

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 69
AN ACT

To repeal sections 21.750, 41.655, 50.327, 50.333, 50.565, 50.1250, 52.290, 52.312, 52.315, 52.317, 57.113, 58.451, 58.500, 58.510, 58.720, 64.620, 64.890, 64.940, 65.677, 66.010, 67.320, 67.797, 67.1360, 67.1451, 67.1545, 67.2500, 67.2510, 70.220, 70.515, 70.545, 72.080, 79.050, 79.370, 84.120, 84.170, 86.590, 87.006, 89.010, 89.400, 94.660, 94.837, 99.805, 100.050, 100.059, 105.483, 108.170, 110.130, 110.140, 110.150, 141.150, 141.640, 144.030, 144.062, 144.757, 144.759, 162.431, 190.305, 210.861, 238.202, 238.207, 238.208, 238.225, 238.230, 238.275, 246.005, 304.015, 311.174, 313.055, 313.057, 320.200, 320.271, 320.310, 392.410, 393.705, 393.710, 393.715, 393.720, 393.829, 409.107, 432.070, 451.040, 473.743, 479.010, 479.011, 650.396, and 650.399, RSMo, section 67.1000 as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, section 67.1000 as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and sections 21.750, 99.812, and 144.054, as Truly Agreed To and Finally Passed by the first regular session of the ninety-fourth general assembly in Senate Committee Substitute for House Committee Substitute for House Bill No. 327, and to enact in lieu thereof one hundred thirty-nine new sections relating to political

subdivisions, with penalty provisions and emergency clauses for certain sections.

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

1 Section A. Sections 21.750, 41.655, 50.327, 50.333, 50.565,
2 50.1250, 52.290, 52.312, 52.315, 52.317, 57.113, 58.451, 58.500,
3 58.510, 58.720, 64.620, 64.890, 64.940, 65.677, 66.010, 67.320,
4 67.797, 67.1360, 67.1451, 67.1545, 67.2500, 67.2510, 70.220,
5 70.515, 70.545, 72.080, 79.050, 79.370, 84.120, 84.170, 86.590,
6 87.006, 89.010, 89.400, 94.660, 94.837, 99.805, 100.050, 100.059,
7 105.483, 108.170, 110.130, 110.140, 110.150, 141.150, 141.640,
8 144.030, 144.062, 144.757, 144.759, 162.431, 190.305, 210.861,
9 238.202, 238.207, 238.208, 238.225, 238.230, 238.275, 246.005,
10 304.015, 311.174, 313.055, 313.057, 320.200, 320.271, 320.310,
11 392.410, 393.705, 393.710, 393.715, 393.720, 393.829, 409.107,
12 432.070, 451.040, 473.743, 479.010, 479.011, 650.396, and
13 650.399, RSMo, section 67.1000 as enacted by senate committee
14 substitute for senate bill no. 820, eighty-ninth general
15 assembly, second regular session, section 67.1000 as enacted by
16 house bill no. 1587, eighty-ninth general assembly, second
17 regular session, section 67.2505 as enacted by conference
18 committee substitute for senate substitute for senate committee
19 substitute for house committee substitute for house bill nos.
20 795, 972, 1128 & 1161 merged with house substitute for senate
21 committee substitute for senate bill no. 1155, ninety-second
22 general assembly, second regular session, and section 67.2505 as
23 enacted by senate substitute for senate committee substitute for
24 house committee substitute for house bill no. 833 merged with
25 house committee substitute for senate substitute for senate bill

1 no. 732, ninety-second general assembly, second regular session,
2 and sections 21.750, 99.812, and 144.054, as Truly Agreed To and
3 Finally Passed by the first regular session of the ninety-fourth
4 general assembly in Senate Committee Substitute for House
5 Committee Substitute for House Bill No. 327, are repealed and one
6 hundred thirty-nine new sections enacted in lieu thereof, to be
7 known as sections 21.750, 41.655, 50.327, 50.333, 50.565,
8 50.1250, 52.290, 52.312, 52.315, 52.317, 57.113, 58.451, 58.500,
9 58.720, 64.620, 64.890, 64.940, 65.677, 66.010, 67.048, 67.320,
10 67.797, 67.1000, 67.1360, 67.1451, 67.1545, 67.1181, 67.2500,
11 67.2505, 67.2510, 70.220, 70.515, 70.545, 72.080, 79.050, 79.370,
12 84.120, 84.170, 86.590, 87.006, 89.010, 89.400, 92.500, 94.660,
13 94.837, 94.590, 99.805, 99.841, 100.050, 100.059, 105.483,
14 105.683, 108.170, 110.130, 110.140, 110.150, 137.1040, 141.150,
15 141.640, 144.030, 144.062, 144.757, 144.759, 162.431, 163.016,
16 190.053, 190.305, 204.600, 204.602, 204.604, 204.606, 204.608,
17 204.610, 204.612, 204.614, 204.616, 204.618, 204.620, 204.622,
18 204.624, 204.626, 204.628, 204.630, 204.632, 204.634, 204.636,
19 204.638, 204.640, 204.650, 204.652, 204.654, 204.656, 204.658,
20 204.660, 204.662, 204.664, 204.666, 204.668, 204.670, 204.672,
21 204.674, 210.861, 238.202, 238.207, 238.208, 238.225, 238.230,
22 238.275, 246.005, 247.112, 252.243, 304.015, 311.174, 313.055,
23 313.057, 320.200, 320.271, 320.310, 321.688, 321.800, 392.410,
24 393.705, 393.710, 393.715, 393.720, 393.829, 409.107, 432.070,
25 451.040, 473.743, 479.010, 479.011, 644.597, 644.598, 644.599,
26 650.396, 650.399, 1 and 2, RSMo, to read as follows:

27 21.750. 1. The general assembly hereby occupies and
28 preempts the entire field of legislation touching in any way

1 firearms, components, ammunition and supplies to the complete
2 exclusion of any order, ordinance or regulation by any political
3 subdivision of this state. Any existing or future orders,
4 ordinances or regulations in this field are hereby and shall be
5 null and void except as provided in subsection 3 of this section.

6 2. No county, city, town, village, municipality, or other
7 political subdivision of this state shall adopt any order,
8 ordinance or regulation concerning in any way the sale, purchase,
9 purchase delay, transfer, ownership, use, keeping, possession,
10 bearing, transportation, licensing, permit, registration,
11 taxation other than sales and compensating use taxes or other
12 controls on firearms, components, ammunition, and supplies except
13 as provided in subsection 3 of this section.

14 3. Nothing contained in this section shall prohibit any
15 ordinance of any political subdivision which conforms exactly
16 with any of the provisions of sections 571.010 to 571.070, RSMo,
17 with appropriate penalty provisions, or which regulates the open
18 carrying of firearms readily capable of lethal use or the
19 discharge of firearms within a jurisdiction, provided such
20 ordinance complies with the provisions of section 252.243, RSMo.

21 4. The lawful design, marketing, manufacture, distribution,
22 or sale of firearms or ammunition to the public is not an
23 abnormally dangerous activity and does not constitute a public or
24 private nuisance.

25 5. No county, city, town, village or any other political
26 subdivision nor the state shall bring suit or have any right to
27 recover against any firearms or ammunition manufacturer, trade
28 association or dealer for damages, abatement or injunctive relief

1 resulting from or relating to the lawful design, manufacture,
2 marketing, distribution, or sale of firearms or ammunition to the
3 public. This subsection shall apply to any suit pending as of
4 October 12, 2003, as well as any suit which may be brought in the
5 future. Provided, however, that nothing in this section shall
6 restrict the rights of individual citizens to recover for injury
7 or death caused by the negligent or defective design or
8 manufacture of firearms or ammunition.

9 6. Nothing in this section shall prevent the state, a
10 county, city, town, village or any other political subdivision
11 from bringing an action against a firearms or ammunition
12 manufacturer or dealer for breach of contract or warranty as to
13 firearms or ammunition purchased by the state or such political
14 subdivision.

15 [21.750. 1. The general assembly hereby occupies
16 and preempts the entire field of legislation touching
17 in any way firearms, components, ammunition and
18 supplies to the complete exclusion of any order,
19 ordinance or regulation by any political subdivision of
20 this state. Any existing or future orders, ordinances
21 or regulations in this field are hereby and shall be
22 null and void except as provided in subsection 3 of
23 this section.

24 2. No county, city, town, village, municipality,
25 or other political subdivision of this state shall
26 adopt any order, ordinance or regulation concerning in
27 any way the sale, purchase, purchase delay, transfer,
28 ownership, use, keeping, possession, bearing,
29 transportation, licensing, permit, registration,
30 taxation other than sales and compensating use taxes or
31 other controls on firearms, components, ammunition, and
32 supplies except as provided in subsection 3 of this
33 section.

34 3. Nothing contained in this section shall
35 prohibit any ordinance of any political subdivision
36 which conforms exactly with any of the provisions of
37 sections 571.010 to 571.070, RSMo, with appropriate
38 penalty provisions, or which regulates the open
39 carrying of firearms readily capable of lethal use or
40 the discharge of firearms within a jurisdiction.

1 provided such ordinance complies with the provisions of
2 section 99.812, RSMo.

3 4. The lawful design, marketing, manufacture,
4 distribution, or sale of firearms or ammunition to the
5 public is not an abnormally dangerous activity and does
6 not constitute a public or private nuisance.

7 5. No county, city, town, village or any other
8 political subdivision nor the state shall bring suit or
9 have any right to recover against any firearms or
10 ammunition manufacturer, trade association or dealer
11 for damages, abatement or injunctive relief resulting
12 from or relating to the lawful design, manufacture,
13 marketing, distribution, or sale of firearms or
14 ammunition to the public. This subsection shall apply
15 to any suit pending as of October 12, 2003, as well as
16 any suit which may be brought in the future. Provided,
17 however, that nothing in this section shall restrict
18 the rights of individual citizens to recover for injury
19 or death caused by the negligent or defective design or
20 manufacture of firearms or ammunition.

21 6. Nothing in this section shall prevent the
22 state, a county, city, town, village or any other
23 political subdivision from bringing an action against a
24 firearms or ammunition manufacturer or dealer for
25 breach of contract or warranty as to firearms or
26 ammunition purchased by the state or such political
27 subdivision.]

28
29 41.655. 1. The governing body or county planning
30 commission, if any, of any county of the second classification
31 with more than forty-eight thousand two hundred but fewer than
32 forty-eight thousand three hundred inhabitants shall provide for
33 the planning, zoning, subdivision and building within all or any
34 portion of the unincorporated area extending three thousand feet
35 outward from the boundaries of any military base located in such
36 county and the area within the perimeter of accident potential
37 zones one and two [if the county has a zoning commission and a
38 board of adjustment established under sections 64.510 to 64.727,
39 RSMo]. As used in this section, the term "accident potential
40 zones one and two" means any land area [that was] identified in
41 the [April, 1976] current Air Installation Compatible Use Zone

1 Report at the north and south ends of the clear zone of a
2 military installation located in any county of the second
3 classification with more than forty-eight thousand two hundred
4 but fewer than forty-eight thousand three hundred inhabitants and
5 which is in significant danger of aircraft accidents by being
6 beneath that airspace where the potential for aircraft accidents
7 is most likely to occur.

8 2. The governing body of any county of the second
9 classification with more than forty-eight thousand two hundred
10 but fewer than forty-eight thousand three hundred inhabitants may
11 adopt, administer, and enforce airport hazard area zoning
12 regulations that are substantially similar to the airport hazard
13 area zoning regulations in sections 67.1200 to 67.1222, RSMo,
14 subject to any exceptions listed in this section. Such
15 exceptions are as follows:

16 (1) All definitions in section 67.1200, RSMo, shall apply,
17 except that any reference to a political subdivision in sections
18 67.1200 to 67.1222, RSMo, shall be construed to include any
19 county of the second classification with more than forty-eight
20 thousand two hundred but fewer than forty-eight thousand three
21 hundred inhabitants;

22 (2) Sections 67.1207 and 67.1212, RSMo, shall not apply;

23 (3) The county shall employ any existing airport planning
24 commission or airport zoning commission as created in section
25 67.1210, RSMo, or shall form such commission, with the following
26 exceptions:

27 (a) The commission shall consist of five members as
28 follows:

1 a. Three residents of the county, with at least two of such
2 county residents residing in the township containing the military
3 base;

4 b. The presiding county commissioner or such commissioner's
5 designee; and

6 c. The county road commissioner;

7 (b) The commission may appoint an ex officio military
8 liaison from the armed forces of the United States who is
9 stationed at the military base;

10 (c) The terms of office of each member under this section
11 shall be identical to the terms of office in section 67.1210,
12 RSMo, with the member chosen to serve as chair serving for an
13 initial term of two years. The commission shall elect its
14 chairman;

15 (4) Sections 67.1214 to 67.1218, and section 67.1222, RSMo,
16 shall apply in their entirety, except that any reference to a
17 municipality in such sections shall be construed to include any
18 county of the second classification with more than forty-eight
19 thousand two hundred but fewer than forty-eight thousand three
20 hundred inhabitants;

21 (5) Section 67.1220 shall apply in its entirety, except
22 that the board of variance shall consist of three members as
23 follows:

24 (a) Three residents of the county, with at least two of
25 such county residents residing in the township containing the
26 military base;

27 (b) The board shall elect its chairman.

28 50.327. Notwithstanding any other provisions of law to the

1 contrary, the salary schedules contained in section 49.082, RSMo,
2 sections 50.334 and 50.343, 51.281, RSMo, 51.282, RSMo, 52.269,
3 RSMo, 53.082, RSMo, 53.083, RSMo, 54.261, RSMo, 54.320, RSMo,
4 55.091, RSMo, 56.265, RSMo, 57.317, RSMo, 58.095, RSMo, and
5 473.742, RSMo, shall be set as a base schedule for those county
6 officials[, unless the current salary of such officials, as of
7 August 28, 2005, is lower than the compensation provided under
8 the salary schedules. Beginning August 28, 2005,]. Except when
9 it is necessary to increase newly elected or reelected county
10 officials' salaries, in accordance with section 13, article VII,
11 Constitution of Missouri, to comply with the requirements of this
12 section, the salary commission in all counties except charter
13 counties in this state shall be responsible for the computation
14 of salaries of all county officials; provided, however, that any
15 percentage salary adjustments in a county shall be equal for all
16 such officials in that county.

17 50.333. 1. There shall be a salary commission in every
18 nonchartered county.

19 2. The clerk or court administrator of the circuit court of
20 the judicial circuit in which such county is located shall set a
21 date, time and place for the salary commission meeting and serve
22 as temporary chairman of the salary commission until the members
23 of the commission elect a chairman from their number. Upon
24 written request of a majority of the salary commission members
25 the clerk or court administrator of the circuit court shall
26 forthwith set the earliest date possible for a meeting of the
27 salary commission. The circuit clerk or court administrator
28 shall give notice of the time and place of any meeting of the

1 salary commission. Such notice shall be published in a newspaper
2 of general circulation in such county at least five days prior to
3 such meeting. Such notice shall contain a general description of
4 the business to be discussed at such meeting.

5 3. The members of the salary commission shall be:

6 (1) The recorder of deeds if the recorder's office is
7 separate from that of the circuit clerk;

8 (2) The county clerk;

9 (3) The prosecuting attorney, except in those counties
10 where the prosecuting attorney is full-time under section 56.067
11 or 56.363;

12 (4) The sheriff;

13 (5) The county commissioners;

14 (6) The collector or treasurer ex officio collector;

15 (7) The treasurer or treasurer ex officio collector;

16 (8) The assessor;

17 (9) The auditor;

18 (10) The public administrator; and

19 (11) The coroner.

20 Members of the salary commission shall receive no additional
21 compensation for their services as members of the salary
22 commission. A majority of members shall constitute a quorum.

23 4. Notwithstanding the provisions of sections 610.021 and
24 610.022, RSMo, all meetings of a county salary commission shall
25 be open meetings and all votes taken at such meetings shall be
26 open records. Any vote taken at any meeting of the salary
27 commission shall be taken by recorded yeas and nays.

28 5. In every county, the salary commission shall meet at

1 least once before November thirtieth of each odd-numbered year.
2 The salary commission may meet as many times as it deems
3 necessary and may meet after November thirtieth and prior to
4 December fifteenth of any odd-numbered year if the commission has
5 met at least once prior to November thirtieth of that year. At
6 any meeting of the salary commission, the members shall elect a
7 chairman from their number. The county clerk shall present a
8 report on the financial condition of the county to the commission
9 once the chairman is elected, and shall keep the minutes of the
10 meeting.

11 6. For purposes of this section, the 1988 base compensation
12 is the compensation paid on September 1, 1987, plus the same
13 percentage increase paid or allowed, whichever is greater, to the
14 presiding commissioner or the sheriff, whichever is greater, of
15 that county for the year beginning January 1, 1988. Such
16 increase shall be expressed as a percentage of the difference
17 between the maximum allowable compensation and the compensation
18 paid on September 1, 1987. At its meeting in 1987 and at any
19 meeting held in 1988, the salary commission shall determine the
20 compensation to be paid to every county officer holding office on
21 January 1, 1988. The salary commission shall establish the
22 compensation for each office at an amount not greater than that
23 set by law as the maximum compensation. If the salary commission
24 votes to increase compensation, but not to pay the maximum amount
25 authorized by law for any officer or office, then the increase in
26 compensation shall be the same percentage increase for all
27 officers and offices and shall be expressed as a percentage of
28 the difference between the maximum allowable compensation and the

1 compensation being received at the time of the vote. If
2 two-thirds of the members of the salary commission vote to
3 decrease the compensation being received at the time of the vote
4 below that compensation, all officers shall receive the same
5 percentage decrease. The commission may vote not to increase or
6 decrease the compensation and that compensation shall continue to
7 be the salary of such offices and officers during the subsequent
8 term of office.

9 7. For the year 1989 and every second year thereafter, the
10 salary commission shall meet in every county as many times as it
11 deems necessary on or prior to November thirtieth of any such
12 year for the purpose of determining the amount of compensation to
13 be paid to county officials. For each year in which the
14 commission meets, the members shall elect a chairman from their
15 number. The county clerk shall present a report on the financial
16 condition of the county to the commission once the chairman is
17 elected, and shall keep minutes of the meeting. The salary
18 commission shall then consider the compensation to be paid for
19 the next term of office for each county officer to be elected at
20 their next general election. If the commission votes not to
21 increase or decrease the compensation, the salary being paid
22 during the term in which the vote was taken shall continue as the
23 salary of such offices and officers during the subsequent term of
24 office. If the salary commission votes to increase the
25 compensation, all officers or offices whose compensation is being
26 considered by the commission at that time shall receive the same
27 percentage of the maximum allowable compensation. However, for
28 any county in which all offices' and officers' salaries have been

1 set at one hundred percent of the maximum allowable compensation,
2 the commission may vote to increase the compensation of all
3 offices except that of full-time prosecuting attorneys at that or
4 any subsequent meeting of the salary commission without regard to
5 any law or maximum limitation established by law. Such increase
6 shall be expressed as a percentage of the compensation being paid
7 during the term of office when the vote is taken, and each
8 officer or office whose compensation is being established by the
9 salary commission at that time shall receive the same percentage
10 increase over the compensation being paid for that office during
11 the term when the vote is taken. This increase shall be in
12 addition to any increase mandated by an official's salary
13 schedule because of changes in assessed valuation during the
14 current term. If the salary commission votes to decrease the
15 compensation, a vote of two-thirds or more of all the members of
16 the salary commission shall be required before the salary or
17 other compensation of any county office shall be decreased below
18 the compensation being paid for the particular office on the date
19 the salary commission votes, and all officers and offices shall
20 receive the same percentage decrease.

21 8. The salary commission shall issue, not later than
22 December fifteenth of any year in which it meets, a report of
23 compensation to be paid to each officer and the compensation so
24 set shall be paid beginning with the start of the subsequent term
25 of office of each officer. The report of compensation shall be
26 certified to the clerk of the county commission for the county
27 and shall be in substantially the following form:

28 The salary commission for County

1 hereby certifies that it has met pursuant to law to establish
2 compensation for county officers to be paid to such officers
3 during the next term of office for the officers affected. The
4 salary commission reports that there shall be (no increase in
5 compensation) (an increase of percent) (a
6 decrease of percent) (county officer's salaries set
7 at percent of the maximum allowable
8 compensation).

9
10 Salaries shall be adjusted each year on the official's year of
11 incumbency for any change in the last completed assessment that
12 would affect the maximum allowable compensation for that office.

13 9. For the meeting in 1989 and every meeting thereafter, in
14 the event a salary commission in any county fails, neglects or
15 refuses to meet as provided in this section, or in the event a
16 majority of the salary commission is unable to reach an agreement
17 and so reports or fails to certify a salary report to the clerk
18 of the county commission by December fifteenth of any year in
19 which a report is required to be certified by this section, then
20 the compensation being paid to each affected office or officer on
21 such date shall continue to be the compensation paid to the
22 affected office or officer during the succeeding term of office.

23 10. Other provisions of law notwithstanding, in every
24 instance where an officer or employee of any county is paid a
25 mileage allowance or reimbursement, the county commission shall
26 allow or reimburse such officers or employees out of the county
27 treasury at the highest rate paid to any county officer for each
28 mile actually and necessarily traveled in the performance of

1 their official duties. The county commission of any county may
2 elect to pay a mileage allowance for any county commissioner for
3 travel going to and returning from the place of holding
4 commission meetings and for all other necessary travel on
5 official county business in the personal motor vehicle of the
6 commissioner presenting the claim. The governing body of any
7 county of the first classification not having a charter form of
8 government may provide by order for the payment of mileage
9 expenses of elected and appointed county officials by payment of
10 a certain amount monthly which would reflect the average monthly
11 mileage expenses of such officer based on the amount allowed
12 pursuant to state law for the payment of mileage for state
13 employees. Any order entered for such purpose shall not be
14 construed as salary, wages or other compensation for services
15 rendered.

16 11. The term "maximum allowable compensation" as used in
17 this section means the highest compensation which may be paid to
18 the specified officer or office in the particular county based on
19 the salary schedule established by law for the specified officer
20 or office. If the salary commission at its meeting in 1987 voted
21 for one hundred percent of the maximum allowable compensation and
22 does not change such vote at its meeting held within thirty days
23 after May 13, 1988, as provided in subsection 6 of this section,
24 the one hundred percent shall be calculated on the basis of the
25 total allowable compensation permitted after May 13, 1988.

26 12. At the salary commission meeting which establishes the
27 percentage rate to be applied to county officers during the next
28 term of office, the salary commission may authorize the further

1 adjustment of such officers' compensation as a cost-of-living
2 component and effective January first of each year, the
3 compensation for county officers may be adjusted by the county
4 commission, and if the adjustment of compensation is authorized,
5 the percentage increase shall be the same for all county
6 officers, not to exceed the percentage increase given to the
7 other county employees. The compensation for all county officers
8 may be set as a group, although the change in compensation will
9 not become effective until the next term of office for each
10 officer.

11 13. At the salary commission meeting in 1997 which
12 establishes the salaries for those officers to be elected at the
13 general election in 1998, the salary commission of each
14 noncharter county may provide salary increases for associate
15 county commissioners elected in 1996. This one-time increase is
16 necessitated by the change from two- to four-year terms for
17 associate commissioners pursuant to house bill 256, passed by the
18 first regular session of the eighty-eighth general assembly in
19 1995.

20 50.565. 1. A county commission may establish by ordinance
21 or order a fund whose proceeds may be expended only for the
22 purposes provided for in subsection 3 of this section. The fund
23 shall be designated as a county law enforcement restitution fund
24 and shall be under the supervision of a board of trustees
25 consisting of two citizens of the county appointed by the
26 presiding commissioner of the county, two citizens of the county
27 appointed by the sheriff of the county, and one citizen of the
28 county appointed by the county coroner or medical examiner. The

1 citizens so appointed shall not be current or former elected
2 officials, current or former employees of the sheriff's
3 department, the office of the prosecuting attorney for the
4 county, office of the county commissioners, or the county
5 treasurer's office. If a county does not have a coroner or
6 medical examiner, the county treasurer shall appoint one citizen
7 to the board of trustees.

8 2. Money from the county law enforcement restitution fund
9 shall only be expended upon the approval of a majority of the
10 members of the county law enforcement restitution fund's board of
11 trustees and only for the purposes provided for by subsection 3
12 of this section.

13 3. Money from the county law enforcement restitution fund
14 shall only be expended for the following purposes:

15 (1) Narcotics investigation, prevention, and intervention;

16 (2) Purchase of law enforcement-related equipment and
17 supplies for the sheriff's office;

18 (3) Matching funds for federal or state law enforcement
19 grants;

20 (4) Funding for the reporting of all state and federal
21 crime statistics or information; and

22 (5) Any county law enforcement-related expense, including
23 those of the prosecuting attorney, approved by the board of
24 trustees for the county law enforcement restitution fund that is
25 reasonably related to investigation, charging, preparation,
26 trial, and disposition of criminal cases before the courts of the
27 state of Missouri.

28 4. The county commission may not reduce any law enforcement

1 agency's budget as a result of funds the law enforcement agency
2 receives from the county law enforcement restitution fund. The
3 restitution fund is to be used only as a supplement to the law
4 enforcement agency's funding received from other county, state,
5 or federal funds.

6 5. County law enforcement restitution funds shall be
7 audited as are all other county funds.

8 6. No court may order the assessment and payment authorized
9 by this section if the plea of guilty or the finding of guilt is
10 to the charge of speeding, careless and imprudent driving, any
11 charge of violating a traffic control signal or sign, or any
12 charge which is a class C misdemeanor or an infraction. No
13 assessment and payment ordered pursuant to this section may
14 exceed three hundred dollars for any charged offense.

15 50.1250. 1. If a member has less than five years of
16 creditable service upon termination of employment, the member
17 shall forfeit the portion of his or her defined contribution
18 account attributable to board matching contributions or county
19 matching contributions pursuant to section 50.1230. The proceeds
20 of such forfeiture shall be applied towards matching
21 contributions made by the board for the calendar year in which
22 the forfeiture occurs. If the board does not approve a matching
23 contribution, then forfeitures shall revert to the county
24 employees' retirement fund. The proceeds of such forfeiture with
25 respect to county matching contributions shall be applied toward
26 matching contributions made by the respective county in
27 accordance with rules prescribed by the board.

28 2. A member shall be eligible to receive a distribution of

1 the member's defined contribution account in such form selected
2 by the member as permitted under and in accordance with the rules
3 and regulations formulated and adopted by the board from time to
4 time, and commencing as soon as administratively feasible
5 following separation from service, unless the member elects to
6 receive the account balance at a later time, but no later than
7 his or her required beginning date. Notwithstanding the
8 foregoing, if the value of a member's defined contribution
9 account balance is [five] one thousand dollars or less at the
10 time of the member's separation from service, without respect to
11 any board-matching contributions or employer-matching
12 contribution which might be allocated following the member's
13 separation from service, then his or her defined contribution
14 account shall be distributed to the member in a single sum as
15 soon as administratively feasible following his or her separation
16 from service. The amount of the distribution shall be the amount
17 determined as of the valuation date described in section 50.1240,
18 if the member has at least five years of creditable service. If
19 the member has less than five years of creditable service upon
20 his or her separation from service, then the amount of the
21 distribution shall equal the portion of the member's defined
22 contribution account attributable to the member's seed
23 contributions pursuant to section 50.1220, if any, determined as
24 of the valuation date.

25 3. If the member dies before receiving the member's account
26 balance, the member's designated beneficiary shall receive the
27 member's defined contribution account balance, as determined as
28 of the immediately preceding valuation date, in a single sum.

1 The member's beneficiary shall be his or her spouse, if married,
2 or his or her estate, if not married, unless the member
3 designates an alternative beneficiary in accordance with
4 procedures established by the board.

5 52.290. 1. In all counties except counties of the first
6 classification having a charter form of government and any city
7 not within a county, the collector shall collect on behalf of the
8 county a fee for the collection of delinquent and back taxes of
9 seven percent on all sums collected to be added to the face of
10 the tax bill and collected from the party paying the tax.

11 Two-sevenths of the fees collected pursuant to the provisions of
12 this section shall be paid into the county general fund,
13 two-sevenths of the fees collected pursuant to the provisions of
14 this section shall be paid into the tax maintenance fund of the
15 county as required by section 52.312 and three-sevenths of the
16 fees collected pursuant to the provisions of this section shall
17 be paid into the county employees' retirement fund created by
18 sections 50.1000 to 50.1200, RSMo.

19 2. In all counties [of the first classification] having a
20 charter form of government and any city not within a county, the
21 collector shall collect on behalf of the county and pay into the
22 county general fund a fee for the collection of delinquent and
23 back taxes of two percent on all sums collected to be added to
24 the face of the tax bill and collected from the party paying the
25 tax except that in a county with a charter form of government and
26 with more than two hundred fifty thousand but less than [three]
27 seven hundred [fifty] thousand inhabitants, the collector shall
28 collect on behalf of the county a fee for the collection of

1 delinquent and back taxes of three percent on all sums collected
2 to be added to the face of the tax bill and collected from the
3 party paying the tax. [Two-thirds of the fees collected pursuant
4 to the provisions of this section shall be paid into the county
5 general fund and one-third of the fees collected pursuant to this
6 section shall be paid into the tax maintenance fund of the county
7 as required by section 52.312, RSMo.] If a county is required by
8 section 52.312 to establish a tax maintenance fund, one-third of
9 the fees collected under this subsection shall be paid into that
10 fund; otherwise, all fees collected under the provisions of this
11 subsection shall be paid into the county general fund.

12 3. Such county collector may accept credit cards as proper
13 form of payment of outstanding delinquent and back taxes due. No
14 county collector may charge a surcharge for payment by credit
15 card.

16 52.312. Notwithstanding any provisions of law to the
17 contrary, in addition to fees provided for in this chapter, or
18 any other provisions of law in conflict with the provisions of
19 this section, all counties, including [a] any county with a
20 charter form of government and with more than two hundred fifty
21 thousand but less than [three] seven hundred [fifty] thousand
22 inhabitants, other than counties of the first classification
23 having a charter form of government and any city not within a
24 county, subject to the provisions of this section, shall
25 establish a fund to be known as the "Tax Maintenance Fund" to be
26 used solely as a depository for funds received or collected for
27 the purpose of funding additional costs and expenses incurred in
28 the office of collector.

1 52.315. 1. The two-sevenths collected to fund the tax
2 maintenance fund [pursuant to] under subdivision (1) of section
3 52.290 and all moneys collected to fund the tax maintenance fund
4 under subdivision (2) of section 52.290 shall be transmitted
5 monthly for deposit into the tax maintenance fund and used for
6 additional administration and operation costs for the office of
7 collector. Any costs shall include, but shall not be limited to,
8 those costs that require any additional out-of-pocket expense by
9 the office of collector and it may include reimbursement to
10 county general revenue for the salaries of employees of the
11 office of collector for hours worked and any other expenses
12 necessary to conduct and execute the duties and responsibilities
13 of such office.

14 2. The tax maintenance fund may also be used by the
15 collector for training, purchasing new or upgrading information
16 technology, equipment or other essential administrative expenses
17 necessary to carry out the duties and responsibilities of the
18 office of collector, including anything necessarily pertaining
19 thereto.

20 3. The collector has the sole responsibility for all
21 expenditures made from the tax maintenance fund and shall approve
22 all expenditures from such fund. All such expenditures from the
23 tax maintenance fund shall not be used to substitute for or
24 subsidize any allocation of county general revenue for the
25 operation of the office of collector.

26 4. The tax maintenance fund may be audited by the
27 appropriate auditing agency. Any unexpended balance shall be
28 left in the tax maintenance fund, to accumulate from year to year

1 with interest.

2 52.317. 1. Any county subject to the provisions of section
3 52.312 shall provide moneys for budget purposes in an amount not
4 less than the approved budget in the previous year and shall
5 include the same percentage adjustments in compensation as
6 provided for other county employees as effective January first
7 each year. Any moneys accumulated and remaining in the tax
8 maintenance fund as of December thirty-first each year in all
9 counties of the first classification [without a charter form of
10 government] and any county with a charter form of government and
11 with more than two hundred fifty thousand but less than [three]
12 seven hundred [fifty] thousand inhabitants shall be limited to an
13 amount equal to one-half of the previous year's approved budget
14 for the office of collector, and any moneys accumulated and
15 remaining in the tax maintenance fund as of December thirty-first
16 each year in all counties other than counties of the first
17 classification and any city not within a county, which collect
18 more than four million dollars of all current taxes charged to be
19 collected, shall be limited to an amount equal to the previous
20 year's approved budget for the office of collector. Any moneys
21 remaining in the tax maintenance fund as of December thirty-first
22 each year that exceed the above-established limits shall be
23 transferred to county general revenue by the following January
24 fifteenth of each year.

25 2. For one-time expenditures directly attributable to any
26 department, office, institution, commission, or county court, the
27 county commission may budget such expenses in a common fund or
28 account so that any such expenditures separately budgeted do not

1 appear in any specific department, county office, institution,
2 commission, or court budget.

3 57.113. 1. Sheriffs in counties of the first class not
4 having a charter form of government and in counties of the second
5 class having a population in excess of seventy thousand shall, in
6 addition to their general duties:

7 (1) Regularly patrol and police all county constructed and
8 maintained highways within the county;

9 (2) Enforce all laws designed to safeguard and protect
10 these highways;

11 (3) Protect county employees engaged in maintenance and
12 construction work on these highways;

13 (4) Report all dangerous conditions on these highways to
14 the county highway department.

15 2. The expenditures resulting from the performance of the
16 duties imposed by this section are subject to the budgetary
17 procedures and controls provided in sections 50.525 to 50.660,
18 RSMo.

19 3. A sheriff of any county of the first classification with
20 more than one hundred four thousand six hundred but fewer than
21 one hundred four thousand seven hundred inhabitants shall not
22 regularly patrol the roads located in any home rule city with
23 more than forty-five thousand five hundred but fewer than
24 forty-five thousand nine hundred inhabitants and partially
25 located in any county of the first classification with more than
26 one hundred four thousand six hundred but fewer than one hundred
27 four thousand seven hundred inhabitants that are not county
28 constructed and maintained highways without the consent of the

1 governing body of such city. The provisions of this subsection
2 shall not negate a sheriff's power of arrest granted under
3 section 544.216, RSMo, while present in any home rule city.

4 58.451. 1. When any person, in any county in which a
5 coroner is required by section 58.010, dies and there is
6 reasonable ground to believe that such person died as a result
7 of:

8 (1) Violence by homicide, suicide, or accident;

9 (2) Criminal abortions, including those self-induced;

10 (3) Some unforeseen sudden occurrence and the deceased had
11 not been attended by a physician during the thirty-six-hour
12 period preceding the death;

13 (4) In any unusual or suspicious manner;

14 (5) Any injury or illness while in the custody of the law
15 or while an inmate in a public institution; the police, sheriff,
16 law enforcement officer or official, or any person having
17 knowledge of such a death shall immediately notify the coroner of
18 the known facts concerning the time, place, manner and
19 circumstances of the death. Immediately upon receipt of
20 notification, the coroner or [his] deputy coroner shall take
21 charge of the dead body and fully investigate the essential facts
22 concerning the medical causes of death, including whether by the
23 act of man, and the manner of death. [He] The coroner or deputy
24 coroner may take the names and addresses of witnesses to the
25 death and shall file this information in [his] the coroner's
26 office. The coroner or [his] coroner deputy shall take
27 possession of all property of value found on the body, making
28 exact inventory of such property on [his] the report and shall

1 direct the return of such property to the person entitled to its
2 custody or possession. The coroner or [his] deputy coroner
3 shall take possession of any object or article which, in [his]
4 the coroner or the deputy coroner's opinion, may be useful in
5 establishing the cause of death, and deliver it to the
6 prosecuting attorney of the county.

7 2. When a death occurs outside a licensed health care
8 facility, the first licensed medical professional or law
9 enforcement official learning of such death shall contact the
10 county coroner. Immediately upon receipt of such notification,
11 the coroner or the coroner's deputy shall make the determination
12 if further investigation is necessary, based on information
13 provided by the individual contacting the coroner, and
14 immediately advise such individual of the coroner's intentions.

15 3. Upon taking charge of the dead body and before moving
16 the body the coroner shall notify the police department of any
17 city in which the dead body is found, or if the dead body is
18 found in the unincorporated area of a county governed by the
19 provisions of sections 58.451 to 58.457, the coroner shall notify
20 the county sheriff [and] or the highway patrol and cause the body
21 to remain unmoved until the police department, sheriff or the
22 highway patrol has inspected the body and the surrounding
23 circumstances and carefully noted the appearance, the condition
24 and position of the body and recorded every fact and circumstance
25 tending to show the cause and manner of death, with the names and
26 addresses of all known witnesses, and shall subscribe the same
27 and make such record a part of [his] the coroner's report.

28 4. In any case of sudden, violent or suspicious death after

1 which the body was buried without any investigation or autopsy,
2 the coroner, upon being advised of such facts, may at [his] the
3 coroner's own discretion request that the prosecuting attorney
4 apply for a court order requiring the body to be exhumed.

5 5. The coroner shall certify the cause of death in any case
6 under [his] the coroner's charge when a physician is unavailable
7 to sign a certificate of death.

8 6. When the cause of death is established by the coroner,
9 [he] the coroner's shall file a copy of [his] the coroner's
10 findings in [his] the coroner's office within thirty days.

11 7. If on view of the dead body and after personal inquiry
12 into the cause and manner of death, the coroner determines that a
13 further examination is necessary in the public interest, the
14 coroner on [his] the coroner's own authority may make or cause to
15 be made an autopsy on the body. The coroner may on [his] the
16 coroner's own authority employ the services of a pathologist,
17 chemist, or other expert to aid in the examination of the body or
18 of substances supposed to have caused or contributed to death,
19 and if the pathologist, chemist, or other expert is not already
20 employed by the city or county for the discharge of such
21 services, [he] the pathologist, chemist, or other expert shall,
22 upon written authorization of the coroner, be allowed reasonable
23 compensation, payable by the city or county, in the manner
24 provided in section 58.530. The coroner shall, at the time of
25 the autopsy, record or cause to be recorded each fact and
26 circumstance tending to show the condition of the body and the
27 cause and manner of death.

28 8. If on view of the dead body and after personal inquiry

1 into the cause and manner of death, the coroner considers a
2 further inquiry and examination necessary in the public interest,
3 [he] the coroner shall make out [his] the coroner's warrant
4 directed to the sheriff of the city or county requiring [him] the
5 sheriff forthwith to summon six good and lawful citizens of the
6 county to appear before the coroner, at the time and place
7 expressed in the warrant, and to inquire how and by whom the
8 deceased [came to his death] died.

9 9. (1) When a person is being transferred from one county
10 to another county for medical treatment and such person dies
11 while being transferred, or dies while being treated in the
12 emergency room of the receiving facility the [county] place from
13 which the person is first removed shall be considered the place
14 of death and the county coroner or medical examiner of the county
15 from which the person was being transferred shall be responsible
16 for the Missouri certificate of death and for investigating the
17 cause and manner of the death. [If]

18 (2) The coroner or medical examiner in the county in which
19 the person [died believes that further investigation is warranted
20 and a postmortem examination is needed, such coroner or medical
21 examiner shall have the right to further investigate and perform
22 the postmortem examination] is determined to be dead may with
23 authorization of the coroner or medical examiner from the
24 transferring county, investigate and conduct postmortem
25 examinations at the expense of [such] the coroner or medical
26 examiner [and shall be] from the transferring county. The
27 coroner or medical examiner from the transferring county shall be
28 responsible for the Missouri certificate of death and for

1 investigating the cause and manner of the death. [Such] The
2 coroner or medical examiner, from the county where a person is
3 determined to be dead shall immediately notify the coroner or
4 medical examiner of the county from which the person was being
5 transferred of the death of such person [and after an
6 investigation is completed shall notify such coroner or medical
7 examiner of his findings], and shall make available information
8 and records necessary for investigation of the death.

9 (3) If a person does not die while being transferred and is
10 institutionalized as a regularly admitted patient after such
11 transfer and subsequently dies while in such institution, the
12 coroner or medical examiner of the county in which the person
13 [dies] is determined to be dead shall immediately notify the
14 coroner or medical examiner of the county from which such person
15 was transferred of the death of such person. In such cases, the
16 county in which the deceased was institutionalized shall be
17 considered the place of death.

18 (4) In the cases of death by homicide, suicide, accident,
19 child fatality, or any unusual or suspicious manner, the
20 investigation of the cause and manner of death shall revert to
21 the county of origin, and the coroner or medical examiner shall
22 be responsible for the Missouri certificate of death.

23 (5) There shall not be any statute of limitations or time
24 limits on the cause of death when death is the final result or
25 determined to be caused by homicide, suicide, accident, child
26 fatality, or any unusual or suspicious manner. The place of
27 death shall be the place in which the person is determined to be
28 dead. The final investigation of death in determining the cause

1 and matter of death shall revert to the county of origin, and the
2 coroner or medical examiner of such county shall be responsible
3 for the Missouri certificate of death.

4 10. Except as provided in subsection 9 of this section, if
5 a person dies in one county and [his] the body is subsequently
6 transferred to another county, or into the state of Missouri, for
7 burial or other reasons, the county coroner or medical examiner
8 where the death occurred shall be responsible for the certificate
9 of death and for investigating the cause and manner of the death.

10 11. In performing [his] the duties of the office, the
11 coroner or medical examiner shall make reasonable efforts to
12 accommodate organ or tissue donation.

13 58.500. Upon delivery of any money to the [treasurer]
14 public administrator, he or she shall [place it to the credit of
15 the city or county; if it be other property he shall, within
16 thirty days, sell it at public auction, upon ten days' public
17 notice, by publication in some newspaper printed in the city or
18 county, if there be any, and if there be none, then by posting
19 not less than six written or printed bills, giving notice of time
20 and place of sale of such other property; and shall, in like
21 manner, place the proceeds to the credit of the city or county]
22 follow the procedures as set out in section 473.743, RSMo.

23 58.720. 1. When any person dies within a county having a
24 medical examiner as a result of:

- 25 (1) Violence by homicide, suicide, or accident;
26 (2) Thermal, chemical, electrical, or radiation injury;
27 (3) Criminal abortions, including those self-induced;
28 (4) Disease thought to be of a hazardous and contagious

1 nature or which might constitute a threat to public health; or
2 when any person dies:

3 (a) Suddenly when in apparent good health;

4 (b) When unattended by a physician, chiropractor, or an
5 accredited Christian Science practitioner, during the period of
6 thirty-six hours immediately preceding his death;

7 (c) While in the custody of the law, or while an inmate in
8 a public institution;

9 (d) In any unusual or suspicious manner;

10
11 the police, sheriff, law enforcement officer or official, or any
12 person having knowledge of such a death shall immediately notify
13 the office of the medical examiner of the known facts concerning
14 the time, place, manner and circumstances of the death.

15
16 Immediately upon receipt of notification, the medical examiner or
17 his designated assistant shall take charge of the dead body and
18 fully investigate the essential facts concerning the medical
19 causes of death. He may take the names and addresses of
20 witnesses to the death and shall file this information in his
21 office. The medical examiner or his designated assistant shall
22 take possession of all property of value found on the body,
23 making exact inventory thereof on his report and shall direct the
24 return of such property to the person entitled to its custody or
25 possession. The medical examiner or his designated assistant
26 examiner shall take possession of any object or article which, in
27 his opinion, may be useful in establishing the cause of death,
28 and deliver it to the prosecuting attorney of the county.

1 2. When a death occurs outside a licensed health care
2 facility, the first licensed medical professional or law
3 enforcement official learning of such death shall contact the
4 county medical examiner. Immediately upon receipt of such
5 notification, the medical examiner or the medical examiner's
6 deputy shall make a determination if further investigation is
7 necessary, based on information provided by the individual
8 contacting the medical examiner, and immediately advise such
9 individual of the medical examiner's intentions.

10 3. In any case of sudden, violent or suspicious death after
11 which the body was buried without any investigation or autopsy,
12 the medical examiner, upon being advised of such facts, may at
13 his own discretion request that the prosecuting attorney apply
14 for a court order requiring the body to be exhumed.

15 4. The medical examiner shall certify the cause of death in
16 any case where death occurred without medical attendance or where
17 an attending physician refuses to sign a certificate of death,
18 and may sign a certificate of death in the case of any death.

19 5. When the cause of death is established by the medical
20 examiner, he shall file a copy of his findings in his office
21 within thirty days after notification of the death.

22 6. (1) When a person is being transferred from one county
23 to another county for medical treatment and such person dies
24 while being transferred, or dies while being treated in the
25 emergency room of the receiving facility, the **[county]** place from
26 which the person is first removed shall be considered the place
27 of death and the county coroner or medical examiner of the county
28 from which the person was being transferred shall be responsible

1 for the Missouri certificate of death and for investigating the
2 cause and manner of the death. [If]

3 (2) The coroner or medical examiner in the county in which
4 the person [died believes that further investigation is warranted
5 and a postmortem examination is needed, such coroner or medical
6 examiner shall have the right to further investigate and perform
7 the postmortem examination] is determine to be dead may, with
8 authorization of the coroner or medical examiner from the
9 transferring county, investigate and conduct postmortem
10 examinations at the expense of [such] the coroner or medical
11 examiner [and shall be] from the transferring county. The
12 coroner or medical examiner from the transferring county, shall
13 be responsible for the Missouri certificate of death and for
14 investigating the cause and manner of the death. [Such] The
15 coroner or medical examiner, from the county where a person is
16 determined to be dead shall immediately notify the coroner or
17 medical examiner of the county from which the person was being
18 transferred of the death of such person [and after an
19 investigation is completed shall notify such coroner or medical
20 examiner of his findings], and shall make available information
21 and records necessary for investigation of the death.

22 (3) If a person does not die while being transferred and is
23 institutionalized as a regularly admitted patient after such
24 transfer and subsequently dies while in such institution, the
25 coroner or medical examiner of the county in which the person
26 [dies] is determined to be dead shall immediately notify the
27 coroner or medical examiner of the county from which such person
28 was transferred of the death of such person. In such cases, the

1 county in which the deceased was institutionalized shall be
2 considered the place of death.

3 (4) In the cases of death by homicide, suicide, accident,
4 child fatality, or any unusual or suspicious manner, the
5 investigation of the cause and manner of death shall revert to
6 the county of origin, and the coroner or medical examiner shall
7 be responsible for the Missouri certificate of death.

8 (5) There shall not be any statute of limitations or time
9 limits on the cause of death when death is the final result or
10 determined to be caused by homicide, suicide, accident, child
11 fatality, or any unusual or suspicious manner. The place of
12 death shall be the place in which the person is determined to be
13 dead. The final investigation of death in determining the cause
14 and matter of death shall revert to the county of origin, and the
15 coroner or medical examiner of such county shall be responsible
16 for the Missouri certificate of death.

17 7. Except as provided in subsection 6 of this section, if a
18 person dies in one county and [his] the body is subsequently
19 transferred to another county, for burial or other reasons the
20 county coroner or medical examiner where the death occurred shall
21 be responsible for the certificate of death and for investigating
22 the cause and manner of the death.

23 8. In performing his duties, the coroner or medical
24 examiner shall make reasonable efforts to accommodate organ
25 donation.

26 64.620. 1. For the purpose of promoting health, safety,
27 morals, comfort or the general welfare of the unincorporated
28 portion of counties of the second or third class to conserve and

1 protect property and building values, to secure the most
2 economical use of the land, and to facilitate the adequate
3 provision of public improvements all in accordance with a
4 comprehensive plan, the county commission of any county to which
5 sections 64.510 to 64.690 are applicable as provided in section
6 64.510 shall have power after approval by vote of the people as
7 provided in section 64.530 to regulate and restrict, by order of
8 record, in the unincorporated portions of the county, the height,
9 number of stories, and size of buildings, the percentage of lots
10 that may be occupied, the size of yards, courts and other open
11 spaces, the density of population, the location and use of
12 buildings, structures and land for trade, industry, residence or
13 other purposes, including areas for agriculture, forestry, and
14 recreation.

15 2. The provisions of this section shall not apply to the
16 incorporated portions of the counties, or to the raising of
17 crops, livestock, orchards, or forestry, or to seasonal or
18 temporary impoundments used for rice farming or flood irrigation.
19 As used in this section, the term "rice farming or flood
20 irrigation" means small berms of no more than eighteen inches
21 high that are placed around a field to hold water for use for
22 growing rice or for flood irrigation. This section shall not
23 apply to the erection, maintenance, repair, alteration or
24 extension of farm buildings or farm structures used for such
25 purposes in an area not within the area shown on the flood hazard
26 area map. This section shall not apply to underground mining
27 where entrance is through an existing shaft or shafts or through
28 a shaft or shafts not within the area shown on the flood hazard

1 area map.

