

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2297

95TH GENERAL ASSEMBLY

5326L.06T

2010

AN ACT

To amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

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

Section A. Chapter 184, RSMo, is amended by adding thereto five new sections, to be
2 known as sections 184.500, 184.503, 184.506, 184.509, and 184.512, to read as follows:

**184.500. As used in sections 184.500 to 184.512, unless the context clearly requires
2 otherwise, the following terms mean:**

3 (1) "Commission", the governing body of the Kansas City Zoological District;

4 (2) "Eligible charter county", any county with a charter form of government and
5 with more than six hundred thousand but fewer than seven hundred thousand inhabitants;

6 (3) "Eligible county or eligible counties", any eligible charter county or eligible
7 noncharter county;

8 (4) "Eligible noncharter county", any county of the first classification with more
9 than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand
10 inhabitants, any county of the first classification with more than seventy-three thousand
11 seven hundred but fewer than seventy-three thousand eight hundred inhabitants, and any
12 county of the first classification with more than eighty-two thousand but fewer than
13 eighty-two thousand one hundred inhabitants;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (5) "District", a political subdivision of this state, to be known as "The Kansas City
15 Zoological District", which shall be created under the provisions of sections 184.500 to
16 184.512 and composed of eligible counties which act to create, or to become a part of, the
17 district in accordance with the provisions of section 184.503;

18 (6) "Organizations", nonprofit and tax exempt social, civic, or community
19 organizations and associations that are dedicated to the development, provision, operation,
20 supervision, promotion, or support of zoological activities;

21 (7) "Zoological activities", the establishment and maintenance of zoological
22 facilities and related buildings; acquisition and care of species for display and study in a
23 zoological facility; educational and cultural programs relating to zoological matters;
24 artistic, historical, intellectual, or social programs that relate to zoological matters; and
25 such other collateral activities as may be necessary to maintain and carry out other
26 activities provided under sections 184.500 to 184.512;

27 (8) "Zoological facilities", facilities operated or used for participation or
28 engagement in zoological activities.

184.503. 1. The governing body of any eligible county may, by resolution, authorize
2 the creation of or participation in a district, and may impose a sales tax on all retail sales
3 made within the eligible county which are subject to sales tax under chapter 144. The tax
4 authorized in this section shall not exceed one-fourth of one percent, and shall be imposed
5 solely for the purpose of funding the support of zoological activities within the district. The
6 tax authorized in this section shall be in addition to all other sales taxes imposed by law,
7 and shall be stated separately from all other charges and taxes. Such creation of or
8 participation in such district and the levy of the sales tax may be accomplished individually
9 or on a cooperative basis with another eligible county or other eligible counties for
10 financial support of the district. A petition requesting such creation of or participation in
11 such district and the levy of the sales tax for the purpose of funding the support of
12 zoological activities within the district may also be filed with the governing body, and shall
13 be signed by not less than the number of qualified electors of an eligible county equal to
14 five percent of the number of ballots cast and counted at the last preceding gubernatorial
15 election held in such county. No such resolution adopted or petition presented under this
16 section shall become effective unless the governing body of the eligible county submits to
17 the voters residing within the eligible county at a state general, primary, or special election
18 a proposal to authorize the governing body of the eligible county to create or participate
19 in a district and to impose a tax under this section. The county election official shall give
20 legal notice at least sixty days prior to such general or primary election or special election
21 in at least two newspapers that such proposition or propositions shall be submitted at the

22 next general or primary election or special election held for submission of this proposition.
23 The resolution or proposition shall be printed on the ballot and in the notice of election.
24 Provisions of this section to the contrary notwithstanding, no tax authorized under the
25 provisions of this section shall be effective in any eligible noncharter county unless the tax
26 authorized under the provisions of this section is also collected by an eligible charter
27 county.

28 2. The ballot for the proposition in any county shall be in substantially the
29 following form:

30 "Shall a retail sales tax of (insert amount, not to exceed one-quarter of one
31 percent) be levied and collected for the benefit of the Kansas City Zoological District,
32 which shall be created and consist of the county(s) of (insert name of counties), for
33 the support of zoological activities with the district?

34 YES NO"

35

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

38 3. In the event that a majority of the voters voting on such proposition in such
39 county at said election cast votes for the proposition, then the district shall be deemed
40 established and the tax rate for such subdistrict shall be deemed in full force and effect as
41 of the first day of the year following the year of said election and the governing body of
42 such county may proceed with the performance of all things necessary and incidental to
43 participation in the district. The results of the aforesaid election shall be certified by the
44 election officials of such county to the governing body of such county not less than thirty
45 days after the day of election. In the event the proposition shall fail to receive a majority
46 of the votes "FOR", then such proposition shall not be resubmitted at any election held
47 within one year of the date of the election the proposition was rejected. Any such
48 resubmissions of such proposition shall substantially comply with the provisions of sections
49 184.500 to 184.515.

