same action repealing, reducing or raising the local sales tax.

125 4. For purposes of sections 144.757 to 144.761, the use tax may be
126 referred to or described as the equivalent of a sales tax on purchases made from
127 out-of-state sellers by in-state buyers and on certain intrabusiness
128 transactions. Such a description shall not change the classification, form or
129 subject of the use tax or the manner in which it is collected.

321.015. 1. No person holding any lucrative office or employment under
2 this state, or any political subdivision thereof as defined in section 70.120, shall
3 hold the office of fire protection district director under this chapter. When any
4 fire protection district director accepts any office or employment under this state
5 or any political subdivision thereof, his office shall thereby be vacated and he
6 shall thereafter perform no duty and receive no salary or expenses as fire
7 protection district director.

8 2. This section shall not apply to:

9 (1) Members of the organized militia, of the reserve corps, public school
10 employees [and], notaries public, **or employees of a law enforcement**
11 **agency**;

12 (2) Fire protection districts located wholly within counties of the second,
13 third or fourth classification;

14 (3) Fire protection districts in counties of the first classification with less
15 than eighty-five thousand inhabitants;

16 (4) Fire protection districts located within counties of the first
17 classification not adjoining any other county of the first classification;

18 (5) Fire protection districts located within any county of the first or
19 second classification not having more than nine hundred thousand inhabitants
20 which borders any three counties of the first classification;

21 (6) Fire protection districts located within any county of the first

22 classification which adjoins both a county with a charter form of government with
23 more than nine hundred fifty thousand inhabitants, and adjoins at least four
24 other counties;

25 (7) Fire protection districts located within any county of the first
26 classification with more than one hundred fifty thousand but fewer than two
27 hundred thousand inhabitants.

28 3. For the purposes of this section, the term "lucrative office or
29 employment" does not include receiving retirement benefits, compensation for
30 expenses, or a stipend or per diem, in an amount not to exceed seventy-five
31 dollars for each day of service, for service rendered to a fire protection district,
32 the state or any political subdivision thereof.

321.190. Each member of the board may receive an attendance fee not to
2 exceed one hundred **fifty** dollars for attending each regularly called board
3 meeting, or special meeting, but shall not be paid for attending more than [two
4 in any calendar month, except that in a county of the first class having a charter
5 form of government, he shall not be paid for attending more than four in any
6 calendar month. However, no board member shall be paid more than one
7 attendance fee if such member attends more than] one board meeting in a
8 calendar week. In addition, the chairman of the board of directors may receive
9 fifty dollars for attending each regularly or specially called board meeting[, but
10 shall not be paid the additional fee for attending more than two meetings in any
11 calendar month]. Each member of the board shall be reimbursed for his or her
12 actual expenditures in the performance of his or her duties on behalf of the
13 district. The secretary and the treasurer, if members of the board of directors,
14 may each receive such additional compensation for the performance of their
15 respective duties as secretary and treasurer as the board shall deem reasonable
16 and necessary, not to exceed one thousand dollars per year. The circuit court
17 having jurisdiction over the district shall have power to remove directors or any
18 of them for good cause shown upon a petition, notice and hearing.

321.300. 1. The boundaries of any district organized pursuant to the
2 provisions of this chapter may be changed in the manner prescribed in this
3 section; but any change of boundaries of the district shall not impair or affect its
4 organization or its rights in or to property, or any of its rights or privileges
5 whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien
6 or charge for or upon which it might be liable or chargeable had any change of
7 boundaries not been made.

8 2. The boundaries may be changed as follows:

9 (1) Twenty-five percent of the number of voters who voted in the most
10 recent gubernatorial election in the area to be annexed may file with the board
11 a petition in writing praying that such real property be included within the
12 district; provided that in the case of a municipality having less than twenty
13 percent of its total population in one fire protection district, the entire remaining
14 portion may be included in another district so that none of the city is outside of
15 a fire protection district at the time. The petition shall describe the property to
16 be included in the district and shall describe the property owned by the
17 petitioners and shall be deemed to give assent of the petitioners to the inclusion
18 in the district of the property described in the petition; and such petition shall be
19 in substantially the form set forth in section 321.495 dealing with referendums
20 and verified in like manner; provided, however, that in the event that there are
21 more than twenty-five property owners or taxpaying electors signing the petition,
22 it shall be deemed sufficient description of their property in the petition as
23 required in this section to list the addresses of such property; or

24 (2) All of the owners of any territory or tract of land near or adjacent to
25 a fire protection district who own all of the real estate in such territory or tract
26 of land may file a petition with the board praying that such real property be
27 included in the district. The petition shall describe the property owned by the
28 petitioners and shall be deemed to give assent of the petitioners to the inclusion
29 in the district of the property described in the petition;