2 3. The powers granted by sections 64.510 to 64.690 shall
3 not be construed:

4 (1) So as to deprive the owner, lessee or tenant of any
5 existing property of its use or maintenance for the purpose to
6 which it is then lawfully devoted;

7 (2) So as to deprive any court of the power of determining
8 the reasonableness of regulations and powers in any action
9 brought in any court affecting the provisions of sections 64.510
10 to 64.690, or the rules and regulations adopted thereunder;

11 (3) To authorize interference with such public utility
12 services as may have been or may hereafter be authorized or
13 ordered by the public service commission or by permit of the
14 county commission or authorized by the board of directors of a
15 rural electric cooperative, as the case may be.

16 4. Nothing contained in sections 64.510 to 64.695 shall
17 affect the existence or validity of an ordinance or order which a
18 county has adopted prior to March 4, 1991.

19 64.890. 1. Nothing in sections 64.800 to 64.905 shall
20 affect the recovery of natural resources by strip or open-cut
21 mining; provided, that commercial structures shall be permitted
22 in all districts except those zoned for residential or
23 recreational use.

24 2. The provisions of this section shall not apply to the
25 incorporated portions of the counties, nor to the raising of
26 crops, livestock, orchards or forestry nor to seasonal or
27 temporary impoundments used for rice farming or flood irrigation.
28 As used in this section, the term "rice farming or flood

1 irrigation" means small berms of no more than eighteen inches
2 high that are placed around a field to hold water for use for
3 growing rice or for flood irrigation. This section shall not
4 apply to the erection, maintenance, repair, alteration or
5 extension of farm buildings or farm structures used for such
6 purposes in an area not within the area shown on the flood hazard
7 area map. This section shall not apply to underground mining
8 where entrance is through an existing shaft or shafts or through
9 a shaft or shafts not within the area shown on the flood hazard
10 area map. The powers granted by sections 64.800 to 64.845 and
11 64.850 to 64.880 shall not be construed:

12 (1) So as to deprive the owner, lessee or tenant of any
13 existing property of its use or maintenance for the purpose to
14 which it is then lawfully devoted;

15 (2) So as to deprive any court of the power of determining
16 the reasonableness of regulations and powers in any action
17 brought in any court affecting the provisions of sections 64.800
18 to 64.905 or the rules and regulations adopted thereunder;

19 (3) Nor to authorize interference with the public utility
20 services as may have been or may hereafter be authorized or
21 ordered by the public service commission or by permit of the
22 county commission or authorized by the board of directors of a
23 rural electric cooperative, as the case may be.

24 3. Nothing contained in sections 64.800 to 64.905 shall
25 affect the existence or validity of an ordinance or order which a
26 county has adopted prior to March 4, 1991.

27 64.940. 1. The authority shall have the following powers:

28 (1) To acquire by gift, bequest, purchase or lease from

1 public or private sources and to plan, construct, operate and
2 maintain, or to lease to others for construction, operation and
3 maintenance a sports stadium, field house, indoor and outdoor
4 recreational facilities, centers, playing fields, parking
5 facilities and other suitable concessions, and all things
6 incidental or necessary to a complex suitable for all types of
7 sports and recreation, either professional or amateur, commercial
8 or private, either upon, above or below the ground;

9 (2) To charge and collect fees and rents for use of the
10 facilities owned or operated by it or leased from or to others;

11 (3) To adopt a common seal, to contract and to be
12 contracted with, including, but without limitation, the authority
13 to enter into contracts with counties and other political
14 subdivisions under sections 70.210 to 70.320, RSMo, and to sue
15 and to be sued;

16 (4) To receive for its lawful activities any contributions
17 or moneys appropriated by municipalities, counties, state or
18 other political subdivisions or agencies or by the federal
19 government or any agency or officer thereof or from any other
20 source;

21 (5) To disburse funds for its lawful activities and fix
22 salaries and wages of its officers and employees;

23 (6) To borrow money for the acquisition, planning,
24 construction, equipping, operation, maintenance, repair,
25 extension and improvement of any facility, or any part or parts
26 thereof, which it has the power to own or to operate, and to
27 issue negotiable notes, bonds, or other instruments in writing as
28 evidence of sums borrowed, as hereinafter provided in this

1 section:

2 (a) Bonds or notes issued hereunder shall be issued
3 pursuant to a resolution adopted by the commissioners of the
4 authority which shall set out the estimated cost to the authority
5 of the proposed facility or facilities, and shall further set out
6 the amount of bonds or notes to be issued, their purpose or
7 purposes, their date or dates, denomination or denominations,
8 rate or rates of interest, time or times of payment, both of
9 principal and of interest, place or places of payment and all
10 other details in connection therewith. Any such bonds or notes
11 may be subject to such provision for redemption prior to
12 maturity, with or without premium, and at such times and upon
13 such conditions as may be provided by the resolution.

14 (b) Such bonds or notes shall bear interest at a rate not
15 exceeding eight percent per annum and shall mature within a
16 period not exceeding fifty years and may be sold at public or
17 private sale for not less than ninety-five percent of the
18 principal amount thereof. Bonds or notes issued by an authority
19 shall possess all of the qualities of negotiable instruments
20 under the laws of this state.

21 (c) Such bonds or notes may be payable to bearer, may be
22 registered or coupon bonds or notes and if payable to bearer, may
23 contain such registration provisions as to either principal and
24 interest, or principal only, as may be provided in the resolution
25 authorizing the same which resolution may also provide for the
26 exchange of registered and coupon bonds or notes. Such bonds or
27 notes and any coupons attached thereto shall be signed in such
28 manner and by such officers of the authority as may be provided

1 for by the resolution authorizing the same. The authority may
2 provide for the replacement of any bond or note which shall
3 become mutilated, destroyed or lost.

4 (d) Bonds or notes issued by an authority shall be payable
5 as to principal, interest and redemption premium, if any, out of
6 the general funds of the authority, including rents, revenues,
7 receipts and income derived and to be derived for the use of any
8 facility or combination of facilities, or any part or parts
9 thereof, acquired, constructed, improved or extended in whole or
10 in part from the proceeds of such bonds or notes, including but
11 not limited to stadium rentals, concessions, parking facilities
12 and from funds derived from any other facilities or part or parts
13 thereof, owned or operated by the authority, all or any part of
14 which rents, revenues, receipts and income the authority is
15 authorized to pledge for the payment of said principal, interest,
16 and redemption premium, if any. Bonds or notes issued pursuant
17 to this section shall not constitute an indebtedness of the
18 authority within the meaning of any constitutional or statutory
19 restriction, limitation or provision, and such bonds or notes
20 shall not be payable out of any funds raised or to be raised by
21 taxation. Bonds or notes issued pursuant to this section may be
22 further secured by a mortgage or deed of trust upon the rents,
23 revenues, receipts and income herein referred to or any part
24 thereof or upon any leasehold interest or other property owned by
25 the authority, or any part thereof, whether then owned or
26 thereafter acquired. The proceeds of such bonds or notes shall
27 be disbursed in such manner and under such restrictions as the
28 authority may provide in the resolution authorizing the issuance

1 of such bonds or notes or in any such mortgage or deed of trust.

2 (e) It shall be the duty of the authority to fix and
3 maintain rates and make and collect charges for the use and
4 services of its interest in the facility or facilities or any
5 part thereof operated by the authority which shall be sufficient
6 to pay the cost of operation and maintenance thereof, to pay the
7 principal of and interest on any such bonds or notes and to
8 provide funds sufficient to meet all requirements of the
9 resolution by which such bonds or notes have been issued.

10 (f) The resolution authorizing the issuance of any such
11 bonds or notes may provide for the allocation of rents, revenues,
12 receipts and income derived and to be derived by the authority
13 from the use of any facility or part thereof into such separate
14 accounts as shall be deemed to be advisable to assure the proper
15 operation and maintenance of any facility or part thereof and the
16 prompt payment of any bonds or notes issued to finance all or any
17 part of the costs thereof. Such accounts may include reserve
18 accounts necessary for the proper operation and maintenance of
19 any such facility or any part thereof, and for the payment of any
20 such bonds or notes. Such resolution may include such other
21 covenants and agreements by the authority as in its judgment are
22 advisable or necessary properly to secure the payment of such
23 bonds or notes.

24 (g) The authority may issue negotiable refunding bonds or
25 notes for the purpose of refunding, extending or unifying the
26 whole or any part of such bonds or notes then outstanding, which
27 bonds or notes shall not exceed the principal of the outstanding
28 bonds or notes to be refunded and the accrued interest thereon to

1 the date of such refunding, including any redemption premium.
2 The authority may provide for the payment of interest on such
3 refunding bonds or notes at a rate in excess of the bonds or
4 notes to be refunded but such interest rate shall not exceed the
5 maximum rate of interest hereinbefore provided.

6 (7) To condemn any and all rights or property, of any kind
7 or character, necessary for the purposes of the authority,
8 subject, however, to the provisions of sections 64.920 to 64.950
9 and in the manner provided in chapter 523, RSMo; provided,
10 however, that no property now or hereafter vested in or held by
11 the state or by any county, city, village, township or other
12 political subdivisions shall be taken by the authority without
13 the authority or consent of such political subdivisions;

14 (8) To perform all other necessary and incidental
15 functions; and to exercise such additional powers as shall be
16 conferred by the general assembly or by act of Congress.

17 2. The authority is authorized and directed to proceed to
18 carry out its duties, functions and powers in accordance with
19 sections 64.920 to 64.950 as rapidly as may be economically
20 practicable and is vested with all necessary and appropriate
21 powers not inconsistent with the constitution or the laws of the
22 United States to effectuate the same, except the power to levy
23 taxes or assessments.

24 3. Any expenditure made by the authority located in a
25 county with a charter form of government and with more than six
26 hundred thousand but fewer than seven hundred thousand
27 inhabitants, that is over **[five]** twenty-five thousand dollars,
28 including professional service contracts, must be competitively

1 bid.

2 65.677. For the purpose of promoting health, safety,
3 morals, comfort or the general welfare of the unincorporated
4 portion of the township, to conserve and protect property and
5 building values, to secure the most economical use of the land,
6 and to facilitate the adequate provision of public improvements
7 all in accordance with a comprehensive plan, the township board
8 of any township to which the provisions of sections 65.650 to
9 65.700 are applicable shall have power after approval by vote of
10 the people to regulate and restrict, by order of record, in the
11 unincorporated portions of the township, the height, number of
12 stories, and size of buildings, the percentage of lots that may
13 be occupied, the size of yards, courts and other open spaces, the
14 density of population, the location and use of buildings,
15 structures and land for trade, industry, residence or other
16 purposes, including areas for agriculture, forestry, and
17 recreation. The provisions of sections 65.650 to 65.700 shall
18 not be exercised so as to impose regulations or to require
19 permits with respect to land, used or to be used for the raising
20 of crops, orchards or forestry or with respect to the erection,
21 maintenance, repair, alteration or extension of farm buildings or
22 farm structures. The powers granted by sections 65.650 to 65.700
23 shall not be construed:

24 (1) So as to deprive the owner, lessee or tenant of any
25 existing property of its use or maintenance for the purpose to
26 which it is then lawfully devoted;

27 (2) So as to deprive any court of the power of determining
28 the reasonableness of regulations and power in any action brought

1 in any court affecting the provisions of sections 65.650 to
2 65.700 or the rules and regulations adopted thereunder;

3 (3) To authorize interference with such public utility
4 services as may have been or may hereafter be authorized or
5 ordered by the public service commission or by permit of the
6 county commission or authorized by the board of directors of a
7 rural electric cooperative, as the case may be.

8 66.010. 1. Any first class county framing and adopting a
9 charter for its own government under the provisions of section
10 18, article VI of the constitution of this state, may prosecute
11 and punish violations of its county ordinances in the circuit
12 court of such counties in the manner and to the extent herein
13 provided or in a county municipal court [if creation of a county
14 municipal court is authorized by such charter]. In addition, the
15 county may prosecute and punish municipal ordinance violations in
16 the county municipal court pursuant to a contract with any
17 municipality within the county. Any county municipal court
18 established pursuant to the provisions of this section shall have
19 jurisdiction over violations of that county's ordinances and the
20 ordinances of municipalities with which the county has a contract
21 to prosecute and punish violations of municipal ordinances of the
22 city. Costs and procedures in any such county municipal court
23 shall be governed by the provisions of law relating to municipal
24 ordinance violations in municipal divisions of circuit courts.

25 2. In any county which has elected to establish a county
26 municipal court pursuant to this section, the judges for such
27 court shall be appointed by the county executive of such county,
28 subject to confirmation by the legislative body of such county in

1 the same manner as confirmation for other county appointed
2 officers. The number of judges appointed, and qualifications for
3 their appointment, shall be established by ordinance of the
4 county.

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

7 4. The ordinance of the county shall provide for regular
8 sessions of court in the evening hours after 6:00 p.m. and at
9 locations outside the county seat. The provisions of this
10 subsection shall be discretionary with any county with a charter
11 form of government and with more than six hundred thousand but
12 fewer than seven hundred thousand inhabitants.

13 5. Judges of the county municipal court shall be licensed
14 to practice law in this state and shall be residents of the
15 county in which they serve. Municipal court judges shall not
16 accept or handle cases in their practice of law which are
17 inconsistent with their duties as a municipal court judge and
18 shall not be a judge or prosecutor for any other court.

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

26 7. In a county municipal court established pursuant to this
27 section, the county may provide by ordinance for court costs not
28 to exceed the sum which may be provided by municipalities for

1 municipal violations before municipal courts. The county
2 municipal judge may assess costs against a defendant who pleads
3 guilty or is found guilty except in those cases where the
4 defendant is found by the judge to be indigent and unable to pay
5 the costs. The costs authorized in this subsection are in
6 addition to service costs, witness fees and jail costs that may
7 otherwise be authorized to be assessed, but are in lieu of other
8 court or judge costs or fees. Such costs shall be collected by
9 the authorized clerk and deposited into the county treasury.

10 8. Provisions shall be made for recording of proceedings,
11 except that if such proceedings are not recorded, then, in that
12 event, a person aggrieved by a judgment of a traffic judge or
13 commissioner shall have the right of a trial de novo. The
14 procedures for perfecting the right of a trial de novo shall be
15 the same as that provided under sections 512.180 to 512.320,
16 RSMo, except that the provisions of subsection 2 of section
17 512.180, RSMo, shall not apply to such cases. In the event that
18 such proceedings are recorded, all final decisions of the county
19 municipal court shall be appealable on such record to the
20 appellate court with appropriate jurisdiction.

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

26 10. In the event that a court is established pursuant to
27 this section, the circuit judges of the judicial circuit with
28 jurisdiction within that county may authorize the judges of the

1 county municipal court to act as commissioners to hear in the
2 first instance nonfelony violations of state law involving motor
3 vehicles as provided by local rule.

4 67.048. Any county board that receives funding from the
5 county treasury and whose members are appointed by the county
6 commission shall submit an annual report to the county commission
7 at the end of each fiscal year itemizing its expenditures.

8 67.320. 1. Any county of the first classification with
9 more than one hundred ninety-eight thousand but less than one
10 hundred ninety-nine thousand two hundred inhabitants may
11 prosecute and punish violations of its county orders in the
12 circuit court of such counties in the manner and to the extent
13 herein provided or in a county municipal court if creation of a
14 county municipal court is approved by order of the county
15 commission. The county may adopt orders with penal provisions
16 consistent with state law but only in the areas of traffic
17 violations, solid waste management [and], animal control, county
18 building code, on-site sewage treatment, and zoning order. Any
19 county municipal court established pursuant to the provisions of
20 this section shall have jurisdiction over violations of that
21 county's orders and the ordinances of municipalities with which
22 the county has a contract to prosecute and punish violations of
23 municipal ordinances of the municipality.

24 2. In any county which has elected to establish a county
25 municipal court pursuant to this section, the judges for such
26 court shall be appointed by the county commission of such county,
27 subject to confirmation by the legislative body of such county in
28 the same manner as confirmation for other county appointed

1 officers. The number of judges appointed, and qualifications for
2 their appointment, shall be established by order of the
3 commission.

4 3. The practice and procedure of each prosecution shall be
5 conducted in compliance with all of the terms and provisions of
6 sections 66.010 to 66.140, RSMo, except as provided for in this
7 section.

8 4. Any use of the term ordinance in sections 66.010 to
9 66.140, RSMo, shall be synonymous with the term order for
10 purposes of this section.

11 67.797. 1. When a regional recreational district is
12 organized in only one county, the executive, as that term is
13 defined in subdivision (4) of section 67.750, with the advice and
14 consent of the governing body of the county shall appoint a board
15 of directors for the district consisting of seven persons, chosen
16 from the residents of the district. Where the district is in
17 more than one county, the executives, as defined in subdivision
18 (4) of section 67.750, of the counties in the district [shall],
19 with the advice and consent of the governing bodies of each
20 county shall, as nearly as practicable, evenly appoint such
21 members and allocate staggered terms pursuant to subsection 2 of
22 this section, with the county having the largest area within the
23 district appointing a greater number of directors if the
24 directors cannot be appointed evenly. No member of the governing
25 body of the county or official of any municipal government
26 located within the district shall be a member of the board and no
27 director shall receive compensation for performance of duties as
28 a director. Members of the board of directors shall be citizens

1 of the United States and they shall reside within the district.
2 No board member shall be interested directly or indirectly in any
3 contract entered into pursuant to sections 67.792 to 67.799.

4 2. The directors appointed to the regional recreation
5 district shall hold office for three-year terms, except that of
6 the members first appointed, two shall hold office for one year,
7 two shall hold office for two years and three shall hold office
8 for three years. The executives of the counties within the
9 regional recreational district shall meet to determine and
10 implement a fair allocation of the staggered terms among the
11 counties, provided that counties eligible to appoint more than
12 one board member may not appoint board members with identical
13 initial terms until each of a one-year, two-year and three-year
14 initial term has been applied to such county. On the expiration
15 of such initial terms of appointment and on the expiration of any
16 subsequent term, the resulting vacancies shall be filled by the
17 executives of the respective counties, with the advice and
18 consent of the respective governing bodies. All vacancies on the
19 board shall be filled in the same manner for the duration of the
20 term being filled. Board members shall serve until their
21 successors are named and such successors have commenced their
22 terms as board members. Board members shall be eligible for
23 reappointment. Upon the petition of the county executive of the
24 county from which the board member received his or her
25 appointment, the governing body of the county may remove any
26 board member for misconduct or neglect of duties.

27 3. Notwithstanding any other provision of sections 67.750
28 to 67.799, to the contrary, after August 28, 2004, in any

1 district located in whole or in part in any county of the first
2 classification with more than one hundred eighty-four thousand
3 but less than one hundred eighty-eight thousand inhabitants, upon
4 the expiration of such initial terms of appointment and on the
5 expiration of any subsequent term, the resulting vacancies shall
6 be filled by election at the next regularly scheduled election
7 date throughout the district. In the event that a vacancy exists
8 before the expiration of a term, the governing body of the county
9 shall appoint a member for the remainder of the unexpired term.
10 Board members shall be elected for terms of three years. Such
11 elections shall be held according to this section and the
12 applicable laws of this state. If no person files as a candidate
13 for election to the vacant office within the applicable deadline
14 for filing as a candidate, then the governing body of any such
15 county shall appoint a person to be a member of the board for a
16 term of three years. Any appointed board members shall be
17 eligible to run for office.

18 4. Directors shall immediately after their appointment meet
19 and organize by the election of one of their number president,
20 and by the election of such other officers as they may deem
21 necessary. The directors shall make and adopt such bylaws, rules
22 and regulations for their guidance and for the government of the
23 parks, neighborhood trails and recreational grounds and
24 facilities as may be expedient, not inconsistent with sections
25 67.792 to 67.799. They shall have the exclusive control of the
26 expenditures of all money collected to the credit of the regional
27 recreational fund and of the supervision, improvement, care and
28 custody of public parks, neighborhood trails, recreational

1 facilities and grounds owned, maintained or managed by the
2 district. All moneys received for such purposes shall be
3 deposited in the treasury of the county containing the largest
4 portion of the district to the credit of the regional
5 recreational fund and shall be kept separate and apart from the
6 other moneys of such county. Such board shall have power to
7 purchase or otherwise secure ground to be used for such parks,
8 neighborhood trails, recreational grounds and facilities, shall
9 have power to appoint suitable persons to maintain such parks,
10 neighborhood trails and recreational facilities and administer
11 recreational programs and fix their compensation, and shall have
12 power to remove such appointees.

13 5. The board of directors may issue debt for the district
14 pursuant to section 67.798.

15 6. If a county, or a portion of a county, not previously
16 part of any district, shall enter a district, the executives of
17 the new member county and any previous member counties shall
18 promptly meet to apportion the board seats among the counties
19 participating in the enlarged district. All purchases in excess
20 of ten thousand dollars used in the construction or maintenance
21 of any public park, neighborhood trail or recreational facility
22 in the regional recreation district shall be made pursuant to the
23 lowest and best bid standard as provided in section 34.040, RSMo,
24 or pursuant to the lowest and best proposal standard as provided
25 in section 34.042, RSMo. The board of the district shall have
26 the same discretion, powers and duties as the commissioner of
27 administration has in sections 34.040 and 34.042, RSMo.

28 7. Notwithstanding any other provisions in this section to

1 the contrary, when a regional recreational district is organized
2 in only one county on land owned solely by the county, the
3 governing body of the county shall have exclusive control of the
4 expenditures of all moneys collected to the credit of the
5 regional recreational fund, and of the supervision, improvement,
6 care, and custody of public parks, neighborhood trails,
7 recreational facilities, and grounds owned, maintained, or
8 managed by the county within the district.

9 67.1000. 1. The governing body of any county or of any
10 city which is the county seat of any county or which now or
11 hereafter has a population of more than three thousand five
12 hundred inhabitants and which has heretofore been authorized by
13 the general assembly, or of any other city which has a population
14 of more than eighteen thousand and less than forty-five thousand
15 inhabitants located in a county of the first classification with
16 a population over two hundred thousand adjacent to a county of
17 the first classification with a population over nine hundred
18 thousand, may impose a tax on the charges for all sleeping rooms
19 paid by the transient guests of hotels or motels situated in the
20 city or county, which shall be not more than five percent per
21 occupied room per night, except that such tax shall not become
22 effective unless the governing body of the city or county submits
23 to the voters of the city or county at an election permitted
24 under section 115.123, RSMo, a proposal to authorize the
25 governing body of the city or county to impose a tax under the
26 provisions of this section and section 67.1002. The tax
27 authorized by this section and section 67.1002 shall be in
28 addition to the charge for the sleeping room and shall be in

1 addition to any and all taxes imposed by law and the proceeds of
2 such tax shall be used by the city or county solely for funding a
3 convention and visitors bureau which shall be a general
4 not-for-profit organization with whom the city or county has
5 contracted, and which is established for the purpose of promoting
6 the city or county as a convention, visitor and tourist center.
7 Such tax shall be stated separately from all other charges and
8 taxes.

9 2. In any county of the third classification without a
10 township form of government and with more than forty-one thousand
11 one hundred but fewer than forty-one thousand two hundred
12 inhabitants, "transient guests", as used in this section and
13 section 67.1002, means a person or persons who occupy a room or
14 rooms in a hotel or motel for ninety days or less during any
15 calendar quarter.

16 [67.1000. The governing body of any county or of
17 any city which is the county seat of any county or
18 which now or hereafter has a population of more than
19 three thousand five hundred inhabitants and which has
20 heretofore been authorized by the general assembly, or
21 of any city which has a population of at least
22 seventeen thousand but not more than forty-five
23 thousand inhabitants located in a county of the first
24 classification with a charter form of government with a
25 population of at least two hundred thousand inhabitants
26 but not more than three hundred thousand inhabitants
27 may impose a tax on the charges for all sleeping rooms
28 paid by the transient guests of hotels or motels
29 situated in the city or county, which shall be not more
30 than five percent per occupied room per night, except
31 that such tax shall not become effective unless the
32 governing body of the city or county submits to the
33 voters of the city or county at an election permitted
34 pursuant to section 115.123, RSMo, a proposal to
35 authorize the governing body of the city or county to
36 impose a tax pursuant to the provisions of this section
37 and section 67.1002. The tax authorized by this
38 section and section 67.1002 shall be in addition to the
39 charge for the sleeping room and shall be in addition

1 to any and all taxes imposed by law and the proceeds of
2 such tax shall be used by the city or county solely for
3 funding a convention and visitors bureau which shall be
4 a general not-for-profit organization with whom the
5 city or county has contracted, and which is established
6 for the purpose of promoting the city or county as a
7 convention, visitor and tourist center. Such tax shall
8 be stated separately from all other charges and taxes.]

9 67.1181. Any political subdivision authorized by this
10 chapter to collect and expend tax revenues imposed by such
11 political subdivision for the advertising and promotion of
12 tourism shall perform, or cause to be performed, an audit of its
13 finances at least once every five calendar years if no other
14 statutory auditing requirement exists for such political
15 subdivision. The political subdivision shall pay the actual cost
16 of the audit from the revenues for operating costs. The first
17 such audit required by this section shall be completed no later
18 than January 1, 2009.

19 67.1360. The governing body of:

20 (1) A city with a population of more than seven thousand
21 and less than seven thousand five hundred;

22 (2) A county with a population of over nine thousand six
23 hundred and less than twelve thousand which has a total assessed
24 valuation of at least sixty-three million dollars, if the county
25 submits the issue to the voters of such county prior to January
26 1, 2003;

27 (3) A third class city which is the county seat of a county
28 of the third classification without a township form of government
29 with a population of at least twenty-five thousand but not more
30 than thirty thousand inhabitants;

31 (4) Any fourth class city having, according to the last
32 federal decennial census, a population of more than one thousand

1 eight hundred fifty inhabitants but less than one thousand nine
2 hundred fifty inhabitants in a county of the first classification
3 with a charter form of government and having a population of
4 greater than six hundred thousand but less than nine hundred
5 thousand inhabitants;

6 (5) Any city having a population of more than three
7 thousand but less than eight thousand inhabitants in a county of
8 the fourth classification having a population of greater than
9 forty-eight thousand inhabitants;

10 (6) Any city having a population of less than two hundred
11 fifty inhabitants in a county of the fourth classification having
12 a population of greater than forty-eight thousand inhabitants;

13 (7) Any fourth class city having a population of more than
14 two thousand five hundred but less than three thousand
15 inhabitants in a county of the third classification having a
16 population of more than twenty-five thousand but less than
17 twenty-seven thousand inhabitants;

18 (8) Any third class city with a population of more than
19 three thousand two hundred but less than three thousand three
20 hundred located in a county of the third classification having a
21 population of more than thirty-five thousand but less than
22 thirty-six thousand;

23 (9) Any county of the second classification without a
24 township form of government and a population of less than thirty
25 thousand;

26 (10) Any city of the fourth class in a county of the second
27 classification without a township form of government and a
28 population of less than thirty thousand;

1 (11) Any county of the third classification with a township
2 form of government and a population of at least twenty-eight
3 thousand but not more than thirty thousand;

4 (12) Any city of the fourth class with a population of more
5 than one thousand eight hundred but less than two thousand in a
6 county of the third classification with a township form of
7 government and a population of at least twenty-eight thousand but
8 not more than thirty thousand;

9 (13) Any city of the third class with a population of more
10 than seven thousand two hundred but less than seven thousand five
11 hundred within a county of the third classification with a
12 population of more than twenty-one thousand but less than
13 twenty-three thousand;

14 (14) Any fourth class city having a population of more than
15 two thousand eight hundred but less than three thousand one
16 hundred inhabitants in a county of the third classification with
17 a township form of government having a population of more than
18 eight thousand four hundred but less than nine thousand
19 inhabitants;

20 (15) Any fourth class city with a population of more than
21 four hundred seventy but less than five hundred twenty
22 inhabitants located in a county of the third classification with
23 a population of more than fifteen thousand nine hundred but less
24 than sixteen thousand inhabitants;

25 (16) Any third class city with a population of more than
26 three thousand eight hundred but less than four thousand
27 inhabitants located in a county of the third classification with
28 a population of more than fifteen thousand nine hundred but less

1 than sixteen thousand inhabitants;

2 (17) Any fourth class city with a population of more than
3 four thousand three hundred but less than four thousand five
4 hundred inhabitants located in a county of the third
5 classification without a township form of government with a
6 population greater than sixteen thousand but less than sixteen
7 thousand two hundred inhabitants;

8 (18) Any fourth class city with a population of more than
9 two thousand four hundred but less than two thousand six hundred
10 inhabitants located in a county of the first classification
11 without a charter form of government with a population of more
12 than fifty-five thousand but less than sixty thousand
13 inhabitants;

14 (19) Any fourth class city with a population of more than
15 two thousand five hundred but less than two thousand six hundred
16 inhabitants located in a county of the third classification with
17 a population of more than nineteen thousand one hundred but less
18 than nineteen thousand two hundred inhabitants;

19 (20) Any county of the third classification without a
20 township form of government with a population greater than
21 sixteen thousand but less than sixteen thousand two hundred
22 inhabitants;

23 (21) Any county of the second classification with a
24 population of more than forty-four thousand but less than fifty
25 thousand inhabitants;

26 (22) Any third class city with a population of more than
27 nine thousand five hundred but less than nine thousand seven
28 hundred inhabitants located in a county of the first

1 classification without a charter form of government and with a
2 population of more than one hundred ninety-eight thousand but
3 less than one hundred ninety-eight thousand two hundred
4 inhabitants;

5 (23) Any city of the fourth classification with more than
6 five thousand two hundred but less than five thousand three
7 hundred inhabitants located in a county of the third
8 classification without a township form of government and with
9 more than twenty-four thousand five hundred but less than
10 twenty-four thousand six hundred inhabitants;

11 (24) Any third class city with a population of more than
12 nineteen thousand nine hundred but less than twenty thousand in a
13 county of the first classification without a charter form of
14 government and with a population of more than one hundred
15 ninety-eight thousand but less than one hundred ninety-eight
16 thousand two hundred inhabitants;

17 (25) Any city of the fourth classification with more than
18 two thousand six hundred but less than two thousand seven hundred
19 inhabitants located in any county of the third classification
20 without a township form of government and with more than fifteen
21 thousand three hundred but less than fifteen thousand four
22 hundred inhabitants;

23 (26) Any county of the third classification without a
24 township form of government and with more than fourteen thousand
25 nine hundred but less than fifteen thousand inhabitants;

26 (27) Any city of the fourth classification with more than
27 five thousand four hundred but fewer than five thousand five
28 hundred inhabitants and located in more than one county;

1 (28) Any city of the fourth classification with more than
2 six thousand three hundred but fewer than six thousand five
3 hundred inhabitants and located in more than one county through
4 the creation of a tourism district which may include, in addition
5 to the geographic area of such city, the area encompassed by the
6 portion of the school district, located within a county of the
7 first classification with more than ninety-three thousand eight
8 hundred but fewer than ninety-three thousand nine hundred
9 inhabitants, having an average daily attendance for school year
10 2005-2006 between one thousand eight hundred and one thousand
11 nine hundred;

12 (29) Any city of the fourth classification with more than
13 seven thousand seven hundred but less than seven thousand eight
14 hundred inhabitants located in a county of the first
15 classification with more than ninety-three thousand eight hundred
16 but less than ninety-three thousand nine hundred inhabitants;

17 (30) Any city of the fourth classification with more than
18 two thousand nine hundred but less than three thousand
19 inhabitants located in a county of the first classification with
20 more than seventy-three thousand seven hundred but less than
21 seventy-three thousand eight hundred inhabitants; or

22 (31) Any city of the third classification with more than
23 nine thousand three hundred but less than nine thousand four
24 hundred inhabitants;

25
26 may impose a tax on the charges for all sleeping rooms paid by
27 the transient guests of hotels, motels, bed and breakfast inns
28 and campgrounds and any docking facility which rents slips to

1 recreational boats which are used by transients for sleeping,
2 which shall be at least two percent, but not more than five
3 percent per occupied room per night, except that such tax shall
4 not become effective unless the governing body of the city or
5 county submits to the voters of the city or county at a state
6 general, primary or special election, a proposal to authorize the
7 governing body of the city or county to impose a tax pursuant to
8 the provisions of this section and section 67.1362. The tax
9 authorized by this section and section 67.1362 shall be in
10 addition to any charge paid to the owner or operator and shall be
11 in addition to any and all taxes imposed by law and the proceeds
12 of such tax shall be used by the city or county solely for
13 funding the promotion of tourism. Such tax shall be stated
14 separately from all other charges and taxes.

15 67.1451. 1. If a district is a political subdivision, the
16 election and qualifications of members to the district's board of
17 directors shall be in accordance with this section. If a
18 district is a not-for-profit corporation, the election and
19 qualification of members to its board of directors shall be in
20 accordance with chapter 355, RSMo.

21 2. The district shall be governed by a board consisting of
22 at least five but not more than thirty directors. Each director
23 shall, during his or her entire term, be:

24 (1) At least eighteen years of age; and

25 (2) Be either:

26 (a) An owner, as defined in section 67.1401, of real
27 property or of a business operating within the district; or

28 (b) [If in a home rule city with more than one hundred

1 fifty-one thousand five hundred but fewer than one hundred
2 fifty-one thousand six hundred inhabitants, a legally authorized
3 representative of an owner of real property located within the
4 district. If there are less than five owners of real property
5 located within a district, the board may be comprised of up to
6 five legally authorized representatives of any of the owners of
7 real property located within the district; or

8 (c)] A registered voter residing within the district; and

9 (3) Any other qualifications set forth in the petition
10 establishing the district.

11 If there are fewer than five owners of real property located
12 within a district, the board may be comprised of up to five
13 legally authorized representatives of any of the owners of real
14 property located within the district.

15 3. If the district is a political subdivision, the board
16 shall be elected or appointed, as provided in the petition.

17 4. If the board is to be elected, the procedure for
18 election shall be as follows:

19 (1) The municipal clerk shall specify a date on which the
20 election shall occur which date shall be a Tuesday and shall not
21 be earlier than the tenth Tuesday, and shall not be later than
22 the fifteenth Tuesday, after the effective date of the ordinance
23 adopted to establish the district;

24 (2) The election shall be conducted in the same manner as
25 provided for in section 67.1551, provided that the published
26 notice of the election shall contain the information required by
27 section 67.1551 for published notices, except that it shall state
28 that the purpose of the election is for the election of

1 directors, in lieu of the information related to taxes;

2 (3) Candidates shall pay the sum of five dollars as a
3 filing fee and shall file not later than the second Tuesday after
4 the effective date of the ordinance establishing the district
5 with the municipal clerk a statement under oath that he or she
6 possesses all of the qualifications set out in this section for a
7 director. Thereafter, such candidate shall have his or her name
8 placed on the ballot as a candidate for director;

9 (4) The director or directors to be elected shall be
10 elected at large. The person receiving the most votes shall be
11 elected to the position having the longest term; the person
12 receiving the second highest votes shall be elected to the
13 position having the next longest term and so forth. For any
14 district formed prior to August 28, 2003, of the initial
15 directors, one-half shall serve for a two-year term, one-half
16 shall serve for a four-year term and if an odd number of
17 directors are elected, the director receiving the least number of
18 votes shall serve for a two-year term, until such director's
19 successor is elected. For any district formed on or after August
20 28, 2003, for the initial directors, one-half shall serve for a
21 two-year term, and one-half shall serve for the term specified by
22 the district pursuant to subdivision (5) of this subsection, and
23 if an odd number of directors are elected, the director receiving
24 the least number of votes shall serve for a two-year term, until
25 such director's successor is elected;

26 (5) Successor directors shall be elected in the same manner
27 as the initial directors. The date of the election of successor
28 directors shall be specified by the municipal clerk which date

1 shall be a Tuesday and shall not be later than the date of the
2 expiration of the stated term of the expiring director. Each
3 successor director shall serve a term for the length specified
4 prior to the election by the district, which term shall be at
5 least three years and not more than four years, and shall
6 continue until such director's successor is elected. In the
7 event of a vacancy on the board of directors, the remaining
8 directors shall elect an interim director to fill the vacancy for
9 the unexpired term.

10 5. If the petition provides that the board is to be
11 appointed by the municipality, such appointments shall be made by
12 the chief elected officer of the municipality with the consent of
13 the governing body of the municipality. For any district formed
14 prior to August 28, 2003, of the initial appointed directors,
15 one-half of the directors shall be appointed to serve for a
16 two-year term and the remaining one-half shall be appointed to
17 serve for a four-year term until such director's successor is
18 appointed; provided that, if there is an odd number of directors,
19 the last person appointed shall serve a two-year term. For any
20 district formed on or after August 28, 2003, of the initial
21 appointed directors, one-half shall be appointed to serve for a
22 two-year term, and one-half shall be appointed to serve for the
23 term specified by the district for successor directors pursuant
24 to this subsection, and if an odd number of directors are
25 appointed, the last person appointed shall serve for a two-year
26 term; provided that each director shall serve until such
27 director's successor is appointed. Successor directors shall be
28 appointed in the same manner as the initial directors and shall

1 serve for a term of years specified by the district prior to the
2 appointment, which term shall be at least three years and not
3 more than four years.

4 6. If the petition states the names of the initial
5 directors, those directors shall serve for the terms specified in
6 the petition and successor directors shall be determined either
7 by the above-listed election process or appointment process as
8 provided in the petition.

9 7. Any director may be removed for cause by a two-thirds
10 affirmative vote of the directors of the board. Written notice
11 of the proposed removal shall be given to all directors prior to
12 action thereon.

13 8. The board is authorized to act on behalf of the
14 district, subject to approval of qualified voters as required in
15 this section; except that, all official acts of the board shall
16 be by written resolution approved by the board.

17 67.1545. 1. Any district formed as a political subdivision
18 may impose by resolution a district sales and use tax on all
19 retail sales made in such district which are subject to taxation
20 pursuant to sections 144.010 to 144.525, RSMo, except sales of
21 motor vehicles, trailers, boats or outboard motors and sales to
22 public utilities. Any sales and use tax imposed pursuant to this
23 section may be imposed in increments of one-eighth of one
24 percent, up to a maximum of one percent. Such district sales and
25 use tax may be imposed for any district purpose designated by the
26 district in its ballot of submission to its qualified voters;
27 except that, no resolution adopted pursuant to this section shall
28 become effective unless the board of directors of the district

1 submits to the qualified voters of the district, by mail-in
2 ballot, a proposal to authorize a sales and use tax pursuant to
3 this section. If a majority of the votes cast by the qualified
4 voters on the proposed sales tax are in favor of the sales tax,
5 then the resolution is adopted. If a majority of the votes cast
6 by the qualified voters are opposed to the sales tax, then the
7 resolution is void.

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

9 Shall the (insert name of
10 district) Community Improvement District impose a community
11 improvement districtwide sales and use tax at the maximum rate of
12 (insert amount) for a period of
13 (insert number) years from the date on which
14 such tax is first imposed for the purpose of providing revenue
15 for
16 (insert general description of the purpose)?

17 ☐ YES ☐ NO

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

21 3. Within ten days after the qualified voters have approved
22 the imposition of the sales and use tax, the district shall, in
23 accordance with section [32.097] 32.087, RSMo, notify the
24 director of the department of revenue. The sales and use tax
25 authorized by this section shall become effective on the first
26 day of the second calendar quarter after the director of the
27 department of revenue receives notice of the adoption of such
28 tax.

1 4. The director of the department of revenue shall collect
2 any tax adopted pursuant to this section pursuant to section
3 32.087, RSMo.

4 5. In each district in which a sales and use tax is imposed
5 pursuant to this section, every retailer shall add such
6 additional tax imposed by the district to such retailer's sale
7 price, and when so added such tax shall constitute a part of the
8 purchase price, shall be a debt of the purchaser to the retailer
9 until paid and shall be recoverable at law in the same manner as
10 the purchase price.

11 6. In order to allow retailers to collect and report the
12 sales and use tax authorized by this section as well as all other
13 sales and use taxes required by law in the simplest and most
14 efficient manner possible, a district may establish appropriate
15 brackets to be used in the district imposing a tax pursuant to
16 this section in lieu of the brackets provided in section 144.285,
17 RSMo.

18 7. The penalties provided in sections 144.010 to 144.525,
19 RSMo, shall apply to violations of this section.

20 8. All revenue received by the district from a sales and
21 use tax imposed pursuant to this section which is designated for
22 a specific purpose shall be deposited into a special trust fund
23 and expended solely for such purpose. Upon the expiration of any
24 sales and use tax adopted pursuant to this section, all funds
25 remaining in the special trust fund shall continue to be used
26 solely for the specific purpose designated in the resolution
27 adopted by the qualified voters. Any funds in such special trust
28 fund which are not needed for current expenditures may be

1 invested by the board of directors pursuant to applicable laws
2 relating to the investment of other district funds.

3 9. A district may repeal by resolution any sales and use
4 tax imposed pursuant to this section before the expiration date
5 of such sales and use tax unless the repeal of such sales and use
6 tax will impair the district's ability to repay any liabilities
7 the district has incurred, moneys the district has borrowed or
8 obligation the district has issued to finance any improvements or
9 services rendered for the district.

10 10. Notwithstanding the provisions of chapter 115, RSMo, an
11 election for a district sales and use tax under this section
12 shall be conducted in accordance with the provisions of this
13 section.

14 67.2500. 1. A theater, cultural arts, and entertainment
15 district may be established in the manner provided in section
16 67.2505 by the governing body of any county, city, town, or
17 village that has adopted transect-based zoning under chapter 89,
18 RSMo, any county described in this subsection, or any city, town,
19 or village that is within [a first class county with a charter
20 form of government with a population over two hundred fifty
21 thousand that adjoins a first class county with a charter form of
22 government with a population over nine hundred thousand, or that
23 is within] such counties:

24 _____ (1) Any county with a charter form of government and with
25 more than two hundred fifty thousand but less than three hundred
26 fifty thousand inhabitants[, may establish a theater, cultural
27 arts, and entertainment district in the manner provided in
28 section 67.2505];

1 (2) Any county of the first classification with more than
2 ninety-three thousand eight hundred but fewer than ninety-three
3 thousand nine hundred inhabitants;

4 (3) Any county of the first classification with more than
5 one hundred eighty-four thousand but fewer than one hundred
6 eighty-eight thousand inhabitants;

7 (4) Any county with a charter form of government and with
8 more than six hundred thousand but fewer than seven hundred
9 thousand inhabitants;

10 (5) Any county of the first classification with more than
11 one hundred thirty-five thousand four hundred but fewer than one
12 hundred thirty-five thousand five hundred inhabitants;

13 (6) Any county of the first classification with more than
14 one hundred four thousand six hundred but fewer than one hundred
15 four thousand seven hundred inhabitants.

16 2. Sections 67.2500 to 67.2530 shall be known as the
17 "Theater, Cultural Arts, and Entertainment District Act".

18 3. As used in sections 67.2500 to 67.2530, the following
19 terms mean:

20 (1) "District", a theater, cultural arts, and entertainment
21 district organized under this section;

22 (2) "Qualified electors", "qualified voters", or "voters",
23 registered voters residing within the district or subdistrict, or
24 proposed district or subdistrict, who have registered to vote
25 pursuant to chapter 115, RSMo, or, if there are no persons
26 eligible to be registered voters residing in the district or
27 subdistrict, proposed district or subdistrict, property owners,
28 including corporations and other entities, that are owners of

1 real property;

2 (3) "Registered voters", persons qualified and registered
3 to vote pursuant to chapter 115, RSMo; and

4 (4) "Subdistrict", a subdivision of a district, but not a
5 separate political subdivision, created for the purposes
6 specified in subsection 5 of section 67.2505.

7 67.2505. 1. A district may be created to fund, promote,
8 and provide educational, civic, musical, theatrical, cultural,
9 concerts, lecture series, and related or similar entertainment
10 events or activities, and to fund, promote, plan, design,
11 construct, improve, maintain, and operate public improvements,
12 infrastructure, transportation projects, and related facilities
13 in the district.

14 2. A district is a political subdivision of the state.

15 3. The name of a district shall consist of a name chosen by
16 the original petitioners, preceding the words "theater, cultural
17 arts, and entertainment district".

18 4. The district shall include a minimum of ~~[fifty]~~ twenty-
19 five contiguous acres.

20 5. Subdistricts shall be formed for the purpose of voting
21 upon proposals for the creation of the district or subsequent
22 proposed subdistrict, voting upon the question of imposing a
23 proposed sales tax, and for representation on the board of
24 directors, and for no other purpose.

25 6. Whenever the creation of a district is desired, one or
26 more registered voters from each subdistrict of the proposed
27 district, or one or more property owners who collectively own one
28 or more parcels of real estate comprising at least a majority of

1 the land situated in the proposed subdistricts within the
2 proposed district, may file a petition requesting the creation of
3 a district with the governing body of the city, town, or village
4 within which the proposed district is to be established. The
5 petition shall contain the following information:

6 (1) The name, address, and phone number of each petitioner
7 and the location of the real property owned by the petitioner;

8 (2) The name of the proposed district;

9 (3) A legal description of the proposed district, including
10 a map illustrating the district boundaries, which shall be
11 contiguous, and the division of the district into at least five,
12 but not more than fifteen, subdistricts that shall contain, or
13 are projected to contain upon full development of the
14 subdistricts, approximately equal populations;

15 (4) A statement indicating the number of directors to serve
16 on the board, which shall be not less than five or more than
17 fifteen;

18 (5) A request that the district be established;

19 (6) A general description of the activities that are
20 planned for the district;

21 (7) A proposal for a sales tax to fund the district
22 initially, pursuant to the authority granted in sections 67.2500
23 to 67.2530, together with a request that the imposition of the
24 sales tax be submitted to the qualified voters within the
25 district;

26 (8) A statement that the proposed district shall not be an
27 undue burden on any owner of property within the district and is
28 not unjust or unreasonable;

1 (9) A request that the question of the establishment of the
2 district be submitted to the qualified voters of the district;

3 (10) A signed statement that the petitioners are authorized
4 to submit the petition to the governing body; and

5 (11) Any other items the petitioners deem appropriate.

6 7. Upon the filing and approval of a petition pursuant to
7 this section, the governing body of any city, town, or village
8 described in this section **[may]** shall pass a resolution
9 containing the following information:

10 (1) A description of the boundaries of the proposed
11 district and each subdistrict;

12 (2) The time and place of a hearing to be held to consider
13 establishment of the proposed district;

14 (3) The time frame and manner for the filing of protests;

15 (4) The proposed sales tax rate to be voted upon within the
16 subdistricts of the proposed district;

17 (5) The proposed uses for the revenue to be generated by
18 the new sales tax; and

19 (6) Such other matters as the governing body may deem
20 appropriate.

21 8. Prior to the governing body certifying the question of
22 the district's creation and imposing a sales tax for approval by
23 the qualified electors, a hearing shall be held as provided by
24 this subsection. The governing body of the municipality
25 approving a resolution as set forth in subsection 7 of this
26 section shall:

27 (1) Publish notice of the hearing, which shall include the
28 information contained in the resolution cited in subsection 7 of

1 this section, on two separate occasions in at least one newspaper
2 of general circulation in the county where the proposed district
3 is located, with the first publication to occur not more than
4 thirty days before the hearing, and the second publication to
5 occur not more than fifteen days or less than ten days before the
6 hearing;

7 (2) Hear all protests and receive evidence for or against
8 the establishment of the proposed district; and

9 (3) Consider all protests, which determinations shall be
10 final.

11
12 The costs of printing and publication of the notice shall be paid
13 by the petitioners. If the district is organized pursuant to
14 sections 67.2500 to 67.2530, the petitioners may be reimbursed
15 for such costs out of the revenues received by the district.

16 9. Following the hearing, the governing body of any city,
17 town, or village within which the proposed district will be
18 located may order an election on the questions of the district
19 creation and sales tax funding for voter approval and certify the
20 questions to the municipal clerk. The election order shall
21 include the date on which the ballots will be mailed to qualified
22 electors, which shall be not sooner than the eighth Tuesday from
23 the issuance of the order. The election regarding the
24 incorporation of the district and the imposing of the sales tax
25 shall follow the procedure set forth in section 67.2520, and
26 shall be held pursuant to the order and certification by the
27 governing body. Only those subdistricts approving the question
28 of creating the district and imposing the sales tax shall become

1 part of the district.