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

52 5. All sales taxes collected by the director of revenue from the tax authorized by this
53 section on behalf of the district, less one percent for cost of collection, which shall be
54 deposited in the state's general revenue fund after payment of premiums for surety bonds,
55 as provided in section 32.087, shall be deposited in a special trust fund, which is hereby
56 created, to be known as the "Kansas City Zoological District Sales Tax Trust Fund". The
57 moneys in the Kansas City Zoological District Sales Tax Trust Fund shall not be deemed

58 to be state funds and shall not be commingled with any funds of the state. The director of
59 revenue shall keep accurate records of the amount of money collected and deposited in the
60 trust fund and the records shall be open to the inspection of officers of the district, the
61 counties composing the district, and the public. Not later than the tenth day of each month
62 the director of revenue shall distribute all moneys deposited in the Kansas City Zoological
63 District Sales Tax Trust Fund during the preceding month to the district.

64 6. The director of revenue may make refunds from the amounts in the Kansas City
65 Zoological District Sales Tax Trust Fund and credited to the district for erroneous
66 payments and overpayments made, and may redeem dishonored checks and drafts
67 deposited to the credit of the district. If the district abolishes the tax, the county shall
68 notify the director of revenue of the action at least ninety days prior to the effective date
69 of the repeal and the director of revenue may order retention in the Kansas City Zoological
70 District Sales Tax Trust Fund, for a period of one year, of two percent of the amount
71 collected after receipt of such notice to cover possible refunds or overpayment of the tax
72 and to redeem dishonored checks and drafts deposited to the credit of such account. After
73 one year has elapsed after the effective date of abolition of the tax in the district, the
74 director of revenue shall remit the balance in the account to the district and close the
75 account of the district. The director of revenue shall notify the district of each instance of
76 any amount refunded or any check redeemed from receipts due the district.

77 7. Any of the eligible counties composing the Kansas City Zoological District may
78 withdraw from the district by adoption of a resolution and approval of the resolution by
79 a majority of the qualified electors of the county, in the same manner provided in this
80 section for creating or becoming a part of the district. The governing body of a
81 withdrawing county shall provide for the sending of formal written notice of withdrawal
82 from the district to the governing body of the other county or each of the other counties
83 comprising the district. Actual withdrawal shall not take effect until ninety days after
84 notice has been sent. A withdrawing county shall not be relieved from any obligation that
85 such county may have assumed or incurred by reason of being a part of the district,
86 including, but not limited to, the retirement of any outstanding bonded indebtedness of the
87 district.

184.506. 1. The district shall be governed by the commission, which shall be a body
2 corporate and politic and subdivision of the state and shall be composed of resident
3 electors, as follows:

4 (1) One member of the governing body of each eligible county that is a part of the
5 district, who shall be appointed by a majority vote of such county's governing body;

6 **(2) One member of the Kansas City, Missouri Board of Parks and Recreation, who**
7 **shall be appointed by a majority vote of such board;**

8 **(3) One member shall be the executive director of the Kansas City Zoo;**

9 **(4) One member shall be appointed by the governing body of each eligible county**
10 **which establishes the district under section 184.503 in the following manner:**

11 **(a) The Friends of the Zoo, Inc., shall provide the names of three individuals to the**
12 **governing body of each eligible county. Each individual named shall be at least twenty-one**
13 **years of age, a resident of such eligible county, and a registered voter of such eligible**
14 **county;**

15 **(b) Within sixty days of receiving the three names provided under paragraph (a)**
16 **of this subdivision, the governing body of each eligible charter county shall select by a**
17 **majority vote one individual from the three names provided under paragraph (a) of this**
18 **subdivision who shall then serve as a member of the district's commission for a term**
19 **described under subsection 2 of this section. Within sixty days of receiving the three names**
20 **provided under paragraph (a) of this subdivision, the governing body of each eligible**
21 **noncharter county shall select by unanimous vote one individual from the three names**
22 **provided under paragraph (a) of this subdivision who shall then serve as a member of the**
23 **district's commission for a term described under subsection 2 of this section.**