30 (3) Notwithstanding any provision of law to the contrary, in any fire
31 protection district which is partly or wholly located in a noncharter county of the
32 first classification with a population of less than one hundred thousand which
33 adjoins any county of the first classification with a charter form of government
34 with a population of nine hundred thousand or more inhabitants, if such fire
35 protection district serves any portion of a city which is located in both such
36 counties, the boundaries of the district may be expanded so as to include the
37 entire city within the fire protection district, but the boundaries of the district
38 shall not be expanded beyond the city limits of such city, as the boundaries of
39 such city existed on January 1, 1993. Such change in the boundaries of the
40 district shall be accomplished only if twenty-five percent of the number of voters
41 who voted in the most recent gubernatorial election in the area to be annexed file
42 with the board a petition in writing praying that such real property be included
43 within the district. The petition shall describe the property to be included in the

44 district and shall describe the property owned by the petitioners and shall be
45 deemed to give assent of the petitioners to the inclusion in the district of the
46 property described in the petition; and such petition shall be in substantially the
47 form set forth in section 321.495 dealing with referendums and verified in like
48 manner.

49 **(4) Notwithstanding any provision of law to the contrary, if one**
50 **or more fire protection districts serve any portion of a city with a**
51 **charter form of government that has a municipal fire department and**
52 **is located in a county with a charter form of government with a**
53 **population of nine hundred thousand or more inhabitants, the**
54 **boundaries of any district may be expanded so as to include areas**
55 **within the city into the boundaries of a fire protection district, but the**
56 **boundaries of any district shall not be expanded beyond the city limits**
57 **of such city, as the boundaries of such city existed on July 1,**
58 **2020. Such change in the district boundaries shall be accomplished**
59 **pursuant to the provisions of this subdivision only if the governing**
60 **body of such city shall file with the board of any such fire protection**
61 **district a written consent for the board to seek approval of the circuit**
62 **court having jurisdiction over the district for extension of the district's**
63 **boundaries and to submit the question of extension of the district's**
64 **boundaries to the registered voters of the area described in the city's**
65 **consent with respect to that district. If the board of directors of the**
66 **fire protection district or districts endorse the consent filed by such**
67 **city, the district may petition the circuit court having jurisdiction over**
68 **such district to order the extension of the district's boundaries to**
69 **include the area described in the city's written consent with respect to**
70 **that district subject to approval at an election held for that purpose. At**
71 **such election, the question shall be submitted to the registered voters**
72 **of the area to be included in a fire protection district in substantially**
73 **the following form:**

74 **Shall the boundaries of the _____ Fire Protection**
75 **District be extended to include the following described**
76 **property (Describe property)?**

77 ☐ **YES** ☐ **NO**

78 **If a majority of the voters voting on the proposition vote in favor of the**
79 **extension of the boundaries of that district, then the court shall enter**

80 **an order declaring the extension of the boundaries of that fire**
81 **protection district to be final and conclusive. In the event, however,**
82 **that the court finds that a majority of the voters voting in the area to**
83 **be included in a fire protection district voted against the proposition**
84 **to extend the boundaries of that district, then the court shall enter its**
85 **further order declaring the extension of boundaries of that district to**
86 **be void and of no effect.**

87 3. The secretary of the board shall cause notice of the filing of any petition
88 filed pursuant to this section to be given and published in the county in which the
89 property is located, which notice shall recite the filing of such petition, the
90 number of petitioners, a general description of the boundaries of the area
91 proposed to be included and the prayer of the petitioners; giving notice to all
92 persons interested to appear at the office of the board at the time named in the
93 notice and show cause in writing, if any they have, why the petition should not
94 be granted. The board shall at the time and place mentioned, or at such time or
95 times to which the hearing may be adjourned, proceed to hear the petition and
96 all objections thereto presented in writing by any person showing cause why the
97 petition should not be granted. The failure of any person interested to show
98 cause in writing why such petition shall not be granted shall be deemed as an
99 assent on his part to the inclusion of such lands in the district as prayed for in
100 the petition.

101 4. If the board deems it for the best interest of the district, it shall grant
102 the petition, but if the board determines that some portion of the property
103 mentioned in the petition cannot as a practical matter be served by the district,
104 or if it deems it for the best interest of the district that some portion of the
105 property in the petition not be included in the district, then the board shall grant
106 the petition in part only. If the petition is granted, the board shall make an order
107 to that effect and file the same with the circuit clerk; and upon the order of the
108 court having jurisdiction over the district, the property shall be included in the
109 district. If the petition contains the signatures of all the owners of the property
110 pursuant to the provisions of subdivision (2) of subsection 2 of this section, the
111 property shall be included in the district upon the order of the court. If the
112 petition contains the signatures of twenty-five percent of the number of voters
113 who voted in the most recent gubernatorial election in the area to be annexed
114 pursuant to subdivision (1) or subdivision (3) of subsection 2 of this section, the
115 property shall be included in the district subject to the election provided in

116 section 321.301. The circuit court having jurisdiction over the district shall
117 proceed to make any such order including such additional property within the
118 district as is provided in the order of the board, unless the court shall find that
119 such order of the board was not authorized by law or that such order of the board
120 was not supported by competent and substantial evidence.