2 10. If the results of the election conducted in accordance
3 with section 67.2520 show that a majority of the votes cast were
4 in favor of organizing the district and imposing the sales tax,
5 the governing body may establish the proposed district in those
6 subdistricts approving the question of creating the district and
7 imposing the sales tax by adopting an ordinance to that effect.
8 The ordinance establishing the district shall contain the
9 following:

10 (1) The description of the boundaries of the district and
11 each subdistrict;

12 (2) A statement that a theater, cultural arts, and
13 entertainment district has been established;

14 (3) A declaration that the district is a political
15 subdivision of the state;

16 (4) The name of the district;

17 (5) The date on which the sales tax election in the
18 subdistricts was held, and the result of the election;

19 (6) The uses for any revenue generated by a sales tax
20 imposed pursuant to this section;

21 (7) A certification to the newly created district of the
22 election results, including the election concerning the sales
23 tax; and

24 (8) Such other matters as the governing body deems
25 appropriate.

26 11. Any subdistrict that does not approve the creation of
27 the district and imposing the sales tax shall not be a part of
28 the district and the sales tax shall not be imposed until after

1 the district board of directors has submitted another proposal
2 for the inclusion of the area into the district and such proposal
3 and the sales tax proposal are approved by a majority of the
4 qualified voters in the subdistrict voting thereon. Such
5 subsequent elections shall be conducted in accordance with
6 section 67.2520; provided, however, that the district board of
7 directors may place the question of the inclusion of a
8 subdistrict within a district and the question of imposing a
9 sales tax before the voters of a proposed subdistrict, and the
10 municipal clerk, or circuit clerk if the district is formed by
11 the circuit court, shall conduct the election. In subsequent
12 elections, the election judges shall certify the election results
13 to the district board of directors.

14 [67.2505. 1. A district may be created to fund,
15 promote, and provide educational, civic, musical,
16 theatrical, cultural, concerts, lecture series, and
17 related or similar entertainment events or activities,
18 and to fund, promote, plan, design, construct, improve,
19 maintain, and operate public improvements,
20 transportation projects, and related facilities in the
21 district.

22 2. A district is a political subdivision of the
23 state.

24 3. The name of a district shall consist of a name
25 chosen by the original petitioners, preceding the words
26 "theater, cultural arts, and entertainment district".

27 4. The district shall include a minimum of fifty
28 contiguous acres.

29 5. Subdistricts shall be formed for the purpose
30 of voting upon proposals for the creation of the
31 district or subsequent proposed subdistrict, voting
32 upon the question of imposing a proposed sales tax, and
33 for representation on the board of directors, and for
34 no other purpose.

35 6. Whenever the creation of a district is
36 desired, one or more registered voters from each
37 subdistrict of the proposed district, or one or more
38 property owners who collectively own one or more
39 parcels of real estate comprising at least a majority
40 of the land situated in the proposed subdistricts

1 within the proposed district, may file a petition
2 requesting the creation of a district with the
3 governing body of the city, town, or village within
4 which the proposed district is to be established. The
5 petition shall contain the following information:

6 (1) The name, address, and phone number of each
7 petitioner and the location of the real property owned
8 by the petitioner;

9 (2) The name of the proposed district;

10 (3) A legal description of the proposed district,
11 including a map illustrating the district boundaries,
12 which shall be contiguous, and the division of the
13 district into at least five, but not more than fifteen,
14 subdistricts that shall contain, or are projected to
15 contain upon full development of the subdistricts,
16 approximately equal populations;

17 (4) A statement indicating the number of
18 directors to serve on the board, which shall be not
19 less than five or more than fifteen;

20 (5) A request that the district be established;

21 (6) A general description of the activities that
22 are planned for the district;

23 (7) A proposal for a sales tax to fund the
24 district initially, pursuant to the authority granted
25 in sections 67.2500 to 67.2530, together with a request
26 that the imposition of the sales tax be submitted to
27 the qualified voters within the district;

28 (8) A statement that the proposed district shall
29 not be an undue burden on any owner of property within
30 the district and is not unjust or unreasonable;

31 (9) A request that the question of the
32 establishment of the district be submitted to the
33 qualified voters of the district;

34 (10) A signed statement that the petitioners are
35 authorized to submit the petition to the governing
36 body; and

37 (11) Any other items the petitioners deem
38 appropriate.

39 7. Upon the filing of a petition pursuant to this
40 section, the governing body of any city, town, or
41 village described in this section may pass a resolution
42 containing the following information:

43 (1) A description of the boundaries of the
44 proposed district and each subdistrict;

45 (2) The time and place of a hearing to be held to
46 consider establishment of the proposed district;

47 (3) The time frame and manner for the filing of
48 protests;

49 (4) The proposed sales tax rate to be voted upon
50 within the subdistricts of the proposed district;

51 (5) The proposed uses for the revenue to be

1 generated by the new sales tax; and

2 (6) Such other matters as the governing body may
3 deem appropriate.

4 8. Prior to the governing body certifying the
5 question of the district's creation and imposing a
6 sales tax for approval by the qualified electors, a
7 hearing shall be held as provided by this subsection.
8 The governing body of the municipality approving a
9 resolution as set forth in section 67.2520 shall:

10 (1) Publish notice of the hearing, which shall
11 include the information contained in the resolution
12 cited in section 67.2520, on two separate occasions in
13 at least one newspaper of general circulation in the
14 county where the proposed district is located, with the
15 first publication to occur not more than thirty days
16 before the hearing, and the second publication to occur
17 not more than fifteen days or less than ten days before
18 the hearing;

19 (2) Hear all protests and receive evidence for or
20 against the establishment of the proposed district; and

21 (3) Consider all protests, which determinations
22 shall be final.

23
24 The costs of printing and publication of the notice
25 shall be paid by the petitioners. If the district is
26 organized pursuant to sections 67.2500 to 67.2530, the
27 petitioners may be reimbursed for such costs out of the
28 revenues received by the district.

29 9. Following the hearing, the governing body of
30 any city, town, or village within which the proposed
31 district will be located may order an election on the
32 questions of the district creation and sales tax
33 funding for voter approval and certify the questions to
34 the municipal clerk. The election order shall include
35 the date on which the ballots will be mailed to
36 qualified electors, which shall be not sooner than the
37 eighth Tuesday from the issuance of the order. The
38 election regarding the incorporation of the district
39 and the imposing of the sales tax shall follow the
40 procedure set forth in section 67.2520, and shall be
41 held pursuant to the order and certification by the
42 governing body. Only those subdistricts approving the
43 question of creating the district and imposing the
44 sales tax shall become part of the district.

45 10. If the results of the election conducted in
46 accordance with section 67.2520 show that a majority of
47 the votes cast were in favor of organizing the district
48 and imposing the sales tax, the governing body may
49 establish the proposed district in those subdistricts
50 approving the question of creating the district and
51 imposing the sales tax by adopting an ordinance to that

1 effect. The ordinance establishing the district shall
2 contain the following:

3 (1) The description of the boundaries of the
4 district and each subdistrict;

5 (2) A statement that a theater, cultural arts,
6 and entertainment district has been established;

7 (3) A declaration that the district is a
8 political subdivision of the state;

9 (4) The name of the district;

10 (5) The date on which the sales tax election in
11 the subdistricts was held, and the result of the
12 election;

13 (6) The uses for any revenue generated by a sales
14 tax imposed pursuant to this section;

15 (7) A certification to the newly created district
16 of the election results, including the election
17 concerning the sales tax; and

18 (8) Such other matters as the governing body
19 deems appropriate.

20 11. Any subdistrict that does not approve the
21 creation of the district and imposing the sales tax
22 shall not be a part of the district and the sales tax
23 shall not be imposed until after the district board of
24 directors has submitted another proposal for the
25 inclusion of the area into the district and such
26 proposal and the sales tax proposal are approved by a
27 majority of the qualified voters in the subdistrict
28 voting thereon. Such subsequent elections shall be
29 conducted in accordance with section 67.2520; provided,
30 however, that the district board of directors may place
31 the question of the inclusion of a subdistrict within a
32 district and the question of imposing a sales tax
33 before the voters of a proposed subdistrict, and the
34 municipal clerk, or circuit clerk if the district is
35 formed by the circuit court, shall conduct the
36 election. In subsequent elections, the election judges
37 shall certify the election results to the district
38 board of directors.]

39 67.2510. As a complete alternative to the procedure
40 establishing a district set forth in section 67.2505, a theater,
41 cultural arts, and entertainment district may be established in
42 the manner provided in section 67.2515 by a circuit court with
43 jurisdiction over any county, city, town, or village that has
44 adopted transect-based zoning under chapter 89, RSMo, any county
45 described in this section, or any city, town, or village that is

1 within [a first class county with a charter form of government
2 with a population over two hundred fifty thousand that adjoins a
3 first class county with a charter form of government with a
4 population over nine hundred thousand, or that is within] such
5 counties:

6 (1) Any county with a charter form of government and with
7 more than two hundred fifty thousand but less than three hundred
8 fifty thousand inhabitants[, may establish a theater, cultural
9 arts, and entertainment district in the manner provided in
10 section 67.2515];

11 (2) Any county of the first classification with more than
12 ninety-three thousand eight hundred but fewer than ninety-three
13 thousand nine hundred inhabitants;

14 (3) Any county of the first classification with more than
15 one hundred eighty-four thousand but fewer than one hundred
16 eighty-eight thousand inhabitants;

17 (4) Any county with a charter form of government and with
18 more than six hundred thousand but fewer than seven hundred
19 thousand inhabitants;

20 (5) Any county of the first classification with more than
21 one hundred thirty-five thousand four hundred but fewer than one
22 hundred thirty-five thousand five hundred inhabitants;

23 (6) Any county of the first classification with more than
24 one hundred four thousand six hundred but fewer than one hundred
25 four thousand seven hundred inhabitants.

26 70.220. 1. Any municipality or political subdivision of
27 this state, as herein defined, may contract and cooperate with
28 any other municipality or political subdivision, or with an

1 elective or appointive official thereof, or with a duly
2 authorized agency of the United States, or of this state, or with
3 other states or their municipalities or political subdivisions,
4 or with any private person, firm, association or corporation, for
5 the planning, development, construction, acquisition or operation
6 of any public improvement or facility, or for a common service;
7 provided, that the subject and purposes of any such contract or
8 cooperative action made and entered into by such municipality or
9 political subdivision shall be within the scope of the powers of
10 such municipality or political subdivision. If such contract or
11 cooperative action shall be entered into between a municipality
12 or political subdivision and an elective or appointive official
13 of another municipality or political subdivision, said contract
14 or cooperative action must be approved by the governing body of
15 the unit of government in which such elective or appointive
16 official resides.

17 2. Any municipality or political subdivision of this state
18 may contract with one or more adjacent municipalities or
19 political subdivisions to share the tax revenues of such
20 cooperating entities that are generated from real property and
21 the improvements constructed thereon located within the
22 boundaries of either or both municipalities or political
23 subdivisions and within three thousand feet of a common border of
24 the contracting municipalities or political subdivisions,
25 provided the purpose of such contract shall be within the scope
26 of powers of each municipality or political subdivision.
27 Municipalities or political subdivisions separated only by a
28 public street, easement, or right-of-way shall be considered to

1 share a common border for the purposes of this subsection.

2 3. If any contract or cooperative action entered into under
3 this section is between a municipality or political subdivision
4 and an elective or appointive official of another municipality or
5 political subdivision, said contract or cooperative action shall
6 be approved by the governing body of the unit of government in
7 which such elective or appointive official resides.

8 4. In the event an agreement for the distribution of tax
9 revenues is entered into between a county of the first
10 classification without a charter form of government and a
11 constitutional charter city with a population of more than one
12 hundred forty thousand that is located in said county prior to a
13 vote to authorize the imposition of such tax, then all revenue
14 received from such tax shall be distributed in accordance with
15 said agreement for so long as the tax remains in effect or until
16 the agreement is modified by mutual agreement of the parties.

17 70.515. Subject to the applicable provisions of section
18 70.545, the Regional Investment District Compact is hereby
19 enacted into law and entered into by the state of Missouri with
20 the state of Kansas legally joining therein, in the form
21 substantially as follows:

22 [KANSAS AND MISSOURI] REGIONAL INVESTMENT DISTRICT COMPACT

23 I. AGREEMENT AND PLEDGE

24 The [states of Kansas and Missouri] participants in this
25 Compact agree to and pledge, each to the other, faithful
26 cooperation in the support of regional programs and initiatives
27 to benefit and serve the Kansas City metropolitan area, holding
28 in high trust for the benefit of the people and of the nation,
29 the special blessings and natural advantages thereof.

1 II. POLICY AND PURPOSE

2 The [states of Kansas and Missouri desire, by common
3 action,] purpose of this Compact is to provide support for
4 regional programs and initiatives that will produce significant
5 benefit to the Kansas City metropolitan area, with the goal of
6 making more efficient use of resources through
7 inter-jurisdictional cooperation on strategic regional programs
8 and initiatives involving public transit.

9 III. DEFINITIONS

10 A. "Commission" means the governing body of the [Kansas and
11 Missouri] Regional Investment District.

12 B. "District" means the [Kansas and Missouri] Regional
13 Investment District.

14 C. "[Kansas and Missouri] Regional Investment District" or
15 "District" means a political subdivision of the states [of Kansas
16 and Missouri, which] that have adopted this Compact, is created
17 by this Compact and which is composed of Buchanan County and of
18 those Kansas and Missouri counties, cities and other political
19 subdivisions that are now or hereafter shall become parties to
20 the Articles of Agreement executed on January 1, 1972, and
21 thereafter amended, which geographic area covered by those
22 political subdivisions is therein designated as the Mid-America
23 Regional Planning Area.

24 D. "Mid-America Regional Council or MARC" means the body
25 corporate and politic created by the Articles of Agreement,
26 originally executed on January 1, 1972, and as thereafter
27 amended, which therein assumed all the rights, duties and
28 obligations of the Mid-America Council of Governments and the

1 Metropolitan Planning Commission - Kansas City Region.

2 E. "Oversight Committee or Committee" means a body or
3 bodies appointed by the Commission for a Regional Program that
4 shall be constituted as set forth in Article IX of this Compact
5 and that shall have the powers set forth in Article X of this
6 Compact.

7 F. "Program Plan" means a plan developed for a proposed
8 ballot question by the Commission, as required by Article VI,
9 Section C of this Compact, that describes a Regional Program and
10 provides for the appropriation and use of moneys derived from the
11 sales tax authorized by this Compact in support of that Regional
12 Program.

13 G. "Public Transit System" or "Transit System" means,
14 without limitation, a regional system of public transit,
15 consisting of property, structures, improvements, vehicles,
16 potentially including, but not limited to, vans, buses, bus rapid
17 transit, commuter rail, and other fixed guideways, equipment,
18 software, telecommunications networks, plants, parking or other
19 facilities, transit centers, stops, park-n-ride lots, transit
20 related surface transportation improvements and rights-of-way
21 used or useful for the purposes of public transit, which provides
22 significant regional benefit, and the acquisition, construction,
23 reconstruction, repair, maintenance, administration and
24 operations thereof and similar activities related thereto,
25 whether operated by one or multiple entities.

26 H. "Regional Program" means a program involving a Public
27 Transit System.

28 IV. DISTRICT

1 A. Upon this Compact being entered into law by the
2 [Legislatures] Legislature of the [respective states] State of
3 Missouri, the Regional Investment District is created and shall
4 include Buchanan County, Missouri, and all the geographic area
5 within the jurisdictional limits of those [Kansas and] Missouri
6 counties that are parties to the Articles of Agreement executed
7 on January 1, 1972, and thereafter amended, which area is
8 designated as the Mid-America Regional Planning Area, and
9 currently includes the following counties:

10 Clay County, Missouri [Wyandotte County, Kansas]
11 Platte County, Missouri _____ [Johnson County, Kansas]
12 Jackson County, Missouri _____ [Leavenworth County,
13 Kansas]
14 Cass County, Missouri
15 Ray County, Missouri

16 B. In the event that the Legislature of the State of Kansas
17 enacts legislation adopting this Compact, the Regional Investment
18 District shall also include all the geographic area within the
19 jurisdictional limits of those Kansas counties that are parties
20 to the Articles of Agreement executed on January 1, 1972, and
21 thereafter amended, which area is designated as the Mid-America
22 Regional Planning Area, and currently includes the following
23 counties:

24 Wyandotte County, Kansas
25 Johnson County, Kansas
26 Leavenworth County, Kansas

27 C. The District automatically shall be expanded to include
28 Kansas and Missouri cities, counties and other political

1 subdivisions that hereafter shall become parties to the Articles
2 of Agreement executed on January 1, 1972, and thereafter amended,
3 upon the execution of the Articles of Agreement by the governing
4 body of such political subdivisions.

5 V. THE COMMISSION

6 A. The District shall be governed by the Commission, which
7 shall be a body corporate and politic and shall be composed of
8 voting members of MARC, as that Council is constituted from time
9 to time and which is also known as the Board of Directors and may
10 include an elected chief official from Buchanan County appointed
11 by its chief official. All of the members of the Commission
12 shall be elected officials from the jurisdiction that appointed
13 them as voting members of MARC's Board of Directors; provided
14 that all members of the Commission shall be from a jurisdiction
15 in a state that has adopted the Compact.

16 B. The terms of the members of the Commission shall expire
17 concurrently with the member's tenure as an elected official of a
18 jurisdiction that is a party to MARC's Articles of Agreement. If
19 a jurisdiction that is a party to MARC's Articles of Agreement
20 appoints a different member of its governing body to MARC, that
21 newly appointed individual shall assume the position of the
22 member replaced. Each member shall serve until that member's
23 replacement has been sworn in as an elected official.

24 C. The Commission shall begin functioning immediately upon
25 creation of the District, as provided for in Article IV, Section
26 A hereof.

27 D. The Commission shall select annually, from its
28 membership, a chairperson, a vice chairperson, and a treasurer.

1 The treasurer shall be bonded in the amounts the Commission may
2 require.

3 E. The Commission may appoint the officers, agents, and
4 employees, as it may require for the performance of the
5 Commission's duties, and shall determine the qualifications and
6 duties and fix the compensation of those officers, agents and
7 employees.

8 F. The Commission shall fix the time and place at which its
9 meetings shall be held. Meetings shall be held within the
10 District and shall be open to the public. Public notice shall be
11 given of all meetings of the Commission.

12 G. A majority of the Commissioners from each state that has
13 enacted the Compact shall constitute, in the aggregate, a quorum
14 for the transaction of business. No action of the Commission
15 shall be binding unless taken at a meeting at which at least a
16 quorum is present, and unless a majority of the Commissioners
17 from each state, present at the meeting, shall vote in favor
18 thereof. No action of the Commission taken at a meeting thereof
19 shall be binding unless the subject of the action is included in
20 a written agenda for the meeting, the agenda and notice of
21 meeting having been provided to each Commissioner at least seven
22 calendar days prior to the meeting.

23 H. The Commissioners from each state shall each be subject
24 to the provisions of the laws of either the State of Kansas or
25 the State of Missouri (depending upon the Commissioner's state of
26 residence) relating to conflicts of interest of public officers
27 and employees. If any Commissioner has a direct or indirect
28 financial interest in any facility, service provider,

1 organization or activity supported by the District or Commission
2 or in any other business transaction of the District or
3 Commission, the Commissioner shall disclose that interest in
4 writing to the other Commissioners and shall abstain from voting
5 on any matter in relation to that facility, organization or
6 activity or to that business transaction.

7 I. If any action at law or equity, or other legal
8 proceeding, shall be brought against any Commissioner for any act
9 or omission arising out of the performance of their duties as a
10 Commissioner, the Commissioner shall be indemnified in whole and
11 held harmless by the Commission for any judgment or decree
12 entered against the Commissioner and, further, shall be defended
13 at the cost and expense of the Commission in any resulting
14 proceeding.

15 J. Each member of the Commission shall serve as a member of
16 the Commission without compensation for that service, except for
17 payment of their actual and reasonably necessary expenses, as
18 provided by Article VIII, Section A, 1.

19 VI. POWERS AND DUTIES OF THE COMMISSION

20 A. The Commission, formally the governing body of the
21 District, shall primarily function as the planning and
22 administrative arm for the District. The Commission shall:
23 undertake community planning to identify regional programs and
24 initiatives that will produce significant benefit to the Kansas
25 City metropolitan area; fully develop the specifics regarding
26 existing regional programs and initiatives and those newly
27 identified regional programs and initiatives; prepare a Program
28 Plan for regional programs and initiatives in consultation with

1 local officials and the public; prepare ballot questions for
2 programs and initiatives that the Commission determines could
3 appropriately be supported by the sales tax authorized by this
4 Compact; and assist an appointed Oversight Committee when
5 requested by the Oversight Committee in the implementation of any
6 Regional Program approved by District qualified electors in
7 accordance with the terms of this Compact.

8 B. The Commission shall adopt a seal and suitable bylaws
9 governing its management, procedure and effective operation.

10 C. The Commission shall develop a Program Plan for a
11 Regional Program that it determines could appropriately be
12 supported by the sales tax authorized by the Compact, which
13 Program Plan shall generally describe the Regional Program and
14 provide for the appropriation and use of moneys in support of
15 that Regional Program only for the Eligible Uses set forth in
16 Article VIII of this Compact. A Program Plan shall also
17 designate:

18 1. the counties or county in which a majority of the
19 qualified electors voting on the ballot question must cast an
20 affirmative vote before the sales tax may be imposed by any
21 individual county for uses in accordance with the Program Plan;

22 2. the duration of the sales tax imposed in support of the
23 Regional Program, which may be described in terms of the number
24 of years the tax shall be imposed, a maximum number of dollars
25 that may be raised by the sales tax imposed or any other
26 reasonable means of establishing the duration of the sales tax;
27 provided that the sales tax shall not extend beyond the fifteen
28 (15) years following the date of the first receipt by the county

1 treasurer of revenue from the sales tax imposed to support the
2 Regional Program unless renewed by the qualified electors of that
3 county prior to its expiration; and

4 3. the composition of the Oversight Committee to be
5 appointed by the Commission for that Regional Program, which
6 composition shall be consistent with Article IX, Section A of
7 this Compact.

8 D. The Commission, subject to the requirements of Article
9 VII, Section C, shall set the date or dates by which the election
10 shall be held pursuant to this Compact and shall recommend those
11 counties or county which shall hold a vote on the ballot question
12 prepared by the Commission for that Regional Program.

13 E. For each election to be held pursuant to this Compact,
14 the Commission shall prepare and submit a ballot question to the
15 governing body of each county within the District. Each such
16 question shall be in the form set forth in Article VII, Section D
17 of this Compact.

18 F. The Commission may prepare additional ballot language
19 generally describing a Regional Program and the use and
20 allocation of the sales tax proposed to be imposed for the
21 support of a Regional Program, and shall submit that additional
22 language to each county within the District. If additional
23 ballot language is so submitted by the Commission, and a county
24 governing body decides to place the ballot question before the
25 qualified electors of that county, the additional ballot language
26 shall be placed on the subject ballot by that governing body.

27 G. When a majority of the qualified electors in the county
28 or counties designated in the Program Plan for that Regional

1 Program as one of those counties that must cast an affirmative
2 vote on the ballot question before the sales tax may be imposed,
3 have cast an affirmative vote, the Commission shall, in
4 accordance with Article IX, Section A of this Compact, appoint an
5 Oversight Committee for that Program Plan.

6 H. The Commission shall have the power to contract and to
7 be contracted with and to sue and to be sued.

8 I. The Commission, when it deems it necessary and when
9 requested to do so by an Oversight Committee, shall interpret
10 and/or provide guidance and further details on a Program Plan to
11 assist in the oversight of the appropriation and use of moneys by
12 the Oversight Committee for that Program Plan.

13 J. In accordance with written guidelines adopted by the
14 Commission, which guidelines shall be consistent with the Program
15 Plans required by Article VI, Section C, the Commission may
16 receive or provide donations, contributions, and grants or other
17 support, financial or otherwise, from public or private entities,
18 for Program Plans and the Eligible Uses set forth in Article VIII
19 of this Compact.

20 K. The Commission shall execute those contracts and
21 agreements as an Oversight Committee shall direct to implement
22 the Program Plan developed for an approved Regional Program,
23 provided that, the Commission determines each contract is
24 consistent with the Program Plan.

25 L. The Commission may appoint advisory committees to
26 provide input, consultation, guidance and assistance to the
27 Commission on matters and issues related to any purposes for
28 which the District and the Commission are hereby created.

1 M. The Commission may form whatever partnerships,
2 associations, joint ventures or other affiliations, formal or
3 otherwise, as it deems appropriate and that are in furtherance of
4 the purposes for which the District and the Commission are
5 created.

6 N. The Commission may utilize assistance from any
7 governmental or non-governmental entity, as it shall determine
8 appropriate, in the form of personnel, technical expertise or
9 other resources, to further the policies, purposes and goals of
10 the District, as stated in Article II of this Compact.

11 O. The Commission shall cause to be prepared annually a
12 report on the operations and transactions conducted by the
13 Commission during the preceding year. The report shall be an
14 open record submitted to the legislatures and governors of the
15 compacting states and to the governing bodies of the
16 jurisdictions that are then a party to MARC's Articles of
17 Agreement and of Buchanan County, Missouri, on or before March
18 15th of each calendar year, commencing on March 15th of the year
19 following the year in which the certification described in
20 Article IV, Section B hereof occurs. The Commission shall take
21 those actions as are reasonably required to make this report
22 readily available to the public.

23 P. The Commission shall have the power to apply to the
24 Congress of the United States for its consent and approval of
25 this Compact, if it is determined by the Commission that this
26 consent is appropriate. In the absence of the consent of the
27 Congress and until consent is secured, if that consent is
28 determined appropriate, this Compact is binding upon [the states

1 of Missouri and Kansas] any state that has enacted it in all
2 respects permitted by that state's law [of the two states].

3 Q. The Commission shall have the power to perform all other
4 necessary and incidental functions and duties and to exercise all
5 other necessary and appropriate powers, not inconsistent with
6 other provisions of this Compact or the constitution or laws of
7 the United States or of [either of] the state or states [of
8 Kansas or Missouri] in which its members are located, that it
9 deems appropriate to effectuate the purposes for which this
10 District and the Commission are created.

11 VII. BALLOT QUESTIONS

12 A. The Commission, as required by Article VI, Section C,
13 shall develop Program Plans for Regional Programs to be submitted
14 to the qualified electors within the District. A Program Plan
15 developed by the Commission shall be available to the public for
16 review and comment in advance of dates set by the Commission for
17 submission of a ballot question to the electors in the District.

18 B. The governing body of each county in the District shall
19 determine whether the provision of financial support for a
20 Regional Program is in the best interests of the citizens of the
21 county and whether the levy of a sales tax to provide, on a
22 cooperative basis with another county or other counties, for
23 financial support of the Regional Program would be economically
24 practicable and cost beneficial to the citizens of the county and
25 the District. Each governing body that makes an affirmative
26 determination with respect hereto shall adopt a resolution
27 evidencing that determination and authorizing a vote of its
28 citizens on the ballot question for the Regional Program, by a

1 two-thirds (2/3) majority vote of the members elect of the
2 governing body.

3 C. Upon adoption of a resolution pursuant to Section B of
4 this Article, the governing body of that county, promptly after
5 adoption of the resolution, shall request the county election
6 commissioner to submit the ballot question for that Regional
7 Program to the qualified electors of that county. Each such
8 ballot question shall be printed on the ballot and in the notice
9 of election. Each ballot question shall be submitted to the
10 qualified electors of that county at the primary or general
11 election next following the date the request was filed with the
12 county election officer.

13 D. The ballot for the proposition in each county shall be
14 in substantially the following form:

15 Shall a sales tax (insert amount, not to
16 exceed one-half cent) be levied and collected in
17 County for the support of
18 a Regional Program that will produce significant benefit within
19 the [Kansas and Missouri] Regional Investment District, with such
20 tax to extend no longer than (insert years not
21 to exceed fifteen) years following the first receipt by the
22 county treasurer of revenue from such tax?

23 ☐ YES

☐ NO

24 E. The governing body of each of the counties that
25 requested their county election commissioner submit the ballot
26 question to its qualified electors also shall provide their
27 respective county election officers with copies of any additional
28 language prepared by the Commission, pursuant to Article VI,

1 Section F, which additional language shall be included by each
2 such county on the ballot.

3 F. The question of whether a sales tax for the support of a
4 Regional Program involving a Public Transit System shall be
5 imposed shall be submitted to qualified electors at the first
6 election to be held on Regional Programs, pursuant to this
7 Compact.

8 G. The governing body of any county in the District that
9 does not pass the resolution contemplated by Section B of this
10 Article in time to cause the placement of the ballot question
11 before the qualified electors of that county at the first
12 election or any subsequent election to be held on Regional
13 Programs, pursuant to this Compact, may adopt that resolution at
14 any time thereafter, and that ballot question shall be provided
15 to the election commissioner of that county and submitted to the
16 qualified electors of the county at the next primary or general
17 election, in accordance with Section C of this Article.

18 H. In each county where a majority of the qualified
19 electors voting in an election shall have cast an affirmative
20 vote on a ballot question, that ballot question shall be
21 approved.

22 I. If a ballot question is submitted to the qualified
23 electors of a county in the District, and the ballot question is
24 not approved in that county, following defeat of the ballot
25 question, the governing body of that county or counties may renew
26 procedures to levy the sales tax in support of that Regional
27 Program. A defeat of a ballot question in any county shall not
28 affect the approval of that ballot question in any other county,

1 which approval shall continue to have effect.

2 J. No county in the District shall levy a sales tax
3 specified herein until the qualified electors in all the counties
4 designated by the Commission in the Program Plan for the subject
5 Regional Program, as those that must approve the sales tax, have
6 approved the levy of the sales tax to support the Program Plan
7 for that Regional Program.

8 K. [With respect to the first election to be held on
9 Regional Programs pursuant to this Compact, no sales tax shall be
10 levied by any county which has adopted the resolution
11 contemplated by Section B and has submitted the ballot question
12 to the qualified voters of that county pursuant to Section C of
13 this Article, unless and until a majority of the qualified
14 electors of at least Johnson and Wyandotte Counties, Kansas, and
15 Jackson County, Missouri, has approved the levy of a sales tax
16 for the Regional Program involving a Public Transit System.

17 L.] When, but only when, the electors in all of the
18 counties designated by the Commission in the Program Plan for the
19 Regional Program, as those that must approve the sales tax, have
20 approved that ballot question, the governing body of each county
21 that has approved that ballot question, at the first available
22 opportunity, shall take all required actions to begin levying
23 this tax.

24 [M.] L. Any of the counties that have elected by a vote of
25 its electors to levy a sales tax authorized by this Compact may
26 cease to levy this sales tax upon the majority vote of the
27 qualified electors of the county on a ballot question submitted
28 to qualified electors asking if that county should cease to levy

1 this sales tax. This vote shall take place in the same manner
2 provided in this section for levying this sales tax; provided
3 that, no vote to cease to levy this sales tax shall take place in
4 any county on a date earlier than a date that is five years from
5 the date that county approved this sales tax. Provided further,
6 in no event shall any county cease to levy this sales tax until
7 that county has entered into a written agreement with the
8 Commission, which agreement shall provide for the terms of
9 cessation, and shall specifically provide: (1) a means to ensure
10 that the county pays a fair share of the outstanding obligations
11 incurred by the District in furtherance of its established
12 purposes; and (2) for the ongoing operations and maintenance or
13 the termination of any facilities or services established in the
14 county with support provided by the Commission. The governing
15 body of a county that has decided by this vote to cease to levy
16 this sales tax shall send formal written notice thereof to each
17 of the other counties comprising the District. In no event,
18 shall the county cease to levy the sales tax earlier than ninety
19 days after this notice has been sent. If any county in the
20 District decides to cease levying the sales tax, the status of
21 the District as a political subdivision of the states of Kansas
22 and Missouri shall be unaltered and that county shall continue to
23 have the representation on the Commission, as set forth in
24 Article V of this Compact.

25 VIII. ELIGIBLE USES OF FUNDS

26 A. The Commission shall only budget and authorize the
27 appropriation of monies for the following eligible purposes:

- 28 1. the actual and reasonably necessary expenses of the

1 Commission and Oversight Committee, including, but not limited
2 to, staff personnel, auditors, budget and financial consultation,
3 legal assistance, administrative, operational, planning and
4 engineering consultation and marketing, as well as for the actual
5 and reasonably necessary expenses of individual Commission and
6 Committee members that are incurred in the performance of their
7 official duties; provided that, the Commission, in each fiscal
8 year, shall not appropriate, for this purpose, any monies in
9 excess of an amount that is equal to one percent of the funds
10 appropriated to the Commission in that fiscal year by all of the
11 counties imposing this sales tax; and

12 2. the support of voter approved Regional Programs within
13 the District;

14 3. only pursuant to a contract with bodies corporate and
15 politic, political subdivisions of the states of Missouri or
16 Kansas and/or local units of government in the states of Missouri
17 or Kansas, provided, however, the Commission may, in its
18 discretion, require that entities contracted with shall procure a
19 set percentage of Public Transit System services from third party
20 contractors on a competitive basis; and

21 4. only in support of a Regional Program in counties that
22 have voted affirmatively to impose a sales tax in support of that
23 Regional Program.

24 B. The aggregate amount of sales taxes imposed by any
25 county within the District, pursuant to the authority granted in
26 this Compact, shall not exceed one-half cent.

27 IX. THE OVERSIGHT COMMITTEE

28 A. An Oversight Committee shall be appointed by the

1 Commission for a Regional Program, as provided for in Article VI,
2 Section G hereof. An Oversight Committee shall be composed of
3 elected officials of jurisdictions that are within a county where
4 a majority of the qualified electors voting on the ballot
5 question have cast an affirmative vote on the imposition of a
6 sales tax to support the subject Regional Program. An Oversight
7 Committee shall be composed of the elected officials designated
8 in the Program Plan for the Regional Program. An Oversight
9 Committee shall include a minimum of one elected representative
10 from each county that approves that ballot question and elected
11 representatives from both cities and counties and each
12 representative shall be approved by the chief elected official of
13 the county or city from which they are elected. If the Program
14 Plan describes a Regional Program that serves both Missouri and
15 Kansas, the Oversight Committee shall be composed of an equal
16 number of elected representatives from each state. In such
17 instances, no action of the Commission shall be binding unless
18 taken at a meeting at which at least a quorum is present, and
19 unless a majority of the Commissioners from each state, present
20 at the meeting, shall vote in favor thereof. The number of
21 individuals comprising the Oversight Committee shall be in the
22 sole discretion of the Commission.

23 B. An Oversight Committee shall be appointed within
24 forty-five days of certification that the ballot question has
25 been approved by the last of the counties designated by the
26 Commission in the Program Plan for the Regional Plan, pursuant to
27 Article VI, Section C, 1 hereof, to so certify and shall begin
28 functioning immediately upon its appointment by the Commission.

1 If, pursuant to Article VII, Section K, additional counties
2 within the District shall approve the ballot question, the
3 Commission shall appoint a minimum of one additional
4 representative from each such county to the Oversight Committee.

5 C. An appointed Oversight Committee shall fix the time and
6 place at which its meetings shall be held. Meetings shall be
7 held at a location in a county that has approved the imposition
8 of the sales tax to support the Program Plan for the subject
9 Regional Program and shall be open to the public. Public notice
10 shall be given of all meetings of the Committee.

11 D. The Committee members shall each be subject to the
12 provisions of the laws of either the State of Kansas or the State
13 of Missouri (depending upon the Committee member's state of
14 residence) that relate to conflicts of interest of public
15 officers and employees. If any Committee member has a direct or
16 indirect financial interest in any facility, service provider,
17 organization or activity supported by the District or Commission
18 or in any other business transaction of the District or
19 Commission, the Committee member shall disclose that interest in
20 writing to the members of the Commission and to the other members
21 of the Committee and shall abstain from voting on any matter in
22 relation to that facility, organization or activity or to that
23 business transaction with respect to which that Committee member
24 has the interest.

25 E. If any action at law or equity, or other legal
26 proceeding, shall be brought against any Committee member for any
27 act or omission arising out of the performance of duties as a
28 Committee member, the Committee member shall be indemnified in

1 whole and held harmless by the Commission for any judgment or
2 decree entered against the Committee member and, further, shall
3 be defended at the cost and expense of the Commission in any
4 resulting proceeding.

5 F. The Oversight Committee for a Regional Program shall
6 terminate on the date when all of the moneys derived from the
7 sales tax imposed by any or all counties in the District to
8 support the Program Plan for that Regional Program and which have
9 been credited to the Regional Investment Fund have been expended.

10 X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

11 A. The Oversight Committee for an approved Regional Program
12 is charged with the oversight of the appropriation and use of
13 moneys generated from the sales taxes and credited to the
14 Regional Investment Fund. These moneys shall be appropriated
15 only for the Eligible Uses set forth in Article VIII of this
16 Compact.

17 B. An Oversight Committee shall only provide support for
18 and allocate and appropriate monies for programs, services and
19 facilities that are consistent with the voter approved Program
20 Plan developed by the Commission and only for programs, services
21 and facilities in counties that have approved the imposition of a
22 sales tax in support of the Regional Program. If the Committee
23 is uncertain or has any question about whether a specific
24 appropriation of moneys or support activity is consistent with
25 the Program Plan developed by the Commission, it shall seek a
26 determination on that question from the Commission.

27 C. An Oversight Committee, as appropriate, shall direct
28 that the Commission execute those contracts and agreements

1 necessary or desirable to implement the Program Plan developed by
2 the Commission.

3 D. An Oversight Committee shall adopt suitable bylaws
4 governing its management, procedure and its effective operations.

5 E. An Oversight Committee shall provide the information
6 that the Commission shall require to allow the Commission to
7 prepare annually a report on the operations and transactions
8 conducted by the Commission during the preceding year relating to
9 the approved Regional Programs. This information shall include
10 an annual financial statement prepared in accordance with General
11 Accepted Accounting Principles (GAAP). The Oversight Committee
12 for a Public Transit Service Regional Program shall also provide
13 a report on operational statistics, including statistics on the
14 ridership of the Public Transit System funded with sales tax
15 revenues resulting from the authority granted by this Compact,
16 comparing ridership in the then current fiscal year to ridership
17 in the three fiscal years next preceding.

18 XI. FINANCE

19 A. The moneys necessary to finance the operation of the
20 District, implement the voter approved Program Plans and execute
21 the powers, duties and responsibilities of the Commission shall
22 be appropriated to the Commission by the counties comprising the
23 District, which, in accordance with Article VII, Section J of the
24 Compact, have approved the ballot question for the subject
25 Regional Program. The moneys to be appropriated to the
26 Commission, in addition to the sales tax authorized by this
27 Compact, may be raised by the governing bodies of the respective
28 counties by the levy of taxes, fees, charges or any other

1 revenue, as authorized by those counties or cities in those
2 counties or by the legislatures of the respective party states,
3 provided nothing herein shall require either state to make
4 appropriations for any purpose.

5 B. Neither the Commission nor any Oversight Committee shall
6 incur any indebtedness of any kind; nor shall they pledge the
7 credit of MARC or any jurisdiction that is party to MARC's
8 Articles of Agreement or either of the states party to this
9 Compact, except as specifically authorized by this Compact. The
10 budget of the District shall be prepared, adopted and published,
11 as provided by law, for other political subdivisions of the party
12 states.

13 C. The Commission and an Oversight Committee shall keep
14 accurate accounts of all receipts and disbursements. The
15 receipts and disbursements of the Commission shall be audited
16 yearly by a certified or licensed public accountant and the
17 report of the audit shall be included in and become a part of the
18 annual report of the Commission.

19 D. The accounts of the Commission shall be open at any
20 reasonable time for inspection by duly authorized representatives
21 of [the compacting states] a state that has enacted this Compact,
22 the counties comprising the District, and other persons
23 authorized by the Commission.

24 XII. ENTRY INTO FORCE

25 A. This Compact shall enter into force and become effective
26 and binding upon the states of Kansas and Missouri when it has
27 been entered into law by the legislatures of the respective
28 states.

1 B. Amendments to the Compact shall become effective upon
2 enactment by the legislatures of the respective states.

3 XIII. TERMINATION

4 A. The Compact shall continue in force and remain binding
5 upon a party state until its legislature shall have enacted a
6 statute repealing the same and providing for the sending of
7 formal written notice of enactment of that statute to the
8 legislature of the other party state. Upon enactment of that
9 statute by the legislature of either party state, the sending of
10 notice thereof to the other party and payment of any obligations
11 that the Commission may have incurred prior to the effective date
12 of that statute, the agreement of the party states embodied in
13 the Compact shall be deemed fully executed, the Compact shall be
14 null and void and of no further force or effect, the District
15 shall be dissolved, and the Commission shall be abolished. If
16 any monies remain in the Regional Investment Fund upon
17 dissolution of this Compact, the Commission may distribute these
18 monies to an entity or organization selected by the Commission to
19 be used to support purposes for which the District is hereby
20 created, as stated in Article II of this Compact.

21 XIV. CONSTRUCTION AND SEVERABILITY

22 A. The provisions of this Compact shall be liberally
23 construed and shall be severable. If any phrase, clause,
24 sentence or provision of this Compact is declared to be contrary
25 to the constitutions of either [of the party states] a state that
26 has enacted this Compact or of the United States or if the
27 applicability thereof to any government, agency, person or
28 circumstance is held invalid, the validity of the remainder of

1 this Compact and the applicability thereof to any government,
2 agency, person or circumstance shall not be affected thereby. If
3 this Compact shall be held contrary to the constitution of either
4 party state hereto, the Compact shall thereby be nullified and
5 voided and of no further force or effect.

6 70.545. If the state of Kansas has not [authorized the
7 compact as outlined in section 70.515] enacted the Compact by
8 [July 1] August 28, 2007, then the district described in section
9 70.515 shall nonetheless be created, and the district, any
10 Missouri county in the district [and], the [district,]
11 Commission, and an oversight committee shall have all the powers
12 and duties and may operate as set forth in sections 70.515 to
13 70.545, provided that:

14 1. The Regional Investment District created in section
15 70.515 shall be known as the "Missouri Regional Investment
16 District", shall be a political subdivision solely of the state
17 of Missouri, and shall consist only of those Missouri counties
18 that are within the Mid-America Regional Planning Area and
19 Buchanan County. All references to a "Regional Investment
20 District" or "District" in section 70.515 shall be deemed to
21 refer exclusively to the "Missouri Regional Investment District".

22 2. Article XII of the Compact shall be inapplicable.

23 72.080. 1. Notwithstanding any provision of law to the
24 contrary, and as an alternative to, and not in lieu of, the
25 procedure established in section 80.020, RSMo, any unincorporated
26 city, town, village, or other area of the state may, except as
27 otherwise provided in sections 72.400 to 72.420, become a town,
28 village, or city of the class to which its population would

1 entitle it pursuant to this chapter, and be incorporated pursuant
2 to the law for the government of towns, villages, or cities of
3 that class, in the following manner:

4 (1) Whenever a number of voters equal to fifteen percent of
5 [the votes cast in the last gubernatorial election] registered
6 voters in the area proposed to be incorporated shall present a
7 petition to the governing body of the county in which such city
8 [or], town, village, or area is situated, such petition shall
9 describe, by metes and bounds, the area to be incorporated and be
10 accompanied by a plat thereof, shall state the approximate
11 population and the assessed valuation of all real and personal
12 property in the area and shall state facts showing that the
13 proposed city, town, or village, if such village has at least one
14 hundred inhabitants residing in it, shall have the ability to
15 furnish normal municipal services within a reasonable time after
16 its incorporation is to become effective and praying that the
17 question be submitted to determine if it may be incorporated[.
18 If the governing body shall be satisfied that a number of voters
19 equal to fifteen percent of the votes cast in the last
20 gubernatorial election in the area proposed to be incorporated
21 have signed such petition, the governing body shall submit the
22 question to the voters.];

23 (2) The governing body shall submit the question to the
24 voters if it is satisfied the number of voters signing such
25 petition is equal to fifteen percent of the registered voters in
26 the area proposed to be incorporated; and

27 (3) For purposes of this section, "village" is defined as
28 any small group or assemblage of houses in an unincorporated

1 area, being generally less than in a town or city, or any small
2 group or assemblages of houses or buildings built for dwelling or
3 for business, or both, in an unincorporated area, regardless of
4 whether they are situated upon regularly laid out streets or
5 alleys dedicated to public use, having no minimum number of
6 registered voters in the area, and without regard to the
7 existence of churches, parks, schools, or commercial
8 establishments in that area or whether the proposed village is
9 devoted to community purposes.

10 2. The [county] governing body may make changes in the
11 petition to correct technical errors or to redefine the metes and
12 bounds of the area to be incorporated to reflect other boundary
13 changes occurring within six months prior to the time of filing
14 the petition. Petitions submitted by proposing agents may be
15 submitted with exclusions for the signatures collected in areas
16 originally included in the proposal but subsequently annexed or
17 incorporated separately as a city, town or village, although the
18 governing body shall be satisfied as to the sufficiency of the
19 signatures for the final proposed area. If a majority of the
20 voters voting on the question vote for incorporation, the
21 governing body shall declare such city, town, village, or other
22 area incorporated, designating in such order the metes and bounds
23 thereof, and thenceforth the inhabitants within such bounds shall
24 be a body politic and incorporate, by the name and style of "the
25 city of", [or] "the town of", [and] or "the
26 village of" The first officers of such city [or], town,
27 or village shall be designated by the order of the governing
28 body, who shall hold their offices until the next municipal

1 election and until their successors shall be duly elected and
2 qualified. The city, town, or village shall have perpetual
3 succession, unless disincorporated; sue and be sued; plead and be
4 impleaded; defend and be defended in all courts and in all
5 actions, pleas, and matters whatsoever; may grant, purchase,
6 hold, and receive property, real and personal, within such place
7 and no other, burial grounds and cemeteries excepted; and may
8 lease, sell, and dispose of the same for the benefit of the city,
9 town, or village and may have a common seal, and alter the same
10 at pleasure. The county shall pay the costs of the election.

11 3. In any county with a charter form of government where
12 fifty or more cities, towns and villages have been incorporated,
13 an unincorporated city, town or other area of the state shall not
14 be incorporated except as provided in sections 72.400 to 72.420.

15 4. Any unincorporated area with a private eighteen hole
16 golf course community and with at least a one hundred acre lake
17 located within any county of the first classification with more
18 than eighty-two thousand but less than eighty-two thousand one
19 hundred inhabitants may incorporate as a city of the class to
20 which its population would entitle it pursuant to this chapter
21 notwithstanding any proposed annexation of the unincorporated
22 area by any city of the third or fourth classification or any
23 home rule city with more than four hundred thousand inhabitants
24 and located in more than one county. If any city of the third or
25 fourth classification or any home rule city with more than four
26 hundred thousand inhabitants and located in more than one county
27 proposes annexation by ordinance or resolution of any
28 unincorporated area as defined in this subsection, no such

1 annexation shall become effective until and only after a majority
2 of the qualified voters in the unincorporated area proposed to be
3 incorporated fail to approve or oppose the proposed incorporation
4 by a majority vote in the election described in subsection 2 of
5 this section.

6 5. Prior to the election described in subsection 2 of this
7 section, if the owner or owners of either the majority of the
8 commercial or the majority of the agricultural classification of
9 real property in the proposed area to be incorporated object to
10 such incorporation, such owner or owners may file an action in
11 the circuit court of the county in which such unincorporated area
12 is situated, pursuant to chapter 527, RSMo, praying for a
13 declaratory judgment requesting that such incorporation be
14 declared unreasonable by the court. As used in this subsection,
15 a "majority of the commercial or agricultural classification"
16 means a majority as determined by the assessed valuation of the
17 tracts of real property in either classification to be determined
18 by the assessments made according to chapter 137, RSMo. The
19 petition in such action shall state facts showing that such
20 incorporation including the real property owned by the
21 petitioners is not reasonable based on the same criteria as
22 specified in subsection 3 of section 72.403 and is not necessary
23 to the proper development of the city or town. If the circuit
24 court finds that such inclusion is not reasonable and necessary,
25 it may enjoin the incorporation or require the petition
26 requesting the incorporation to be resubmitted excluding all or
27 part of the property of the petitioners from the proposed
28 incorporation.