24 **2. The term of each commissioner, initially appointed by a county governing body,**
25 **shall expire concurrently with such commissioner's tenure as a county officer or three**
26 **years after the date of appointment as a commissioner, whichever occurs first. The term**
27 **of each succeeding commissioner shall expire concurrently with such successor**
28 **commissioner's tenure as a county officer or four years after the date of appointment as**
29 **a commissioner, whichever occurs first. The term of the commissioner initially appointed**
30 **by the Kansas City, Missouri Board of Parks and Recreation shall expire concurrently with**
31 **such commissioner's tenure as a member of the Kansas City, Missouri Board of Parks and**
32 **Recreation, or one year after the date of appointment as a commissioner, whichever occurs**
33 **first. The term of each commissioner succeeding a commissioner appointed by the Kansas**
34 **City, Missouri Board of Parks and Recreation shall expire concurrently with such**
35 **successor commissioner's tenure as a member of the Kansas City, Missouri Board of Parks**
36 **and Recreation or four years after the date of appointment as a commissioner, whichever**
37 **occurs first. The term of each commissioner initially appointed by the governing body of**
38 **an eligible county shall expire four years after the date of appointment as a commissioner.**
39 **The term of each commissioner succeeding a commissioner appointed by the governing**
40 **body of an eligible county shall expire four years after the date of appointment as**
41 **commissioner. If an eligible county withdraws under subsection 7 of section 184.503, then**

42 the position of commissioner appointed by such eligible county ends on the date on which
43 the withdrawal becomes effective. The term of the executive director of the Kansas City
44 Zoo shall not expire but shall transfer automatically to the current executive director of
45 the Kansas City Zoo or any interim director. Any vacancy occurring in a commissioner
46 position for reasons other than expiration of terms of office shall be filled for the unexpired
47 term by appointment in the same manner that the original appointment was made. Any
48 commissioner may be removed for cause by the appointing authority of the commissioner.

49 3. The commission shall select annually, from its membership, a chairperson, a vice
50 chairperson, and a treasurer. The treasurer shall be bonded in such amounts as the
51 commission may require.

52 4. The commission may appoint such officers, agents, and employees as it may
53 require for the performance of its duties, and shall determine the qualifications and duties
54 and fix the compensation of such officers, agents, and employees.

55 5. The commission shall fix the time and place at which its meetings shall be held.
56 Meetings shall be held within the district and shall be open to the public. Public notice
57 shall be given of all meetings.

58 6. A majority of the commissioners shall constitute, in the aggregate, a quorum for
59 the transaction of business. No action of the commission shall be binding unless taken at
60 a meeting at which at least a quorum is present, and unless a majority of the commissioners
61 present at such meeting, shall vote in favor thereof. In the event a quorum is present and
62 there is a tie vote on a pending motion, the executive director of the Kansas City Zoo shall
63 have the power to break the tie by exercising an additional vote. No action of the
64 commission taken at a meeting thereof shall be binding unless the subject of such action
65 is included in a written agenda for such meeting, the agenda and notice of meeting having
66 been mailed to each commissioner by postage-paid first class mail at least fourteen
67 calendar days prior to the meeting.

68 7. The commissioners shall be subject to the provisions of the laws of this state,
69 which relate to conflicts of interest, in any zoological activity supported by the district or
70 commission or in any other business transaction of the district or commission. A
71 commissioner shall disclose any conflict of interest in writing to the other commissioners
72 and shall abstain from voting on any matter relating to such facility, organization, or
73 activity or such business transaction, except that the executive director of Kansas City Zoo
74 shall not be required to abstain from voting on matters relating to the Kansas City Zoo.

75 8. Commissioners shall enjoy official immunity under the common law for any
76 action at law or equity, or other legal proceeding against any commissioner relating to any
77 act or omission of the commissioner arising out of his or her performance of duties as a

78 commissioner. If any action at law or equity, or other legal proceeding, shall be brought
79 against any commissioner for any act or omission arising out of the performance of duties
80 as a commissioner, the commissioner shall be indemnified in whole and held harmless by
81 the commission for any judgment or decree entered against the commissioner and, further,
82 shall be defended at the cost of expense of the commission in any such proceeding.

184.509. 1. The commission shall adopt a seal and suitable bylaws governing its
2 management and procedure. The commission shall have the power to contract and to be
3 contracted with, and to sue and to be sued. The commission may own and acquire, by gift,
4 purchase, lease, or devise, zoological facilities within the territory of the district. The
5 commission may plan, construct, operate, and maintain and contract for the operation and
6 maintenance of zoological facilities within the territory of the district. The commission
7 may sell, lease, donate, transfer, or otherwise dispose of zoological facilities within the
8 territory of the district. The commission may receive for any of its purposes and functions
9 any contributions or moneys appropriated by counties or cities and may solicit and receive
10 any and all donations, and grants of money, equipment, supplies, materials, and services
11 from any state or the United States or any agency thereof, or from any institution,
12 foundation, organization, person, firm, or corporation, and may utilize and dispose of the
13 same.