121 5. Any person aggrieved by any decision of the board made pursuant to
122 the provisions of this section may appeal that decision to the circuit court of the
123 county in which the property is located within thirty days of the decision by the
124 board.

125 6. No fire protection district, or employee thereof, in which territory is
126 annexed pursuant to this section shall be required to comply with any prescribed
127 firefighter training program or regimen which would not otherwise apply to the
128 district or its employees, but for the requirements applicable to the annexed
129 territory.

321.603. In addition to the compensation provided pursuant to section
2 321.190 for fire protection districts located in a county of the first classification
3 with a charter form of government, each member of any such fire protection
4 district board may receive an attendance fee not to exceed one hundred **fifty**
5 dollars for attending a board meeting conducted pursuant to chapter 610[, but
6 such board member shall not be paid for attending more than four such meetings
7 in any calendar month. However, no board member shall be paid more than one
8 attendance fee if such member attends more than one meeting conducted under
9 chapter 610 in a calendar week].

610.021. Except to the extent disclosure is otherwise required by law, a
2 public governmental body is authorized to close meetings, records and votes, to
3 the extent they relate to the following:

4 (1) Legal actions, causes of action or litigation involving a public
5 governmental body and any confidential or privileged communications between
6 a public governmental body or its representatives and its attorneys. However,
7 any minutes, vote or settlement agreement relating to legal actions, causes of
8 action or litigation involving a public governmental body or any agent or entity
9 representing its interests or acting on its behalf or with its authority, including
10 any insurance company acting on behalf of a public government body as its
11 insured, shall be made public upon final disposition of the matter voted upon or
12 upon the signing by the parties of the settlement agreement, unless, prior to final
13 disposition, the settlement agreement is ordered closed by a court after a written

14 finding that the adverse impact to a plaintiff or plaintiffs to the action clearly
15 outweighs the public policy considerations of section 610.011, however, the
16 amount of any moneys paid by, or on behalf of, the public governmental body
17 shall be disclosed; provided, however, in matters involving the exercise of the
18 power of eminent domain, the vote shall be announced or become public
19 immediately following the action on the motion to authorize institution of such
20 a legal action. Legal work product shall be considered a closed record;

21 (2) Leasing, purchase or sale of real estate by a public governmental body
22 where public knowledge of the transaction might adversely affect the legal
23 consideration therefor. However, any minutes, vote or public record approving
24 a contract relating to the leasing, purchase or sale of real estate by a public
25 governmental body shall be made public upon execution of the lease, purchase or
26 sale of the real estate;

27 (3) Hiring, firing, disciplining or promoting of particular employees by a
28 public governmental body when personal information about the employee is
29 discussed or recorded. However, any vote on a final decision, when taken by a
30 public governmental body, to hire, fire, promote or discipline an employee of a
31 public governmental body shall be made available with a record of how each
32 member voted to the public within seventy-two hours of the close of the meeting
33 where such action occurs; provided, however, that any employee so affected shall
34 be entitled to prompt notice of such decision during the seventy-two-hour period
35 before such decision is made available to the public. As used in this subdivision,
36 the term "personal information" means information relating to the performance
37 or merit of individual employees;

38 (4) The state militia or national guard or any part thereof;

39 (5) Nonjudicial mental or physical health proceedings involving
40 identifiable persons, including medical, psychiatric, psychological, or alcoholism
41 or drug dependency diagnosis or treatment;

42 (6) Scholastic probation, expulsion, or graduation of identifiable
43 individuals, including records of individual test or examination scores; however,
44 personally identifiable student records maintained by public educational
45 institutions shall be open for inspection by the parents, guardian or other
46 custodian of students under the age of eighteen years and by the parents,
47 guardian or other custodian and the student if the student is over the age of
48 eighteen years;

49 (7) Testing and examination materials, before the test or examination is

50 given or, if it is to be given again, before so given again;

51 (8) Welfare cases of identifiable individuals;

52 (9) Preparation, including any discussions or work product, on behalf of
53 a public governmental body or its representatives for negotiations with employee
54 groups;

55 (10) Software codes for electronic data processing and documentation
56 thereof;

57 (11) Specifications for competitive bidding, until either the specifications
58 are officially approved by the public governmental body or the specifications are
59 published for bid;

60 (12) Sealed bids and related documents, until the bids are opened; and
61 sealed proposals and related documents or any documents related to a negotiated
62 contract until a contract is executed, or all proposals are rejected;