1 79.050. 1. The following officers shall be elected by the
2 qualified voters of the city, and shall hold office for the term
3 of two years, except as otherwise provided in this section, and
4 until their successors are elected and qualified, to wit: mayor
5 and board of aldermen. The board of aldermen may provide by
6 ordinance, after the approval of a majority of the voters voting
7 at an election at which the issue is submitted, for the
8 appointment of a collector and for the appointment of a chief of
9 police, who shall perform all duties required of the marshal by
10 law, and any other police officers found by the board of aldermen
11 to be necessary for the good government of the city. The marshal
12 or chief of police shall be twenty-one years of age or older. If
13 the board of aldermen does not provide for the appointment of a
14 chief of police and collector as provided by this section, a city
15 marshal, who shall be twenty-one years of age or older, and
16 collector shall be elected, and the board of aldermen may provide
17 by ordinance that the same person may be elected marshal and
18 collector, at the same election, and hold both offices and the
19 board of aldermen may provide by ordinance for the election of
20 city assessor, city attorney, city clerk and street commissioner,
21 who shall hold their respective offices for a term of two years
22 and until their successors shall be elected or appointed and
23 qualified, except that the term of the city marshal shall be four
24 years.

25 2. The board of aldermen may provide by ordinance that the
26 term of [mayor and of] the collector shall be four years and the
27 term of the mayor shall be three or four years. Any person
28 elected as [mayor or] collector after the passage of such an

1 ordinance shall serve for a term of four years and until his
2 successor is elected and qualified. Any person elected as mayor
3 after the passage of such ordinance shall serve for a term of
4 three or four years, as provided, and until his successor is
5 elected and qualified.

6 3. The board of aldermen may provide by ordinance that the
7 term of the board of aldermen shall be four years. Such
8 ordinance shall be submitted by the board to the voters of the
9 city and shall take effect only upon the approval of a majority
10 of the voters voting at an election at which the issue is
11 submitted. Any person elected to the board of aldermen after the
12 passage of such an ordinance shall serve for a term of four years
13 and until his successor is elected and qualified.

14 4. Notwithstanding any other provision of this section to
15 the contrary, in any city with a population of not less than
16 twenty thousand inhabitants located in any county with a charter
17 form of government and with more than one million inhabitants,
18 the term of mayor shall be four years. Any person elected shall
19 serve a term of four years and until his or her successor is
20 elected and qualified.

21 79.370. 1. The board of aldermen shall have power, by
22 ordinance, to secure the general health of the inhabitants of the
23 city by any measure to regulate, suppress and abate
24 slaughterhouses, slaughtering animals, stockyards, soap and other
25 factories, pig pens, cow stables, and other stables and dairies,
26 and to remove the same, and to regulate or prevent the carrying
27 on of any business which may be dangerous or detrimental to the
28 public health, or the manufacturing or rendering of articles

1 obnoxious to the health of the inhabitants; and to pass
2 ordinances for the prevention of nuisances and their abatement.

3 2. The board of aldermen of any city of the fourth
4 classification with more than two thousand six hundred but fewer
5 than two thousand seven hundred inhabitants and located in any
6 county of the first classification with more than eighty-two
7 thousand but fewer than eighty-two thousand one hundred
8 inhabitants shall have the power, by ordinance, to secure the
9 general safety of the inhabitants of the city by any measure to
10 regulate the terms and conditions under which a quarry may
11 operate with the city's boundaries.

12 84.120. 1. No person shall be appointed or employed as
13 policeman, turnkey, or officer of police who shall have been
14 convicted of, or against whom any indictment may be pending, for
15 any offense, the punishment of which may be confinement in the
16 penitentiary; nor shall any person be so appointed who is not of
17 good character, or who is not a citizen of the United States, or
18 who is not able to read and write the English language, or who
19 does not possess ordinary physical strength and courage. The
20 patrolmen and turnkeys hereafter appointed shall serve while they
21 shall faithfully perform their duties and possess mental and
22 physical ability and be subject to removal only for cause after a
23 hearing by the boards, who are hereby invested with the
24 [exclusive] jurisdiction in the premises.

25 2. The board shall have the sole discretion whether to
26 delegate portions of its jurisdiction to hearing officers. The
27 board shall retain final and ultimate authority over such matters
28 and over the person to whom the delegation may be made. In any

1 hearing before the board under this section, the member involved
2 may make application to the board to waive a hearing before the
3 board and request that a hearing be held before a hearing
4 officer.

5 3. Nothing in this section or chapter shall be construed to
6 prohibit the board of police commissioners from delegating any
7 task related to disciplinary matters, disciplinary hearings, or
8 any other hearing or proceeding which could otherwise be heard by
9 the board or concerning any determination related to whether an
10 officer is able to perform the necessary functions of the
11 position. Tasks related to the preceding matter may be delegated
12 by the board to a hearing officer under the provisions of
13 subsection 4 of this section.

14 4. (1) The hearing officer to whom a delegation has been
15 made by the board may, at the sole discretion of the board,
16 perform certain functions, including but not limited to the
17 following:

18 (a) Presiding over a disciplinary matter from its inception
19 through to the final hearing;

20 (b) Preparing a report to the board of police
21 commissioners; and

22 (c) Making recommendations to the board of police
23 commissioners as to the allegations and the appropriateness of
24 the recommended discipline.

25 (2) The board shall promulgate rules, which may be changed
26 from time to time as determined by the board, and shall make such
27 rules known to the hearing officer or others.

28 (3) The board shall at all times retain the authority to

1 render the final decision after a review of the relevant
2 documents, evidence, transcripts, videotaped testimony, or report
3 prepared by the hearing officer.

4 5. Hearing officers shall be selected in the following
5 manner:

6 (1) The board shall establish a panel of not less than five
7 persons, all who are to be licensed attorneys in good standing
8 with the Missouri Bar. The composition of the panel may change
9 from time to time at the board's discretion;

10 (2) From the panel, the relevant member or officer and a
11 police department representative shall alternatively and
12 independently strike names from the list with the last remaining
13 name being the designated hearing officer. The board shall
14 establish a process to be utilized for each hearing which will
15 determine which party makes the first strike and the process may
16 change from time to time;

17 (3) After the hearing officer is chosen and presides over a
18 matter, such hearing officer shall become ineligible until all
19 hearing officers listed have been utilized, at which time the
20 list shall renew, subject to officers' availability.

21 84.170. 1. When any vacancy shall take place in any grade
22 of officers, it shall be filled from the next lowest grade;
23 provided, however, that probationary patrolmen shall serve at
24 least six months as such before being promoted to the rank of
25 patrolman; patrolmen shall serve at least three years as such
26 before being promoted to the rank of sergeant; sergeants shall
27 serve at least one year as such before being promoted to the rank
28 of lieutenant; lieutenants shall serve at least one year as such

1 before being promoted to the rank of captain; and in no case
2 shall the chief or assistant chief be selected from men not
3 members of the force or below the grade of captain. Patrolmen
4 shall serve at least three years as such before promotion to the
5 rank of detective; the inspector shall be taken from men in the
6 rank not below the grade of lieutenant.

7 2. The boards of police are hereby authorized to make all
8 such rules and regulations, not inconsistent with sections 84.010
9 to 84.340, or other laws of the state, as they may judge
10 necessary, for the appointment, employment, uniforming,
11 discipline, trial and government of the police. The said boards
12 shall also have power to require of any officer or policeman bond
13 with sureties when they may consider it demanded by the public
14 interests. All lawful rules and regulations of the board shall
15 be obeyed by the police force on pain of dismissal or such
16 lighter punishment, either by suspension, fine, reduction or
17 forfeiture of pay, or otherwise as the boards may adjudge.

18 3. The authority possessed by the board of police includes,
19 but is not limited to, the authority to delegate portions of its
20 powers authorized in section 84.120, including presiding over a
21 disciplinary hearing, to a hearing officer as determined by the
22 board.

23 86.590. The board of trustees of police and firemen's
24 pension systems, established under the provisions of section
25 86.583, may invest and reinvest the moneys of the system, and may
26 hold, purchase, sell, assign, transfer or dispose of any of the
27 securities and investments in which such moneys shall have been
28 invested, as well as the proceeds of such investments and such

1 moneys[; except that such investment and reinvestments shall be
2 subject to all the terms, conditions, limitations, and
3 restrictions imposed by law upon life insurance or casualty
4 companies in the state of Missouri in making and disposing of
5 their investments, except that the percentage limitations of
6 subsection 2 of section 376.305, RSMo, shall not apply]. The
7 board of trustees of police and firemen's pension systems,
8 established under the provisions of section 86.583, shall comply
9 with the prudent investor standard for investment fiduciaries as
10 provided in section 105.688, RSMo, when investing the assets of
11 the system.

12 87.006. 1. Notwithstanding the provisions of any law to
13 the contrary, and only for the purpose of computing retirement
14 benefits provided by an established retirement plan, after five
15 years' service, any condition of impairment of health caused by
16 any disease of the lungs or respiratory tract, hypotension,
17 hypertension, or disease of the heart resulting in total or
18 partial disability or death to a uniformed member of a paid fire
19 department, who successfully passed a physical examination within
20 five years prior to the time a claim is made for such disability
21 or death, which examination failed to reveal any evidence of such
22 condition, shall be presumed to have been suffered in the line of
23 duty, unless the contrary be shown by competent evidence.

24 2. Any condition of cancer affecting the skin or the
25 central nervous, lymphatic, digestive, hematological, urinary,
26 skeletal, oral, breast, testicular, genitourinary, liver or
27 prostate systems, as well as any condition of cancer which may
28 result from exposure to heat or radiation or to a known or

1 suspected carcinogen as determined by the International Agency
2 for Research on Cancer, which results in the total or partial
3 disability or death to a uniformed member of a paid fire
4 department who successfully passed a physical examination within
5 five years prior to the time a claim is made for disability or
6 death, which examination failed to reveal any evidence of such
7 condition, shall be presumed to have been suffered in the line of
8 duty unless the contrary be shown by competent evidence and it
9 can be proven to a reasonable degree of medical certainty that
10 the condition did not result nor was contributed to by the
11 voluntary use of tobacco.

12 3. This section shall apply to paid members of all fire
13 departments of all counties, cities, towns, fire districts, and
14 other governmental units.

15 89.010. 1. The provisions of sections 89.010 to 89.140
16 shall apply to all cities, towns and villages in this state.

17 2. (1) As used in this subsection, "transect-based zoning"
18 means a zoning classification system that prescriptively arranges
19 uses, elements, and environments according to a geographic cross-
20 section that range across a continuum from rural to urban, with
21 the range of environments providing the basis for organizing the
22 components of the constructed world, including buildings, lots,
23 land use, street, and all other physical elements of the human
24 habitat, with the objective of creating sustainable communities
25 and emphasizing bicycle lanes, street connectivity, and
26 sidewalks, and permitting high-density and mixed use development
27 in urban areas.

28 (2) In the event that any city, town, or village adopts a

1 zoning or subdivision ordinance based on transect-based zoning,
2 and such transect-based zoning provisions conflict with the
3 zoning provisions adopted by code or ordinance of another
4 political subdivision with jurisdiction in such city, town, or
5 village, the transect-based zoning provisions governing street
6 configuration requirements, including number and locations of
7 parking spaces, street, drive lane, and cul-de-sac lengths and
8 widths, turning radii, and improvements within the right-of-way,
9 shall prevail over any other conflicting or more restrictive
10 zoning provisions adopted by code or ordinance of the other
11 political subdivision.

12 89.400. 1. When the planning commission of any
13 municipality adopts a city plan which includes at least a major
14 street plan or progresses in its city planning to the making and
15 adoption of a major street plan, and files a certified copy of
16 the major street plan in the office of the county recorder of the
17 county in which the municipality is located, no plat of a
18 subdivision of land lying within the municipality shall be filed
19 or recorded until it has been submitted to and a report and
20 recommendation thereon made by the commission to the city council
21 and the council has approved the plat as provided by law.

22 2. (1) As used in this subsection, "transect-based zoning"
23 means a zoning classification system that prescriptively arranges
24 uses, elements, and environments according to a geographic cross-
25 section that range across a continuum from rural to urban, with
26 the range of environments providing the basis for organizing the
27 components of the constructed world, including buildings, lots,
28 land use, street, and all other physical elements of the human

1 habitat, with the objective of creating sustainable communities
2 and emphasizing bicycle lanes, street connectivity, and
3 sidewalks, and permitting high-density and mixed use development
4 in urban areas.

5 (2) In the event that any city, town, or village adopts a
6 zoning or subdivision ordinance based on transect-based zoning,
7 and such transect-based zoning provisions conflict with the
8 zoning provisions adopted by code or ordinance of another
9 political subdivision with jurisdiction in such city, town, or
10 village, the transect-based zoning provisions governing street
11 configuration requirements, including number and locations of
12 parking spaces, street, drive lane, and cul-de-sac lengths and
13 widths, turning radii, and improvements within the right-of-way,
14 shall prevail over any other conflicting or more restrictive
15 zoning provisions adopted by code or ordinance of the other
16 political subdivision.

17 92.500. 1. The governing body of any city not within a
18 county may impose, by order or ordinance, a sales tax on all
19 retail sales made within the city which are subject to sales tax
20 under chapter 144, RSMo. The tax authorized in this section
21 shall not exceed one-half of one percent, and shall be imposed
22 solely for the purpose of providing revenues for the operation of
23 public safety departments, including police and fire departments,
24 which operations are defined to include, but not be limited to,
25 compensation, pension programs, and health care for employees and
26 pensioners of the public safety departments. The tax authorized
27 in this section shall be in addition to all other sales taxes
28 imposed by law, and shall be stated separately from all other

1 charges and taxes. The order or ordinance shall not become
2 effective unless the governing body of the city submits to the
3 voters residing within the city at a state general, primary, or
4 special election a proposal to authorize the governing body of
5 the city to impose a tax under this section.

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

8 "Shall.....(insert the name of the city) impose a sales tax
9 at a rate of(insert rate of percent) percent, solely for
10 the purpose of providing revenues for the operation of public
11 safety departments of the city, including hiring more police
12 officers, prosecuting more criminals, nuisance crimes, and
13 problem properties?

14 ☐ YES

☐ NO

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

18
19 If a majority of the votes cast on the question by the qualified
20 voters voting thereon are in favor of the question, then the tax
21 shall become effective on the first day of the second calendar
22 quarter immediately following notification to the department of
23 revenue. If a majority of the votes cast on the question by the
24 qualified voters voting thereon are opposed to the question, then
25 the tax shall not become effective unless and until the question
26 is resubmitted under this section to the qualified voters and
27 such question is approved by a majority of the qualified voters
28 voting on the question.

1 94.590. 1. The governing body of any home rule city with
2 more than one hundred fifty-one thousand five hundred but fewer
3 than one hundred fifty-one thousand six hundred inhabitants is
4 hereby authorized to impose, by order or ordinance, a sales tax
5 on retail sales made within the city which are subject to sales
6 tax under chapter 144, RSMo. The tax authorized in this section
7 shall not exceed one percent, and shall be imposed solely for the
8 purpose of providing revenues for the operation of public safety
9 departments, including police and fire departments, which
10 operations are defined to include but not be limited to, pension
11 programs and health care for employees and pensioners of the
12 public safety departments. The tax authorized in this section
13 shall be in addition to all other sales taxes imposed by law, and
14 shall be stated separately from all other charges and taxes. The
15 order or ordinance shall not become effective unless the
16 governing body of the city submits to the voters residing within
17 the city at a state general, primary, or special election a
18 proposal to authorize the governing body of the city to impose a
19 tax under this section.

20 2. The ballot of submission for the tax authorized in this
21 section shall be substantially in the following form:
22 "Shall (insert the name of the city) impose
23 a sales tax at a rate of(up to one) percent,
24 solely for the purpose of providing revenues for the operation of
25 public safety departments of the city?

26 ☐ YES ☐ NO

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

4
5 If a majority of the votes cast on the question by the qualified
6 voters voting thereon are in favor of the question, then the tax
7 shall become effective on the first day of the second calendar
8 quarter immediately following notification to the department of
9 revenue. If a majority of the votes cast on the question by the
10 qualified voters voting thereon are opposed to the question, then
11 the tax shall not become effective unless and until the question
12 is resubmitted under this section to the qualified voters and
13 such question is approved by a majority of the qualified voters
14 voting on the question.

15 3. All revenue collected under this section by the director
16 of the department of revenue on behalf of any city, except for
17 one percent for the cost of collection which shall be deposited
18 in the state's general revenue fund, shall be deposited in a
19 special trust fund, which is hereby created and shall be known as
20 the "Public Safety Protection Sales Tax Fund", and shall be used
21 solely for the designated purposes. Moneys in the fund shall not
22 be deemed to be state funds, and shall not be commingled with any
23 funds of the state. The director may make refunds from the
24 amounts in the trust fund and credited to the city for erroneous
25 payments and overpayments made, and may redeem dishonored checks
26 and drafts deposited to the credit of such city. Any funds in
27 the special trust fund which are not needed for current
28 expenditures shall be invested in the same manner as other funds

1 are invested. Any interest and moneys earned on such investments
2 shall be credited to the fund. The director shall keep accurate
3 records of the amounts in the fund, and such records shall be
4 open to the inspection of the officers of such city and to the
5 public. Not later than the tenth day of each month, the director
6 shall distribute all moneys deposited in the fund during the
7 preceding month to the city. Such funds shall be deposited with
8 the treasurer of the city, and all expenditures of moneys from
9 the fund shall be by an appropriation ordinance enacted by the
10 governing body of the city.

11 4. On or after the effective date of the tax, the director
12 of revenue shall be responsible for the administration,
13 collection, enforcement, and operation of the tax, and sections
14 32.085 and 32.087, RSMo, shall apply. In order to permit sellers
15 required to collect and report the sales tax to collect the
16 amount required to be reported and remitted, but not to change
17 the requirements of reporting or remitting the tax, or to serve
18 as a levy of the tax, and in order to avoid fractions of pennies,
19 the governing body of the city may authorize the use of a bracket
20 system similar to that authorized in section 144.285, RSMo, and
21 notwithstanding the provisions of that section, this new bracket
22 system shall be used where this tax is imposed and shall apply to
23 all taxable transactions. Beginning with the effective date of
24 the tax, every retailer in the city shall add the sales tax to
25 the sale price, and this tax shall be a debt of the purchaser to
26 the retailer until paid, and shall be recoverable at law in the
27 same manner as the purchase price. For purposes of this section,

1 all retail sales shall be deemed to be consummated at the place
2 of business of the retailer.

3 5. All applicable provisions in sections 144.010 to
4 144.525, RSMo, governing the state sales tax, and section 32.057,
5 RSMo, the uniform confidentiality provision, shall apply to the
6 collection of the tax, and all exemptions granted to agencies of
7 government, organizations, and persons under sections 144.010 to
8 144.525, RSMo, are hereby made applicable to the imposition and
9 collection of the tax. The same sales tax permit, exemption
10 certificate, and retail certificate required by sections 144.010
11 to 144.525, RSMo, for the administration and collection of the
12 state sales tax shall satisfy the requirements of this section,
13 and no additional permit or exemption certificate or retail
14 certificate shall be required; except that, the director of
15 revenue may prescribe a form of exemption certificate for an
16 exemption from the tax. All discounts allowed the retailer under
17 the state sales tax for the collection of and for payment of
18 taxes are hereby allowed and made applicable to the tax. The
19 penalties for violations provided in section 32.057, RSMo, and
20 sections 144.010 to 144.525, RSMo, are hereby made applicable to
21 violations of this section. If any person is delinquent in the
22 payment of the amount required to be paid under this section, or
23 in the event a determination has been made against the person for
24 the tax and penalties under this section, the limitation for
25 bringing suit for the collection of the delinquent tax and
26 penalties shall be the same as that provided in sections 144.010
27 to 144.525, RSMo.

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

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

☐ YES ☐ NO

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

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

7. The governing body of any city that has adopted the sales tax authorized in this section shall submit the question of repeal of the tax to the voters every five years from the date of its inception on a date available for elections for the city. The

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

3 "Shall (insert the name of the city)
4 repeal the sales tax imposed at a rate of (up to
5 one) percent for the purposes of providing revenues for the
6 operation of public safety departments of the city?

7 ☐ YES ☐ NO

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

11
12 If a majority of the votes cast on the question by the qualified
13 voters voting thereon are in favor of repeal, that repeal shall
14 become effective on December thirty-first of the calendar year in
15 which such repeal was approved. If a majority of the votes cast
16 on the question by the qualified voters voting thereon are
17 opposed to the repeal, then the sales tax authorized in this
18 section shall remain effective until the question is resubmitted
19 under this section to the qualified voters and the repeal is
20 approved by a majority of the qualified voters voting on the
21 question.

22 8. Whenever a governing body of any city that has adopted
23 the sales tax authorized in this section receives a petition,
24 signed by a number of registered voters of the city equal to at
25 least two percent of the number of registered voters of the city
26 voting in the last gubernatorial election, calling for an
27 election to repeal the sales tax imposed under this section, the
28 governing body shall submit to the voters of the city a proposal

1 to repeal the tax. If a majority of the votes cast on the
2 question by the qualified voters voting thereon are in favor of
3 the repeal, the repeal shall become effective on December thirty-
4 first of the calendar year in which such repeal was approved. If
5 a majority of the votes cast on the question by the qualified
6 voters voting thereon are opposed to the repeal, then the sales
7 tax authorized in this section shall remain effective until the
8 question is resubmitted under this section to the qualified
9 voters and the repeal is approved by a majority of the qualified
10 voters voting on the question.

11 9. If the tax is repealed or terminated by any means, all
12 funds remaining in the special trust fund shall continue to be
13 used solely for the designated purposes, and the city shall
14 notify the director of the department of revenue of the action at
15 least ninety days before the effective date of the repeal and the
16 director may order retention in the trust fund, for a period of
17 one year, of two percent of the amount collected after receipt of
18 such notice to cover possible refunds or overpayment of the tax
19 and to redeem dishonored checks and drafts deposited to the
20 credit of such accounts. After one year has elapsed after the
21 effective date of abolition of the tax in such city, the director
22 shall remit the balance in the account to the city and close the
23 account of that city. The director shall notify each city of
24 each instance of any amount refunded or any check redeemed from
25 receipts due the city.

26 94.660. 1. The governing body of any city not within a
27 county and any county of the first classification having a
28 charter form of government with a population of over nine hundred

1 thousand inhabitants may propose, by ordinance or order, a
2 transportation sales tax of up to one percent for submission to
3 the voters of that city or county at an authorized election date
4 selected by the governing body.

5 2. Any sales tax approved under this section shall be
6 imposed on the receipts from the sale at retail of all tangible
7 personal property or taxable services within the city or county
8 adopting the tax, if such property and services are subject to
9 taxation by the state of Missouri under sections 144.010 to
10 144.525, RSMo.

11 3. The ballot of submission shall contain, but need not be
12 limited to, the following language:

13 Shall the county/city of (county's or city's
14 name) impose a county/city-wide sales tax of percent
15 for the purpose of providing a source of funds for public
16 transportation purposes?

17 ☐ YES ☐ NO

18 Except as provided in subsection 4 of this section, if a majority
19 of the votes cast in that county or city not within a county on
20 the proposal by the qualified voters voting thereon are in favor
21 of the proposal, then the tax shall go into effect on the first
22 day of the next calendar quarter beginning after its adoption and
23 notice to the director of revenue, but no sooner than thirty days
24 after such adoption and notice. If a majority of the votes cast
25 in that county or city not within a county by the qualified
26 voters voting are opposed to the proposal, then the additional
27 sales tax shall not be imposed in that county or city not within
28 a county unless and until the governing body of that county or

1 city not within a county shall have submitted another proposal to
2 authorize the local option transportation sales tax authorized in
3 this section, and such proposal is approved by a majority of the
4 qualified voters voting on it. In no event shall a proposal
5 pursuant to this section be submitted to the voters sooner than
6 twelve months from the date of the last proposal.

7 4. No tax shall go into effect under this section in any
8 city not within a county or any county of the first
9 classification having a charter form of government with a
10 population over nine hundred thousand inhabitants unless and
11 until both such city and such county approve the tax.

12 5. The provisions of subsection 4 of this section requiring
13 both the city and county to approve a transportation sales tax
14 before a transportation sales tax may go into effect in either
15 jurisdiction shall not apply to any transportation sales tax
16 submitted to and approved by the voters in such city or such
17 county on or after August 28, 2007.

18 [5.] 6. All sales taxes collected by the director of
19 revenue under this section on behalf of any city or county, less
20 one percent for cost of collection which shall be deposited in
21 the state's general revenue fund after payment of premiums for
22 surety bonds, shall be deposited with the state treasurer in a
23 special trust fund, which is hereby created, to be known as the
24 "County Public Transit Sales Tax Trust Fund". The sales taxes
25 shall be collected as provided in section 32.087, RSMo. The
26 moneys in the trust fund shall not be deemed to be state funds
27 and shall not be commingled with any funds of the state. The
28 director of revenue shall keep accurate records of the amount of

1 money in the trust fund which was collected in each city or
2 county approving a sales tax under this section, and the records
3 shall be open to inspection by officers of the city or county and
4 the public. Not later than the tenth day of each month the
5 director of revenue shall distribute all moneys deposited in the
6 trust fund during the preceding month to the city or county which
7 levied the tax, and such funds shall be deposited with the
8 treasurer of each such city or county and all expenditures of
9 funds arising from the county public transit sales tax trust fund
10 shall be by an appropriation act to be enacted by the governing
11 body of each such county or city not within a county.

12 [6.] 7. The revenues derived from any transportation sales
13 tax under this section shall be used only for the planning,
14 development, acquisition, construction, maintenance and operation
15 of public transit facilities and systems other than highways.

16 [7.] 8. The director of revenue may authorize the state
17 treasurer to make refunds from the amount in the trust fund and
18 credited to any city or county for erroneous payments and
19 overpayments made, and may redeem dishonored checks and drafts
20 deposited to the credit of such cities or counties. If any city
21 or county abolishes the tax, the city or county shall notify the
22 director of revenue of the action at least ninety days prior to
23 the effective date of the repeal and the director of revenue may
24 order retention in the trust fund, for a period of one year, of
25 two percent of the amount collected after receipt of such notice
26 to cover possible refunds or overpayment of the tax and to redeem
27 dishonored checks and drafts deposited to the credit of such
28 accounts. After one year has elapsed after the effective date of

1 abolition of the tax in such city or county, the director of
2 revenue shall authorize the state treasurer to remit the balance
3 in the account to the city or county and close the account of
4 that city or county. The director of revenue shall notify each
5 city or county of each instance of any amount refunded or any
6 check redeemed from receipts due the city or county.

7 94.837. 1. The governing body of any city of the fourth
8 classification with more than two thousand five hundred but fewer
9 than two thousand six hundred inhabitants and located in any
10 county of the third classification without a township form of
11 government and with more than ten thousand four hundred but fewer
12 than ten thousand five hundred inhabitants, the governing body of
13 any special charter city [with more than nine hundred fifty but
14 fewer than one thousand fifty inhabitants], and the governing
15 body of any city of the fourth classification with more than one
16 thousand two hundred but fewer than one thousand three hundred
17 inhabitants and located in any county of the third classification
18 without a township form of government and with more than four
19 thousand three hundred but fewer than four thousand four hundred
20 inhabitants may impose a tax on the charges for all sleeping
21 rooms paid by the transient guests of hotels or motels situated
22 in the city or a portion thereof, which shall not be more than
23 five percent per occupied room per night, except that such tax
24 shall not become effective unless the governing body of the city
25 submits to the voters of the city at a state general or primary
26 election a proposal to authorize the governing body of the city
27 to impose a tax under this section. The tax authorized in this
28 section shall be in addition to the charge for the sleeping room

1 and all other taxes imposed by law, and the proceeds of such tax
2 shall be used by the city solely for the promotion of tourism.
3 Such tax shall be stated separately from all other charges and
4 taxes.

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

7 Shall (insert the name
8 of the city) impose a tax on the charges for all sleeping rooms
9 paid by the transient guests of hotels and motels situated in
10 (name of city) at a rate of
11 (insert rate of percent) percent for the sole purpose
12 of promoting tourism?

13 ☐ YES

☐ NO

14
15 If a majority of the votes cast on the question by the qualified
16 voters voting thereon are in favor of the question, then the tax
17 shall become effective on the first day of the second calendar
18 quarter following the calendar quarter in which the election was
19 held. If a majority of the votes cast on the question by the
20 qualified voters voting thereon are opposed to the question, then
21 the tax authorized by this section shall not become effective
22 unless and until the question is resubmitted under this section
23 to the qualified voters of the city and such question is approved
24 by a majority of the qualified voters of the city voting on the
25 question.

26 3. As used in this section, "transient guests" means a
27 person or persons who occupy a room or rooms in a hotel or motel
28 for thirty-one days or less during any calendar quarter.

1 99.805. As used in sections 99.800 to 99.865, unless the
2 context clearly requires otherwise, the following terms shall
3 mean:

4 (1) "Blighted area", an area which, by reason of the
5 predominance of defective or inadequate street layout, unsanitary
6 or unsafe conditions, deterioration of site improvements,
7 improper subdivision or obsolete platting, or the existence of
8 conditions which endanger life or property by fire and other
9 causes, or any combination of such factors, retards the provision
10 of housing accommodations or constitutes an economic or social
11 liability or a menace to the public health, safety, morals, or
12 welfare in its present condition and use;

13 (2) "Collecting officer", the officer of the municipality
14 responsible for receiving and processing payments in lieu of
15 taxes or economic activity taxes from taxpayers or the department
16 of revenue;

17 (3) "Conservation area", any improved area within the
18 boundaries of a redevelopment area located within the territorial
19 limits of a municipality in which fifty percent or more of the
20 structures in the area have an age of thirty-five years or more.
21 Such an area is not yet a blighted area but is detrimental to the
22 public health, safety, morals, or welfare and may become a
23 blighted area because of any one or more of the following
24 factors: dilapidation; obsolescence; deterioration; illegal use
25 of individual structures; presence of structures below minimum
26 code standards; abandonment; excessive vacancies; overcrowding of
27 structures and community facilities; lack of ventilation, light
28 or sanitary facilities; inadequate utilities; excessive land

1 coverage; deleterious land use or layout; depreciation of
2 physical maintenance; and lack of community planning. A
3 conservation area shall meet at least three of the factors
4 provided in this subdivision for projects approved on or after
5 December 23, 1997;

6 (4) "Economic activity taxes", the total additional revenue
7 from taxes which are imposed by a municipality and other taxing
8 districts, and which are generated by economic activities within
9 a redevelopment area over the amount of such taxes generated by
10 economic activities within such redevelopment area in the
11 calendar year prior to the adoption of the ordinance designating
12 such a redevelopment area, while tax increment financing remains
13 in effect, but excluding personal property taxes, taxes imposed
14 on sales or charges for sleeping rooms paid by transient guests
15 of hotels and motels, licenses, fees or special assessments. For
16 redevelopment projects or redevelopment plans approved after
17 December 23, 1997, if a retail establishment relocates within one
18 year from one facility to another facility within the same county
19 and the governing body of the municipality finds that the
20 relocation is a direct beneficiary of tax increment financing,
21 then for purposes of this definition, the economic activity taxes
22 generated by the retail establishment shall equal the total
23 additional revenues from economic activity taxes which are
24 imposed by a municipality or other taxing district over the
25 amount of economic activity taxes generated by the retail
26 establishment in the calendar year prior to its relocation to the
27 redevelopment area;

1 (5) "Economic development area", any area or portion of an
2 area located within the territorial limits of a municipality,
3 which does not meet the requirements of subdivisions (1) and (3)
4 of this section, and in which the governing body of the
5 municipality finds that redevelopment will not be solely used for
6 development of commercial businesses which unfairly compete in
7 the local economy and is in the public interest because it will:

8 (a) Discourage commerce, industry or manufacturing from
9 moving their operations to another state; or

10 (b) Result in increased employment in the municipality; or

11 (c) Result in preservation or enhancement of the tax base
12 of the municipality;

13 (6) "Gambling establishment", an excursion gambling boat as
14 defined in section 313.800, RSMo, and any related business
15 facility including any real property improvements which are
16 directly and solely related to such business facility, whose sole
17 purpose is to provide goods or services to an excursion gambling
18 boat and whose majority ownership interest is held by a person
19 licensed to conduct gambling games on an excursion gambling boat
20 or licensed to operate an excursion gambling boat as provided in
21 sections 313.800 to 313.850, RSMo. This subdivision shall be
22 applicable only to a redevelopment area designated by ordinance
23 adopted after December 23, 1997;

24 (7) "Greenfield area", any vacant, unimproved, or
25 agricultural property that is located wholly outside the
26 incorporated limits of a city, town, or village, or that is
27 substantially surrounded by contiguous properties with
28 agricultural zoning classifications or uses unless said property

1 was annexed into the incorporated limits of a city, town, or
2 village ten years prior to the adoption of the ordinance
3 approving the redevelopment plan for such Greenfield area;

4 (8) "Municipality", a city, village, or incorporated town
5 or any county of this state. For redevelopment areas or projects
6 approved on or after December 23, 1997, "municipality" applies
7 only to cities, villages, incorporated towns or counties
8 established for at least one year prior to such date;

9 [(8)] (9) "Obligations", bonds, loans, debentures, notes,
10 special certificates, or other evidences of indebtedness issued
11 by a municipality to carry out a redevelopment project or to
12 refund outstanding obligations;

13 [(9)] (10) "Ordinance", an ordinance enacted by the
14 governing body of a city, town, or village or a county or an
15 order of the governing body of a county whose governing body is
16 not authorized to enact ordinances;

17 [(10)] (11) "Payment in lieu of taxes", those estimated
18 revenues from real property in the area selected for a
19 redevelopment project, which revenues according to the
20 redevelopment project or plan are to be used for a private use,
21 which taxing districts would have received had a municipality not
22 adopted tax increment allocation financing, and which would
23 result from levies made after the time of the adoption of tax
24 increment allocation financing during the time the current
25 equalized value of real property in the area selected for the
26 redevelopment project exceeds the total initial equalized value
27 of real property in such area until the designation is terminated
28 pursuant to subsection 2 of section 99.850;

1 [(11)] (12) "Redevelopment area", an area designated by a
2 municipality, in respect to which the municipality has made a
3 finding that there exist conditions which cause the area to be
4 classified as a blighted area, a conservation area, an economic
5 development area, an enterprise zone pursuant to sections 135.200
6 to 135.256, RSMo, or a combination thereof, which area includes
7 only those parcels of real property directly and substantially
8 benefited by the proposed redevelopment project;

9 [(12)] (13) "Redevelopment plan", the comprehensive program
10 of a municipality for redevelopment intended by the payment of
11 redevelopment costs to reduce or eliminate those conditions, the
12 existence of which qualified the redevelopment area as a blighted
13 area, conservation area, economic development area, or
14 combination thereof, and to thereby enhance the tax bases of the
15 taxing districts which extend into the redevelopment area. Each
16 redevelopment plan shall conform to the requirements of section
17 99.810;

18 [(13)] (14) "Redevelopment project", any development
19 project within a redevelopment area in furtherance of the
20 objectives of the redevelopment plan; any such redevelopment
21 project shall include a legal description of the area selected
22 for the redevelopment project;

23 [(14)] (15) "Redevelopment project costs" include the sum
24 total of all reasonable or necessary costs incurred or estimated
25 to be incurred, and any such costs incidental to a redevelopment
26 plan or redevelopment project, as applicable. Such costs
27 include, but are not limited to, the following:

28 (a) Costs of studies, surveys, plans, and specifications;

1 (b) Professional service costs, including, but not limited
2 to, architectural, engineering, legal, marketing, financial,
3 planning or special services. Except the reasonable costs
4 incurred by the commission established in section 99.820 for the
5 administration of sections 99.800 to 99.865, such costs shall be
6 allowed only as an initial expense which, to be recoverable,
7 shall be included in the costs of a redevelopment plan or
8 project;

9 (c) Property assembly costs, including, but not limited to,
10 acquisition of land and other property, real or personal, or
11 rights or interests therein, demolition of buildings, and the
12 clearing and grading of land;

13 (d) Costs of rehabilitation, reconstruction, or repair or
14 remodeling of existing buildings and fixtures;

15 (e) Initial costs for an economic development area;

16 (f) Costs of construction of public works or improvements;

17 (g) Financing costs, including, but not limited to, all
18 necessary and incidental expenses related to the issuance of
19 obligations, and which may include payment of interest on any
20 obligations issued pursuant to sections 99.800 to 99.865 accruing
21 during the estimated period of construction of any redevelopment
22 project for which such obligations are issued and for not more
23 than eighteen months thereafter, and including reasonable
24 reserves related thereto;

25 (h) All or a portion of a taxing district's capital costs
26 resulting from the redevelopment project necessarily incurred or
27 to be incurred in furtherance of the objectives of the

1 redevelopment plan and project, to the extent the municipality by
2 written agreement accepts and approves such costs;

3 (i) Relocation costs to the extent that a municipality
4 determines that relocation costs shall be paid or are required to
5 be paid by federal or state law;

6 (j) Payments in lieu of taxes;

7 ~~[(15)]~~ (16) "Special allocation fund", the fund of a
8 municipality or its commission which contains at least two
9 separate segregated accounts for each redevelopment plan,
10 maintained by the treasurer of the municipality or the treasurer
11 of the commission into which payments in lieu of taxes are
12 deposited in one account, and economic activity taxes and other
13 revenues are deposited in the other account;

14 ~~[(16)]~~ (17) "Taxing districts", any political subdivision
15 of this state having the power to levy taxes;

16 ~~[(17)]~~ (18) "Taxing districts' capital costs", those costs
17 of taxing districts for capital improvements that are found by
18 the municipal governing bodies to be necessary and to directly
19 result from the redevelopment project; and

20 ~~[(18)]~~ (19) "Vacant land", any parcel or combination of
21 parcels of real property not used for industrial, commercial, or
22 residential buildings.

23 99.841. 1. Notwithstanding the provisions of sections
24 99.800 to 99.865 to the contrary, no new tax increment financing
25 project shall be authorized in any Greenfield area, as such term
26 is defined in section 99.805, that is located within a city not
27 within a county or any county subject to the authority of the
28 East West Gateway Council of Governments. Municipalities not

1 subject to the authority of the East West Gateway Council of
2 Governments may authorize tax increment finance projects in
3 Greenfield areas.

4 100.050. 1. Any municipality proposing to carry out a
5 project for industrial development shall first, by majority vote
6 of the governing body of the municipality, approve the plan for
7 the project. The plan shall include the following information
8 pertaining to the proposed project:

9 (1) A description of the project;

10 (2) An estimate of the cost of the project;

11 (3) A statement of the source of funds to be expended for
12 the project;

13 (4) A statement of the terms upon which the facilities to
14 be provided by the project are to be leased or otherwise disposed
15 of by the municipality; and

16 (5) Such other information necessary to meet the
17 requirements of sections 100.010 to 100.200.

18 2. If the plan for the project is approved after August 28,
19 2003, and the project plan involves issuance of revenue bonds or
20 involves conveyance of a fee interest in property to a
21 municipality, the project plan shall additionally include the
22 following information:

23 (1) A statement identifying each school district, junior
24 college district, county, or city affected by such project except
25 property assessed by the state tax commission pursuant to
26 chapters 151 and 153, RSMo;

27 (2) The most recent equalized assessed valuation of the
28 real property and personal property included in the project, and

1 an estimate as to the equalized assessed valuation of real
2 property and personal property included in the project after
3 development;

4 (3) An analysis of the costs and benefits of the project on
5 each school district, junior college district, county, or city;
6 and

7 (4) Identification of any payments in lieu of taxes
8 expected to be made by any lessee of the project, and the
9 disposition of any such payments by the municipality.

10 3. If the plan for the project is approved after August 28,
11 2003, any payments in lieu of taxes expected to be made by any
12 lessee of the project shall be applied in accordance with this
13 section. The lessee may reimburse the municipality for its
14 actual costs of issuing the bonds and administering the plan.
15 All amounts paid in excess of such actual costs shall,
16 immediately upon receipt thereof, be disbursed by the
17 municipality's treasurer or other financial officer to each
18 school district, junior college district, county, or city in
19 proportion to the current ad valorem tax levy of each school
20 district, junior college district, county, or city; however, in
21 any county of the first classification with more than
22 ninety-three thousand eight hundred but fewer than ninety-three
23 thousand nine hundred inhabitants, or any county of the first
24 classification with more than one hundred thirty-five thousand
25 four hundred but fewer than one hundred thirty-five thousand five
26 hundred inhabitants, if the plan for the project is approved
27 after May 15, 2005, such amounts shall be disbursed by the
28 municipality's treasurer or other financial officer to each

1 affected taxing entity in proportion to the current ad valorem
2 tax levy of each affected taxing entity.

3 100.059. 1. The governing body of any municipality
4 proposing a project for industrial development which involves
5 issuance of revenue bonds or involves conveyance of a fee
6 interest in property to a municipality shall, not less than
7 twenty days before approving the plan for a project as required
8 by section 100.050, provide notice of the proposed project to the
9 county in which the municipality is located and any school
10 district that is a school district, junior college district,
11 county, or city; however, in any county of the first
12 classification with more than ninety-three thousand eight hundred
13 but fewer than ninety-three thousand nine hundred inhabitants, or
14 any county of the first classification with more than one hundred
15 thirty-five thousand four hundred but fewer than one hundred
16 thirty-five thousand five hundred inhabitants, if the plan for
17 the project is approved after May 15, 2005, such notice shall be
18 provided to all affected taxing entities in the county. Such
19 notice shall include the information required in section 100.050,
20 shall state the date on which the governing body of the
21 municipality will first consider approval of the plan, and shall
22 invite such school districts, junior college districts, counties,
23 or cities to submit comments to the governing body and the
24 comments shall be fairly and duly considered.

25 2. Notwithstanding any other provisions of this section to
26 the contrary, for purposes of determining the limitation on
27 indebtedness of local government pursuant to section 26(b),
28 article VI, Constitution of Missouri, the current equalized

1 assessed value of the property in an area selected for
2 redevelopment attributable to the increase above the total
3 initial equalized assessed valuation shall be included in the
4 value of taxable tangible property as shown on the last completed
5 assessment for state or county purposes.

6 3. The county assessor shall include the current assessed
7 value of all property within the school district, junior college
8 district, county, or city in the aggregate valuation of assessed
9 property entered upon the assessor's book and verified pursuant
10 to section 137.245, RSMo, and such value shall be utilized for
11 the purpose of the debt limitation on local government pursuant
12 to section 26(b), article VI, Constitution of Missouri.

13 4. This section is applicable only if the plan for the
14 project is approved after August 28, 2003.

15 105.483. Each of the following persons shall be required to
16 file a financial interest statement:

17 (1) Associate circuit judges, circuit court judges, judges
18 of the courts of appeals and of the supreme court, and candidates
19 for any such office;

20 (2) Persons holding an elective office of the state,
21 whether by election or appointment, and candidates for such
22 elective office, except those running for or serving as county
23 committee members for a political party pursuant to section
24 115.609, RSMo, or section 115.611, RSMo;

25 (3) The principal administrative or deputy officers or
26 assistants serving the governor, lieutenant governor, secretary
27 of state, state treasurer, state auditor and attorney general,

1 which officers shall be designated by the respective elected
2 state official;

3 (4) The members of each board or commission and the chief
4 executive officer of each public entity created pursuant to the
5 constitution or interstate compact or agreement and the members
6 of each board of regents or curators and the chancellor or
7 president of each state institution of higher education;

8 (5) The director and each assistant deputy director and the
9 general counsel and the chief purchasing officer of each
10 department, division and agency of state government;

11 (6) Any official or employee of the state authorized by law
12 to promulgate rules and regulations or authorized by law to vote
13 on the adoption of rules and regulations;

14 (7) Any member of a board or commission created by
15 interstate compact or agreement, including the executive director
16 and any Missouri resident who is a member of the bi-state
17 development agency created pursuant to sections 70.370 to 70.440,
18 RSMo;

19 (8) Any board member of a metropolitan sewer district
20 authorized under section 30(a) of article VI of the state
21 constitution;

22 (9) Any member of a commission appointed or operating
23 pursuant to sections 64.650 to 64.950, RSMo, sections 67.650 to
24 67.658, RSMo, or sections 70.840 to 70.859, RSMo;

25 (10) The members, the chief executive officer and the chief
26 purchasing officer of each board or commission which enters into
27 or approves contracts for the expenditure of state funds;

1 (11) Each elected official, candidate for elective office,
2 the chief administrative officer, the chief purchasing officer
3 and the general counsel, if employed full time, of each political
4 subdivision with an annual operating budget in excess of [one]
5 two million dollars, and each official or employee of a political
6 subdivision who is authorized by the governing body of the
7 political subdivision to promulgate rules and regulations with
8 the force of law or to vote on the adoption of rules and
9 regulations with the force of law; unless the political
10 subdivision adopts an ordinance, order or resolution pursuant to
11 subsection 4 of section 105.485;

12 (12) Any person who is designated as a decision-making
13 public servant by any of the officials or entities listed in
14 subdivision (6) of section 105.450.

15 105.683. Any plan, other than a plan created under sections
16 169.010 to 169.141 or sections 169.600 to 169.715, RSMo, whose
17 actuary determines that the plan has a funded ratio below sixty
18 percent and the political subdivision has failed to make one
19 hundred percent of the actuarially required contribution payment
20 for five successive plan years with a descending funded ratio for
21 five successive plan years after August 28, 2007, shall be deemed
22 delinquent in the contribution payment and such delinquency in
23 the contribution payment shall constitute a first lien on the
24 funds of the political subdivision, and the board as defined
25 under section 105.660 is authorized to compel payment by
26 application for a writ of mandamus; and in addition, such
27 delinquency in the contribution payment shall be certified by the
28 board to the state treasurer and director of the department of

1 revenue. Until such delinquency in the contribution payment,
2 together with regular interest, is satisfied, the state treasurer
3 and director of the department of revenue shall withhold twenty-
4 five percent of the certified contribution deficiency from the
5 total moneys due the political subdivision from the state.

6 108.170. 1. Notwithstanding any other provisions of any
7 law or charter to the contrary, any issue of bonds, notes, or
8 other evidences of indebtedness, including bonds, notes, or other
9 evidences of indebtedness payable solely from revenues derived
10 from any revenue-producing facility, hereafter issued under any
11 law of this state by any county, city, town, village, school
12 district, educational institution, drainage district, levee
13 district, nursing home district, hospital district, library
14 district, road district, fire protection district, water supply
15 district, sewer district, housing authority, land clearance for
16 redevelopment authority, special authority created under section
17 64.920, RSMo, authority created pursuant to the provisions of
18 chapter 238, RSMo, or other municipality, political subdivision
19 or district of this state shall be negotiable, may be issued in
20 bearer form or registered form with or without coupons to
21 evidence interest payable thereon, may be issued in any
22 denomination, and may bear interest at a rate not exceeding ten
23 percent per annum, and may be sold, at any sale, at the best
24 price obtainable, not less than ninety-five percent of the par
25 value thereof, anything in any proceedings heretofore had
26 authorizing such bonds, notes, or other evidence of indebtedness,
27 or in any law of this state or charter provision to the contrary
28 notwithstanding. Such issue of bonds, notes, or other evidence

1 of indebtedness may bear interest at a rate not exceeding
2 fourteen percent per annum if sold at public sale after giving
3 reasonable notice of such sale, at the best price obtainable, not
4 less than ninety-five percent of the par value thereof; provided,
5 that such bonds, notes, or other evidence of indebtedness may be
6 sold to any agency or corporate or other instrumentality of the
7 state of Missouri or of the federal government at private sale at
8 a rate not exceeding fourteen percent per annum.

9 2. Notwithstanding the provisions of subsection 1 of this
10 section to the contrary, the sale of bonds, notes, or other
11 evidence of indebtedness issued by the state board of public
12 buildings created under section 8.010, RSMo, the state board of
13 fund commissioners created under section 33.300, RSMo, any port
14 authority created under section 68.010, RSMo, the bi-state
15 metropolitan development district authorized under section
16 70.370, RSMo, any special business district created under section
17 71.790, RSMo, any county, as defined in section 108.465,
18 exercising the powers granted by sections 108.450 to 108.470, the
19 industrial development board created under section 100.265, RSMo,
20 any planned industrial expansion authority created under section
21 100.320, RSMo, the higher education loan authority created under
22 section 173.360, RSMo, the Missouri housing development
23 commission created under section 215.020, RSMo, the state
24 environmental improvement and energy resources authority created
25 under section 260.010, RSMo, the agricultural and small business
26 development authority created under section 348.020, RSMo, any
27 industrial development corporation created under section 349.035,
28 RSMo, or the health and educational facilities authority created

1 under section 360.020, RSMo, shall, with respect to the sales
2 price, manner of sale and interest rate, be governed by the
3 specific sections applicable to each of these entities.