14 2. At any time following five years from the date of creation of the Kansas City
15 Zoological District, the commission may borrow moneys for the planning, construction,
16 equipping, operation, maintenance, repair, extension, expansion, or improvement of any
17 zoological facility by:

18 (1) Issuing notes, bonds or other instruments in writing of the commission in
19 evidence of the sum or sums to be borrowed. No notes, bonds or other instruments in
20 writing shall be issued pursuant to this subsection until the issuance of such notes, bonds
21 or instruments has been submitted to and approved by a majority of the qualified electors
22 of the district voting at an election called and held thereon. Such election shall be called
23 and held in the manner provided by law;

24 (2) Issuing refunding notes, bonds or other instruments in writing for the purpose
25 of refunding, extending or unifying the whole or any part of its outstanding indebtedness
26 from time to time, whether evidenced by notes, bonds or other instruments in writing.
27 Such refunding notes, bonds or other instruments in writing shall not exceed in amount the
28 principal of the outstanding indebtedness to be refunded and the accrued interest thereon
29 to the date of such refunding;

30 (3) Providing that all notes, bonds and other instruments in writing issued
31 hereunder shall or may be payable, both as to principal and interest, from sales tax

32 revenues authorized under this compact and disbursed to the district by counties
33 comprising the district, admissions and other revenues collected from the use of any
34 zoological facility or facilities constructed hereunder, or from any other resources of the
35 commission, and further may be secured by a mortgage or deed of trust upon any property
36 interest of the commission; and

37 (4) Prescribing the details of all notes, bonds or other instruments in writing, and
38 of the issuance and sale thereof. The commission shall have the power to enter into
39 covenants with the holders of such notes, bonds or other instruments in writing, not
40 inconsistent with the powers granted herein, without further legislative authority.

41 3. The commission may provide donations, contributions, and grants or other
42 support, financial or otherwise for, or in aid of, zoological activities in counties that are
43 part of the district. In determining whether to provide any such support the commission
44 shall consider the following factors:

45 (1) The commission's primary purpose is to support the maintenance and operation
46 of the Kansas City Zoo through donations, contributions, grants, and other financial
47 support;

48 (2) The economic impact upon the district;

49 (3) The benefit to citizens of the district and to the general public;

50 (4) The contribution to the quality of life and popular image of the district;

51 (5) The breadth of popular appeal within and outside the district; and

52 (6) Any other factor deemed appropriate by the commission.

53 4. The commission may provide for actual and necessary expenses of commissioners
54 incurred in the performance of their official duties.

55 5. The commission shall cause to be prepared annually a report on the operations
56 and transactions conducted by the commission during the preceding year. The report shall
57 be submitted to the governing bodies of the counties comprising the district, to the
58 governing body of each county that appoints a commissioner, to the Kansas City, Missouri
59 Board of Parks and Recreation, and to the executive board of Friends of the Zoo, Inc. The
60 commission shall publish the annual report in the official county newspaper of each of the
61 counties comprising the district.

62 6. The commission has the power to perform all other necessary and incidental
63 functions and duties and to exercise all other necessary and appropriate powers not
64 inconsistent with the constitution or laws of this state to effectuate the same.

65 7. Nothing in this section shall be construed as granting the commission authority
66 or power to manage the Kansas City Zoo or to retain title to, or control over, the lands
67 occupied by the Kansas City Zoo.

184.512. 1. The moneys necessary to finance administrative operations of the
2 Kansas City zoological district for the first six months after its creation shall be
3 appropriated to the commission by the counties comprising the district. Thereafter, the
4 moneys necessary to finance the operation of the Kansas City zoological district shall be
5 taken from the Kansas City zoological district sales tax fund, established under the
6 provisions of section 184.503.

7 2. The commission shall not incur any indebtedness or obligation of any kind, nor
8 shall the commission pledge the credit of either or any of the counties comprising the
9 district, except as authorized in section 184.509. The budget of the district shall be
10 prepared, adopted, and published as provided by law for other political subdivisions of this
11 state.

12 3. This commission shall keep accurate accounts of all receipts and disbursements.
13 The receipts and disbursements of the commission shall be audited yearly by a certified or
14 licensed public accountant and the report of the audit shall be included in and become a
15 part of the annual report of the commission.

16 4. The accounts of the commission shall be open at any reasonable time for
17 inspection by duly authorized representatives of the counties comprising the district, the
18 cities that appoint a commissioner, the executive committee of Friends of the Zoo, Inc., and
19 other persons authorized by the commission.

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