63 (13) Individually identifiable personnel records, performance ratings or
64 records pertaining to employees or applicants for employment, except that this
65 exemption shall not apply to the names, positions, salaries and lengths of service
66 of officers and employees of public agencies once they are employed as such, and
67 the names of private sources donating or contributing money to the salary of a
68 chancellor or president at all public colleges and universities in the state of
69 Missouri and the amount of money contributed by the source;

70 (14) Records which are protected from disclosure by law;

71 (15) Meetings and public records relating to scientific and technological
72 innovations in which the owner has a proprietary interest;

73 (16) Records relating to municipal hotlines established for the reporting
74 of abuse and wrongdoing;

75 (17) Confidential or privileged communications between a public
76 governmental body and its auditor, including all auditor work product; however,
77 all final audit reports issued by the auditor are to be considered open records
78 pursuant to this chapter;

79 (18) Operational guidelines, policies and specific response plans
80 developed, adopted, or maintained by any public agency responsible for law
81 enforcement, public safety, first response, or public health for use in responding
82 to or preventing any critical incident which is or appears to be terrorist in nature
83 and which has the potential to endanger individual or public safety or
84 health. Financial records related to the procurement of or expenditures relating
85 to operational guidelines, policies or plans purchased with public funds shall be

86 open. When seeking to close information pursuant to this exception, the public
87 governmental body shall affirmatively state in writing that disclosure would
88 impair the public governmental body's ability to protect the security or safety of
89 persons or real property, and shall in the same writing state that the public
90 interest in nondisclosure outweighs the public interest in disclosure of the
91 records;

92 (19) Existing or proposed security systems and structural plans of real
93 property owned or leased by a public governmental body, and information that is
94 voluntarily submitted by a nonpublic entity owning or operating an infrastructure
95 to any public governmental body for use by that body to devise plans for
96 protection of that infrastructure, the public disclosure of which would threaten
97 public safety:

98 (a) Records related to the procurement of or expenditures relating to
99 security systems purchased with public funds shall be open;

100 (b) When seeking to close information pursuant to this exception, the
101 public governmental body shall affirmatively state in writing that disclosure
102 would impair the public governmental body's ability to protect the security or
103 safety of persons or real property, and shall in the same writing state that the
104 public interest in nondisclosure outweighs the public interest in disclosure of the
105 records;

106 (c) Records that are voluntarily submitted by a nonpublic entity shall be
107 reviewed by the receiving agency within ninety days of submission to determine
108 if retention of the document is necessary in furtherance of a state security
109 interest. If retention is not necessary, the documents shall be returned to the
110 nonpublic governmental body or destroyed;

111 (20) The portion of a record that identifies security systems or access
112 codes or authorization codes for security systems of real property;

113 (21) Records that identify the configuration of components or the
114 operation of a computer, computer system, computer network, or
115 telecommunications network, and would allow unauthorized access to or unlawful
116 disruption of a computer, computer system, computer network, or
117 telecommunications network of a public governmental body. This exception shall
118 not be used to limit or deny access to otherwise public records in a file, document,
119 data file or database containing public records. Records related to the
120 procurement of or expenditures relating to such computer, computer system,
121 computer network, or telecommunications network, including the amount of

122 moneys paid by, or on behalf of, a public governmental body for such computer,
123 computer system, computer network, or telecommunications network shall be
124 open;

125 (22) Credit card numbers, personal identification numbers, digital
126 certificates, physical and virtual keys, access codes or authorization codes that
127 are used to protect the security of electronic transactions between a public
128 governmental body and a person or entity doing business with a public
129 governmental body. Nothing in this section shall be deemed to close the record
130 of a person or entity using a credit card held in the name of a public
131 governmental body or any record of a transaction made by a person using a credit
132 card or other method of payment for which reimbursement is made by a public
133 governmental body;

134 (23) Records submitted by an individual, corporation, or other business
135 entity to a public institution of higher education in connection with a proposal to
136 license intellectual property or perform sponsored research and which contains
137 sales projections or other business plan information the disclosure of which may
138 endanger the competitiveness of a business; [and]

139 (24) Records relating to foster home or kinship placements of children in
140 foster care under section 210.498; and

141 **(25) Individually identifiable customer usage and billing records**
142 **for customers of a municipally owned utility, unless the records are**
143 **requested by the customer or authorized for release by the customer,**
144 **except that a municipally owned utility shall make available to the**
145 **public the customer's name, billing address, location of service, and**
146 **dates of service provided for any commercial service account.**

Section B. Because of the need to submit a question to the voters in a
2 timely manner, the repeal and reenactment of section 321.300 of this act is
3 deemed necessary for the immediate preservation of the public health, welfare,
4 peace and safety, and is hereby declared to be an emergency act within the
5 meaning of the constitution, and the repeal and reenactment of section 321.300
6 of this act shall be in full force and effect upon its passage and approval.

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