4 3. Notwithstanding other provisions of this section or
5 other law, the sale of bonds, notes or other evidence of
6 indebtedness issued by any housing authority created under
7 section 99.040, RSMo, may be sold at any sale, at the best price
8 obtainable, not less than ninety-five percent of the par value
9 thereof, and may bear interest at a rate not exceeding fourteen
10 percent per annum. The sale shall be a public sale unless the
11 issuing jurisdiction adopts a resolution setting forth clear
12 justification why the sale should be a private sale except that
13 private activity bonds may be sold either at public or private
14 sale.

15 4. Notwithstanding other provisions of this section or law,
16 industrial development revenue bonds may be sold at private sale
17 and bear interest at a rate not exceeding fourteen percent per
18 annum at the best price obtainable, not less than ninety-five
19 percent of the par value thereof.

20 5. Notwithstanding other provisions in subsection 1 of this
21 section to the contrary, revenue bonds issued for airport
22 purposes by any constitutional charter city in this state which
23 now has or may hereafter acquire a population of more than three
24 hundred thousand but less than six hundred thousand inhabitants,
25 according to the last federal decennial census, may bear interest
26 at a rate not exceeding fourteen percent per annum if sold at
27 public sale after giving reasonable notice, at the best price

1 obtainable, not less than ninety-five percent of the par value
2 thereof.

3 6. For purposes of the interest rate limitations set forth
4 in this section, the interest rate on bonds, notes or other
5 evidence of indebtedness described in this section means the rate
6 at which the present value of the debt service payments on an
7 issue of bonds, notes or other evidence of indebtedness,
8 discounted to the date of issuance, equals the original price at
9 which such bonds, notes or other evidence of indebtedness are
10 sold by the issuer. Interest on bonds, notes or other evidence
11 of indebtedness may be paid periodically at such times as shall
12 be determined by the governing body of the issuer and may be
13 compounded in accordance with section 408.080, RSMo.

14 7. Notwithstanding any provision of law or charter to the
15 contrary:

16 (1) Any entity referenced in subsection 1 or 2 of this
17 section and any other political corporation of the state which
18 entity or political corporation has an annual operating budget
19 for the current year exceeding twenty-five million dollars may,
20 in connection with managing the cost to such entity or political
21 corporation of purchasing fuel, electricity, natural gas, and
22 other commodities used in the ordinary course of its lawful
23 operations, enter into agreements providing for fixing the cost
24 of such commodity, including without limitation agreements
25 commonly referred to as hedges, futures, and options; provided
26 that as of the date of such agreement, such entity or political
27 corporation shall have complied with subdivision (3) of this
28 subsection; and further provided that no eligible school, as

1 defined in section 393.310, RSMo, shall be authorized by this
2 subsection to enter into such agreements in connection with the
3 purchase of natural gas while the tariffs required under section
4 393.310, RSMo, are in effect;

5 (2) Any entity referenced in subsection 1 or 2 of this
6 section and any other political corporation of the state may, in
7 connection with its bonds, notes, or other obligations then
8 outstanding or to be issued and bearing interest at a fixed or
9 variable rate, enter into agreements providing for payments based
10 on levels of or changes in interest rates, including without
11 limitation certain derivative agreements commonly referred to as
12 interest rate swaps, hedges, caps, floors, and collars, provided
13 that:

14 (a) As of the date of issuance of the bonds, notes, or
15 other obligations to which such agreement relates, such entity or
16 political corporation will have bonds, notes, or other
17 obligations outstanding in an aggregate principal amount of at
18 least fifty million dollars; and

19 (b) As of the date of such agreement, such entity's or
20 political corporation's bonds, notes, or other obligations then
21 outstanding or to be issued have received a stand-alone credit
22 rating in one of the two highest categories, without regard to
23 any gradation within such categories, from at least one
24 nationally recognized credit rating agency, or such entity or
25 political corporation has an issuer or general credit rating, in
26 one of the two highest categories, without regard to any
27 gradation within such categories, from at least one nationally
28 recognized credit rating agency; and

1 (c) As of the date of such agreement, such entity or
2 political corporation shall have complied with subdivision (3) of
3 this subsection;

4 (3) Prior to entering into any agreements pursuant to
5 subdivision (1) or (2) of this subsection, the governing body of
6 the entity or political corporations entering into such
7 agreements shall have adopted a written policy governing such
8 agreements. Such policy shall be prepared by integrating the
9 recommended practices published by the Government Finance
10 Officers Association or comparable nationally recognized
11 professional organization and shall provide guidance with respect
12 to the permitted purposes, authorization process, mitigation of
13 risk factors, ongoing oversight responsibilities, market
14 disclosure, financial strategy, and any other factors in
15 connection with such agreements determined to be relevant by the
16 governing body of such entity or political corporation. Such
17 entity or political corporation may enter into such agreements at
18 such times and such agreements may contain such payment,
19 security, default, remedy, and other terms and conditions as
20 shall be consistent with the written policy adopted under this
21 subdivision and as may be approved by the governing body of such
22 entity or other obligated party, including any rating by any
23 nationally recognized rating agency and any other criteria as may
24 be appropriate;

25 (4) Nothing in this subsection shall be applied or
26 interpreted to authorize any such entity or political corporation
27 to enter into any such agreement for investment purposes or to
28 diminish or alter the special or general power any such entity or

1 political corporation may otherwise have under any other
2 provisions of law including the special or general power of any
3 interstate transportation authority.

4 110.130. 1. Subject to the provisions of section 110.030
5 the county commission of each county in this state[, at the April
6 term, in April 1997] on or before the first Monday of July in the
7 year in which a bid is requested and every fourth year
8 thereafter, with an option to rebid in each odd-numbered year,
9 shall receive proposals from banking corporations or associations
10 at the county seat of the county which desire to be selected as
11 the depositaries of the funds of the county. [For the purpose of
12 letting the funds the county commission shall, by order of
13 record, divide the funds into not less than two nor more than
14 twelve equal parts, except that in counties of the first
15 classification not having a charter form of government, funds
16 shall be divided in not less than two nor more than twenty equal
17 parts, and the bids provided for in sections 110.140 and 110.150
18 may be for one or more of the parts.]

19 2. Notice that such bids will be received shall be
20 published by the clerk of the commission twenty days before the
21 commencement of the term in some newspaper published in the
22 county, and if no newspaper is published therein, then the notice
23 shall be published at the door of the courthouse of the county.
24 In counties operating under the township organization law of this
25 state, township boards shall exercise the same powers and
26 privileges with reference to township funds as are conferred in
27 sections 110.130 to 110.260 upon county commissions with
28 reference to county funds at the same time and manner, except

1 that township funds shall not be divided but let as an entirety;
2 and except, also, that in all cases of the letting of township
3 funds, three notices, posted in three public places by the
4 township clerk, will be a sufficient notice of such letting.

5 110.140. 1. Any banking corporation or association in the
6 county desiring to bid shall deliver to the clerk of the
7 commission, on or before the first [day of the term] Monday of
8 July at which the selection of depositaries is to be made, a
9 sealed proposal, stating the rate of interest that the banking
10 corporation, or association offers to pay on the funds of the
11 county for the term of two or four years next ensuing the date of
12 the bid, or, if the selection is made for a less term than two or
13 four years, as provided in sections 110.180 and 110.190, then for
14 the time between the date of the bid and the next regular time
15 for the selection of depositaries as fixed by section 110.130[,
16 and stating also the number of parts of the funds for which the
17 banking corporation or association desires to bid].

18 2. Each bid shall be accompanied by a certified check for
19 not less than the proportion of one and one-half percent of the
20 county revenue of the preceding year as the sum of the part or
21 parts of funds bid for bears to the whole number of the parts, as
22 a guaranty of good faith on the part of the bidder, that if his
23 or her bid should be the highest he or she will provide the
24 security required by section 110.010. Upon his or her failure to
25 give the security required by law, the amount of the certified
26 check shall go to the county as liquidated damages, and the
27 commission may order the county clerk to readvertise for bids.

1 3. It shall be a misdemeanor, and punishable as such, for
2 the clerk of the commission, or any deputy of the clerk, to
3 directly or indirectly disclose the amount of any bid before the
4 selection of depositaries.

5 110.150. 1. The county commission, at noon on the first
6 [day of the April term in 1997] Monday of July for the year in
7 which a bid is requested and every second or fourth year
8 thereafter, shall publicly open the bids, and cause each bid to
9 be entered upon the records of the commission, and shall select
10 as the depositaries of all the public funds of every kind and
11 description going into the hands of the county treasurer, and
12 also all the public funds of every kind and description going
13 into the hands of the ex officio collector in counties under
14 township organization, the deposit of which is not otherwise
15 provided for by law, the banking corporations or associations
16 whose bids respectively made for one or more of the parts of the
17 funds shall in the aggregate constitute the largest offer for the
18 payment of interest per annum for the funds; but the commission
19 may reject any and all bids.

20 2. The interest upon each fund shall be computed upon the
21 daily balances with the depositary, and shall be payable to the
22 county treasurer monthly, who shall place the interest [on the
23 school funds to the credit of those funds respectively, the
24 interest on all county hospital funds and hospital district funds
25 to the credit of those funds, the interest on county health
26 center funds to the credit of those funds, the interest on county
27 library funds to the credit of those funds and the interest on
28 all other funds to the credit of the county general fund] to the

1 credit of each individual fund held by the county treasurer;
2 provided, that the interest on any funds collected by the
3 collector of any county of the first classification not having a
4 charter form of government on behalf of any political subdivision
5 or special district shall be credited to such political
6 subdivision or special district.

7 3. The county clerk shall, in opening the bids, return the
8 certified checks deposited with him to the banks whose bids are
9 rejected, and on approval of the security of the successful
10 bidders return the certified checks to the banks whose bids are
11 accepted.

12 137.1040. 1. In addition to other levies authorized by
13 law, the governing body or proper administrative body of any
14 city, town, township, village, or county, in their discretion may
15 levy an additional tax, not to exceed one half cent on each one
16 hundred dollars assessed valuation, on all taxable real property
17 located within such city, town, township, village, or county, all
18 of such tax to be collected and allocated to the treasury of such
19 city, town, township, village, or county, where it shall be known
20 and designated as "The Cemetery Maintenance Trust Fund" to be
21 used for the upkeep and maintenance of cemeteries located within
22 such city, town, township, village, or county.

23 2. To the extent necessary to comply with article X,
24 section 22(a) of the Missouri Constitution, for any city, town,
25 township, village, or county with a tax levy at or above the
26 limitations provided under article X, section 11(b), no ordinance
27 adopted under this section shall become effective unless such
28 city, town, township, village, or county commission or proper

1 administrative body of the city, town, township, village, or
2 county submits to the voters of the city, town, township,
3 village, or county at a state general, primary, or special
4 election a proposal to authorize the imposition of a tax under
5 this section. The tax authorized under this section shall be
6 levied and collected in the same manner as other real property
7 taxes are levied and collected within the city, town, township,
8 village, or county. Such tax shall be in addition to all other
9 taxes imposed on real property, and shall be stated separately
10 from all other charges and taxes. Such tax shall not become
11 effective unless the governing body or proper administrative body
12 of the city, town, township, village, or county, by order or
13 ordinance, submits to the voters of the city, town, township,
14 village, or county a proposal to authorize the city, town,
15 township, village, or county to impose a tax under this section
16 on any day available for such city, town, township, village, or
17 county to hold elections or at a special election called for that
18 purpose.

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

21 "Shall (insert the name of the city, town, township,
22 village, or county) impose a tax on all real property situated in
23 (name of city, town, township, village, or county) at a
24 rate of one quarter of one cent per one hundred dollars assessed
25 valuation percent for the sole purpose of providing funds for the
26 maintenance, upkeep, and preservation of cemeteries?"

27 ☐ YES ☐ NO

1 If a majority of the votes cast on the question by the qualified
2 voters voting thereon are in favor of the question, then the tax
3 shall become effective on the first day of the second calendar
4 quarter immediately following notification to the county
5 collector. If a majority of the votes cast on the question by
6 the qualified voters voting thereon are opposed to the question,
7 then the tax shall not become effective unless and until the
8 question is resubmitted under this section to the qualified
9 voters and such question is approved by a majority of the
10 qualified voters voting on the question.

11 4. The tax imposed under this section shall be known as the
12 "Cemetery Maintenance Tax". Each city, town, township, village,
13 or county imposing a tax under this section shall establish
14 separate trust funds to be known as the "Cemetery Maintenance
15 Trust Fund". The city, town, township, village, or county
16 treasurer shall deposit the revenue derived from the tax imposed
17 under this section for cemetery purposes in the city, town,
18 township, village, or county cemetery maintenance trust fund.
19 The proceeds of such tax shall be appropriated by the city, town,
20 township, village, or county commission or appropriate
21 administrative body exclusively for the maintenance, upkeep, and
22 preservation of cemeteries located within the city, town,
23 township, village, or county.

24 5. All applicable provisions in this chapter relating to
25 property tax, shall apply to the collection of any tax imposed
26 under this section.

27 141.150. Fees shall be allowed for services rendered under
28 the provisions of sections 141.010 to 141.160 as follows:

1 (1) To the collector [two percent on all sums collected;
2 such percent] the fee authorized by section 52.290, RSMo, to be
3 taxed as costs and collected from the party redeeming, or from
4 the proceeds of sale, as herein provided;

5 (2) To the collector for making the back tax book,
6 twenty-five cents per tract, to be taxed as costs and collected
7 from the party redeeming such tract;

8 (3) To the collector, attorney's fees in the sum of five
9 percent of the amount of taxes actually collected and paid into
10 the treasury after judgment is obtained or if such taxes are paid
11 before judgment, but after suit is instituted, two percent on all
12 sums collected and paid into the treasury; and an additional sum
13 in the amount of two dollars for each suit instituted pursuant to
14 the provisions of sections 141.010 to 141.160, where publication
15 is not necessary, and in the amount of five dollars for each suit
16 where publication is necessary, which sums shall be taxed and
17 collected as other costs;

18 (4) To the circuit clerk, associate circuit judge, sheriff
19 and printer, such fees as are allowed by law for like services in
20 civil cases, which shall be taxed as costs in the case; provided,
21 that in no case shall the state or county be liable for any such
22 costs, nor shall the county commission or state auditor or
23 commissioner of administration allow any claim for any costs
24 incurred by the provisions of this law; provided further, that
25 all fees collected shall be accounted for and all fees collected,
26 except those allowed the printer, shall be paid to the county
27 treasurer at such times and in the manner as otherwise provided
28 by law.

1 141.640. Upon the filing of any delinquent tax bill or
2 bills or any list thereof with the collector, as provided in
3 sections 141.210 to 141.810, there shall be imposed and charged
4 on each such tax bill [a collector's commission of two percent of
5 the principal amount of such delinquent tax bill] the fee
6 authorized under section 52.290, RSMo, as an additional penalty
7 and part of the lien thereof to be paid to the collector on all
8 such tax bills collected by him, which [two percent penalty] fee
9 shall be collected from the party redeeming the parcel of real
10 estate upon which the tax bill is a lien, and shall be accounted
11 for by the collector as other similar penalties are collected by
12 him on delinquent land taxes upon which suit has not been filed,
13 or, if filed, was not filed under the provisions of sections
14 141.210 to 141.810.

15 144.030. 1. There is hereby specifically exempted from the
16 provisions of sections 144.010 to 144.525 and from the
17 computation of the tax levied, assessed or payable pursuant to
18 sections 144.010 to 144.525 such retail sales as may be made in
19 commerce between this state and any other state of the United
20 States, or between this state and any foreign country, and any
21 retail sale which the state of Missouri is prohibited from taxing
22 pursuant to the Constitution or laws of the United States of
23 America, and such retail sales of tangible personal property
24 which the general assembly of the state of Missouri is prohibited
25 from taxing or further taxing by the constitution of this state.

26 2. There are also specifically exempted from the provisions
27 of the local sales tax law as defined in section 32.085, RSMo,
28 section 238.235, RSMo, and sections 144.010 to 144.525 and

1 144.600 to 144.761 and from the computation of the tax levied,
2 assessed or payable pursuant to the local sales tax law as
3 defined in section 32.085, RSMo, section 238.235, RSMo, and
4 sections 144.010 to 144.525 and 144.600 to 144.745:

5 (1) Motor fuel or special fuel subject to an excise tax of
6 this state, unless all or part of such excise tax is refunded
7 pursuant to section 142.824, RSMo; or upon the sale at retail of
8 fuel to be consumed in manufacturing or creating gas, power,
9 steam, electrical current or in furnishing water to be sold
10 ultimately at retail; or feed for livestock or poultry; or grain
11 to be converted into foodstuffs which are to be sold ultimately
12 in processed form at retail; or seed, limestone or fertilizer
13 which is to be used for seeding, liming or fertilizing crops
14 which when harvested will be sold at retail or will be fed to
15 livestock or poultry to be sold ultimately in processed form at
16 retail; economic poisons registered pursuant to the provisions of
17 the Missouri pesticide registration law (sections 281.220 to
18 281.310, RSMo) which are to be used in connection with the growth
19 or production of crops, fruit trees or orchards applied before,
20 during, or after planting, the crop of which when harvested will
21 be sold at retail or will be converted into foodstuffs which are
22 to be sold ultimately in processed form at retail;

23 (2) Materials, manufactured goods, machinery and parts
24 which when used in manufacturing, processing, compounding,
25 mining, producing or fabricating become a component part or
26 ingredient of the new personal property resulting from such
27 manufacturing, processing, compounding, mining, producing or
28 fabricating and which new personal property is intended to be

1 sold ultimately for final use or consumption; and materials,
2 including without limitation, gases and manufactured goods,
3 including without limitation, slagging materials and firebrick,
4 which are ultimately consumed in the manufacturing process by
5 blending, reacting or interacting with or by becoming, in whole
6 or in part, component parts or ingredients of steel products
7 intended to be sold ultimately for final use or consumption;

8 (3) Materials, replacement parts and equipment purchased
9 for use directly upon, and for the repair and maintenance or
10 manufacture of, motor vehicles, watercraft, railroad rolling
11 stock or aircraft engaged as common carriers of persons or
12 property;

13 (4) Replacement machinery, equipment, and parts and the
14 materials and supplies solely required for the installation or
15 construction of such replacement machinery, equipment, and parts,
16 used directly in manufacturing, mining, fabricating or producing
17 a product which is intended to be sold ultimately for final use
18 or consumption; and machinery and equipment, and the materials
19 and supplies required solely for the operation, installation or
20 construction of such machinery and equipment, purchased and used
21 to establish new, or to replace or expand existing, material
22 recovery processing plants in this state. For the purposes of
23 this subdivision, a "material recovery processing plant" means a
24 facility that has as its primary purpose the recovery of
25 materials into a useable product or a different form which is
26 used in producing a new product and shall include a facility or
27 equipment which are used exclusively for the collection of
28 recovered materials for delivery to a material recovery

1 processing plant but shall not include motor vehicles used on
2 highways. For purposes of this section, the terms "motor
3 vehicle" and "highway" shall have the same meaning pursuant to
4 section 301.010, RSMo. Material recovery is not the reuse of
5 materials within a manufacturing process or the use of a product
6 previously recovered. The material recovery processing plant
7 shall qualify under the provisions of this section regardless of
8 ownership of the material being recovered;

9 (5) Machinery and equipment, and parts and the materials
10 and supplies solely required for the installation or construction
11 of such machinery and equipment, purchased and used to establish
12 new or to expand existing manufacturing, mining or fabricating
13 plants in the state if such machinery and equipment is used
14 directly in manufacturing, mining or fabricating a product which
15 is intended to be sold ultimately for final use or consumption;

16 (6) Tangible personal property which is used exclusively in
17 the manufacturing, processing, modification or assembling of
18 products sold to the United States government or to any agency of
19 the United States government;

20 (7) Animals or poultry used for breeding or feeding
21 purposes;

22 (8) Newsprint, ink, computers, photosensitive paper and
23 film, toner, printing plates and other machinery, equipment,
24 replacement parts and supplies used in producing newspapers
25 published for dissemination of news to the general public;

26 (9) The rentals of films, records or any type of sound or
27 picture transcriptions for public commercial display;

1 (10) Pumping machinery and equipment used to propel
2 products delivered by pipelines engaged as common carriers;

3 (11) Railroad rolling stock for use in transporting persons
4 or property in interstate commerce and motor vehicles licensed
5 for a gross weight of twenty-four thousand pounds or more or
6 trailers used by common carriers, as defined in section 390.020,
7 RSMo, solely in the transportation of persons or property in
8 interstate commerce;

9 (12) Electrical energy used in the actual primary
10 manufacture, processing, compounding, mining or producing of a
11 product, or electrical energy used in the actual secondary
12 processing or fabricating of the product, or a material recovery
13 processing plant as defined in subdivision (4) of this
14 subsection, in facilities owned or leased by the taxpayer, if the
15 total cost of electrical energy so used exceeds ten percent of
16 the total cost of production, either primary or secondary,
17 exclusive of the cost of electrical energy so used or if the raw
18 materials used in such processing contain at least twenty-five
19 percent recovered materials as defined in section 260.200, RSMo.
20 For purposes of this subdivision, "processing" means any mode of
21 treatment, act or series of acts performed upon materials to
22 transform and reduce them to a different state or thing,
23 including treatment necessary to maintain or preserve such
24 processing by the producer at the production facility;

25 (13) Anodes which are used or consumed in manufacturing,
26 processing, compounding, mining, producing or fabricating and
27 which have a useful life of less than one year;

1 (14) Machinery, equipment, appliances and devices purchased
2 or leased and used solely for the purpose of preventing, abating
3 or monitoring air pollution, and materials and supplies solely
4 required for the installation, construction or reconstruction of
5 such machinery, equipment, appliances and devices, and so
6 certified as such by the director of the department of natural
7 resources, except that any action by the director pursuant to
8 this subdivision may be appealed to the air conservation
9 commission which may uphold or reverse such action;

10 (15) Machinery, equipment, appliances and devices purchased
11 or leased and used solely for the purpose of preventing, abating
12 or monitoring water pollution, and materials and supplies solely
13 required for the installation, construction or reconstruction of
14 such machinery, equipment, appliances and devices, and so
15 certified as such by the director of the department of natural
16 resources, except that any action by the director pursuant to
17 this subdivision may be appealed to the Missouri clean water
18 commission which may uphold or reverse such action;

19 (16) Tangible personal property purchased by a rural water
20 district;

21 (17) All amounts paid or charged for admission or
22 participation or other fees paid by or other charges to
23 individuals in or for any place of amusement, entertainment or
24 recreation, games or athletic events, including museums, fairs,
25 zoos and planetariums, owned or operated by a municipality or
26 other political subdivision where all the proceeds derived
27 therefrom benefit the municipality or other political subdivision
28 and do not inure to any private person, firm, or corporation;

1 (18) All sales of insulin and prosthetic or orthopedic
2 devices as defined on January 1, 1980, by the federal Medicare
3 program pursuant to Title XVIII of the Social Security Act of
4 1965, including the items specified in Section 1862(a)(12) of
5 that act, and also specifically including hearing aids and
6 hearing aid supplies and all sales of drugs which may be legally
7 dispensed by a licensed pharmacist only upon a lawful
8 prescription of a practitioner licensed to administer those
9 items, including samples and materials used to manufacture
10 samples which may be dispensed by a practitioner authorized to
11 dispense such samples and all sales of medical oxygen, home
12 respiratory equipment and accessories, hospital beds and
13 accessories and ambulatory aids, all sales of manual and powered
14 wheelchairs, stairway lifts, Braille writers, electronic Braille
15 equipment and, if purchased by or on behalf of a person with one
16 or more physical or mental disabilities to enable them to
17 function more independently, all sales of scooters, reading
18 machines, electronic print enlargers and magnifiers, electronic
19 alternative and augmentative communication devices, and items
20 used solely to modify motor vehicles to permit the use of such
21 motor vehicles by individuals with disabilities or sales of
22 over-the-counter or nonprescription drugs to individuals with
23 disabilities;

24 (19) All sales made by or to religious and charitable
25 organizations and institutions in their religious, charitable or
26 educational functions and activities and all sales made by or to
27 all elementary and secondary schools operated at public expense
28 in their educational functions and activities;

1 (20) All sales of aircraft to common carriers for storage
2 or for use in interstate commerce and all sales made by or to
3 not-for-profit civic, social, service or fraternal organizations,
4 including fraternal organizations which have been declared
5 tax-exempt organizations pursuant to Section 501(c)(8) or (10) of
6 the 1986 Internal Revenue Code, as amended, in their civic or
7 charitable functions and activities and all sales made to
8 eleemosynary and penal institutions and industries of the state,
9 and all sales made to any private not-for-profit institution of
10 higher education not otherwise excluded pursuant to subdivision
11 (19) of this subsection or any institution of higher education
12 supported by public funds, and all sales made to a state relief
13 agency in the exercise of relief functions and activities;

14 (21) All ticket sales made by benevolent, scientific and
15 educational associations which are formed to foster, encourage,
16 and promote progress and improvement in the science of
17 agriculture and in the raising and breeding of animals, and by
18 nonprofit summer theater organizations if such organizations are
19 exempt from federal tax pursuant to the provisions of the
20 Internal Revenue Code and all admission charges and entry fees to
21 the Missouri state fair or any fair conducted by a county
22 agricultural and mechanical society organized and operated
23 pursuant to sections 262.290 to 262.530, RSMo;

24 (22) All sales made to any private not-for-profit
25 elementary or secondary school, all sales of feed additives,
26 medications or vaccines administered to livestock or poultry in
27 the production of food or fiber, all sales of pesticides used in
28 the production of crops, livestock or poultry for food or fiber,

1 all sales of bedding used in the production of livestock or
2 poultry for food or fiber, all sales of propane or natural gas,
3 electricity or diesel fuel used exclusively for drying
4 agricultural crops, natural gas used in the primary manufacture
5 or processing of fuel ethanol as defined in section 142.028,
6 RSMo, natural gas, propane, and electricity used by an eligible
7 new generation cooperative or an eligible new generation
8 processing entity as defined in section 348.432, RSMo, and all
9 sales of farm machinery and equipment, other than airplanes,
10 motor vehicles and trailers. As used in this subdivision, the
11 term "feed additives" means tangible personal property which,
12 when mixed with feed for livestock or poultry, is to be used in
13 the feeding of livestock or poultry. As used in this
14 subdivision, the term "pesticides" includes adjuvants such as
15 crop oils, surfactants, wetting agents and other assorted
16 pesticide carriers used to improve or enhance the effect of a
17 pesticide and the foam used to mark the application of pesticides
18 and herbicides for the production of crops, livestock or poultry.
19 As used in this subdivision, the term "farm machinery and
20 equipment" means new or used farm tractors and such other new or
21 used farm machinery and equipment and repair or replacement parts
22 thereon, and supplies and lubricants used exclusively, solely,
23 and directly for producing crops, raising and feeding livestock,
24 fish, poultry, pheasants, chukar, quail, or for producing milk
25 for ultimate sale at retail, including field drain tile, and
26 one-half of each purchaser's purchase of diesel fuel therefor
27 which is:

- 28 (a) Used exclusively for agricultural purposes;

1 (b) Used on land owned or leased for the purpose of
2 producing farm products; and

3 (c) Used directly in producing farm products to be sold
4 ultimately in processed form or otherwise at retail or in
5 producing farm products to be fed to livestock or poultry to be
6 sold ultimately in processed form at retail;

7 (23) Except as otherwise provided in section 144.032, all
8 sales of metered water service, electricity, electrical current,
9 natural, artificial or propane gas, wood, coal or home heating
10 oil for domestic use and in any city not within a county, all
11 sales of metered or unmetered water service for domestic use;

12 (a) "Domestic use" means that portion of metered water
13 service, electricity, electrical current, natural, artificial or
14 propane gas, wood, coal or home heating oil, and in any city not
15 within a county, metered or unmetered water service, which an
16 individual occupant of a residential premises uses for
17 nonbusiness, noncommercial or nonindustrial purposes. Utility
18 service through a single or master meter for residential
19 apartments or condominiums, including service for common areas
20 and facilities and vacant units, shall be deemed to be for
21 domestic use. Each seller shall establish and maintain a system
22 whereby individual purchases are determined as exempt or
23 nonexempt;

24 (b) Regulated utility sellers shall determine whether
25 individual purchases are exempt or nonexempt based upon the
26 seller's utility service rate classifications as contained in
27 tariffs on file with and approved by the Missouri public service
28 commission. Sales and purchases made pursuant to the rate

1 classification "residential" and sales to and purchases made by
2 or on behalf of the occupants of residential apartments or
3 condominiums through a single or master meter, including service
4 for common areas and facilities and vacant units, shall be
5 considered as sales made for domestic use and such sales shall be
6 exempt from sales tax. Sellers shall charge sales tax upon the
7 entire amount of purchases classified as nondomestic use. The
8 seller's utility service rate classification and the provision of
9 service thereunder shall be conclusive as to whether or not the
10 utility must charge sales tax;

11 (c) Each person making domestic use purchases of services
12 or property and who uses any portion of the services or property
13 so purchased for a nondomestic use shall, by the fifteenth day of
14 the fourth month following the year of purchase, and without
15 assessment, notice or demand, file a return and pay sales tax on
16 that portion of nondomestic purchases. Each person making
17 nondomestic purchases of services or property and who uses any
18 portion of the services or property so purchased for domestic
19 use, and each person making domestic purchases on behalf of
20 occupants of residential apartments or condominiums through a
21 single or master meter, including service for common areas and
22 facilities and vacant units, under a nonresidential utility
23 service rate classification may, between the first day of the
24 first month and the fifteenth day of the fourth month following
25 the year of purchase, apply for credit or refund to the director
26 of revenue and the director shall give credit or make refund for
27 taxes paid on the domestic use portion of the purchase. The
28 person making such purchases on behalf of occupants of

1 residential apartments or condominiums shall have standing to
2 apply to the director of revenue for such credit or refund;

3 (24) All sales of handicraft items made by the seller or
4 the seller's spouse if the seller or the seller's spouse is at
5 least sixty-five years of age, and if the total gross proceeds
6 from such sales do not constitute a majority of the annual gross
7 income of the seller;

8 (25) Excise taxes, collected on sales at retail, imposed by
9 Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and
10 4271 of Title 26, United States Code. The director of revenue
11 shall promulgate rules pursuant to chapter 536, RSMo, to
12 eliminate all state and local sales taxes on such excise taxes;

13 (26) Sales of fuel consumed or used in the operation of
14 ships, barges, or waterborne vessels which are used primarily in
15 or for the transportation of property or cargo, or the conveyance
16 of persons for hire, on navigable rivers bordering on or located
17 in part in this state, if such fuel is delivered by the seller to
18 the purchaser's barge, ship, or waterborne vessel while it is
19 afloat upon such river;

20 (27) All sales made to an interstate compact agency created
21 pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010
22 to 238.100, RSMo, in the exercise of the functions and activities
23 of such agency as provided pursuant to the compact;

24 (28) Computers, computer software and computer security
25 systems purchased for use by architectural or engineering firms
26 headquartered in this state. For the purposes of this
27 subdivision, "headquartered in this state" means the office for
28 the administrative management of at least four integrated

1 facilities operated by the taxpayer is located in the state of
2 Missouri;

3 (29) All livestock sales when either the seller is engaged
4 in the growing, producing or feeding of such livestock, or the
5 seller is engaged in the business of buying and selling,
6 bartering or leasing of such livestock;

7 (30) All sales of barges which are to be used primarily in
8 the transportation of property or cargo on interstate waterways;

9 (31) Electrical energy or gas, whether natural, artificial
10 or propane, water, or other utilities which are ultimately
11 consumed in connection with the manufacturing of cellular glass
12 products or in any material recovery processing plant as defined
13 in subdivision (4) of subsection 2 of this section;

14 (32) Notwithstanding other provisions of law to the
15 contrary, all sales of pesticides or herbicides used in the
16 production of crops, aquaculture, livestock or poultry;

17 (33) Tangible personal property purchased for use or
18 consumption directly or exclusively in the research and
19 development of prescription pharmaceuticals consumed by humans or
20 animals;

21 (34) All sales of grain bins for storage of grain for
22 resale;

23 (35) All sales of feed which are developed for and used in
24 the feeding of pets owned by a commercial breeder when such sales
25 are made to a commercial breeder, as defined in section 273.325,
26 RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

27 (36) All purchases by a contractor on behalf of an entity
28 located in another state, provided that the entity is authorized

1 to issue a certificate of exemption for purchases to a contractor
2 under the provisions of that state's laws. For purposes of this
3 subdivision, the term "certificate of exemption" shall mean any
4 document evidencing that the entity is exempt from sales and use
5 taxes on purchases pursuant to the laws of the state in which the
6 entity is located. Any contractor making purchases on behalf of
7 such entity shall maintain a copy of the entity's exemption
8 certificate as evidence of the exemption. If the exemption
9 certificate issued by the exempt entity to the contractor is
10 later determined by the director of revenue to be invalid for any
11 reason and the contractor has accepted the certificate in good
12 faith, neither the contractor or the exempt entity shall be
13 liable for the payment of any taxes, interest and penalty due as
14 the result of use of the invalid exemption certificate.

15 Materials shall be exempt from all state and local sales and use
16 taxes when purchased by a contractor for the purpose of
17 fabricating tangible personal property which is used in
18 fulfilling a contract for the purpose of constructing, repairing
19 or remodeling facilities for the following:

20 (a) An exempt entity located in this state, if the entity
21 is one of those entities able to issue project exemption
22 certificates in accordance with the provisions of section
23 144.062; or

24 (b) An exempt entity located outside the state if the
25 exempt entity is authorized to issue an exemption certificate to
26 contractors in accordance with the provisions of that state's law
27 and the applicable provisions of this section;

1 (37) Tangible personal property purchased for use or
2 consumption directly or exclusively in research or
3 experimentation activities performed by life science companies
4 and so certified as such by the director of the department of
5 economic development or the director's designees; except that,
6 the total amount of exemptions certified pursuant to this section
7 shall not exceed one million three hundred thousand dollars in
8 state and local taxes per fiscal year. For purposes of this
9 subdivision, the term "life science companies" means companies
10 whose primary research activities are in agriculture,
11 pharmaceuticals, biomedical or food ingredients, and whose North
12 American Industry Classification System (NAICS) Codes fall under
13 industry 541710 (biotech research or development laboratories),
14 621511 (medical laboratories) or 541940 (veterinary services).
15 The exemption provided by this subdivision shall expire on June
16 30, 2003;

17 (38) All sales or other transfers of tangible personal
18 property to a lessor who leases the property under a lease of one
19 year or longer executed or in effect at the time of the sale or
20 other transfer to an interstate compact agency created pursuant
21 to sections 70.370 to 70.441, RSMo, or sections 238.010 to
22 238.100, RSMo; [and]

23 (39) Sales of tickets to any collegiate athletic
24 championship event that is held in a facility owned or operated
25 by a governmental authority or commission, a quasi-governmental
26 agency, a state university or college or by the state or any
27 political subdivision thereof, including a municipality, and that
28 is played on a neutral site and may reasonably be played at a

1 site located outside the state of Missouri. For purposes of this
2 subdivision, "neutral site" means any site that is not located on
3 the campus of a conference member institution participating in
4 the event;

5 (40) All purchases by a sports complex authority created
6 under section 64.920, RSMo.

7 144.062. 1. With respect to exempt sales at retail of
8 tangible personal property and materials for the purpose of
9 constructing, repairing or remodeling facilities for:

10 (1) A county, other political subdivision or
11 instrumentality thereof exempt from taxation under subdivision
12 (10) of section 39 of article III of the Constitution of
13 Missouri; or

14 (2) An organization sales to which are exempt from taxation
15 under the provisions of subdivision (19) of subsection 2 of
16 section 144.030; or

17 (3) Any institution of higher education supported by public
18 funds or any private not-for-profit institution of higher
19 education, exempt from taxation under subdivision (20) or
20 authority exempt from taxation under subdivision (40) of
21 subsection 2 of section 144.030; or

22 (4) Any private not-for-profit elementary or secondary
23 school exempt from taxation under subdivision (22) of subsection
24 2 of section 144.030[,]; or

25 (5) Any authority exempt from taxation under subdivision
26 (40) of subsection 2 of section 144.030,

1 hereinafter collectively referred to as exempt entities, such
2 exemptions shall be allowed for such purchases if the purchases
3 are related to the entities' exempt functions and activities. In
4 addition, the sales shall not be rendered nonexempt nor shall any
5 material supplier or contractor be obligated to pay, collect or
6 remit sales tax with respect to such purchases made by or on
7 behalf of an exempt entity due to such purchases being billed to
8 or paid for by a contractor or the exempt entity contracting with
9 any entity to render any services in relation to such purchases,
10 including but not limited to selection of materials, ordering,
11 pickup, delivery, approval on delivery, taking of delivery,
12 transportation, storage, assumption of risk of loss to materials
13 or providing warranties on materials as specified by contract,
14 use of materials or other purchases for construction of the
15 building or other facility, providing labor, management services,
16 administrative services, design or technical services or advice
17 to the exempt entity, whether or not the contractor or other
18 entity exercises dominion or control in any other manner over the
19 materials in conjunction with services or labor provided to the
20 exempt entity.

21 2. When any exempt entity contracts for the purpose of
22 constructing, repairing or remodeling facilities, and purchases
23 of tangible personal property and materials to be incorporated
24 into or consumed in the construction of the project are to be
25 made on a tax-exempt basis, such entity shall furnish to the
26 contractor an exemption certificate authorizing such purchases
27 for the construction, repair or remodeling project. The form and
28 content of such project exemption certificate shall be approved

1 by the director of revenue. The project exemption certificate
2 shall include but not be limited to:

3 (1) The exempt entity's name, address, Missouri tax
4 identification number and signature of authorized representative;

5 (2) The project location, description, and unique
6 identification number;

7 (3) The date the contract is entered into, which is the
8 earliest date materials may be purchased for the project on a
9 tax-exempt basis;

10 (4) The estimated project completion date; and

11 (5) The certificate expiration date.

12 Such certificate is renewable for a given project at the option
13 of the exempt entity, only for the purpose of revising the
14 certificate expiration date as necessary to complete the project.

15 3. The contractor shall furnish the certificate prescribed
16 in subsection 2 of this section to all subcontractors, and any
17 contractor purchasing materials shall present such certificate to
18 all material suppliers as authorization to purchase, on behalf of
19 the exempt entity, all tangible personal property and materials
20 to be incorporated into or consumed in the construction of that
21 project and no other on a tax-exempt basis. Such suppliers shall
22 execute to the purchasing contractor invoices bearing the name of
23 the exempt entity and the project identification number. Nothing
24 in this section shall be deemed to exempt the purchase of any
25 construction machinery, equipment or tools used in constructing,
26 repairing or remodeling facilities for the exempt entity. All
27 invoices for all personal property and materials purchased under
28 a project exemption certificate shall be retained by the

1 purchasing contractor for a period of five years and shall be
2 subject to audit by the director of revenue.

3 4. Any excess resalable tangible personal property or
4 materials which were purchased for the project by a contractor
5 under a project exemption certificate but which were not
6 incorporated into or consumed in the construction of the project
7 shall either be returned to the supplier for credit or the
8 appropriate sales or use tax on such excess property or materials
9 shall be reported on a return and paid by such contractor not
10 later than the due date of the contractor's Missouri sales or use
11 tax return following the month in which it was determined that
12 the materials were not to be used in the project.

13 5. No contractor or material supplier shall, upon audit, be
14 required to pay tax on tangible personal property and materials
15 incorporated into or consumed in the construction of the project,
16 due to the failure of the exempt entity to revise the certificate
17 expiration date as necessary to complete any work required by the
18 contract. If it is determined that tax is owed on such property
19 and materials due to the failure of the exempt entity to revise
20 such certificate expiration date, the exempt entity shall be
21 liable for the tax owed.

22 6. If an entity issues exemption certificates for the
23 purchase of tangible personal property and materials which are
24 incorporated into or consumed in the construction of its project
25 and such entity is found not to have had the authority granted by
26 this section to issue such exemption certificates, then such
27 entity shall be liable for the tax owed on such personal property
28 and materials. In addition, if an entity which does have the

1 authority granted by this section to issue exemption certificates
2 issues such certificates for the purchase of tangible personal
3 property and materials which are incorporated into or consumed in
4 the construction of a project, or part of a project, which is
5 found not to be related to such entity's exempt functions and
6 activities, then such entity shall be liable for the tax owed on
7 such personal property and materials.

8 144.757. 1. Any county or municipality, except
9 municipalities within a county having a charter form of
10 government with a population in excess of nine hundred thousand,
11 may, by a majority vote of its governing body, impose a local use
12 tax if a local sales tax is imposed as defined in section 32.085,
13 RSMo, at a rate equal to the rate of the local sales tax in
14 effect in such county or municipality; provided, however, that no
15 ordinance or order enacted pursuant to sections 144.757 to
16 144.761 shall be effective unless the governing body of the
17 county or municipality submits to the voters thereof at a
18 municipal, county or state general, primary or special election a
19 proposal to authorize the governing body of the county or
20 municipality to impose a local use tax pursuant to sections
21 144.757 to 144.761. Municipalities within a county having a
22 charter form of government with a population in excess of nine
23 hundred thousand may, upon voter approval received pursuant to
24 paragraph (b) of subdivision (2) of subsection 2 of this section,
25 impose a local use tax at the same rate as the local municipal
26 sales tax with the revenues from all such municipal use taxes to
27 be distributed pursuant to subsection 4 of section 94.890, RSMo.
28 The municipality shall within thirty days of the approval of the

1 use tax imposed pursuant to paragraph (b) of subdivision (2) of
2 subsection 2 of this section select one of the distribution
3 options permitted in subsection 4 of section 94.890, RSMo, for
4 distribution of all municipal use taxes.

5 2. (1) The ballot of submission, except for counties and
6 municipalities described in subdivisions (2) and (3) of this
7 subsection, shall contain substantially the following language:

8 Shall the (county or municipality's name)
9 impose a local use tax at the same rate as the total local sales
10 tax rate, currently (insert percent), provided that if
11 the local sales tax rate is reduced or raised by voter approval,
12 the local use tax rate shall also be reduced or raised by the
13 same action? A use tax return shall not be required to be filed
14 by persons whose purchases from out-of-state vendors do not in
15 total exceed two thousand dollars in any calendar year.

16 ☐ YES ☐ NO

17
18 If you are in favor of the question, place an "X" in the box
19 opposite "Yes". If you are opposed to the question, place an "X"
20 in the box opposite "No".

21 (2) (a) The ballot of submission in a county having a
22 charter form of government with a population in excess of nine
23 hundred thousand shall contain substantially the following
24 language:

25 For the purposes of [economic development] creating well
26 paying jobs countywide, improving emergency response by police,
27 fire and ambulance services countywide, and expanding parks and
28 recreational opportunities countywide and enhancing local

1 government services, shall the county be authorized to collect a
2 local use tax equal to the total of the existing county sales tax
3 rate of (insert tax rate), provided that if the county sales tax
4 is repealed, reduced or raised by voter approval, the local use
5 tax rate shall also be repealed, reduced or raised by the same
6 voter action? Fifty percent of the revenue shall be used for
7 [economic development, including retention, creation, and
8 attraction of better-paying jobs] creating well paying jobs
9 countywide, improving emergency response by police, fire and
10 ambulance services countywide, and expanding parks and
11 recreational opportunities countywide, and fifty percent shall be
12 used for enhancing local government services. The county shall
13 be required to make available to the public an audited
14 comprehensive financial report detailing the management and use
15 of [economic development] countywide funds each year.

16
17 A use tax is the equivalent of a sales tax on purchases from
18 out-of-state sellers by in-state buyers and on certain taxable
19 business transactions. A use tax return shall not be required to
20 be filed by persons whose purchases from out-of-state vendors do
21 not in total exceed two thousand dollars in any calendar year.

22 ☐ YES ☐ NO

23
24 If you are in favor of the question, place an "X" in the box
25 opposite "Yes". If you are opposed to the question, place an "X"
26 in the box opposite "No".

27 (b) The ballot of submission in a municipality within a
28 county having a charter form of government with a population in

1 excess of nine hundred thousand shall contain substantially the
2 following language:

3 Shall the municipality be authorized to impose a local use
4 tax at the same rate as the local sales tax by a vote of the
5 governing body, provided that if any local sales tax is repealed,
6 reduced or raised by voter approval, the respective local use tax
7 shall also be repealed, reduced or raised by the same action? A
8 use tax return shall not be required to be filed by persons whose
9 purchases from out-of-state vendors do not in total exceed two
10 thousand dollars in any calendar year.

11 ☐ YES ☐ NO

12
13 If you are in favor of the question, place an "X" in the box
14 opposite "Yes". If you are opposed to the question, place an "X"
15 in the box opposite "No".

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

18 Shall the (city name) impose a local use tax
19 at the same rate as the local sales tax, currently at a rate of
20 (insert percent) which includes the capital improvements
21 sales tax and the transportation tax, provided that if any local
22 sales tax is repealed, reduced or raised by voter approval, the
23 respective local use tax shall also be repealed, reduced or
24 raised by the same action? A use tax return shall not be
25 required to be filed by persons whose purchases from out-of-state
26 vendors do not in total exceed two thousand dollars in any
27 calendar year.

28 ☐ YES ☐ NO

1 If you are in favor of the question, place an "X" in the box
2 opposite "Yes". If you are opposed to the question, place an "X"
3 in the box opposite "No".

4 (4) If any of such ballots are submitted on August 6, 1996,
5 and if a majority of the votes cast on the proposal by the
6 qualified voters voting thereon are in favor of the proposal,
7 then the ordinance or order and any amendments thereto shall be
8 in effect October 1, 1996, provided the director of revenue
9 receives notice of adoption of the local use tax on or before
10 August 16, 1996. If any of such ballots are submitted after
11 December 31, 1996, and if a majority of the votes cast on the
12 proposal by the qualified voters voting thereon are in favor of
13 the proposal, then the ordinance or order and any amendments
14 thereto shall be in effect on the first day of the calendar
15 quarter which begins at least forty-five days after the director
16 of revenue receives notice of adoption of the local use tax. If
17 a majority of the votes cast by the qualified voters voting are
18 opposed to the proposal, then the governing body of the county or
19 municipality shall have no power to impose the local use tax as
20 herein authorized unless and until the governing body of the
21 county or municipality shall again have submitted another
22 proposal to authorize the governing body of the county or
23 municipality to impose the local use tax and such proposal is
24 approved by a majority of the qualified voters voting thereon.

25 3. The local use tax may be imposed at the same rate as the
26 local sales tax then currently in effect in the county or
27 municipality upon all transactions which are subject to the taxes
28 imposed pursuant to sections 144.600 to 144.745 within the county

1 or municipality adopting such tax; provided, however, that if any
2 local sales tax is repealed or the rate thereof is reduced or
3 raised by voter approval, the local use tax rate shall also be
4 deemed to be repealed, reduced or raised by the same action
5 repealing, reducing or raising the local sales tax.

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

12 144.759. 1. All local use taxes collected by the director
13 of revenue pursuant to sections 144.757 to 144.761 on behalf of
14 any county or municipality, less one percent for cost of
15 collection, which shall be deposited in the state's general
16 revenue fund after payment of premiums for surety bonds as
17 provided in section 32.087, RSMo, shall be deposited with the
18 state treasurer in a local use tax trust fund, which fund shall
19 be separate and apart from the local sales tax trust funds. The
20 moneys in such local use tax trust fund shall not be deemed to be
21 state funds and shall not be commingled with any funds of the
22 state. The director of revenue shall keep accurate records of
23 the amount of money in the trust fund which was collected in each
24 county or municipality imposing a local use tax, and the records
25 shall be open to the inspection of officers of the county or
26 municipality and to the public. No later than the tenth day of
27 each month, the director of revenue shall distribute all moneys
28 deposited in the trust fund during the preceding month, except as

1 provided in subsection 2 of this section, to the county or
2 municipality treasurer, or such other officer as may be
3 designated by the county or municipality ordinance or order, of
4 each county or municipality imposing the tax authorized by
5 sections 144.757 to 144.761, the sum due the county or
6 municipality as certified by the director of revenue.

7 2. The director of revenue shall distribute all moneys
8 which would be due any county having a charter form of government
9 and having a population of nine hundred thousand or more to the
10 county treasurer or such other officer as may be designated by
11 county ordinance, who shall distribute such moneys as follows:
12 the portion of the use tax imposed by the county which equals
13 one-half the rate of sales tax in effect for such county shall be
14 disbursed to the county treasurer for expenditure for [economic
15 development purposes] creating well paying jobs countywide,
16 improving emergency response by police, fire, and ambulance
17 services countywide, and expanding parks and recreational
18 opportunities countywide, as defined in this section, subject to
19 any qualifications and regulations adopted by ordinance of the
20 county. Such ordinance shall require an audited comprehensive
21 financial report detailing the management and use of [economic
22 development] three categories of countywide funds each year.
23 Such ordinance shall also require that the county and the
24 municipal league of the county jointly prepare [an economic
25 development] a strategy to guide expenditures of three categories
26 of countywide funds and conduct an annual review of the strategy.
27 The treasurer or such other officer as may be designated by
28 county ordinance shall distribute one-third of the balance to the

1 county and to each city, town and village in group B according to
2 section 66.620, RSMo, as modified by this section, a portion of
3 the two-thirds remainder of such balance equal to the percentage
4 ratio that the population of each such city, town or village
5 bears to the total population of all such group B cities, towns
6 and villages. For the purposes of this subsection, population
7 shall be determined by the last federal decennial census or the
8 latest census that determines the total population of the county
9 and all political subdivisions therein. For the purposes of this
10 subsection, each city, town or village in group A according to
11 section 66.620, RSMo, but whose per capita sales tax receipts
12 during the preceding calendar year pursuant to sections 66.600 to
13 66.630, RSMo, were less than the per capita countywide average of
14 all sales tax receipts during the preceding calendar year, shall
15 be treated as a group B city, town or village until the per
16 capita amount distributed to such city, town or village equals
17 the difference between the per capita sales tax receipts during
18 the preceding calendar year and the per capita countywide average
19 of all sales tax receipts during the preceding calendar year.

20 3. The director of revenue may authorize the state
21 treasurer to make refunds from the amounts in the trust fund and
22 credited to any county or municipality for erroneous payments and
23 overpayments made, and may redeem dishonored checks and drafts
24 deposited to the credit of such counties or municipalities. If
25 any county or municipality abolishes the tax, the county or
26 municipality shall notify the director of revenue of the action
27 at least ninety days prior to the effective date of the repeal,
28 and the director of revenue may order retention in the trust

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

13 4. Except as modified in sections 144.757 to 144.761, all
14 provisions of sections 32.085 and 32.087, RSMo, applicable to the
15 local sales tax, except for subsection 12 of section 32.087,
16 RSMo, and all provisions of sections 144.600 to 144.745 shall
17 apply to the tax imposed pursuant to sections 144.757 to 144.761,
18 and the director of revenue shall perform all functions incident
19 to the administration, collection, enforcement, and operation of
20 the tax.

21 [5. As used in this section, "economic development" means:

22 (1) Expenditures for infrastructure and sites for business
23 development or for public infrastructure projects;

24 (2) Purchase, assembly, clearance, demolition,
25 environmental remediation, planning, redesign, reconstruction,
26 rehabilitation, construction, modification or expansion of land,
27 structures and facilities, public or private, either in
28 connection with a reinvestment project in areas with underused,

1 derelict, economically challenged, or environmentally troubled
2 sites, or in connection with business attraction, retention,
3 creation, or expansion;

4 (3) Expenditures related to business district activities
5 such as facade improvements, landscaping, street lighting,
6 sidewalk construction, trash receptacles, park benches, and other
7 public improvements;

8 (4) Expenditures for the provision of workforce training
9 and educational support in connection with job creation,
10 retention, attraction, and expansion;

11 (5) Development and operation of business incubator
12 facilities, and related entrepreneurship support programs;

13 (6) Capitalization or guarantee of small business loan or
14 equity funds;

15 (7) Expenditures for business development activities
16 including attraction, creation, retention, and expansion; and

17 (8) Related administration expenses of economic and
18 community development programs, provided that such expenses shall
19 not exceed five percent of annual revenues.】

20 162.431. 1. When it is necessary to change the boundary
21 lines between seven-director school districts, in each district
22 affected, ten percent of the voters by number of those voting for
23 school board members in the last annual school election in each
24 district may petition the district boards of education in the
25 districts affected, regardless of county lines, for a change in
26 boundaries. The question shall be submitted at the next [general
27 municipal] election, as referenced in section 115.123, RSMo.

1 2. The voters shall decide the question by a majority vote
2 of those who vote upon the question. If assent to the change is
3 given by each of the various districts voting, each voting
4 separately, the boundaries are changed from that date.

5 3. If one of the districts votes against the change and the
6 other votes for the change, the matter may be appealed to the
7 state board of education, in writing, within fifteen days of the
8 submission of the question by either one of the districts
9 affected, or in the above event by a majority of the signers of
10 the petition requesting a vote on the proposal. At the first
11 meeting of the state board following the appeal, a board of
12 arbitration composed of three members, none of whom shall be a
13 resident of any district affected, shall be appointed. In
14 determining whether it is necessary to change the boundary line
15 between seven-director districts, the board of arbitration shall
16 base its decision upon the following:

17 (1) The presence of school-aged children in the affected
18 area;

19 (2) The presence of actual educational harm to school-aged
20 children, either due to a significant difference in the time
21 involved in transporting students or educational deficiencies in
22 the district which would have its boundary adversely affected;
23 and

24 (3) The presence of an educational necessity, not of a
25 commercial benefit to landowners or to the district benefitting
26 for the proposed boundary adjustment.

27 4. If the potential receiving district obtained a score
28 consistent with the criteria for classification of the district

1 as "accredited" on its most recent annual performance report and
2 the potential sending district obtained a score consistent with
3 the criteria for classification of the district as "unaccredited"
4 on its most recent annual performance report, the board shall
5 approve the proposed boundary change for the educational well-
6 being of the children enrolled in the potential sending district.

7 5. Within twenty days after notification of appointment,
8 the board of arbitration shall meet and consider the necessity
9 for the proposed changes and shall decide whether the boundaries
10 shall be changed as requested in the petition or be left
11 unchanged, which decision shall be final. The decision by the
12 board of arbitration shall be rendered not more than thirty days
13 after the matter is referred to the board. The chairman of the
14 board of arbitration shall transmit the decision to the secretary
15 of each district affected who shall enter the same upon the
16 records of his district and the boundaries shall thereafter be in
17 accordance with the decision of the board of arbitration. The
18 members of the board of arbitration shall be allowed a fee of
19 fifty dollars each, to be paid at the time the appeal is made by
20 the district taking the appeal or by the petitioners should they
21 institute the appeal.

22 [5.] 6. If the board of arbitration decides that the
23 boundaries shall be left unchanged, no new petition for the same,
24 or substantially the same, boundary change between the same
25 districts shall be filed until after the expiration of two years
26 from the date of the municipal election at which the question was
27 submitted to the voters of the districts.

1 163.016. Notwithstanding the provisions of section 163.011,
2 for any school district whose headquarters is located within a
3 city of the fourth classification with more than two thousand
4 five hundred but fewer than two thousand six hundred inhabitants,
5 the highest dollar value modifier of the counties in which the
6 district has territory shall be used.

7 190.053. 1. All members of the board of directors of an
8 ambulance district first elected on or after January 1, 2008,
9 shall attend and complete an educational seminar or conference or
10 other suitable training on the role and duties of a board member
11 of an ambulance district. The training required under this
12 section shall be offered by a statewide association organized for
13 the benefit of ambulance districts or be approved by the state
14 advisory council on emergency medical services. Such training
15 shall include, at a minimum:

16 (1) Information relating to the roles and duties of an
17 ambulance district director;

18 (2) A review of all state statutes and regulations relevant
19 to ambulance districts;

20 (3) State ethics laws;

21 (4) State sunshine laws, chapter 610, RSMo;

22 (5) Financial and fiduciary responsibility;

23 (6) State laws relating to the setting of tax rates; and

24 (7) State laws relating to revenue limitations.

25 2. If any ambulance district board member fails to attend a
26 training session within twelve months after taking office, the
27 board member shall not be compensated for attendance at meetings

1 thereafter until the board member has completed such training
2 session.

3 190.305. 1. In addition to its other powers for the
4 protection of the public health, a governing body may provide for
5 the operation of an emergency telephone service and may pay for
6 it by levying an emergency telephone tax for such service in
7 those portions of the governing body's jurisdiction for which
8 emergency telephone service has been contracted. The governing
9 body may do such other acts as are expedient for the protection
10 and preservation of the public health and are necessary for the
11 operation of the emergency telephone system. The governing body
12 is hereby authorized to levy the tax in an amount not to exceed
13 fifteen percent of the tariff local service rate, as defined in
14 section 190.300, or seventy-five cents per access line per month,
15 whichever is greater, except as provided in sections 190.325 to
16 190.329, in those portions of the governing body's jurisdiction
17 for which emergency telephone service has been contracted. In
18 any county of the third classification with a population of at
19 least thirty-two thousand but not greater than forty thousand
20 that borders a county of the first classification, a governing
21 body of a third or fourth class city may, with the consent of the
22 county commission, contract for service with a public agency to
23 provide services within the public agency's jurisdiction when
24 such city is located wholly within the jurisdiction of the public
25 agency. Consent shall be demonstrated by the county commission
26 authorizing an election within the public agency's jurisdiction
27 pursuant to section 190.320. Any contract between governing
28 bodies and public agencies in existence on August 28, 1996, that

1 meets such criteria prior to August 28, 1996, shall be recognized
2 if the county commission authorized the election for emergency
3 telephone service and a vote was held as provided in section
4 190.320. The governing body shall provide for a board pursuant
5 to sections 190.327 and 190.328. The board of any county of the
6 first classification with more than one hundred four thousand six
7 hundred but fewer than one hundred four thousand seven hundred
8 inhabitants shall provide services to a city located in more than
9 one county only after making an agreement or contracting with the
10 city for such services.

11 2. The tax shall be utilized to pay for the operation of
12 emergency telephone service and the operational costs associated
13 with the answering and dispatching of emergency calls as deemed
14 appropriate by the governing body, and may be levied at any time
15 subsequent to execution of a contract with the provider of such
16 service at the discretion of the governing body, but collection
17 of such tax shall not begin prior to twenty-seven months before
18 operation of the emergency telephone service and dispatch center.

19 3. Such tax shall be levied only upon the tariff rate. No
20 tax shall be imposed upon more than one hundred exchange access
21 facilities or their equivalent per person per location.

22 4. Every billed service user is liable for the tax until it
23 has been paid to the service supplier.

24 5. The duty to collect the tax from a service user shall
25 commence at such time as specified by the governing body in
26 accordance with the provisions of sections 190.300 to 190.320.
27 The tax required to be collected by the service supplier shall be

1 added to and may be stated separately in the billings to the
2 service user.

3 6. Nothing in this section imposes any obligation upon a
4 service supplier to take any legal action to enforce the
5 collection of the tax imposed by this section. The service
6 supplier shall provide the governing body with a list of amounts
7 uncollected along with the names and addresses of the service
8 users refusing to pay the tax imposed by this section, if any.

9 7. The tax imposed by this section shall be collected
10 insofar as practicable at the same time as, and along with, the
11 charges for the tariff rate in accordance with the regular
12 billing practice of the service supplier. The tariff rates
13 determined by or stated on the billing of the service supplier
14 are presumed to be correct if such charges were made in
15 accordance with the service supplier's business practices. The
16 presumption may be rebutted by evidence which establishes that an
17 incorrect tariff rate was charged.

18 204.600. Any common sewer district organized and existing
19 under sections 204.250 to 204.270, and any sewer district
20 organized and existing under chapter 249, RSMo, may be converted
21 to a reorganized common sewer district under the provisions of
22 sections 204.600 to 204.640. In addition, a reorganized common
23 sewer district may be established as provided in sections 204.600
24 to 204.640. Once established, a reorganized common sewer
25 district shall have all powers and authority of and applicable to
26 a common sewer district organized and existing under sections
27 204.250 to 204.270 and applicable to a sewer district established
28 under chapter 249, RSMo, which are not inconsistent or in

1 conflict with sections 204.600 to 204.640, provided that no
2 domestic water services shall be provided within the boundaries
3 of an existing public water supply district or within the
4 certificated area of a water corporation as defined in section
5 386.020, RSMo.

6 204.602. 1. Proceedings for the new formation of a
7 reorganized common sewer district under sections 204.600 to
8 204.640 shall be substantially as follows: a petition in
9 duplicate describing the proposed boundaries of the reorganized
10 district sought to be formed, accompanied by a plat of the
11 proposed district, shall first be filed with each county
12 commission having jurisdiction in the geographic area the
13 proposed district is situated. Such petition shall be ruled on
14 by each county commission having jurisdiction within thirty days
15 from the date of hearing the petition. If the petition for the
16 reorganized district is rejected by any county commission having
17 jurisdiction, no further action on the proposed district shall
18 take place before the county commission which rejected the
19 petition or the circuit court of that county in the county which
20 rejected the petition. If approved by each county commission
21 having jurisdiction, a petition in duplicate describing the
22 proposed boundaries of the reorganized district sought to be
23 formed, accompanied by a plat of the proposed district, shall be
24 filed with the clerk of the circuit court of the county wherein
25 the proposed district is situated or with the clerk of the
26 circuit court of the county having the largest acreage proposed
27 to be included in the proposed district, in the event that the
28 proposed district embraces lands in more than one county. Such

1 petition, in addition to such boundary description, shall set
2 forth an estimate of the number of customers of the proposed
3 district, the necessity for the formation of the district, the
4 probable cost of acquiring or constructing sanitary sewer
5 improvements with the district, if appropriate, an approximation
6 of the assessed valuation of taxable property within the
7 district, whether the board of trustees shall be elected or
8 appointed by the county commission, and such other information as
9 may be useful to the court in determining whether or not the
10 petition should be granted and a decree of incorporation entered.
11 Such petition shall be accompanied by a cash deposit of fifty
12 dollars as an advancement of the costs of the proceeding. The
13 petition shall be signed by not less than fifty voters or
14 property owners within the proposed district and shall request
15 the incorporation of the territory therein described into a
16 reorganized common sewer district. The petition shall be
17 verified by at least one of the signers.

18 2. Upon filing, the petition shall be presented to the
19 circuit court, and such court shall fix a date for a hearing on
20 such petition, as provided in this section. The clerk of the
21 court shall give notice of the petition filing in some newspaper
22 of general circulation in the county in which the proceedings are
23 pending. If the district extends into any other county, such
24 notice also shall be published in some newspaper of general
25 circulation in such other county. The notice shall contain a
26 description of the proposed boundary lines of the district and
27 the general purposes of the petition. The notice shall set forth
28 the date fixed for the hearing on the petition, which shall not

1 be less than fifteen nor more than twenty-one days after the date
2 of the last publication of the notice, and shall be on some
3 regular judicial day of the court that the petition is pending.
4 Such notice shall be signed by the clerk of the circuit court and
5 shall be published in three successive issues of a weekly
6 newspaper or in a daily paper once a week for three consecutive
7 weeks.

8 3. The court, for good cause shown, may continue the case
9 or the hearing from time to time until final disposition.

10 4. Exceptions to the formation of a district, or to the
11 boundaries outlined in the petition for incorporation, may be
12 made by any voter or property owner within the proposed
13 districts, provided that such exceptions are filed not less than
14 five days prior to the date set for the hearing on the petition.
15 Such exceptions shall specify the grounds upon which the
16 exceptions are being made. If any such exceptions are filed, the
17 court shall take them into consideration in passing upon the
18 petition and also shall consider the evidence in support of the
19 petition and in support of the exceptions made. Should the court
20 find that the petition should be granted but that changes should
21 be made in the boundary lines, it shall make such changes in the
22 boundary lines as set forth in the petition as the court may deem
23 proper and enter its decree of incorporation, with such
24 boundaries as changed. No public sewer district shall be formed
25 under this chapter, chapter 249, RSMo, section 247.035, RSMo, or
26 any sewer district created and organized under constitutional
27 authority, the boundaries of which shall encroach upon the
28 corporate boundaries of any sewer district then existing or upon

1 the certificated boundaries then existing of any sewer
2 corporation providing service under a certificate of convenience
3 and necessity granted by the public service commission. Nor
4 shall any public sewer district extend wastewater collection and
5 treatment services within the boundaries of another district
6 without a written cooperative agreement between such districts or
7 within the certificated boundaries then existing of any sewer
8 corporation providing service under a certificate of convenience
9 and necessity granted by the public service commission without a
10 written cooperative agreement between the public sewer district
11 and the certificated sewer corporation.

12 5. Should the court find that it would not be in the public
13 interest to form such a district, the petition shall be dismissed
14 at the cost of the petitioners. If the court should find in
15 favor of the formation of such district, the court shall enter
16 its decree of incorporation, setting forth the boundaries of the
17 proposed district as determined by the court under the hearing.
18 The decree shall further contain an appointment of five voters
19 from the district to constitute the first board of trustees of
20 the district. The court shall designate such trustees to
21 staggered terms from one to five years such that one director is
22 appointed or elected each year. The trustees appointed by the
23 court shall serve for the terms designated and until their
24 successors have been appointed or elected as provided in section
25 204.610. The decree shall further designate the name of the
26 district by which it shall officially be known.

27 6. The decree of incorporation shall not become final and
28 conclusive until it is submitted to the voters residing within

1 the boundaries described in such decree and until it is assented
2 to by a majority of the voters as provided in subsection 9 of
3 this section or by two-thirds of the voters of the district
4 voting on the proposition. The decree shall provide for the
5 submission of the question and shall fix the date of submission.
6 The returns shall be certified by the election authority to the
7 circuit court having jurisdiction in the case, and the court
8 shall enter its order canvassing the returns and declaring the
9 result of such election.

10 7. If a majority of the voters of the district voting on
11 such proposition approve of the proposition, then the court
12 shall, in such order declaring the result of the election, enter
13 a further order declaring the decree of incorporation to be final
14 and conclusive. In the event, however, that the court should
15 find that the question had not been assented to by the majority
16 required in this section, the court shall enter a further order
17 declaring such decree of incorporation to be void. No appeal
18 shall be permitted from any such decree of incorporation nor from
19 any of the aforesaid orders. In the event that the court
20 declares the decree of incorporation to be final, the clerk of
21 the circuit court shall file certified copies of such decree of
22 incorporation and of such final order with the secretary of state
23 of the state of Missouri, with the recorder of deeds of the
24 county or counties in which the district is situated, and with
25 the clerk of the county commission of the county or counties in
26 which the district is situated.

1 8. The costs incurred in the formation of the district
2 shall be taxed to the district, if the district is incorporated;
3 otherwise the costs shall be paid by the petitioners.

4 9. If petitioners seeking formation of a reorganized common
5 sewer district specify in their petition that the district to be
6 organized shall be organized without authority to issue general
7 obligation bonds, then the decree relating to the formation of
8 the district shall recite that the district shall not have
9 authority to issue general obligation bonds. The vote required
10 for such a decree of incorporation to become final and conclusive
11 shall be a simple majority of the voters of the district.

12 10. Once a reorganized sewer district is established, the
13 boundaries of the reorganized sewer district may be extended or
14 enlarged from time to time upon the filing, with the clerk of the
15 circuit court having jurisdiction, of a petition by either:

16 (1) The board of trustees of the reorganized sewer district
17 and five or more voters or landowners within the territory
18 proposed to be added to the district; or

19 (2) The board of trustees and a majority of the landowners
20 within the territory that is proposed to be added to the
21 reorganized sewer district.

22 If the petition is filed by a majority of the voters or
23 landowners within the territory proposed to be added to the
24 reorganized sewer district, the publication of notice shall not
25 be required, provided notice is posted in three public places
26 within such territory at least seven days before the date of the
27 hearing, and provided that there is sworn testimony by at least
28 five landowners in such territory, or a majority of the

1 landowners if the total landowners in the area are fewer than
2 ten. Otherwise the procedures for notice substantially shall
3 follow the procedures in subsection 2 of this section for
4 formation. Territory proposed to be added to the reorganized
5 sewer district may be either contiguous or reasonably close to
6 the boundaries of the existing district, provided that it shall
7 not include any territory within the corporate boundaries of any
8 sewer district then existing or within the certificated
9 boundaries then existing of any sewer corporation providing
10 service under a certificate of convenience and necessity granted
11 by the public service commission. Upon the entry of a final
12 judgment declaring the court's decree of territory proposed to be
13 added to the reorganized sewer district to be final and
14 conclusive, the court shall modify or rearrange the boundary
15 lines of the reorganized sewer district as may be necessary or
16 advisable. The costs incurred in the enlargement or extension of
17 the district shall be taxed to the district, if the district is
18 enlarged or extended. Otherwise, such costs shall be paid by the
19 petitioners. However, no costs shall be taxed to the trustees of
20 the district.

21 11. Should any landowner who owns real estate that is not
22 within the certificated boundaries of any sewer corporation
23 providing service under a certificate of convenience and
24 necessity granted by the public service commission or within
25 another sewer district organized under this chapter or chapters
26 249 or 247, RSMo, or under the Missouri Constitution, but that is
27 contiguous or reasonably close to the existing boundaries of the
28 reorganized sewer district, desire to have such real estate

1 incorporated in the district, the landowner shall first petition
2 the board of trustees for its approval. If such approval is
3 granted, the secretary of the board shall endorse a certificate
4 of the board's approval of the petition. The petition so
5 endorsed shall be filed with the clerk of the circuit court in
6 which the reorganized sewer district is incorporated. It then
7 shall be the duty of the court to amend the boundaries of such
8 district by a decree incorporating the real estate. A certified
9 copy of this amended decree including the real estate in the
10 district then shall be filed in the office of the recorder, in
11 the office of the county clerk of the county in which the real
12 estate is located, and in the office of the secretary of state.
13 The costs of this proceeding shall be borne by the petitioning
14 property owner.

15 12. The board of trustees of any reorganized common sewer
16 district may petition the circuit court of the county containing
17 the majority of the acreage in the district for an amended decree
18 of incorporation to allow that district to engage in the
19 construction, maintenance, and operation of water supply and
20 distribution facilities that serve ten or more separate
21 properties located wholly within the district, are not served by
22 another political subdivision, or are not located within the
23 certificated area of a water corporation as defined in chapter
24 386, RSMo, or within a public water supply district as defined in
25 chapter 247, RSMo, and the operation and maintenance of all such
26 existing water supply facilities. The petition shall be filed by
27 the board of trustees, and all proceedings shall be in
28 substantially the same manner as in action for initial formation

1 of a reorganized common sewer district, except that no vote of
2 the residents of the district shall be required. All applicable
3 provisions of this chapter shall apply to the construction,
4 operation, and maintenance of water supply facilities in the same
5 manner as they apply to like functions relating to sewer
6 treatment facilities.

7 204.604. 1. Any existing common sewer district organized
8 and existing under sections 204.250 to 204.270, and any sewer
9 district organized and existing under chapter 249, RSMo, may
10 establish itself as a reorganized common sewer district under
11 sections 204.600 to 204.640 by first filing a petition with the
12 county commission of the county or counties in which it was
13 established to approve its reorganization under sections 204.600
14 to 204.640 if the governing body of the district has by
15 resolution determined that it is in the best interest of the
16 district to reorganize under sections 204.600 to 204.640. The
17 petition shall be ruled on by that county commission, or each
18 county commission if the district exists in more than one county,
19 within thirty days from the date of hearing the petition. If the
20 petition for the reorganized district is rejected by the county
21 commission or any county commissions in districts existing in
22 more than one county, no further action on the reorganized
23 district shall take place before the county commission or
24 commissions comprising the district or the circuit having
25 jurisdiction over the district court. If approved by the county
26 commission, or each county commission if the district exists in
27 more than one county, such petition shall specify whether the
28 board of trustees shall be appointed by the governing body of the

1 county or elected by the voters of the district. Such petition
2 shall be accompanied by a cash deposit of fifty dollars as an
3 advancement of the costs of the proceeding, and the petition
4 shall be signed by the trustees of the district and shall request
5 the conversion of the district into a reorganized common sewer
6 district.

7 2. Upon filing, the petition shall be presented to the
8 circuit court, and such court shall fix a date for a hearing on
9 the petition. The clerk of the court shall give notice of the
10 filing of the petition in some newspaper of general circulation
11 within the existing district or closest to the existing district
12 if there is no newspaper of general circulation within the
13 existing district. If the existing district extends into any
14 other county, such notice also shall be published in some
15 newspaper of general circulation in such other county. The
16 notice shall contain a description of the boundary lines of the
17 existing district and the general purposes of the petition. The
18 notice shall set forth the date fixed for the hearing on the
19 petition, which shall not be less than fifteen nor more than
20 twenty-one days after the date of the last publication of the
21 notice and shall be on some regular judicial day of the court
22 where the petition is pending. Such notice shall be signed by
23 the clerk of the circuit court and shall be published in a
24 newspaper of general circulation.

25 3. The court, for good cause shown, may continue the case
26 or the hearing from time to time until final disposition.

27 4. Exceptions to the conversion of an existing district to
28 a reorganized common sewer district may be made by any voter or

1 property owner within the proposed district, provided that such
2 exceptions are filed not less than five days prior to the date
3 set for the hearing on the petition. Such exceptions shall
4 specify the grounds upon which the exceptions are being made. If
5 any such exceptions are filed, the court shall take them into
6 consideration and shall consider the evidence in support of the
7 petition and in support of the exceptions made. Should the court
8 find that it would not be in the public interest to form such a
9 district, the petition shall be dismissed at the cost of the
10 petitioners. If the court finds that the conversion of the
11 district to a reorganized common sewer district under sections
12 204.600 to 204.640 is in the best interests of the persons served
13 by the existing district, then the court shall order the
14 district's decree of incorporation amended to permit
15 reorganization under sections 204.600 to 204.640. The existing
16 board of trustees for such district shall continue to serve the
17 reorganized common sewer district until such time as new trustees
18 shall be appointed or elected as provided for in the court's
19 decree. If their original terms of office are not so designated,
20 the court shall designate such trustees to staggered terms from
21 one to five years, so that one trustee is appointed or elected
22 each year. The trustees appointed by the court shall serve for
23 the terms designated and until their successors are appointed or
24 elected as provided in section 204.610. The decree shall further
25 designate the name of the district by which it officially shall
26 be known.

27 204.606. The bonded indebtedness or security interest of
28 any creditor of any common sewer district originally organized

1 and existing under sections 204.250 to 204.270 and any sewer
2 district originally organized and existing under chapter 249,
3 RSMo, that convert to a reorganized common sewer district shall
4 not be impaired or affected by such conversion, and all covenants
5 and obligations of such indebtedness shall remain in full force
6 and effect, payable under the terms and conditions that existed
7 without conversion.

8 204.608. 1. When a decree or amended decree of
9 incorporation is issued as provided for in sections 204.600 to
10 204.640, a reorganized common sewer district shall be considered
11 in law and equity a body corporate and politic and political
12 subdivision of this state, known by the name specified in the
13 court's decree, and by that name and style may sue and be sued,
14 contract and be contracted with, acquire and hold real estate and
15 personal property necessary for corporate purposes, and adopt a
16 common seal. A reorganized common sewer district also shall have
17 exclusive jurisdiction and authority to provide wastewater
18 collection and treatment services within the boundaries of the
19 district with respect to any wastewater service provider
20 authorized to provide sewer services under the laws of this
21 state, except for sewer corporations providing service under a
22 certificate of convenience and necessity granted by the public
23 service commission.

24 2. All courts in this state shall take judicial notice of
25 the existence of any district organized under sections 204.600 to
26 204.640.

27 204.610. 1. There shall be five trustees, appointed or
28 elected as provided for in the circuit court decree or amended

1 decree of incorporation for a reorganized common sewer district,
2 who shall reside within the boundaries of the district. Each
3 trustee shall be a voter of the district and shall have resided
4 in said district for twelve months immediately prior to the
5 trustee's election or appointment. A trustee shall be at least
6 twenty-five years of age and shall not be delinquent in the
7 payment of taxes at the time of the trustee's election or
8 appointment. Regardless of whether or not the trustees are
9 elected or appointed, in the event the district extends into any
10 county bordering the county in which the greater portion of the
11 district lies, the presiding commissioner or other chief
12 executive officer of the adjoining county shall be an additional
13 member of the board of trustees, or the governing body of such
14 bordering county may appoint a citizen from such county to serve
15 as an additional member of the board of trustees. Said
16 additional trustee shall meet the qualifications set forth in
17 this section for a trustee.

18 2. The trustees shall receive no compensation for their
19 services but may be compensated for reasonable expenses normally
20 incurred in the performance of their duties. The board of
21 trustees may employ and fix the compensation of such staff as may
22 be necessary to discharge the business and purposes of the
23 district, including clerks, attorneys, administrative assistants,
24 and any other necessary personnel. The board of trustees may
25 employ and fix the duties and compensation of an administrator
26 for the district. The administrator shall be the chief executive
27 officer of the district subject to the supervision and direction
28 of the board of trustees. The administrator of the district may,

1 with the approval of the board of trustees, retain consulting
2 engineers for the district under such terms and conditions as may
3 be necessary to discharge the business and purposes of the
4 district.

5 3. Except as provided in subsection 1 of this section, the
6 term of office of a trustee shall be five years. The remaining
7 trustees shall appoint a person qualified under this section to
8 fill any vacancy on the board. The initial trustees appointed by
9 the circuit court shall serve until the first Tuesday after the
10 first Monday in June or until the first Tuesday after the first
11 Monday in April, depending upon the resolution of the trustees.
12 In the event that the trustees are elected, said elections shall
13 be conducted by the appropriate election authority under chapter
14 115, RSMo. Otherwise, trustees shall be appointed by the county
15 commission in accordance with the qualifications set forth in
16 subsection 1 of this section.

17 4. Notwithstanding any other provision of law, if there is
18 only one candidate for the post of trustee, then no election
19 shall be held, and the candidate shall assume the
20 responsibilities of office at the same time and in the same
21 manner as if elected. If there is no candidate for the post of
22 trustee, then no election shall be held for that post and it
23 shall be considered vacant, to be filled under the provisions of
24 subsection 3 of this section.

25 204.612. The board of trustees of a reorganized common
26 sewer district shall have no power to levy or collect any taxes
27 for the payment of any general obligation bond indebtedness
28 incurred by the reorganized common sewer district unless the

1 voters of the reorganized common sewer district authorizes the
2 board to incur indebtedness at an election. All expenses and
3 indebtedness incurred by the reorganized common sewer district
4 may be paid from funds that may be received by the reorganized
5 common sewer district from the sale of bonds authorized by the
6 voters of the reorganized common sewer district.

7 204.614. 1. Such bonds shall be signed by the president of
8 the board of trustees and attested by the signature of the
9 secretary of the board of trustees with the seal of the district
10 affixed, if the district has a seal. The interest coupons may be
11 executed by affixing the facsimile signature of the secretary of
12 the district.

13 2. The moneys of the reorganized common sewer district
14 shall be deposited by the treasurer of the reorganized common
15 sewer district in such bank or banks as shall be designated by
16 order of the board of trustees. The secretary of the reorganized
17 common sewer district shall charge the treasurer, and the moneys
18 shall be drawn from the treasury upon checks or warrants issued
19 by the reorganized common sewer district for the purposes for
20 which the bonds were issued.

21 204.616. 1. The board of trustees of any reorganized
22 common sewer district shall have power to pass all necessary
23 rules and regulations for the proper management and conduct of
24 the business of the board of trustees and the district, and for
25 carrying into effect the objectives for which the reorganized
26 common sewer district is formed.

27 2. The board of trustees of a reorganized common sewer
28 district, subject to compliance with the exercise of lawful

authority granted to or rules adopted by the clean water
commission under section 644.026, RSMo, may exercise primary
authority to adopt, modify, and repeal, and to administer and
enforce rules and regulations with respect to:

(1) The establishment, construction, reconstruction,
improvement, repair, operation, and maintenance of its sewer
systems and treatment facilities;

(2) Industrial users discharging into its sewer systems or
treatment facilities;

(3) The establishment, operation, administration, and
enforcement of a publicly owned treatment works pretreatment
program consistent with state and federal pretreatment standards,
including inspection, monitoring, sampling, permitting, and
reporting programs and activities.

The board of trustees may, in addition to any pretreatment
standards imposed under this section, require of any user of its
treatment facilities such other pretreatment of industrial wastes
as it deems necessary to adequately treat such wastes.

3. The rules and regulations adopted by the board of
trustees under subsection 2 of this section shall be applicable
and enforceable by civil, administrative, or other actions within
any territory served by its sewer systems or treatment facilities
and against any municipality, subdistrict, district, or
industrial user who shall directly or indirectly discharge sewage
or permit discharge of sewage into the district's sewer system or
treatment facilities.

4. The authority granted to the board by this section is in
addition to and not in derogation of any other authority granted

1 under the constitution and laws of Missouri, any federal water
2 pollution control act, or the rules of any agency of federal or
3 state government.

4 5. The term "industrial user", as used in this section,
5 shall mean any nondomestic source of discharge or indirect
6 discharge into the district's wastewater system that is regulated
7 under section 307(b), (c), or (d) of the Clean Water Act, or any
8 source listed in division A, B, D, E, or I of the Standard
9 Industrial Classification Manual, or any solid waste disposal
10 operation such as, but not limited to, landfills, recycling
11 facilities, solid or hazardous waste handling or disposal
12 facilities, and facilities that store or treat aqueous wastes as
13 generated by facilities not located on site and that dispose of
14 these wastes by discharging them into the district's wastewater
15 system.

16 204.618. 1. It shall be the duty of the board of trustees
17 of a reorganized common sewer district to make the necessary
18 surveys and to lay out and define the general plan for the
19 construction and acquisition of land, rights-of-way, and
20 necessary sewers and treatment facilities, and of any extensions,
21 expansions, or improvements within the district.

22 2. The board of trustees of a reorganized common sewer
23 district may enter into agreements with each municipality,
24 subdistrict, private district, sewer corporation, or any
25 industrial user that discharges sewage into trunk sewers,
26 streams, or the treatment facilities of the reorganized common
27 sewer district concerning the locations and the manner in which
28 sewage may be discharged into the district system or streams

1 within the district and concerning the permissible content of
2 acid wastes, alkaline wastes, poisonous wastes, oils, grit, or
3 other wastes that might be hazardous or detrimental to the
4 system. If no agreement is obtained with regard to any such
5 matter, the trustees shall refer the dispute to the clean water
6 commission. The determination of the commission shall be binding
7 upon the district, municipality, subdistrict, sewer corporation,
8 or private district. Each municipality, subdistrict, sewer
9 corporation, or private district shall control the discharge of
10 wastes into its collection sewers to the extent necessary to
11 comply with the agreement or the determination of the clean water
12 commission. The board of trustees of a reorganized common sewer
13 district or the governing body of any municipality, subdistrict,
14 private district, sewer corporation, or industrial user
15 discharging sewage into the stream or the system may petition the
16 circuit court that decreed the incorporation of the district for
17 an order enforcing compliance with any provision of such an
18 agreement or determination. That circuit court shall have
19 jurisdiction in all cases or questions arising out of the
20 organization or operations of the district, or from the acts of
21 the board of trustees.

22 3. The board of trustees may contract with each
23 participating community for the payment of its proportionate
24 share of treatment costs.

25 4. The board of trustees may contract with public agencies,
26 individuals, private corporations, sewer corporation, and
27 political subdivisions inside and outside the reorganized common
28 sewer district to permit them to connect with and use the

district's facilities according to such terms, conditions, and rates as the board determines are in the interest of the district and regardless of whether such agencies, individuals, corporations, sewer corporations, and subdivisions are in the same natural drainage area or basins as the district. However, if such an area is located within the boundaries of an existing common sewer district or reorganized common sewer district organized and existing under this chapter, a sewer district organized and existing under chapter 249, RSMo, a public water supply district organized under chapter 247, RSMo, or a sewer corporation, the board of trustees must give written notice to said district or sewer corporation before such a contract is entered into, and the district or sewer corporation must consent to said contract.

5. The board of trustees may refuse to receive any wastes into the sewage system that do not meet relevant state or federal water pollution, solid waste, or pretreatment standards.

6. The board of trustees shall have all of the powers necessary and convenient to provide for the operation, maintenance, administration, and regulation, including the adoption of rules and regulations, of any individual home sewage or business treatment systems within the jurisdiction of the common sewer district.

7. The board of trustees shall have all of the powers necessary and convenient to provide for the operation and maintenance of its treatment facilities and the administration, regulation, and enforcement of its pretreatment program, including the adoption of rules and regulations to carry out its

1 powers with respect to all municipalities, subdistricts,
2 districts, sewer corporations, and industrial users that
3 discharge into the collection system of the district's sewer
4 system or treatment facilities. These powers include, but are
5 not limited to:

6 _____ (1) The promulgation of any rule, regulation, or ordinance;

7 _____ (2) The issuance, modification, or revocation of any order;

8 _____ (3) The issuance, modification, or revocation of any
9 permit;

10 _____ (4) Commencing an action through counsel for appropriate
11 legal or equitable relief in the circuit court that decreed the
12 district's incorporation against any industrial user in violation
13 of the district's rules, regulations, and ordinances or any
14 permit or order issued.

15 _____ 8. The board of trustees may adopt rules and regulations
16 creating procedural remedies for all persons affected by any
17 order or permit issued, modified, or revoked by the board
18 including but not limited to the grant of reasonable time periods
19 for such persons to respond and to show cause.

20 _____ 9. Whenever any reference is made in this section to any
21 action that may be taken by the board of trustees, such reference
22 includes such action by its executive officer under powers and
23 duties delegated to such executive officer by the board of
24 trustees.

25 _____ 204.620. 1. The board of trustees may acquire by purchase,
26 gift, or condemnation or may lease or rent any real or personal
27 property, and when condemnation is used, shall follow the
28 procedure that is provided by chapter 523, RSMo. All the powers

1 may be exercised both within or without the district as may be
2 necessary to exercise its powers or accomplish its purposes. The
3 board of trustees also shall have the same authority to enter
4 upon private lands to survey land or other property before
5 exercise of the above condemnation powers, as granted under
6 section 388.210, RSMo, to railroad corporations.

7 2. The board of trustees of the reorganized common sewer
8 district, if it is necessary to cross, follow, or traverse public
9 streets, roads, alleys, or grounds held or used as public parks
10 or places, shall have the right to do so upon the following
11 conditions: the board of trustees shall file with the county
12 commission or mayor of the municipality having immediate
13 jurisdiction over the street, road, alley, or public park or
14 place, a map showing the location and extent of the proposed
15 occupancy for sewerage purposes and a plan of the proposed
16 facilities, which plan shall be so made and arranged as not to
17 interfere with the ordinary and lawful use of the street, road,
18 alley, public park, or place, except during a reasonable time for
19 the construction of the necessary works.

20 3. The entire expense of the works and restoration of the
21 ground occupied to its former condition, as near as may be, shall
22 be borne by the reorganized common sewer district.

23 204.622. 1. The board of trustees for the reorganized
24 common sewer district shall let contracts for the construction of
25 sewers and sewage treatment plants that will cost more than
26 twenty-five thousand dollars, except in case of repairs or
27 emergencies requiring prompt attention. Notice of the contract
28 bid process shall be published in a newspaper of general

1 circulation in the district. The board shall select the lowest
2 responsible bidder in no less than twenty days following such
3 publication. The board shall have the power and authority to
4 reject any and all bids and readvertise the work.

5 2. The board of trustees also shall have the power to enter
6 into agreements with persons or firms to provide professional
7 services to the board, and the board shall adopt policies for
8 procuring the services of such professionals. The provisions of
9 sections 8.285 to 8.291, RSMo, shall be applicable to the
10 services of architects, engineers, and land surveyors unless the
11 board of trustees adopts a formal procedure for the procurement
12 of such services.

13 204.624. The cost of any reorganized common sewer district
14 to acquire, construct, improve, or extend a sewerage system may
15 be met:

16 (1) Through the expenditures by the common sewer district
17 of any funds available for that purpose, including temporary or
18 interim financing funds obtained through any federal or state
19 loan program or from a local lending institution;

20 (2) From any other funds that may be obtained under any law
21 of the state or of the United States or from any county or
22 municipality for that purpose;

23 (3) From the proceeds of revenue bonds of the common sewer
24 district, payable solely from the revenues to be derived from the
25 operation of such sewerage system or from any combination of all
26 the methods of providing funds;

1 (4) From the proceeds of general obligation bonds of the
2 reorganized common sewer district, payable solely from voter-
3 approved property taxes as provided for by law;

4 (5) From the proceeds of special obligation bonds of the
5 reorganized common sewer district, payable solely from special
6 fees or other revenues received by the district pledged for the
7 purposes of payment of such bonds; or

8 (6) From the proceeds of user fees, charges, or other
9 imposition for facilities and services provided by the district
10 to its customers and users or the availability of services
11 provided to persons, users, and customers within the district or
12 who otherwise benefit from services provided by the district.

13 204.626. 1. A reorganized common sewer district may issue
14 revenue bonds authorized by authority of a resolution adopted by
15 the board of trustees of the reorganized common sewer district
16 unless, in addition, the decree or amended decree of
17 incorporation shall require any such bonds to be approved by the
18 voters of the district after an election called for that purpose.
19 The resolution shall recite that an estimate of the cost of the
20 proposed acquisition, construction, improvement, extension, or
21 other project has been made and shall set out the estimated cost.
22 It shall set out the amount of the bonds proposed to be issued,
23 their purposes, their dates, denominations, rates of interest,
24 times of payment, both of principal and of interest, places of
25 payment, and all other details in connection with the bonds.

26 2. The bonds may be subject to such provision for
27 redemption prior to maturity, with or without premium, and at

1 such times and upon such conditions as may be provided by the
2 board of trustees of the common sewer district.

3 3. The bonds shall bear interest at a rate in accordance
4 with section 108.170, RSMo, and shall mature over a period not
5 exceeding thirty-five years from the date thereof.

6 4. The bonds may be payable to bearer, may be registered or
7 coupon bonds, and if payable to bearer may contain such
8 registration privileges as to either principal and interest, or
9 principal only, as may be provided in the resolution authorizing
10 the bonds.

11 5. The bonds and the coupons to be attached thereto, if
12 any, shall be signed in such manner and by such officers as may
13 be directed by resolution. Bonds signed by an officer who shall
14 hold the office at the time the bonds are signed shall be deemed
15 validly and effectually signed for all purposes, regardless of
16 whether or not any officer shall cease to hold his office prior
17 to the delivery of the bonds and regardless of whether or not any
18 officer shall have held or shall not have held such office on the
19 date ascribed to the bonds.

20 6. The bonds shall be sold in such manner and upon such
21 terms as the board of trustees of the reorganized common sewer
22 district shall determine, subject to the provisions of section
23 108.170, RSMo. The resolution may provide that certain bonds
24 authorized shall be junior or subordinate in any or all respects
25 to other revenue bonds authorized concurrently with, prior to, or
26 after such bonds.

27 204.628. Any user fees or charges, connection fees, or
28 other charges levied by the reorganized common sewer district to

1 fund its general or special operations, maintenance, or payment
2 of bonded indebtedness or other indebtedness shall be due at such
3 time or times as specified by the reorganized common sewer
4 district, and shall, if not paid by the due date, become
5 delinquent and shall bear interest from the date of delinquency
6 until paid. In addition to and consistent with any other
7 provision of applicable law, if such fees or charges or other
8 amounts due become delinquent, there shall be a lien upon the
9 land, and a notice of delinquency shall be filed with the
10 recorder of deeds in the county where the land is situated. The
11 reorganized common sewer district shall file with the recorder of
12 deeds a similar notice of satisfaction of debt when the
13 delinquent amounts, plus interest and any recording fees or
14 attorneys' fees, have been paid in full. The lien created may be
15 enforced by foreclosure by power of sale vested in the
16 reorganized common sewer district if the reorganized common sewer
17 district adopts written rules for the exercise of power of sale
18 consistent with the provisions of sections 443.290 to 443.325,
19 RSMo, which are recorded in the land records of the office of the
20 recorder of deeds in each county in which the district is
21 located. Otherwise, such lien shall be enforced by suit in the
22 circuit court having jurisdiction against the property subject to
23 the lien for judicial foreclosure and sale by special execution.
24 Such suit may include a request for judgment against the persons
25 responsible for payment of such delinquency as well as the person
26 or persons owning the property to which services were provided,
27 if different, including post-sale deficiency, and as a part of
28 the relief, may include award of the district's reasonable

1 attorney's fees, court costs, and other expenses reasonably
2 incurred by the district for collection.

3 204.630. It shall be the mandatory duty of any reorganized
4 common sewer district issuing any general or special revenue
5 bonds under sections 204.600 to 204.640 to:

6 (1) Fix and maintain rates and make and collect charges for
7 the use and services of the system, for the benefit of which
8 revenue bonds were issued, sufficient to pay the cost of
9 maintenance and operation;

10 (2) Pay the principal of and the interest on all revenue
11 bonds issued by the reorganized common sewer district chargeable
12 to the revenues of the system; and

13 (3) Provide funds ample to meet all valid and reasonable
14 requirements of the resolution by which the revenue bonds have
15 been issued.

16 From time to time, the rates shall be revised to meet fully the
17 requirements of sections 204.600 to 204.640. As long as any bond
18 issued or the interest thereon shall remain outstanding and
19 unpaid, rates and charges sufficient to meet the requirements of
20 this section shall be maintained and collected by the reorganized
21 common sewer district that issued the bonds.

22 204.632. 1. Whenever any reorganized common sewer district
23 authorizes and issues revenue bonds under sections 204.600 to
24 204.640, an amount sufficient for the purpose of the net revenues
25 of the sewerage system for the benefit of which the bonds are
26 issued shall, by operation of sections 204.600 to 204.640, be
27 pledged to the payment of the principal of and the interest on
28 the bonds as the same shall mature and accrue.

1 2. The term "net revenues" means all income and revenues
2 derived from the ownership and operation of the system less the
3 actual and necessary expenses of operation and maintenance of the
4 system.

5 3. It shall be the mandatory duty of the treasurer of the
6 reorganized common sewer district to provide for the prompt
7 payment of the principal and interest on any revenue bonds as
8 they mature and accrue.

9 204.634. 1. The resolution of the board of trustees of the
10 reorganized common sewer district authorizing the issuance of
11 revenue bonds under the authority of sections 204.600 to 204.640
12 may provide that periodic allocations of the revenues to be
13 derived from the operation of the system for the benefit of which
14 the bonds are issued shall be made into such accounts, separate
15 and apart from any other accounts of the district, as shall be
16 deemed to be advisable to assure the proper operation and
17 maintenance of the system and the prompt payment of the
18 indebtedness chargeable to the revenues of the system. The
19 accounts may include, but shall not be limited to:

20 (1) An account to provide funds to operate and maintain the
21 system;

22 (2) An account to provide funds to pay principal and
23 interest on the bonds as they come due;

24 (3) An account to provide an adequate reserve for
25 depreciation, to be expended for replacements of the system;

26 (4) An account for the accumulation of a reserve to assure
27 the prompt payment of the bonds and the interest whenever and to
28 the extent that other funds are not available for that purpose;

1 (5) An account to provide funds for contingent expenses in
2 the operation of the system;

3 (6) An account to provide for the accumulation of funds for
4 the construction of extensions and improvements to the system;
5 and

6 (7) Such other accounts as may be desirable in the judgment
7 of the board of trustees.

8 2. The resolution also may establish such limitations as
9 may be expedient upon the issuance of additional bonds, payable
10 from the revenues of the system, or upon the rights of the
11 holders of such additional bonds. Such resolution may include
12 other agreements with the holders of the bonds or covenants or
13 restrictions necessary or desirable to safeguard the interests of
14 the bondholder and to secure the payment of the bonds and the
15 interest thereon.

16 204.636. For the purpose of refunding, extending, and
17 unifying the whole or any part of any valid outstanding bonded
18 indebtedness payable from the revenues of a sewerage system, any
19 reorganized common sewer district may issue refunding bonds not
20 exceeding in amount the principal of the outstanding indebtedness
21 to be refunded and the accrued interest to the date of the
22 refunding bonds. The board of trustees of the reorganized common
23 sewer district shall provide for the payment of interest which
24 shall not exceed the same rate and the principal of the refunding
25 bonds in the same manner and from the same source as was provided
26 for the payment of interest on and principal of the bonds to be
27 refunded.

1 204.638. The board of trustees of the reorganized common
2 sewer district may apply for and accept grants or funds and
3 material or labor from the state and federal government in the
4 construction of a sewerage system, as provided by sections
5 204.600 to 204.640, and may enter into such agreements as may be
6 required of the state or federal laws, or the rules and
7 regulations of any federal or state department, to which the
8 application is made, and where the assistance is granted.

9 204.640. It shall be the duty of the mayors of cities, the
10 circuit court, the governing bodies of counties, all political
11 subdivisions, and all assessors, sheriffs, collectors,
12 treasurers, and other officials in the state of Missouri to do
13 and perform all the acts and to render all the services necessary
14 to carry out the purposes of sections 204.600 to 204.640.

15 204.650. Sections 204.650 to 204.672 shall be known and may
16 be cited as the "Sanitary Sewer Improvement Area Act", and the
17 following words and terms, as used in these sections, mean:

18 (1) "Acquire", the acquisition of property or interests in
19 property by purchase, gift, condemnation, or other lawful means
20 and may include the acquisition of existing property and
21 improvements already owned by the district;

22 (2) "Assess or assessment", a unit of measure to allocate
23 the cost of an improvement among property or properties within a
24 sanitary sewer improvement area based on an equitable method of
25 determining benefits to any such property resulting from an
26 improvement;

27 (3) "Consultant", engineers, architects, planners,
28 attorneys, financial advisors, accountants, investment bankers,

1 and other persons deemed competent to advise and assist the
2 governing body of the district in planning and making
3 improvements;

4 (4) "Cost", all costs incurred in connection with an
5 improvement, including but not limited to costs incurred for the
6 preparation of preliminary reports, preparation of plans and
7 specifications, preparation and publication of notices of
8 hearings, resolutions, ordinances, and other proceedings, fees,
9 and expenses of consultants, interest accrued on borrowed money
10 during the period of construction, underwriting costs, and other
11 costs incurred in connection with the issuance of bonds or notes,
12 establishment of reasonably required reserve funds for bonds or
13 notes, the cost of land, materials, labor, and other lawful
14 expenses incurred in planning, acquiring, and doing any
15 improvement, reasonable construction contingencies, and work done
16 or services performed by the district in the administration and
17 supervision of the improvement;

18 (5) "District or common sewer district", any public
19 sanitary sewer district or reorganized common sewer district
20 established and existing under this chapter or chapter 249, RSMo,
21 and any metropolitan sewer district organized under the
22 constitution of this state;

23 (6) "Improve", to construct, reconstruct, maintain,
24 restore, replace, renew, repair, install, equip, extend, or to
25 otherwise perform any work that will provide a new sanitary sewer
26 facility or enhance, extend, or restore the value or utility of
27 an existing sanitary sewer facility;

1 (7) "Improvement", any one or more sanitary sewer
2 facilities or improvements that confer a benefit on property
3 within a definable area and may include or consist of a
4 reimprovement of a prior improvement. Improvements include but
5 are not limited to the following activities:

6 (a) To acquire property or interests in property when
7 necessary or desirable for any purpose authorized by sections
8 204.650 to 204.672;

9 (b) To improve sanitary sewers, wastewater treatment
10 plants, lagoons, septic tanks and systems, and any and all other
11 sanitary sewer and waste water collection and treatment systems
12 of any type, whether located on improved or unimproved public or
13 private property, the general object and nature of which will
14 either preserve, maintain, improve, or promote the general public
15 health, safety, and welfare, or the environment, regardless of
16 technology used;

17 (8) "Sanitary sewer improvement area", an area of a
18 district with defined limits and boundaries that is created by
19 petition under sections 204.650 to 204.672 and that is benefitted
20 by an improvement and subject to assessments against the real
21 property for the cost of the improvement, provided that no such
22 improvement area shall include any real property within the
23 certificated boundaries of any sewer corporation providing
24 service under a certificate of convenience and necessity granted
25 by the public service commission;

26 (9) "User fee", a fee established and imposed by a district
27 to pay an assessment, in periodic installments, for improvements

1 made in a sanitary sewer improvement area that benefit the
2 property within such area that is subject to the assessment.

3 204.652. As an alternative to all other methods provided by
4 law or charter, the governing body of any sewer district or
5 reorganized sewer district organized and operated under this
6 chapter or chapter 249, RSMo, or any metropolitan sewer district
7 organized under the constitution of this state, may make, or
8 cause to be made, improvements that confer a benefit upon
9 property within a sanitary sewer improvement area under sections
10 204.650 to 204.672. The governing body of such district may
11 issue temporary notes and revenue bonds under sections 204.650 to
12 204.672 to pay for all or part of the cost of such improvements.
13 An improvement may be combined with one or more other
14 improvements for the purpose of issuing a single series of
15 revenue bonds to pay all or part of the cost of the sanitary
16 sewer improvement area's improvements, but separate funds or
17 accounts shall be established within the records of the district
18 for each improvement project as provided in sections 204.650 to
19 204.672. Such district shall make assessments and may impose
20 user fees on the property located within the sanitary sewer
21 improvement area, in addition to any other fees or charges
22 imposed by the district to provide services or pay debt. The
23 district shall use the moneys collected from such assessments and
24 user fees from a sanitary sewer improvement area to reimburse the
25 district for all amounts paid or to be paid by it as principal of
26 and interest on its temporary notes and revenue bonds issued for
27 the improvements made in the sanitary sewer improvement area.

1 204.654. 1. To establish a sanitary sewer improvement
2 area, the governing body of the sewer district shall comply with
3 the following procedure: the governing body of the district may
4 create a sanitary sewer improvement area when a proper petition
5 has been signed by the owners of record of four-sevenths of the
6 property within the proposed sanitary sewer improvement area.
7 The petition, in order to become effective, shall be filed with
8 the district. A proper petition for the creation of a sanitary
9 sewer improvement area shall set forth the project name for the
10 proposed improvement, the general nature of the proposed
11 improvement, the estimated cost of such improvement, the
12 boundaries of the proposed sanitary sewer improvement area, the
13 proposed method or methods of financing the project, including
14 the estimated amount of and method for imposing user fees against
15 the real property within the sanitary sewer improvement area to
16 pay for the cost of the improvements and any bonds issued, a
17 notice that the names of the signers may not be withdrawn later
18 than seven days after the petition is filed with the district,
19 and a notice that the final cost of such improvement and the
20 amount of revenue bonds issued shall not exceed the estimated
21 cost of such improvement, as stated in such petition, by more
22 than twenty-five percent.

23 2. Upon filing a proper petition with the district, the
24 governing body may, by resolution, determine the advisability of
25 the improvement and may order that the area be established and
26 that preliminary plans and specifications for the improvement be
27 made. Such resolution shall state and make findings as to the
28 project name for the proposed improvement, the nature of the

1 improvement, the estimated cost of such improvement, the
2 boundaries of the sanitary sewer improvement area, the proposed
3 method or methods of imposing assessments and, if known, proposed
4 estimated user fees within the district. The resolution also
5 shall state that the final cost of such improvement within the
6 sanitary sewer improvement area and the amount of revenue bonds
7 issued shall not, without a new petition, exceed the estimated
8 cost of such improvement by more than twenty-five percent.

9 3. The boundaries of the proposed area shall be described
10 by bounds, streets, or other sufficiently specific description.

11 204.656. The portion of the cost of any improvement to be
12 assessed or imposed against the real property in a sanitary sewer
13 improvement area shall be apportioned against such property in
14 accordance with the benefits accruing by reason of such
15 improvement. Subject to the provisions of the farmland
16 protection act, sections 262.800 to 262.810, RSMo, the cost may
17 be assessed equally by lot or tract against property within the
18 area, or by any other reasonable assessment plan determined by
19 the governing body of the district that results in imposing
20 substantially equal burdens or share of the cost upon property
21 similarly benefited. The governing body of the district may from
22 time to time determine and establish by resolution reasonable
23 general classifications and formula for the methods of assessing
24 or determining the benefits.

25 204.658. 1. After the governing body has made the findings
26 specified in sections 204.650 to 204.672 and plans and
27 specifications for the proposed improvements have been prepared,
28 the governing body shall by resolution order assessments to be

1 made against each parcel of real property deemed to be benefited
2 by an improvement based on the revised estimated cost of the
3 improvement or, if available, the final cost, and shall order a
4 proposed assessment roll to be prepared.

5 2. The plans and specifications for the improvement and the
6 proposed assessment roll shall be filed with the district and
7 shall be open for public inspection. Such district shall, at the
8 direction of the governing body, publish notice that the
9 governing body will conduct a hearing to consider the proposed
10 improvement and proposed assessments. Such notice shall be
11 published in a newspaper of general circulation at least once not
12 more than twenty days and not less than ten days before the
13 hearing and shall state the project name for the improvement, the
14 date, time, and place of such hearing, the general nature of the
15 improvement, the revised estimated cost or, if available, the
16 final cost of the improvement, the boundaries of the sanitary
17 sewer improvement area to be assessed, and that written or oral
18 objections will be considered at the hearing. Not less than ten
19 days before, the district shall mail to the owners of record of
20 the real property in the sanitary sewer improvement area, at
21 their last known post office address, a notice of the hearing and
22 a statement of the cost proposed to be assessed against the real
23 property so owned and assessed. The failure of any owner to
24 receive such notice shall not invalidate the proceedings.

25 204.660. 1. At the hearing to consider the proposed
26 improvements and assessments, the governing body shall hear and
27 pass upon all objections to the proposed improvements and
28 proposed assessments, if any, and may amend the proposed

1 improvements, and the plans and specifications, or assessments as
2 to any property, and thereupon by resolution, the governing body
3 shall order that the improvement be made and direct that
4 financing for the cost be obtained as provided in sections
5 204.650 to 204.672.

6 2. After the improvement has been completed in accordance
7 with the plans and specifications, the governing body shall
8 compute the final costs of the improvement and apportion the
9 costs among the property benefited by such improvement in such
10 equitable manner as the governing body shall determine, charging
11 each tract, lot, or parcel of property with its proportionate
12 share of the costs, and by resolution, assess the final cost of
13 the improvement, or the amount of revenue bonds issued or to be
14 issued to pay for the improvement, as special assessments against
15 the property described in the assessment roll.

16 3. After the passage or adoption of the resolution
17 assessing the special assessments, the district shall mail to
18 each property owner within the district a notice that sets forth
19 a description of each owners tract, lot, or parcel of real
20 property to be assessed, the assessment assigned to such
21 property, and a statement that the property owner may pay such
22 assessment in full, together with interest accrued from the
23 effective date of such resolution, on or before a specified date
24 determined by the effective date of the resolution, or may pay
25 such assessment in the form of user fees in periodic installments
26 as provided in subsection 4 of this section. Notice of each
27 assessment and imposition of the assessment lien, together with a
28 legal description for each property assessed within the area,

1 shall be filed with the recorder of deeds upon the effective date
2 of the resolution. However, failure to record any such notice in
3 a timely manner shall not affect the validity of the assessments
4 or liens. The district shall record written notice of release of
5 lien whenever an assessment is paid in full. The cost of
6 recording assessment notices and release of liens shall be
7 includable in the assessment.

8 4. The special assessments shall be assessed upon the
9 property within the area. Those not paid in full as provided in
10 subsection 3 of this section shall be payable in the form of user
11 fees payable in periodic and substantially equal installments, as
12 determined by the district, for a duration prescribed by the
13 resolution establishing the special assessments. All assessments
14 shall bear interest at such rate as the governing body
15 determines, not to exceed the rate permitted for bonds by section
16 108.170, RSMo. Interest on the assessment between the effective
17 date of the resolution assessing the special assessments and the
18 date the first installment of a user fee is payable shall be
19 added to the first installment or prorated among all scheduled
20 installments.

21 5. Assessments not paid in full shall be collected and paid
22 over to the district in the form of user fees in the same manner
23 as other district fees and charges are collected and paid, or by
24 any other reasonable method determined by the district.

25 204.662. No suit to set aside the assessments made under
26 sections 204.680 to 204.730, or to otherwise question the
27 validity of the proceedings, shall be brought after the
28 expiration of ninety days from the date the notice is mailed to

1 the last known owners of record of the assessments required by
2 subsection 3 of section 204.660.

3 204.664. 1. To correct omissions, errors, or mistakes in
4 the original assessment that relate to the total cost of an
5 improvement, the governing body of the district may, without a
6 notice or hearing, make supplemental or additional assessments on
7 property within a sanitary sewer improvement area, except that
8 such supplemental or additional assessments shall not, without a
9 new petition as provided in sections 204.650 to 204.672, exceed
10 twenty-five percent of the estimated cost of the improvement as
11 set forth in the petition under the provisions of sections
12 204.650 to 204.672.

13 2. When an assessment is, for any reason whatsoever, set
14 aside by a court of competent jurisdiction as to any property, or
15 in the event the governing body finds that the assessment or any
16 part thereof is excessive or determines on advice of counsel in
17 writing that it is or may be invalid for any reason, the
18 governing body may, upon notice and hearing as provided for the
19 original assessment, make a reassessment or a new assessment as
20 to such property.

21 204.666. An assessment authorized under sections 204.650 to
22 204.672, once determined and imposed, shall constitute a lien
23 against such property until paid in full and shall not be
24 affected by the existence or enforcement of any other liens or
25 encumbrances, nor shall enforcement of an assessment lien have
26 any effect on the validity or enforcement of any tax lien or lien
27 established by mortgage or deed of trust. An assessment lien
28 becomes delinquent when an assessment is not paid in full as

1 prescribed by sections 204.650 to 204.672, or when one or more
2 periodic installments imposed by the district for an assessment
3 remain unpaid for a period of thirty days or more after notice of
4 delinquency in payment is mailed to the last known owners of the
5 property subject to assessment by regular United States mail and
6 by certified mail, return receipt requested, at their last known
7 address, provided by such owners to the district and to the
8 occupant of property that is subject to assessment, if different
9 from that of the owners. In the event any such user fee remains
10 unpaid after thirty days of the mailing of any such notice, and
11 in addition to any other remedy the district may have by statute
12 or duly enacted regulation for the collection of delinquent
13 amounts owed to the district, the district shall be entitled to
14 petition the circuit court having jurisdiction to foreclose upon
15 the assessment lien by special execution sale of the property
16 subject to the assessment for the unpaid assessment plus
17 reasonable attorney's fees, court costs, and other reasonable
18 costs incurred by the district in collection. In any such suit,
19 the district shall name all parties appearing of record to have
20 or claim an interest in the property subject to the unpaid
21 assessment and shall file a notice of lis pendens in connection
22 with said action. In addition, the district may obtain a
23 judgment against last known owners of the property for any
24 deficiency in payment of the assessment and costs and fees made a
25 part of the court's judgment.

26 204.668. After an improvement has been authorized under
27 sections 204.650 to 204.672, the governing body of the district
28 may issue temporary notes of the district to pay the costs of

1 such improvement in an amount not to exceed the estimated cost of
2 such improvement. Such temporary notes may be issued in
3 anticipation of issuance of revenue bonds of the district. The
4 district may participate in any governmentally sponsored bond
5 pooling program or other bond program. Bonds may be issued and
6 made payable from special assessments paid in the form of user
7 fees under subsection 4 of section 204.660 and other revenues of
8 the district.

9 204.670. A separate fund or account shall be created by the
10 district for each improvement project, and each such fund or
11 account shall be identified by a suitable title. The proceeds
12 from the sale of bonds and temporary notes and any other moneys
13 appropriated thereto by the governing body of the district shall
14 be credited to such funds or accounts. Such funds or accounts
15 shall be used solely to pay the costs incurred in making each
16 respective improvement. Upon completion of an improvement, the
17 balance remaining in the fund or account established for such
18 improvement, if any, may be held as contingent funds for future
19 improvements or may be credited against the amount of the
20 original assessment of each parcel of property, on a pro rata
21 basis based on the amount of the original assessment, and with
22 respect to property owners that have prepaid their assessments in
23 accordance with sections 204.650 to 204.672, the amount of each
24 such credit shall be refunded to the appropriate property owner.
25 With respect to all other property owners, the amount of each
26 such credit shall be transferred and credited to the district
27 bond and interest fund to be used solely to pay the principal of

1 and interest on the bonds or temporary notes, and the assessments
2 shall be reduced accordingly by the amount of such credit.

3 204.672. Any public sanitary sewer district or reorganized
4 sewer district organized and operated under this chapter or
5 chapter 249, RSMo, and any metropolitan sewer district organized
6 under the constitution of this state, may enter into a
7 cooperative agreement with a city or county for the purpose of
8 constructing sanitary sewer system improvements under the
9 provisions of the neighborhood improvement district act, sections
10 67.453 to 67.475, RSMo. Any such cooperative agreement, if
11 approved by the governing bodies of the district and city or
12 county, may include provisions for joint administration of
13 projects for the issuance of temporary notes and general
14 obligation bonds by district, city, or county, separately or
15 jointly, and for the payment of such bonds by any source of funds
16 or user fees in addition to funds from special assessments as
17 provided for in sections 67.453 to 67.475, RSMo, and general ad
18 valorem taxes, so long as all terms, conditions, and covenants of
19 any applicable bond resolution or ordinance are complied with and
20 so long as said notes and bonds are issued in compliance with
21 general applicable law.

22 204.674. The provisions of sections 204.600 to 204.672
23 shall not apply to the provisions in section 204.472, any city
24 not within a county and any county with a charter form of
25 government and with more than one million inhabitants, any sewer
26 district created and organized under constitutional authority,
27 any sewer district located in any county with a charter form of
28 government and with more than six hundred thousand but fewer than

1 seven hundred thousand inhabitants that provides wholesale sewer
2 service.

3 210.861. 1. Prior to establishment of a tax prescribed by
4 section 210.860 or section 67.1775, RSMo, the governing body of
5 the city or county or city not within a county may appoint a
6 board of directors consisting of nine members, who shall be
7 residents of the city or county or city not within a county.

8 When the tax prescribed by section 210.860 or section 67.1775,
9 RSMo, is established, the governing body of the city or county or
10 city not within a county shall appoint a board of directors
11 consisting of nine members, who shall be residents of the city or
12 county or city not within a county, if one has not previously
13 been appointed. All board members shall be appointed to serve
14 for a term of three years, except that of the first board
15 appointed, three members shall be appointed for one-year terms,
16 three members for two-year terms and three members for three-year
17 terms. Board members may be reappointed. In a city not within a
18 county, or any county of the first classification with a charter
19 form of government with a population not less than nine hundred
20 thousand inhabitants, or any county of the first classification
21 with a charter form of government with a population not less than
22 two hundred thousand inhabitants and not more than six hundred
23 thousand inhabitants, or any noncharter county of the first
24 classification with a population not less than one hundred
25 seventy thousand and not more than two hundred thousand
26 inhabitants, or any noncharter county of the first classification
27 with a population not less than eighty thousand and not more than
28 eighty-three thousand inhabitants, or any third classification

1 county with a population not less than twenty-eight thousand and
2 not more than thirty thousand inhabitants, or any county of the
3 third classification with a population not less than nineteen
4 thousand five hundred and not more than twenty thousand
5 inhabitants the members of the community mental health board of
6 trustees appointed pursuant to the provisions of sections 205.975
7 to 205.990, RSMo, shall be the board members for the community
8 children's services fund. The directors shall not receive
9 compensation for their services, but may be reimbursed for their
10 actual and necessary expenses.

11 2. The board shall elect a chairman, vice chairman,
12 treasurer, and such other officers as it deems necessary for its
13 membership. Before taking office, the treasurer shall furnish a
14 surety bond, in an amount to be determined and in a form to be
15 approved by the board, for the faithful performance of his or her
16 duties and faithful accounting of all moneys that may come into
17 his or her hands. The treasurer shall enter into the surety bond
18 with a surety company authorized to do business in Missouri, and
19 the cost of such bond shall be paid by the board of directors.
20 The board shall administer and expend all funds generated
21 pursuant to section 210.860 or section 67.1775, RSMo, in a manner
22 consistent with this section.

23 3. Once established, the board may, in its own name, engage
24 in and contract for any and all types of services, actions, or
25 endeavors, not contrary to the law, necessary to the successful
26 and efficient prosecution and continuation of the business and
27 purposes for which it is created, including conducting needs
28 assessments, engaging in planning for the delivery of services,

1 applying for grants from federal, state, or local governments or
2 other public or private entities, accepting donations, and
3 expending funds.

4 4. The board may contract with public or not-for-profit
5 agencies licensed or certified where appropriate to provide
6 qualified services and may place conditions on the use of such
7 funds. The board shall reserve the right to audit the
8 expenditure of any and all funds. The board and any agency with
9 which the board contracts may establish eligibility standards for
10 the use of such funds and the receipt of services. No member of
11 the board shall serve on the governing body, have any financial
12 interest in, or be employed by any agency which is a recipient of
13 funds generated pursuant to this section and section 210.860 or
14 section 67.1775, RSMo.

15 [4.] 5. Revenues collected and deposited in the community
16 children's services fund may be expended for the purchase of the
17 following services:

18 (1) Up to thirty days of temporary shelter for abused,
19 neglected, runaway, homeless or emotionally disturbed youth;
20 respite care services; and services to unwed mothers;

21 (2) Outpatient chemical dependency and psychiatric
22 treatment programs; counseling and related services as a part of
23 transitional living programs; home-based and community-based
24 family intervention programs; unmarried parent services; crisis
25 intervention services, inclusive of telephone hotlines; and
26 prevention programs which promote healthy lifestyles among
27 children and youth and strengthen families;

1 (3) Individual, group, or family professional counseling
2 and therapy services; psychological evaluations; and mental
3 health screenings.

4 [5.] 6. Revenues collected and deposited in the community
5 children's services fund may not be expended for inpatient
6 medical, psychiatric, and chemical dependency services, or for
7 transportation services.

8 238.202. 1. As used in sections 238.200 to 238.275, the
9 following terms mean:

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

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

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

15 (4) "Local transportation authority", a county, city, town,
16 village, county highway commission, special road district,
17 interstate compact agency, or any local public authority or
18 political subdivision having jurisdiction over any bridge,
19 street, highway, dock, wharf, ferry, lake or river port, airport,
20 railroad, light rail or other transit improvement or service;

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

27 2. For the purposes of sections 11(c), 16 and 22 of article
28 X of the Constitution of Missouri, section 137.073, RSMo, and as

1 used in sections 238.200 to 238.275, the following terms shall
2 have the meanings given:

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

5 (2) "Qualified electors", "qualified voters" or "voters",
6 [if] within the proposed or established district, any persons
7 [eligible to be registered voters reside within the proposed
8 district, such persons] residing therein who have registered to
9 vote pursuant to chapter 115, RSMo, [or if no persons eligible to
10 be registered voters reside within the proposed district,] and
11 the owners of real property [located within the proposed
12 district] , who shall receive one vote per acre, provided that
13 any registered voter who also owns property must elect whether to
14 vote as an owner or a registered voter;

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

17 238.207. 1. Whenever the creation of a district is
18 desired, not less than fifty registered voters from each county
19 partially or totally within the proposed district may file a
20 petition requesting the creation of a district. However, if no
21 persons eligible to be registered voters reside within the
22 district, the owners of record of all of the real property,
23 except public streets, located within the proposed district may
24 file a petition requesting the creation of a district. The
25 petition shall be filed in the circuit court of any county
26 partially or totally within the proposed district.

27 2. Alternatively, the governing body of any local
28 transportation authority within any county in which a proposed

1 project may be located may file a petition in the circuit court
2 of that county, requesting the creation of a district.

3 3. The proposed district area shall be contiguous and may
4 contain all or any portion of one or more municipalities and
5 counties; provided:

6 (1) Property separated only by public streets, easements or
7 rights-of-way shall be considered contiguous;

8 (2) In the case of a district formed pursuant to a petition
9 filed by the owners of record of all of the real property located
10 within the proposed district, the proposed district area need not
11 contain contiguous properties if:

12 (a) The petition provides that the only funding method for
13 project costs will be a sales tax;

14 (b) The court finds that all of the real property located
15 within the proposed district will benefit by the projects to be
16 undertaken by the district; and

17 (c) Each parcel within the district is within five miles of
18 every other parcel; and

19 (3) In the case of a district created pursuant to
20 subsection 5 of this section, property separated only by public
21 streets, easements, or rights-of-way or connected by a single
22 public street, easement, or right-of-way shall be considered
23 contiguous.

24 4. The petition shall set forth:

25 (1) The name, voting residence and county of residence of
26 each individual petitioner, or, if no persons eligible to be
27 registered voters reside within the proposed district, the name
28 and address of each owner of record of real property located

1 within the proposed district, or shall recite that the petitioner
2 is the governing body of a local transportation authority acting
3 in its official capacity;

4 (2) The name and address of each respondent. Respondents
5 must include the commission and each affected local
6 transportation authority within the proposed district, except a
7 petitioning local transportation authority;

8 (3) A specific description of the proposed district
9 boundaries including a map illustrating such boundaries;

10 (4) A general description of each project proposed to be
11 undertaken by that district, including a description of the
12 approximate location of each project;

13 (5) The estimated project costs and the anticipated revenues
14 to be collected from the project;

15 (6) The name of the proposed district;

16 [(6)] (7) The number of members of the board of directors
17 of the proposed district, which shall be not less than five or
18 more than fifteen;

19 [(7)] (8) A statement that the terms of office of initial
20 board members shall be staggered in approximately equal numbers
21 to expire in one, two or three years;

22 [(8)] (9) If the petition was filed by registered voters or
23 by a governing body, a request that the question be submitted to
24 the qualified voters within the limits of the proposed district
25 whether they will establish a transportation development district
26 to develop a specified project or projects;

27 [(9)] (10) A proposal for funding the district initially,
28 pursuant to the authority granted in sections 238.200 to 238.275,

1 together with a request that the funding proposal be submitted to
2 the qualified voters [residing] within the limits of the proposed
3 district; provided, however, the funding method of special
4 assessments may also be approved as provided in subsection 1 of
5 section 238.230; and

6 [(10)] (11) A statement that the proposed district shall
7 not be an undue burden on any owner of property within the
8 district and is not unjust or unreasonable.

9 5. (1) As an alternative to the methods described in
10 subsections 1 and 2 of this section, if two or more local
11 transportation authorities have adopted resolutions calling for
12 the joint establishment of a district, the governing body of any
13 one such local transportation authority may file a petition in
14 the circuit court of any county in which the proposed project is
15 located requesting the creation of a district.

16 (2) The proposed district area shall be contiguous and may
17 contain all or any portion of one or more municipalities and
18 counties. Property separated only by public streets, easements,
19 or rights-of-way or connected by a single public street,
20 easement, or right-of-way shall be considered contiguous.

21 (3) The petition shall set forth:

22 (a) That the petitioner is the governing body of a local
23 transportation authority acting in its official capacity;

24 (b) The name of each local transportation authority within
25 the proposed district. The resolution of the governing body of
26 each local transportation authority calling for the joint
27 establishment of the district shall be attached to the petition;

1 (c) The name and address of each respondent. Respondents
2 must include the commission and each affected local
3 transportation authority within the proposed district, except a
4 petitioning local transportation authority;

5 (d) A specific description of the proposed district
6 boundaries including a map illustrating such boundaries;

7 (e) A general description of each project proposed to be
8 undertaken by the district, including a description of the
9 approximate location of each project;

10 (f) The name of the proposed district;

11 (g) The number of members of the board of directors of the
12 proposed district;

13 (h) A request that the question be submitted to the
14 qualified voters within the limits of the proposed district
15 whether they will establish a transportation development district
16 to develop the projects described in the petition;

17 (i) A proposal for funding the district initially, pursuant
18 to the authority granted in sections 238.200 to 238.275, together
19 with a request that the imposition of the funding proposal be
20 submitted to the qualified voters residing within the limits of
21 the proposed district; provided, however, the funding method of
22 special assessments may also be approved as provided in
23 subsection 1 of section 238.230; and

24 (j) A statement that the proposed district shall not be an
25 undue burden on any owner of property within the district and is
26 not unjust or unreasonable.

27 238.208. 1. The owners of property adjacent to a
28 transportation district formed under the Missouri transportation

1 development district act may petition the court by unanimous
2 petition to add their property to the district. If the property
3 owners within the transportation development district unanimously
4 approve of the addition of property, the adjacent properties in
5 the petition shall be added to the district. Any property added
6 under this section shall be subject to all projects, taxes, and
7 special assessments in effect as of the date of the court order
8 adding the property to the district. The owners of the added
9 property shall be allowed to vote at the next election scheduled
10 for the district to fill vacancies on the board and on any other
11 question submitted to them by the board under this chapter. The
12 owners of property added under this section shall have one vote
13 per acre in the same manner as provided in subdivision (2) of
14 subsection 2 of section 238.220.

15 2. The owners of all of the property located in a
16 transportation development district formed under this chapter
17 may, by unanimous petition filed with the board of directors of
18 the district, remove any property from the district, so long as
19 such removal will not materially affect any obligations of the
20 district.

21 238.225. 1. Before construction or funding of any project,
22 the district shall submit the proposed project, [together with
23 the proposed plans and specifications,] to the commission for its
24 prior approval [of the project]. If the commission by minute
25 finds that the project will improve or is a necessary or
26 desirable extension of the state highways and transportation
27 system, the commission may preliminarily approve the project
28 subject to the district providing plans and specifications for

1 the proposed project and making any revisions in the plans and
2 specifications required by the commission and the district and
3 commission entering into a mutually satisfactory agreement
4 regarding development and future maintenance of the project.
5 After such preliminary approval, the district may impose and
6 collect such taxes and assessments as may be included in the
7 commission's preliminary approval. After the commission approves
8 the final construction plans and specifications, the district
9 shall obtain prior commission approval of any modification of
10 such plans or specifications.

11 2. If the proposed project is not intended to be merged
12 into the state highways and transportation system under the
13 commission's jurisdiction, the district shall also submit the
14 proposed project and proposed plans and specifications to the
15 local transportation authority that will become the owner of the
16 project for its prior approval.

17 3. In those instances where a local transportation
18 authority is required to approve a project and the commission
19 determines that it has no direct interest in that project, the
20 commission may decline to consider the project. Approval of the
21 project shall then vest exclusively with the local transportation
22 authority subject to the district making any revisions in the
23 plans and specifications required by the local transportation
24 authority and the district and the local transportation authority
25 entering into a mutually satisfactory agreement regarding
26 development and future maintenance of the project. After the
27 local transportation authority approves the final construction
28 plans and specifications, the district shall obtain prior

1 approval of the local transportation authority before modifying
2 such plans or specifications.

3 238.230. 1. If approved by:

4 (1) A majority of the qualified voters voting on the
5 question in the district; or

6 (2) The owners of record of all of the real property
7 located within the district who shall indicate their approval by
8 signing a special assessment petition;

9 the district may make one or more special assessments for those
10 project improvements which specially benefit the properties
11 within the district. Improvements which may confer special
12 benefits within a district include but are not limited to
13 improvements which are intended primarily to serve traffic
14 originating or ending within the district, to reduce local
15 traffic congestion or circuitry of travel, or to improve the
16 safety of motorists or pedestrians within the district.

17 2. The ballot question shall be substantially in the
18 following form:

19 Shall the Transportation Development
20 District be authorized to levy special assessments against
21 property benefited within the district for the purpose of
22 providing revenue for the development of a project (or projects)
23 in the district (insert general description of the project or
24 projects, if necessary), said special assessments to be levied
25 ratably against each tract, lot or parcel of property within the
26 district which is benefited by such project in proportion to the
27 (insert method of allocating special assessments), in an amount

1 not to exceed \$ per annum per (insert unit of
2 measurement)?

3 3. The special assessment petition shall be substantially
4 in the following form:

5 The Transportation
6 Development District shall be authorized to levy special
7 assessments against property benefited within the district for
8 the purpose of providing revenue for the development of a project
9 (or projects) in the district (insert general description of the
10 project or projects, if necessary), said special assessments to
11 be levied pro rata against each tract, lot or parcel or property
12 within the district which is benefited by such project in
13 proportion to the (insert method of allocating special
14 assessments), in an amount not to exceed \$..... per annum per
15 (insert unit of measurement).

16 4. If a proposal for making a special assessment fails, the
17 district board of directors may, with the prior approval of the
18 commission or the local transportation authority which will
19 assume ownership of the completed project, delete from the
20 project any portion which was to be funded by special assessment
21 and which is not otherwise required for project integrity.

22 5. A district may establish different classes of real
23 property within the district for purposes of levying differing
24 rates of special assessments. The levy rate for special
25 assessments may vary for each class or subclass based on the
26 level of benefit derived by each class or subclass of real
27 property from projects funded by the district.

1 238.275. 1. Within six months after development and
2 initial maintenance costs of its completed project have been
3 paid, the district shall pursuant to contract transfer ownership
4 and control of the project to the commission or a local
5 transportation authority which shall be responsible for all
6 future maintenance costs pursuant to contract. Such transfer may
7 be made sooner with the consent of the recipient.

8 2. At such time as a district has completed its project and
9 has transferred ownership of the project to the commission or
10 other local transportation authority for maintenance, or at such
11 time as the board determines that it is unable to complete its
12 project due to lack of funding or for any other reason, the board
13 shall submit for a vote in an election held throughout the
14 district the question of whether the district should be
15 abolished. The question shall be submitted in substantially the
16 following form:

17 Shall the Transportation Development
18 District be abolished?

19 3. The district board shall not propose the question to
20 abolish the district while there are outstanding claims or causes
21 of action pending against the district, while the district
22 liabilities exceed its assets, or while the district is
23 insolvent, in receivership or under the jurisdiction of the
24 bankruptcy court. Prior to submitting the question to abolish
25 the district to a vote, the state auditor shall audit the
26 district to determine the financial status of the district, and
27 whether the district may be abolished pursuant to law.

1 4. While the district still exists, it shall continue to
2 accrue all revenues to which it is entitled at law.

3 5. Upon receipt of certification by the appropriate
4 election authorities that the majority of those voting within the
5 district have voted to abolish the district, and if the state
6 auditor has determined that the district's financial condition is
7 such that it may be abolished pursuant to law, then the board
8 shall:

9 (1) Sell any remaining district real or personal property
10 it wishes, and then transfer the proceeds and any other real or
11 personal property owned by the district, including revenues due
12 and owing the district, to the commission or any appropriate
13 local transportation authority assuming maintenance and control
14 of the project, for its further use and disposition;

15 (2) Terminate the employment of any remaining district
16 employees, and otherwise conclude its affairs;

17 (3) At a public meeting of the district, declare by a
18 majority vote that the district has been abolished effective that
19 date; and

20 (4) Cause copies of that resolution under seal to be filed
21 with the secretary of state, the director of revenue, the
22 commission, and with each local transportation authority affected
23 by the district. Upon the completion of the final act specified
24 in this subsection, the legal existence of the district shall
25 cease.

26 246.005. 1. Notwithstanding any other provision of law,
27 any drainage district, any levee district, or any drainage and
28 levee district organized under the provisions of sections 242.010

1 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, which
2 has, prior to April 8, 1994, been granted an extension of the
3 time of corporate existence by the circuit court having
4 jurisdiction, shall be deemed to have fully complied with all
5 provisions of law relating to such extensions, including the time
6 within which application for the extension must be made, unless,
7 for good cause shown, the circuit court shall set aside such
8 extension within ninety days after April 8, 1994.

9 2. Notwithstanding any other provision of law, any drainage
10 district, any levee district, or any drainage and levee district
11 organized under the provisions of sections 242.010 to 242.690,
12 RSMo, or sections 245.010 to 245.280, RSMo, shall have ~~five~~ ten
13 years after the lapse of the corporate charter in which to
14 reinstate and extend the time of the corporate existence by the
15 circuit court having jurisdiction, and such circuit court
16 judgment entry and order shall be deemed to have fully complied
17 with all provisions of law relating to such extensions.

18 247.112. Any public water supply district may accept
19 payment by credit card or electronic transfer of funds for
20 charges payable to the district. A public water supply district
21 shall not be required to accept payment by credit card or
22 electronic transfer if the credit card bank, processor, or issuer
23 would charge the district a fee for such payment. However, a
24 public water supply district may accept payment by credit card or
25 electronic transfer and charge the person making such payment a
26 fee equal to the fee charged the district by the credit card
27 bank, processor, or issuer for such payment.

1 252.243. 1. This section shall be known as and may be
2 cited as the "Hunting Heritage Protection Areas Act". Hunting
3 heritage protection areas shall include all land located within
4 the one hundred-year flood plain of the Missouri River and all
5 land located within the one hundred-year flood plain of the
6 Mississippi River, as designated by the Federal Emergency
7 Management Agency as amended from time to time.

8 2. In addition to the provisions of section 99.847, RSMo,
9 no new tax increment financing project shall be authorized in any
10 hunting heritage protection area after August 28, 2007. This
11 subsection shall not apply to tax increment financing projects or
12 districts approved:

13 (1) Prior to August 28, 2007, and shall allow the
14 modification, amendment, or expansion of such projects including
15 redevelopment project costs by not more than forty percent of
16 such project's original projected cost and the tax increment
17 finance district by not more than five percent of the district as
18 it existed as of August 28, 2007;

19 (2) For the purpose of flood or drainage protection and for
20 any public infrastructure included therewith; or

21 (3) For the purpose of constructing or operating a
22 renewable fuel facility as defined in section 348.430, RSMo, or
23 for the purpose of providing infrastructure necessary solely for
24 the construction or operation of such renewable fuel production
25 facility, provided no residential, commercial, or industrial
26 development not directly associated with the production of
27 renewable fuel shall occur within a hunting heritage protection

1 area, either directly or indirectly, as a result of such tax
2 increment financing project.

3 3. The discharge of firearms for lawful hunting, sporting,
4 target shooting, and all other lawful purposes shall not be
5 prohibited in hunting heritage protection areas, subject to all
6 applicable state and federal laws, and local ordinances
7 prohibiting hunting or the discharge of firearms adopted before
8 August 28, 2007.

9 4. Notwithstanding the provisions of subsection 1 of this
10 section to the contrary, hunting heritage protection areas shall
11 not include:

12 (1) Any area with a population of not less than fifty
13 thousand persons that has been defined and designated in the 2000
14 United States Census as an "urbanized area" by the United States
15 Secretary of Commerce;

16 (2) Any land ever owned by an entity regulated by the
17 Federal Energy Regulatory Commission or any land ever used or
18 operated by an entity regulated by the Federal Energy Regulatory
19 Commission;

20 (3) Any land used for the operation of a physical port of
21 commerce to include customs ports, but shall not include other
22 land managed or governed by a port authority if such other land
23 extends beyond the actual physical port;

24 (4) Any land contained within the boundary of any home rule
25 city with more than four hundred thousand inhabitants and located
26 in more than one county, or any land contained within a city not
27 within a county; or

1 (5) Any land located within one-half mile of any interstate
2 highway, as such highways exist as of August 28, 2007.

3 304.015. 1. All vehicles not in motion shall be placed
4 with their right side as near the right-hand side of the highway
5 as practicable, except on streets of municipalities where
6 vehicles are obliged to move in one direction only or parking of
7 motor vehicles is regulated by ordinance.

8 2. Upon all public roads or highways of sufficient width a
9 vehicle shall be driven upon the right half of the roadway,
10 except as follows:

11 (1) When overtaking and passing another vehicle proceeding
12 in the same direction pursuant to the rules governing such
13 movement;

14 (2) When placing a vehicle in position for and when such
15 vehicle is lawfully making a left turn in compliance with the
16 provisions of sections 304.014 to 304.026 or traffic regulations
17 thereunder or of municipalities;

18 (3) When the right half of a roadway is closed to traffic
19 while under construction or repair;

20 (4) Upon a roadway designated by local ordinance as a
21 one-way street and marked or signed for one-way traffic.

22 3. It is unlawful to drive any vehicle upon any highway or
23 road which has been divided into two or more roadways by means of
24 a physical barrier or by means of a dividing section or
25 delineated by curbs, lines or other markings on the roadway,
26 except to the right of such barrier or dividing section, or to
27 make any left turn or semicircular or U-turn on any such divided
28 highway, except at an intersection or interchange or at any

1 signed location designated by the state highways and
2 transportation commission or the department of transportation.
3 The provisions of this subsection shall not apply to emergency
4 vehicles, law enforcement vehicles or to vehicles owned by the
5 commission or the department.

6 4. The authorities in charge of any highway or the state
7 highway patrol may erect signs temporarily designating lanes to
8 be used by traffic moving in a particular direction, regardless
9 of the center line of the highway, and all members of the
10 Missouri highway patrol and other peace officers may direct
11 traffic in conformance with such signs. When authorized signs
12 have been erected designating off-center traffic lanes, no person
13 shall disobey the instructions given by such signs.

14 5. Whenever any roadway has been divided into three or more
15 clearly marked lanes for traffic, the following rules in addition
16 to all others consistent herewith shall apply:

17 (1) A vehicle shall be driven as nearly as practicable
18 entirely within a single lane and shall not be moved from such
19 lane until the driver has first ascertained that such movement
20 can be made with safety;

21 (2) Upon a roadway which is divided into three lanes a
22 vehicle shall not be driven in the center lane, except when
23 overtaking and passing another vehicle where the roadway ahead is
24 clearly visible and such center lane is clear of traffic within a
25 safe distance, or in preparation for a left turn or where such
26 center lane is at the time allocated exclusively to traffic
27 moving in the direction the vehicle is proceeding and is
28 sign-posted to give notice of such allocation;

1 (3) Upon all highways any vehicle proceeding at less than
2 the normal speed of traffic thereon shall be driven in the
3 right-hand lane for traffic or as close as practicable to the
4 right-hand edge or curb, except as otherwise provided in sections
5 304.014 to 304.026;

6 (4) Official signs may be erected by the highways and
7 transportation commission or the highway patrol may place
8 temporary signs directing slow-moving traffic to use a
9 designated lane or allocating specified lanes to traffic moving
10 in the same direction and drivers of vehicles shall obey the
11 directions of every such sign;

12 (5) Drivers of vehicles proceeding in opposite directions
13 shall pass each other to the right, and except when a roadway has
14 been divided into traffic lanes, each driver shall give to the
15 other at least one-half of the main traveled portion of the
16 roadway whenever possible.

17 6. All vehicles in motion upon a highway having two or more
18 lanes of traffic proceeding in the same direction shall be driven
19 in the right-hand lane except when overtaking and passing another
20 vehicle or when preparing to make a proper left turn or when
21 otherwise directed by traffic markings, signs or signals.

22 7. As of January 1, 2008, all trucks registered for a gross
23 weight of more than twenty-four thousand pounds, shall not be
24 driven in the far left lane upon an interstate highway having at
25 least three lanes proceeding in the same direction, within three
26 miles of where an interstate highway and three-digit Missouri
27 route intersects with an average daily traffic count of at least
28 one hundred thirty thousand vehicles at such point, in any county

1 with a population of more than one hundred eighty thousand
2 inhabitants that adjoins a county with a charter form of
3 government with a population of more than nine hundred thousand
4 inhabitants. The Missouri department of transportation shall
5 design, manufacture, and install any informational and
6 directional signs at the appropriate locations. Such restriction
7 shall not apply when:

8 (1) It is reasonably necessary for the operation of the
9 truck to respond to emergency conditions; or

10 (2) The right or a center lane of a roadway is closed to
11 traffic while under construction, maintenance, or repair.

12 As used in this subsection, the word "truck" means any vehicle,
13 machine, tractor trailer, or semitrailer, or any combination
14 thereof, propelled or drawn by mechanical power and designed for
15 or used in the transportation of property upon the highways.

16 8. Violation of this section shall be deemed an infraction
17 unless such violation causes an immediate threat of an accident,
18 in which case such violation shall be deemed a class C
19 misdemeanor, or unless an accident results from such violation,
20 in which case such violation shall be deemed a class A
21 misdemeanor.

22 311.174. 1. Any person possessing the qualifications and
23 meeting the requirements of this chapter who is licensed to sell
24 intoxicating liquor by the drink at retail for consumption on the
25 premises in a city with a population of at least four thousand
26 inhabitants which borders the Missouri River and also borders a
27 city with a population of over three hundred thousand inhabitants
28 located in at least three counties, in a city with a population

1 of over three hundred thousand which is located in whole or in
2 part within a first class county having a charter form of
3 government or in a first class county having a charter form of
4 government which contains all or part of a city with a population
5 of over three hundred thousand inhabitants, may apply to the
6 supervisor of liquor control for a special permit to remain open
7 on each day of the week until 3:00 a.m. of the morning of the
8 following day; except that, an entity exempt from federal income
9 taxes under Section 501(c)(3) of the Internal Revenue Code of
10 1986, as amended, and located in a building designated as a
11 National Historic Landmark by the United States Department of the
12 Interior may apply for a license to remain open until 6:00 a.m.
13 of the following day. The time of opening on Sunday may be 11:00
14 a.m. The provisions of this section and not those of section
15 311.097 regarding the time of closing shall apply to the sale of
16 intoxicating liquor by the drink at retail for consumption on the
17 premises on Sunday. When the premises of such an applicant is
18 located in a city as defined in this section, then the premises
19 must be located in an area which has been designated as a
20 convention trade area by the governing body of the city. When
21 the premises of such an applicant is located in a county as
22 defined in this section, then the premises must be located in an
23 area which has been designated as a convention trade area by the
24 governing body of the county.

25 2. An applicant granted a special permit under this section
26 shall, in addition to all other fees required by this chapter pay
27 an additional fee of three hundred dollars a year payable at the
28 time and in the same manner as its other license fees.

1 3. The provisions of this section allowing for extended
2 hours of business shall not apply in any incorporated area wholly
3 located in any first class county having a charter form of
4 government which contains all or part of a city with a population
5 of over three hundred thousand inhabitants until the governing
6 body of such incorporated area shall have by ordinance or order
7 adopted the extended hours authorized by this section.

8 313.055. 1. Until January 1, 1995, a tax is hereby imposed
9 on each organization conducting the game of bingo which awards to
10 winners of bingo games prizes or merchandise having an aggregate
11 retail value of more than five thousand dollars annually and more
12 than one hundred dollars in any single day. The tax shall be in
13 an amount equal to two and one-half percent of the total gross
14 receipts realized from each game of bingo conducted, shall be
15 paid on a monthly basis to the commission, by each person or
16 licensee conducting a game or games of bingo and shall be due on
17 the fifteenth day of the month following the month in which each
18 bingo game was conducted. Beginning January 1, 1995, the tax
19 shall be in the amount of two-tenths of one cent upon each bingo
20 card and progressive bingo game card sold in Missouri to be paid
21 by [the supplier] each supplier, except for veteran's, service,
22 and fraternal organizations. The taxes, less two percent of the
23 total amount paid which may be retained by the supplier, shall be
24 paid on a monthly basis to the commission, by each supplier of
25 bingo supplies and shall be due on the last day of the month
26 following the month in which the bingo card was sold, with the
27 date of sale being the date on the invoice evidencing the sale,
28 along with such reports as may be required by the commission.

1 The taxes shall be deposited in the state treasury, credited to
2 the bingo proceeds for education fund.

3 2. All taxes not paid to the commission by the person or
4 licensee required to remit the same on the date when the same
5 becomes due and payable to the commission under the provisions of
6 sections 313.005 to 313.085 shall bear interest at the rate to be
7 set by the commission not to exceed two percent per calendar
8 month, or fraction thereof, from and after such date until paid.
9 In addition, the commission may impose a penalty not to exceed
10 three times the amount of taxes due for failure to submit the
11 reports required by this section and pay the taxes due.

12 313.057. 1. It is unlawful for any person, either as an
13 owner, lessee or employee, to operate, carry on, conduct or
14 maintain any form of manufacturing, selling, leasing or
15 distribution of any bingo equipment or supplies without having
16 first procured and maintained a Missouri bingo equipment and
17 supplies manufacturer or supplier license.

18 2. The commission shall submit two sets of fingerprints for
19 each key person, as defined in commission rules and regulations,
20 of an entity or organization seeking issuance or renewal of a
21 Missouri bingo equipment and supplies manufacturer or supplier
22 license, for the purpose of checking the person's prior criminal
23 history when the commission determines a nationwide check is
24 warranted. The fingerprint cards and any required fees shall be
25 sent to the Missouri state highway patrol's criminal records
26 division. The first set of fingerprints shall be used for
27 searching the state repository of criminal history information.
28 The second set of fingerprints shall be forwarded to the Federal

1 Bureau of Investigation, Identification Division, for the
2 searching of the federal criminal history files. The patrol
3 shall notify the commission of any criminal history information
4 or lack of criminal history information discovered on the
5 individual. Notwithstanding the provisions of section 610.120,
6 RSMo, all records related to any criminal history information
7 discovered shall be accessible and available to the commission.

8 3. The holder of a state bingo license may, within two
9 years of cessation of conducting bingo or upon specific approval
10 by the commission, dispose of by sale in a manner approved by the
11 commission, any or all of his bingo equipment and supplies,
12 without a supplier's license. In case of foreclosure of a lien
13 by a bank or other person holding a security interest for which
14 bingo equipment is security in whole or in part for the lien, the
15 commission may authorize the disposition of the bingo equipment
16 without requiring a supplier's license.

17 4. Any person whom the commission determines to be a
18 suitable person to receive a license pursuant to the provisions
19 of this section may be issued a manufacturer's or supplier's
20 license. The commission may require suppliers to post a bond
21 with the commission in an amount and in the manner prescribed by
22 the commission. The burden of proving his qualification to
23 receive or hold a license pursuant to this section is at all
24 times on the applicant or licensee.

25 5. The commission shall charge and collect from each
26 applicant for a supplier's license a one-time application fee set
27 by the commission, not to exceed five thousand dollars. The

1 commission shall charge and collect an annual renewal fee for
2 each supplier licensee not to exceed one thousand dollars.

3 6. The commission shall charge and collect from each
4 applicant for a manufacturer's license a one-time application fee
5 set by the commission, not to exceed one thousand dollars. The
6 commission shall charge and collect an annual renewal fee for
7 each manufacturer licensee not to exceed five hundred dollars.

8 7. The commission shall charge and collect from each
9 applicant for a hall provider's license a one-time application
10 fee set by the commission, not to exceed seven hundred fifty
11 dollars. The commission shall charge and collect an annual
12 renewal fee for each hall provider licensee not to exceed five
13 hundred dollars.

14 8. All licenses issued pursuant to this section shall be
15 issued for the calendar year and shall expire on December
16 thirty-first of each year. Regardless of the date of application
17 or issuance of the license, the fee to be charged and collected
18 pursuant to this section shall be the full annual fee.

19 9. All license fees collected pursuant to this section
20 shall be paid over immediately to the state treasurer to be
21 deposited to the credit of the gaming commission bingo fund.

22 10. All licensees pursuant to this section shall maintain
23 for a period of not less than three years full and complete
24 records of all business carried on in this state and shall make
25 same available for inspection to any duly authorized
26 representative of the commission. If a supplier does not receive
27 payment in full from an organization within thirty days of the
28 delivery of bingo supplies, the supplier shall notify the

1 commission in writing, or in a manner specified by the commission
2 in its rules and regulations, of the delinquency. Upon receipt
3 of the notice of delinquency, the commission shall notify all
4 suppliers that until further notice from the commission, all
5 sales of bingo supplies to the delinquent organizations shall be
6 on a cash-only basis. Upon receipt of the notice from the
7 commission, no supplier may extend credit to the delinquent
8 organization until such time as the commission approves credit
9 sales. If a manufacturer does not receive payment in full from a
10 supplier within ninety days of the delivery of bingo supplies,
11 the manufacturer shall notify the commission in writing, or in a
12 manner specified by the commission in its rules and regulations,
13 of the delinquency. Upon receipt of the notice of delinquency,
14 the commission shall notify all manufacturers that until further
15 notice from the commission, all sales of bingo supplies to the
16 delinquent supplier shall be on a cash-only basis. Upon receipt
17 of the notice from the commission, no manufacturer may extend
18 credit to the delinquent supplier until such time as the
19 commission approves credit sales.

20 11. Until January 1, 1995, all suppliers, except veteran's
21 service, and fraternal organizations, shall pay a tax on all
22 pull-tab cards distributed by them in the amount of ten dollars
23 per box when sold by any organization licensed to conduct bingo
24 pursuant to the provisions of sections 313.005 to 313.080. No
25 box sold shall contain more than twenty-four hundred pull-tab
26 cards. Beginning January 1, 1995, a tax is hereby imposed in the
27 amount of two percent of the gross receipts of the retail sales
28 value charged for each pull-tab card sold in Missouri to be paid

1 by [the supplier] each supplier except veteran's, service, and
2 fraternal organizations. The taxes, less two percent of the
3 total amount paid which may be retained by the supplier, if
4 timely filed and paid, shall be paid on a monthly basis to the
5 commission by each supplier of pull-tabs and shall be due on the
6 last day of each month following the month in which the pull-tabs
7 were sold. The taxes shall be deposited in the state treasury,
8 credited to the bingo proceeds for education fund. All pull-tab
9 cards sold by suppliers in this state shall bear on the face
10 thereof the amount for which such pull-tab cards will be sold,
11 and the license number of the supplier shall be printed on the
12 inventory statement commonly called the flare, enclosed in each
13 unit container. Each unit container shall contain cards printed
14 in such a manner as to ensure that at least sixty percent of the
15 gross revenues generated by the ultimate sale of such cards shall
16 be returned to the final purchasers of such cards. Any supplier
17 who is not exempt and who fails to pay the tax imposed pursuant
18 to this subsection shall have his or her license issued pursuant
19 to this section revoked and shall be guilty of a class A
20 misdemeanor.

21 320.200. As used in sections 320.200 to [320.270] 320.271,
22 unless the context requires otherwise, the following terms mean:

23 (1) "Division", the division of fire safety created in
24 section 320.202;

25 (2) "Dwelling unit", one or more rooms arranged for the use
26 of one or more individuals living together as a single
27 housekeeping unit, with cooking, living, sanitary, and sleeping
28 facilities;

1 (3) "Fire department", an agency or organization that
2 provides fire suppression and related activities, including but
3 not limited to, fire prevention, rescue, emergency medical
4 services, hazardous material response, or special operation to a
5 population within a fixed and legally recorded geographical area.
6 The term "fire department" shall include any municipal fire
7 department or any fire protection district as defined in section
8 321.010, RSMo, or voluntary fire protection association as
9 defined in section 320.300, engaging in this type of activity;

10 (4) "Fire loss", loss of or damage to property, or the loss
11 of life or of personal injury, by fire, lightning, or explosion;

12 [(4)] (5) "Investigator", the supervising investigators and
13 investigators appointed under sections 320.200 to 320.270;

14 [(5)] (6) "Owner", any person who owns, occupies, or has
15 charge of any property;

16 [(6)] (7) "Privately occupied dwelling", a building
17 occupied exclusively for residential purposes and having not more
18 than two dwelling units;

19 [(7)] (8) "Property", property of all types, both real and
20 personal, movable and immovable;

21 [(8)] (9) "State fire marshal", the state fire marshal
22 selected under the provisions of sections 320.200 to 320.270.

23 320.271. All fire protection districts, fire departments,
24 and all volunteer fire protection associations as defined in
25 section 320.300 shall complete and file with the state fire
26 marshal within sixty days after [August 13, 1988] January 1,
27 2008, and annually thereafter, [the name and address of the fire
28 protection district, fire department, or volunteer fire

1 protection association] a fire department registration form
2 provided by the state fire marshal. The state fire marshal may
3 issue a fire department identification number to each registered
4 fire protection district, fire department, or volunteer fire
5 protection association based upon such registration. The state
6 fire marshal may conduct periodic reviews of the information
7 provided on each fire department registration form and may deny
8 or revoke a fire department identification number based upon the
9 information provided.

10 320.310. 1. All volunteer fire protection associations
11 [may] as defined in section 320.300 shall identify the
12 association's boundaries and file the same with the county
13 administrative body.

14 2. Except as provided in section 320.090 and section
15 44.090, RSMo, and except for state agencies that engage in fire
16 suppression and related activities, those fire protection
17 districts, municipal fire departments, and volunteer fire
18 protection associations, as defined in section 320.300, shall be
19 the sole provider of fire suppression and related activities.
20 For the purposes of this subsection, the term "related
21 activities" shall mean only fire prevention, rescue, hazardous
22 material response, or special operation within their legally
23 defined boundaries.

24 3. Only upon approval by the governing body of a municipal
25 fire department, fire protection district, or volunteer fire
26 association registered with the office of the state fire marshal,
27 as required by section 320.271, shall any other association,
28 organization, group, or political subdivision be authorized to

1 provide the fire suppression response and related activities
2 referenced in subsection 2 of this section within the legally
3 defined boundaries of any municipal fire department, fire
4 protection district, or volunteer fire association.

5 4. Any such association, group, or political subdivision
6 denied approval to operate within the established boundaries of a
7 fire department or volunteer fire association may appeal that
8 decision within thirty days of the decision to the circuit court
9 having jurisdiction for a trial de novo.

10 5. Notwithstanding the provisions of subsections 2 and 3 of
11 this section, ambulance services and districts which are or will
12 be licensed, formed, or operated under chapter 190, RSMo, may
13 provide emergency medical services and nonemergency medical
14 transport within the geographic boundaries of a fire department.
15 Nothing in this section shall supersede the provisions set forth
16 in section 67.300, RSMo, chapter 190, RSMo, or chapter 321, RSMo.

17 321.688. 1. The board of directors of any fire protection
18 district located wholly within any county of the first
19 classification may consolidate with each other upon the passage
20 of a joint resolution by each board desiring to consolidate. The
21 joint resolution shall not become effective unless each board
22 submits to the voters residing within the fire protection
23 districts at a state general, primary, or special election a
24 proposal to authorize the consolidation under this section.

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

1 Shall (insert the name of the fire protection
2 districts) be consolidated into one fire protection district, to
3 be known as the (insert name of proposed consolidated fire
4 protection district)?

5 ☐ YES ☐ NO

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

9 If a majority of the votes cast on the question by the qualified
10 voters voting thereon in each existing fire protection district
11 are in favor of the question, then the consolidation shall become
12 effective on January first of the year immediately following the
13 approval of the consolidation, unless the consolidation is
14 approved at a November election, in which case the consolidation
15 shall become effective on January first of the second year
16 following the approval of the consolidation.

17 3. The board of directors of any consolidated fire
18 protection district created under this section shall consist of
19 the existing board members of the fire protection districts that
20 were consolidated. Upon the occurrence of a vacancy in the
21 membership of the board, the number of members on the board may
22 be reduced upon approval by a majority of the remaining board
23 members, but under no circumstances shall the number of seats on
24 the regular board be reduced to less than five. The terms of
25 office for board members shall be identical to the terms of
26 office the board members were originally elected to serve before
27 the consolidation.

1 4. Upon the approval of consolidation under this section,
2 the consolidated district shall be a political subdivision of
3 this state and a body corporate, with all the powers of like or
4 similar corporations, and with all the powers, privileges, and
5 duties of fire protection districts under this chapter. All
6 properties, rights, assets, and liabilities of the fire
7 protection districts which are consolidated, including
8 outstanding bonds thereof if any, shall become the properties,
9 rights, assets, and liabilities of the consolidated fire
10 protection district.

11 5. The consolidated fire protection district shall levy the
12 same taxes as levied in the fire protection district with the
13 lowest tax levy before the consolidation unless a tax levy is
14 specifically set forth in the ballot language approved by the
15 voters of the consolidating districts, except that the tax levy
16 of the consolidated district shall not exceed the highest tax
17 levy of the consolidating districts.

18 321.800. Notwithstanding any other law to the contrary, any
19 board of directors established under the provisions of this
20 chapter administering its own retirement or other benefits
21 related plan shall administer such plan by a separate five-member
22 pension board of trustees. Pension plan participants shall elect
23 three such participants to be submitted to the board of
24 directors. The board of directors shall select two of the three
25 participants to serve on the five-member pension board of
26 trustees. The board of directors shall be the other three
27 members of the five-member pension board of trustees.

1 392.410. 1. A telecommunications company not possessing a
2 certificate of public convenience and necessity from the
3 commission at the time this section goes into effect shall have
4 not more than ninety days in which to apply for a certificate of
5 service authority from the commission pursuant to this chapter
6 unless a company holds a state charter issued in or prior to the
7 year 1913 which charter authorizes a company to engage in the
8 telephone business. No telecommunications company not exempt
9 from this subsection shall transact any business in this state
10 until it shall have obtained a certificate of service authority
11 from the commission pursuant to the provisions of this chapter,
12 except that any telecommunications company which is providing
13 telecommunications service on September 28, 1987, and which has
14 not been granted or denied a certificate of public convenience
15 and necessity prior to September 28, 1987, may continue to
16 provide that service exempt from all other requirements of this
17 chapter until a certificate of service authority is granted or
18 denied by the commission so long as the telecommunications
19 company applies for a certificate of service authority within
20 ninety days from September 28, 1987.

21 2. No telecommunications company offering or providing, or
22 seeking to offer or provide, any interexchange telecommunications
23 service shall do so until it has applied for and received a
24 certificate of interexchange service authority pursuant to the
25 provisions of subsection 1 of this section. No
26 telecommunications company offering or providing, or seeking to
27 offer or provide, any local exchange telecommunications service
28 shall do so until it has applied for and received a certificate

1 of local exchange service authority pursuant to the provisions of
2 section 392.420.

3 3. No certificate of service authority issued by the
4 commission shall be construed as granting a monopoly or exclusive
5 privilege, immunity or franchise. The issuance of a certificate
6 of service authority to any telecommunications company shall not
7 preclude the commission from issuing additional certificates of
8 service authority to another telecommunications company providing
9 the same or equivalent service or serving the same geographical
10 area or customers as any previously certified company, except to
11 the extent otherwise provided by section 392.450.

12 4. Any certificate of public convenience and necessity
13 granted by the commission to a telecommunications company prior
14 to September 28, 1987, shall remain in full force and effect
15 unless modified by the commission, and such companies need not
16 apply for a certificate of service authority in order to continue
17 offering or providing service to the extent authorized in such
18 certificate of public convenience and necessity. Any such
19 carrier, however, prior to substantially altering the nature or
20 scope of services provided under a certificate of public
21 convenience and necessity, or adding or expanding services beyond
22 the authority contained in such certificate, shall apply for a
23 certificate of service authority for such alterations or
24 additions pursuant to the provisions of this section.

25 5. The commission may review and modify the terms of any
26 certificate of public convenience and necessity issued to a
27 telecommunications company prior to September 28, 1987, in order
28 to ensure its conformity with the requirements and policies of

1 this chapter. Any certificate of service authority may be
2 altered or modified by the commission after notice and hearing,
3 upon its own motion or upon application of the person or company
4 affected. Unless exercised within a period of one year from the
5 issuance thereof, authority conferred by a certificate of service
6 authority or a certificate of public convenience and necessity
7 shall be null and void.

8 6. The commission may issue a temporary certificate which
9 shall remain in force not to exceed one year to assure
10 maintenance of adequate service or to serve particular customers,
11 without notice and hearing, pending the determination of an
12 application for a certificate.

13 7. No political subdivision of this state shall provide or
14 offer for sale, either to the public or to a telecommunications
15 provider, a telecommunications service or telecommunications
16 facility used to provide a telecommunications service for which a
17 certificate of service authority is required pursuant to this
18 section. Nothing in this subsection shall be construed to
19 restrict a political subdivision from allowing the
20 nondiscriminatory use of its rights-of-way including its poles,
21 conduits, ducts and similar support structures by
22 telecommunications providers or from providing to
23 telecommunications providers, within the geographic area in which
24 it lawfully operates as a municipal utility, telecommunications
25 services or telecommunications facilities on a nondiscriminatory,
26 competitively neutral basis, and at a price which covers cost,
27 including imputed costs that the political subdivision would
28 incur if it were a for-profit business. Nothing in this

subsection shall restrict a political subdivision from providing telecommunications services or facilities:

- (1) For its own use;
- (2) For 911, E-911 or other emergency services;
- (3) For medical or educational purposes;
- (4) To students by an educational institution; or
- (5) Internet-type services.

[The provisions of this subsection shall expire on August 28, 2007.]

8. The public service commission shall annually study the economic impact of the provisions of this section and prepare and submit a report to the general assembly by December thirty-first of each year.

393.705. As used in sections 393.700 to 393.770, the following terms shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Bond" or "bonds", any bonds, interim certificates, notes, debentures or other obligations of a commission issued pursuant to sections 393.700 to 393.770;

(2) "Commission", any joint municipal utility commission established by a joint contract pursuant to sections 393.700 to 393.770;

(3) "Contracting municipality", each municipality which is a party to a joint contract establishing a commission pursuant to sections 393.700 to 393.770, a water supply district formed pursuant to the provisions of chapter 247, RSMo, or a sewer district formed pursuant to the provisions of chapter 204, RSMo, or chapter 249, RSMo;

1 (4) "Joint contract", the contract entered into among or by
2 and between two or more of the following contracting entities for
3 the purpose of establishing a commission:

- 4 (a) Municipalities;
5 (b) Public water supply districts;
6 (c) Sewer districts;
7 (d) Nonprofit water companies; [or]
8 (e) Nonprofit sewer companies; or
9 (f) Joint municipal utility commissions;

10 (5) "Participating municipality", a municipality, public
11 water supply district, or sewer district acting in concert with a
12 commission in the development of a project but providing separate
13 financing to acquire an individual interest in the project;

14 (6) "Person", a natural person, cooperative or private
15 corporation, association, firm, partnership, or business trust of
16 any nature whatsoever, organized and existing pursuant to the
17 laws of any state or of the United States and any municipality or
18 other municipal corporation, governmental unit, or public
19 corporation created under the laws of any state or the United
20 States, and any person, board, or other body declared by the laws
21 of any state or the United States to be a department, agency or
22 instrumentality thereof;

23 (7) "Project", the purchasing, construction, extending or
24 improving of any utility facility or property including without
25 limitation revenue-producing water, sewage, gas or electric light
26 works, heating or power plants, transmission and distribution
27 systems, and all other types of utilities and revenue-producing
28 facilities as deemed appropriate by the governing bodies of the

1 contracting or participating municipalities, including all real
2 and personal property of any nature whatsoever to be used in
3 connection therewith, together with all parts thereof and
4 appurtenances thereto, or any interest therein or right to
5 capacity thereof and the acquisition of fuel of any kind for any
6 such purposes.

7 393.710. 1. Municipalities, joint municipal utility
8 commissions, public water supply districts, and sewer districts
9 may, by joint contract, establish a governmental entity to be
10 known as a joint municipal utility commission, to effect the
11 joint development of a project or projects in whole or in part
12 for the benefit of the inhabitants of such municipalities, public
13 water supply districts and sewer districts.

14 2. Any joint contract establishing a commission under this
15 section shall specify:

16 (1) The name and purpose of the commission and the
17 functions or services to be provided by the commission;

18 (2) The establishment and organization of a governing body
19 of a commission which shall be a board of directors in which all
20 powers of the commission are vested. The joint contract may
21 provide for the creation by the board of an executive committee
22 of the board to which the powers and duties of the board may be
23 delegated as the board or state statute shall specify;

24 (3) The number of directors, the manner of their
25 appointment, terms of office and compensation, if any, and the
26 procedure for filling vacancies on the board. Each contracting
27 municipality, public water supply district, and sewer district
28 shall have the power to appoint one member and an alternate to

1 the board of directors and shall be entitled to remove that
2 member and alternate at will;

3 (4) The manner of selection of the officers of the
4 commission and their duties;

5 (5) The voting requirements for action by the board, but,
6 unless specifically provided otherwise, a majority of directors
7 shall constitute a quorum and a majority of the quorum shall be
8 necessary for any action taken by the board;

9 (6) The duties of the board which shall include the
10 obligation to comply or to cause compliance with this section and
11 the laws of the state and, in addition, with each and every term,
12 provision and covenant in the joint contract creating the
13 commission on its part to be kept or performed;

14 (7) The manner in which additional municipalities, public
15 water supply districts, and sewer districts may become parties to
16 the joint contract;

17 (8) The manner of financing the commission and of
18 establishing and maintaining a budget and annual audit for the
19 commission;

20 (9) The ownership interests of the contracting municipality
21 electric cooperative associations, municipally owned or public
22 utilities in a project or the manner of determining such
23 ownership interest, which ownership interest shall be subject to
24 any mortgage of a project pursuant to section 393.735;

25 (10) Provisions for the disposition, division or
26 distribution of any property or assets of the commission on
27 dissolution; and

1 (11) The term of the joint contract, which may be a
2 definite period or until rescinded or terminated, and the method,
3 if any, by which the joint contract may be rescinded or
4 terminated so long as the commission has no bonds outstanding,
5 unless provision for full payment of such bonds, by escrow or
6 otherwise, has been made pursuant to the terms of the bonds or
7 the resolution, trust indenture or security instrument securing
8 the bonds.

9 3. A commission shall, if the joint contract so provides,
10 be the successor to any nonprofit corporation, agency, or another
11 entity theretofore organized by the contracting municipalities to
12 provide the same function, service or facility, and the
13 commission shall be entitled to all rights and privileges and
14 shall assume all obligations and liabilities of such other entity
15 under existing contracts to which such other entity is a party.

16 393.715. 1. The general powers of a commission to the
17 extent provided in section 393.710 to be exercised for the
18 benefit of its contracting members shall include the power to:

19 (1) Plan, develop, acquire, construct, reconstruct,
20 operate, manage, dispose of, participate in, maintain, repair,
21 extend or improve one or more projects, either exclusively or
22 jointly or by participation with electric cooperative
23 associations, municipally owned or public utilities or acquire
24 any interest in or any rights to capacity of a project, within or
25 outside the state, and act as an agent, or designate one or more
26 other persons participating in a project to act as its agent, in
27 connection with the planning, acquisition, construction,

1 operation, maintenance, repair, extension or improvement of such
2 project;

3 (2) Acquire, sell, distribute and process fuels necessary
4 to the production of electric power and energy; provided,
5 however, the commission shall not have the power or authority to
6 erect, own, use or maintain a transmission line which is parallel
7 or generally parallel to another transmission line in place
8 within a distance of two miles, which serves the same general
9 area sought to be served by the commission unless the public
10 service commission finds that it is not feasible to utilize the
11 transmission line which is in place;

12 (3) Acquire by purchase or lease, construct, install, and
13 operate reservoirs, pipelines, wells, check dams, pumping
14 stations, water purification plants, and other facilities for the
15 production, wholesale distribution, and utilization of water and
16 to own and hold such real and personal property as may be
17 necessary to carry out the purposes of its organization;
18 provided, however, that a commission shall not sell or distribute
19 water, at retail or wholesale, within the certificated area of a
20 water corporation which is subject to the jurisdiction of the
21 public service commission unless the sale or distribution of
22 water is within the boundaries of a public water supply district
23 or municipality which is a contracting municipality in the
24 commission and the commission has obtained the approval of the
25 public service commission prior to commencing such said sale or
26 distribution of water;

27 (4) Acquire by purchase or lease, construct, install, and
28 operate lagoons, pipelines, wells, pumping stations, sewage

1 treatment plants and other facilities for the treatment and
2 transportation of sewage and to own and hold such real and
3 personal property as may be necessary to carry out the purposes
4 of its organization;

5 (5) Enter into operating, franchises, exchange,
6 interchange, pooling, wheeling, transmission and other similar
7 agreements with any person;

8 (6) Make and execute contracts and other instruments
9 necessary or convenient to the exercise of the powers of the
10 commission;

11 (7) Employ agents and employees;

12 (8) Contract with any person, within or outside the state,
13 for the construction of any project or for any interest therein
14 or any right to capacity thereof, without advertising for bids,
15 preparing final plans and specifications in advance of
16 construction, or securing performance and payment of bonds,
17 except to the extent and on such terms as its board of directors
18 or executive committee shall determine. Any contract entered
19 into pursuant to this subdivision shall contain a provision that
20 the requirements of sections 290.210 to 290.340, RSMo, shall
21 apply;

22 (9) Purchase, sell, exchange, transmit, treat, dispose or
23 distribute water, sewage, gas, heat or electric power and energy,
24 or any by-product resulting therefrom, within and outside the
25 state, in such amounts as it shall determine to be necessary and
26 appropriate to make the most effective use of its powers and to
27 meet its responsibilities, and to enter into agreements with any
28 person with respect to such purchase, sale, exchange, treatment,

1 disposal or transmission, on such terms and for such period of
2 time as its board of directors or executive committee shall
3 determine. A commission may not sell or distribute water, gas,
4 heat or power and energy, or sell sewage service at retail to
5 ultimate customers outside the boundary limits of its contracting
6 municipalities except pursuant to subsection 2 or 3 of this
7 section;

8 (10) Acquire, own, hold, use, lease, as lessor or lessee,
9 sell or otherwise dispose of, mortgage, pledge, or grant a
10 security interest in any real or personal property, commodity or
11 service or interest therein;

12 (11) Exercise the powers of eminent domain for public use
13 as provided in chapter 523, RSMo, except that the power of
14 eminent domain shall not be exercised against any electric
15 cooperative association, municipally owned or public utility;

16 (12) Incur debts, liabilities or obligations including the
17 issuance of bonds pursuant to the authority granted in section 27
18 of article VI of the Missouri Constitution;

19 (13) Sue and be sued in its own name;

20 (14) Have and use a corporate seal;

21 (15) Fix, maintain and revise fees, rates, rents and
22 charges for functions, services, facilities or commodities
23 provided by the commission. The powers enumerated in this
24 subdivision shall constitute the power to tax for purposes of
25 article X, section 15 of the Missouri constitution;

26 (16) Make, and from time to time, amend and repeal, bylaws,
27 rules and regulations not inconsistent with this section to carry
28 into effect the powers and purposes of the commission;

1 (17) Notwithstanding the provisions of any other law,
2 invest any funds held in reserve or sinking funds, or any funds
3 not required for immediate disbursement, including the proceeds
4 from the sale of any bonds, in such obligations, securities and
5 other investments as the commission deems proper;

6 (18) Join organizations, membership in which is deemed by
7 the board of directors or its executive committee to be
8 beneficial to accomplishment of the commission's purposes;

9 (19) Exercise any other powers which are deemed necessary
10 and convenient by the commission to effectuate the purposes of
11 the commission; and

12 (20) Do and perform any acts and things authorized by this
13 section under, through or by means of an agent or by contracts
14 with any person.

15 2. When a municipality purchases a privately owned water
16 utility and a commission is created pursuant to sections 393.700
17 to 393.770, the commission may continue to serve those locations
18 previously receiving water from the private utility even though
19 the location receives such service outside the geographical area
20 of the municipalities forming the commission. New water service
21 may be provided in such areas if the site to receive such service
22 is located within one-fourth of a mile from a site serviced by
23 the privately owned water utility.

24 3. When a commission created by any of the contracting
25 entities listed in subdivision (4) of section 393.705 becomes a
26 successor to any nonprofit water corporation, nonprofit sewer
27 corporation or other nonprofit agency or entity organized to
28 provide water or sewer service, the commission may continue to

1 serve, as well as provide new service to, those locations and
2 areas previously receiving water or sewer service from such
3 nonprofit entity, regardless of whether or not such location
4 receives such service outside the geographical service area of
5 the contracting entities forming such commission; provided that
6 such locations and areas previously receiving water and sewer
7 service from such nonprofit entity are not located within:

8 (1) Any county of the first classification with a
9 population of more than six hundred thousand and less than nine
10 hundred thousand;

11 (2) The boundaries of any sewer district established
12 pursuant to article VI, section 30(a) of the Missouri
13 Constitution; or

14 (3) The certificated area of a water or sewer corporation
15 that is subject to the jurisdiction of the public service
16 commission.

17 393.720. Any commission established by joint contract under
18 sections 393.700 to 393.770 shall constitute a body public and
19 corporate of the state, exercising public powers for the benefit
20 of its contracting members and in order to carry out the public
21 purposes and the public functions of its contracting members. It
22 shall have the duties, privileges, immunities, rights,
23 liabilities and disabilities of its contracting members and as a
24 public body politic and corporate, including the power to tax,
25 but shall not have any additional taxing power separate from that
26 of its members nor shall it have the benefit of the doctrine of
27 sovereign immunity.

28 393.829. A nonprofit sewer company shall have power:

1 (1) To sue and be sued, in its corporate name;

2 (2) To have succession by its corporate name for the period
3 stated in its articles of incorporation or, if no period is
4 stated in its articles of incorporation, to have such succession
5 perpetually;

6 (3) To adopt a corporate seal and alter the same at
7 pleasure;

8 (4) To provide wastewater disposal and wastewater treatment
9 services to its members, to governmental agencies and political
10 subdivisions;

11 (5) To make loans to persons to whom wastewater disposal or
12 wastewater treatment is or will be supplied by the company for
13 the purpose of, and otherwise to assist such persons in,
14 installing therein plumbing fixtures, appliances, apparatus and
15 equipment of any and all kinds and character, and in connection
16 therewith, to purchase, acquire, lease, sell, distribute, install
17 and repair such plumbing fixtures, appliances, apparatus and
18 equipment, and to accept or otherwise acquire, and to sell,
19 assign, transfer, endorse, pledge, hypothecate and otherwise
20 dispose of notes, bonds and other evidences of indebtedness and
21 any and all types of security therefor;

22 (6) To make loans to persons to whom wastewater disposal or
23 wastewater treatment is or will be supplied by the company for
24 the purpose of, and otherwise to assist such persons in,
25 constructing, maintaining and operating commercial or industrial
26 plants or facilities;

27 (7) To construct, purchase, take, receive, lease as lessee,
28 or otherwise acquire, and to own, hold, use, equip, maintain, and

1 operate, and to sell, assign, transfer, convey, exchange, lease
2 as lessor, mortgage, pledge, or otherwise dispose of or encumber,
3 wastewater provision or collection or treatment systems, plants,
4 lands, buildings, structures, dams, and equipment, and any and
5 all kinds and classes of real or personal property whatsoever,
6 which shall be deemed necessary, convenient or appropriate to
7 accomplish the purpose for which the company is organized;

8 (8) To purchase or otherwise acquire, and to own, hold, use
9 and exercise and to sell, assign, transfer, convey, mortgage,
10 pledge, hypothecate, or otherwise dispose of or encumber,
11 franchises, rights, privileges, licenses, rights-of-way and
12 easements;

13 (9) To borrow money and otherwise contract indebtedness,
14 and to issue notes, bonds, and other evidences of indebtedness
15 therefor, and to secure the payment thereof by mortgage, pledge,
16 deed of trust, or any other encumbrance upon any or all of its
17 then-owned or after-acquired real or personal property, assets,
18 franchises, revenues or income;

19 (10) To construct, maintain and operate wastewater
20 distribution and collection and treatment plants and lines along,
21 upon, under and across all public thoroughfares, including
22 without limitation, all roads, highways, streets, alleys, bridges
23 and causeways, and upon, under and across all publicly owned
24 lands;

25 (11) To exercise the power of eminent domain in the manner
26 provided by the laws of this state for the exercise of that power
27 by corporations constructing or operating electric transmission
28 and distribution lines or systems;

1 (12) To conduct its business and exercise any or all of its
2 powers within or without this state;

3 (13) To adopt, amend and repeal bylaws; [and]

4 (14) To do and perform any and all other acts and things,
5 and to have and exercise any and all other powers which may be
6 necessary, convenient or appropriate to accomplish the purpose
7 for which the company is organized; and

8 (15) To provide all services and assume all
9 responsibilities authorized to a nonprofit water company
10 organized under sections 393.900 to 393.954 in the same areas
11 where the company is providing sewer services when approved by
12 its members, provided that no domestic water services may be
13 provided within the boundaries of an existing public water supply
14 district or within the certificated area of a water corporation
15 as defined in section 386.020, RSMo.

16 409.107. No investment firm, legal firm offering bond
17 counsel services, or any persons having an interest in any such
18 firms shall be involved in [any manner in] the issuance of bonds
19 authorized by an election in which the firm or person made any
20 direct or indirect financial contribution [of any kind
21 whatsoever] to any campaign in support of the bond election. For
22 the purposes of this section, direct or indirect financial
23 contribution shall not include services with respect to providing
24 factual information relating to the prospective bond issuance,
25 responding to questions and making presentations at public forums
26 relative to prospective bond issuance or participation in any
27 meeting subject to the open meetings law.

1 432.070. No county, city, town, village, school township,
2 school district or other municipal corporation shall make any
3 contract, unless the same shall be within the scope of its powers
4 or be expressly authorized by law, nor unless such contract be
5 made upon a consideration wholly to be performed or executed
6 subsequent to the making of the contract; and such contract,
7 including the consideration, shall be in writing and dated when
8 made, and shall be subscribed by the parties thereto, or their
9 agents authorized by law and duly appointed and authorized in
10 writing. [Notwithstanding the foregoing, any home rule city with
11 more than sixty thousand three hundred but fewer than sixty
12 thousand four hundred inhabitants which after January 1, 2003,
13 has committed or agreed in writing to provide sewer service or
14 has in fact directly or indirectly provided such service to any
15 homes within a subdivision shall give its customers two years
16 prior written notice of its intent to discontinue service and
17 during such two-year period shall continue to connect and provide
18 sanitary sewer service to all homes constructed in such
19 subdivision. In no event shall any sewer service connected prior
20 to the expiration of such two-year period be discontinued.]

21 451.040. 1. Previous to any marriage in this state, a
22 license for that purpose shall be obtained from the officer
23 authorized to issue the same, and no marriage contracted shall be
24 recognized as valid unless the license has been previously
25 obtained, and unless the marriage is solemnized by a person
26 authorized by law to solemnize marriages.

27 2. Before applicants for a marriage license shall receive a
28 license, and before the recorder of deeds shall be authorized to

1 issue a license, the parties to the marriage shall present an
2 application for the license, duly executed and signed in the
3 presence of the recorder of deeds or their deputy. Each
4 application for a license shall contain the Social Security
5 number of the applicant, provided that the applicant in fact has
6 a Social Security number, or the applicant shall sign a statement
7 provided by the recorder that the applicant does not have a
8 Social Security number. The Social Security number contained in
9 an application for a marriage license shall be exempt from
10 examination and copying pursuant to section 610.024, RSMo. [Upon
11 the expiration of three days] After the receipt of the
12 application the recorder of deeds shall issue the license, unless
13 one of the parties withdraws the application. The license shall
14 be void after thirty days from the date of issuance.

15 3. Provided, however, that such license may be issued on
16 order of a circuit or associate circuit judge of the county in
17 which the license is applied for, without waiting three days,
18 such license being issued only for good cause shown and by reason
19 of such unusual conditions as to make such marriage advisable.

20 4. Any person violating the provisions of this section
21 shall be deemed guilty of a misdemeanor.

22 5. Common-law marriages shall be null and void.

23 6. Provided, however, that no marriage shall be deemed or
24 adjudged invalid, nor shall the validity be in any way affected
25 for want of authority in any person so solemnizing the marriage
26 pursuant to section 451.100, if consummated with the full belief
27 on the part of the persons, so married, or either of them, that
28 they were lawfully joined in marriage.

1 473.743. It shall be the duty of the public administrator
2 to take into his or her charge and custody the estates of all
3 deceased persons, and the person and estates of all minors, and
4 the estates or person and estate of all incapacitated persons in
5 his or her county, in the following cases:

6 (1) When a stranger dies intestate in the county without
7 relations, or dies leaving a will, and the personal
8 representative named is absent, or fails to qualify;

9 (2) When persons die intestate without any known heirs;

10 (3) When persons unknown die or are found dead in the
11 county;

12 (4) When money, property, papers or other estate are left
13 in a situation exposed to loss or damage, and no other person
14 administers on the same;

15 (5) When any estate of any person who dies intestate
16 therein, or elsewhere, is left in the county liable to be
17 injured, wasted or lost, when the intestate does not leave a
18 known husband, widow or heirs in this state;

19 (6) The persons of all minors under the age of fourteen
20 years, whose parents are dead, and who have no legal guardian or
21 conservator;

22 (7) The estates of all minors whose parents are dead, or,
23 if living, refuse or neglect to qualify as conservator, or,
24 having qualified have been removed, or are, from any cause,
25 incompetent to act as such conservator, and who have no one
26 authorized by law to take care of and manage their estate;

27 (8) The estates or person and estate of all disabled or
28 incapacitated persons in his or her county who have no legal

1 guardian or conservator, and no one competent to take charge of
2 such estate, or to act as such guardian or conservator, can be
3 found, or is known to the court having jurisdiction, who will
4 qualify;

5 (9) Where from any other good cause, the court shall order
6 him to take possession of any estate to prevent its being
7 injured, wasted, purloined or lost;

8 (10) When monies are delivered to the public administrator
9 from the county coroner.

10 479.010. Violations of municipal ordinances shall be
11 [tried] heard and determined only before divisions of the circuit
12 court as hereinafter provided in this chapter. "Heard and
13 determined", for purposes of this chapter, shall mean any process
14 under which the court in question retains the final authority to
15 make factual determinations pertaining to allegations of a
16 municipal ordinance violation, including, but not limited to, the
17 use of a system of administrative adjudication as provided in
18 section 479.011, preliminary to a determination by appeal to the
19 court in question.

20 479.011. 1. Any city not within a county or any home rule
21 city with more than four hundred thousand inhabitants and located
22 in more than one county may establish, by order or ordinance, an
23 administrative system for adjudicating parking and other civil,
24 nonmoving municipal code violations consistent with applicable
25 state law. Such administrative adjudication system shall be
26 subject to practice, procedure, and pleading rules established by
27 the state supreme court, circuit court, or municipal court. This
28 section shall not be construed to affect the validity of other

1 administrative adjudication systems authorized by state law and
2 created before August 28, 2004.

3 2. The order or ordinance creating the administrative
4 adjudication system shall designate the administrative tribunal
5 and its jurisdiction, including the code violations to be
6 reviewed. The administrative tribunal may operate under the
7 supervision of the municipal court, parking commission, or other
8 entity designated by order or ordinance and in a manner
9 consistent with state law. The administrative tribunal shall
10 adopt policies and procedures for administrative hearings, and
11 filing and notification requirements for appeals to the municipal
12 or circuit court, subject to the approval of the municipal or
13 circuit court.

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

26 4. An administrative tribunal may not impose incarceration
27 or any fine in excess of the amount allowed by law. Any
28 sanction, fine or costs, or part of any fine, other sanction, or

1 costs, remaining unpaid after the exhaustion of, or the failure
2 to exhaust, judicial review procedures under chapter 536, RSMo,
3 shall be a debt due and owing the city, and may be collected in
4 accordance with applicable law.

5 5. Any final decision or disposition of a code violation by
6 an administrative tribunal shall constitute a final determination
7 for purposes of judicial review[,]. Such determination is
8 subject to review under chapter 536, RSMo, or, at the request of
9 the defendant made within ten days, a trial de novo in the
10 circuit court. After expiration of the judicial review period
11 under chapter 536, RSMo, unless stayed by a court of competent
12 jurisdiction, the administrative tribunal's decisions, findings,
13 rules, and orders may be enforced in the same manner as a
14 judgment entered by a court of competent jurisdiction. Upon
15 being recorded in the manner required by state law or the uniform
16 commercial code, a lien may be imposed on the real or personal
17 property of any defendant entering a plea of nolo contendere,
18 pleading guilty to, or found guilty of a municipal code violation
19 in the amount of any debt due the city under this section and
20 enforced in the same manner as a judgment lien under a judgment
21 of a court of competent jurisdiction.

22 644.597. In addition to those sums authorized prior to
23 August 28, 2007, the board of fund commissioners of the state of
24 Missouri, as authorized by section 37(e) of article III of the
25 Constitution of the state of Missouri, may borrow on the credit
26 of this state the sum of ten million dollars in the manner
27 described, and for the purposes set out, in chapter 640, RSMo,
28 and in this chapter.

1 644.598. In addition to those sums authorized prior to
2 August 28, 2007, the board of fund commissioners of the state of
3 Missouri, as authorized by section 37(q) of article III of the
4 Constitution of the state of Missouri, may borrow on the credit
5 of this state the sum of ten million dollars in the manner
6 described, and for the purposes set out, in chapter 640, RSMo,
7 and in this chapter.

8 644.599. In addition to those sums authorized prior to
9 August 28, 2007, the board of fund commissioners of the state of
10 Missouri, as authorized by section 37(h) of article III of the
11 Constitution of the state of Missouri, may borrow on the credit
12 of this state the sum of twenty million dollars in the manner
13 described, and for the purposes set out, in chapter 640, RSMo,
14 and in this chapter.

15 650.396. A county in which an emergency communications
16 system commission has been established may, by a majority vote of
17 the qualified voters voting thereon, levy and collect a sales tax
18 not to exceed on-tenth of one percent, or a tax on the taxable
19 real property in the district, not to exceed six cents per one
20 hundred dollars of assessed valuation to accomplish any of the
21 following purposes:

22 (1) The provision of necessary funds to establish, operate
23 and maintain an emergency communications system to serve the
24 county in which the commission is located; and

25 (2) The provision of funds to supplement existing funds for
26 the operation and maintenance of an existing emergency
27 communications system in the county in which the commission is
28 located; and

1 (3) The purposes authorized by section 144.757, RSMo.

2 650.399. 1. The board of commissioners may, by a majority
3 vote of its members, request that the governing body of the
4 county submit to the qualified voters of such county at a
5 general, primary or special election either of the questions
6 contained in subsection 2 of this section. The governing body
7 may approve or deny such request. The governing body may also
8 vote to submit such question without a request of the board of
9 commissioners. The county election official shall give legal
10 notice of the election pursuant to chapter 115, RSMo.

11 2. The questions shall be put in substantially the
12 following form:

13 (1) "Shall (name of county) establish an emergency
14 communications system fund to establish (and/or) maintain an
15 emergency communications system, and for which the county shall
16 levy a tax of (insert exact amount, not to exceed six cents) per
17 each one hundred dollars assessed valuation therefor, to be paid
18 into the fund for that purpose?"

19 ☐ YES ☐ NO; or

20 (2) "Shall (name of county) establish an emergency
21 communications system fund to establish (and/or) maintain an
22 emergency communications system, and for which the county shall
23 levy a sales tax of (insert exact amount, not to exceed one-tenth
24 of one percent), to be paid into the fund for that purpose?"

25 ☐ YES ☐ NO

26 3. The election shall be conducted and vote canvassed in
27 the same manner as other county elections. If the majority of
28 the qualified voters voting thereon vote in favor of such tax,

1 then the county shall levy such tax in the specified amount,
2 beginning in the tax year immediately following its approval.
3 The tax so levied shall be collected along with other county
4 taxes in the manner provided by law. If the majority of the
5 qualified voters voting thereon vote against such tax, then such
6 tax shall not be imposed unless such tax is resubmitted to the
7 voters and a majority of the qualified voters voting thereon
8 approve such tax.

9 4. Nothing in this section shall prohibit the use of any
10 other funds from the state or any public entity within the state
11 from being used for the purposes provided for in sections 650.396
12 to 650.411.

13 Section 1. 1. The governor is hereby authorized and
14 empowered to sell, transfer, grant, and convey all interest in
15 the following described real property owned by the state in
16 Jackson County to the city of Kansas City:

17 Parcel # 12-840-27-08-00-0-00-000

18 JOHNSON'S SUB OF O T LANDS

19 BEG 460 W 185' S NE CE S SW 1/4 SE 1/4 TH SW 250' SE
20 220' NE 250' NW 220' TO POB

21 Parcel # 12-840-26-02-00-0-00-000

22 EAST KANSAS

23 LOT 1 & N 10 FT OF LOT 2 BL K 53

24
25 Parcel # 12-840-26-03-00-0-00-000

26 EAST KANSAS

27 ALL OF LOT 2 (EX N 10') & ALL OF LOT 3 & N 10' OF LOT 4
28 BLK 53

29 2. The commissioner of administration shall set the terms
30 and conditions for the sale as the commissioner deems reasonable.
31 Such terms and conditions may include, but not be limited to, the

1 number of appraisals required, and the time, place, and terms of
2 the sale.

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

5 Section 2. The cities of Rogersville and Springfield shall
6 abide by the terms and conditions of the November 15, 2005,
7 settlement agreement, as amended, relating to involuntary
8 annexation of certain real property located between the two
9 cities.

10 [58.510. If the money in the treasury be demanded
11 within five years by the legal representatives of
12 deceased, the treasurer shall pay it to them, after
13 deducting all fees and expenses.]
14

15 [99.812. 1. This section shall be known as and
16 may be cited as the "Hunting Heritage Protection Areas
17 Act". Hunting heritage protection areas shall include
18 all land located within the one hundred-year flood
19 plain of the Missouri River and all land located within
20 the one hundred-year flood plain of the Mississippi
21 River, as designated by the Federal Emergency
22 Management Agency as amended from time to time.

23 2. In addition to the provisions of section
24 99.847 no new tax increment financing project shall be
25 authorized in any hunting heritage protection area
26 after August 28, 2007. This subsection shall not apply
27 to tax increment financing projects or districts
28 approved:

29 (1) Prior to August 28, 2007, and shall allow the
30 modification, amendment, or expansion of such projects
31 including redevelopment project costs by not more than
32 forty percent of such project's original projected cost
33 and the tax increment finance district by not more than
34 five percent of the district as it existed as of August
35 28, 2007;

36 (2) For the purpose of flood or drainage
37 protection and for any public infrastructure included
38 therewith; or

39 (3) For the purpose of constructing or operating
40 a renewable fuel facility as defined in section
41 348.430, RSMo, or for the purpose of providing
42 infrastructure necessary solely for the construction or
43 operation of such renewable fuel production facility,

1 provided no residential, commercial, or industrial
2 development not directly associated with the production
3 of renewable fuel shall occur within a hunting heritage
4 protection area, either directly or indirectly, as a
5 result of such tax increment financing project.

6 3. The discharge of firearms for lawful hunting,
7 sporting, target shooting, and all other lawful
8 purposes shall not be prohibited in hunting heritage
9 protection areas, subject to all applicable state and
10 federal laws.

11 4. Notwithstanding the provisions of subsection 1
12 of this section to the contrary, hunting heritage
13 protection areas shall not include:

14 (1) Any area with a population of not less than
15 fifty thousand persons that has been defined and
16 designated in the 2000 United States Census as an
17 "urbanized area" by the United States Secretary of
18 Commerce;

19 (2) Any land ever owned by an entity regulated by
20 the Federal Energy Regulatory Commission or any land
21 ever used or operated by an entity regulated by the
22 Federal Energy Regulatory Commission;

23 (3) Any land used for the operation of a physical
24 port of commerce to include customs ports, but shall
25 not include other land managed or governed by a port
26 authority if such other land extends beyond the actual
27 physical port;

28 (4) Any land contained within the boundary of any
29 home rule city with more than four hundred thousand
30 inhabitants and located in more than one county, or any
31 land contained within a city not within a county; or

32 (5) Any land located within one-half mile of any
33 interstate highway, as such highways exist as of August
34 28, 2007.]

35
36 [144.054. 1. As used in this section, the
37 following terms mean:

38 (1) "Processing", any mode of treatment, act, or
39 series of acts performed upon materials to transform or
40 reduce them to a different state or thing, including
41 treatment necessary to maintain or preserve such
42 processing by the producer at the production facility;

43 (2) "Recovered materials", those materials which
44 have been diverted or removed from the solid waste
45 stream for sale, use, reuse, or recycling, whether or
46 not they require subsequent separation and processing.

47 2. In addition to all other exemptions granted
48 under this chapter, there is hereby specifically
49 exempted from the provisions of sections 144.010 to
50 144.525 and 144.600 to 144.761, and section 238.235,
51 RSMo, and the local sales tax law as defined in section

32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, electrical energy and gas, whether natural, artificial, or propane, water, coal, and other utilities, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product.]

Section B. Because of the need for continued flood protection, the provisions of section 246.005 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the provisions of section 246.005 of this act shall be in full force and effect upon its passage and approval.

Section C. Because of the need to allow the citizens of Missouri to operate and maintain sewer systems, sections 204.600, 204.602, 204.604, 204.606, 204.608, 204.610, 204.612, 204.614, 204.616, 204.618, 204.620, 204.622, 204.624, 204.626, 204.628, 204.630, 204.632, 204.634, 204.636, 204.638, 204.640, 204.650, 204.652, 204.654, 204.656, 204.658, 204.660, 204.662, 204.664, 204.666, 204.668, 204.670, 204.672, 204.674, and 393.829 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 204.600, 204.602, 204.604, 204.606, 204.608, 204.610, 204.612, 204.614, 204.616, 204.618, 204.620, 204.622, 204.624, 204.626, 204.628, 204.630, 204.632, 204.634, 204.636, 204.638, 204.640, 204.650, 204.652, 204.654, 204.656, 204.658,

1 204.660, 204.662, 204.664, 204.666, 204.668, 204.670, 204.672,
2 204.674, and 393.829 of this act shall be in full force and
3 effect upon its passage and approval.

4