

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2297
95TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, April 15, 2010, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

5326S.05C

TERRY L. SPIELER, Secretary.

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 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 otherwise, the following terms mean:

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

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

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

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

(5) "District", a political subdivision of this state, to be known as

19 "The Kansas City Zoological District", which shall be created under the
20 provisions of sections 184.500 to 184.512 and composed of eligible
21 counties which act to create, or to become a part of, the district in
22 accordance with the provisions of section 184.503;

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

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

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

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

21 the governing body of the eligible county submits to the voters residing
22 within the eligible county at a state general, primary, or special
23 election a proposal to authorize the governing body of the eligible
24 county to create or participate in a district and to impose a tax under
25 this section. The county election official shall give legal notice at least
26 sixty days prior to such general or primary election or special election
27 in at least two newspapers that such proposition or propositions shall
28 be submitted at the next general or primary election or special election
29 held for submission of this proposition. The resolution or proposition
30 shall be printed on the ballot and in the notice of election.

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

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

38 YES NO"

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

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

56 4. Except as modified in this section, all provisions of sections

57 32.085 and 32.087 shall apply to the tax imposed under this section.

58 5. All sales taxes collected by the director of revenue from the
59 tax authorized by this section on behalf of the district, less one percent
60 for cost of collection, which shall be deposited in the state's general
61 revenue fund after payment of premiums for surety bonds, as provided
62 in section 32.087, shall be deposited in a special trust fund, which is
63 hereby created, to be known as the "Kansas City Zoological District
64 Sales Tax Trust Fund". The moneys in the Kansas City Zoological
65 District Sales Tax Trust Fund shall not be deemed to be state funds and
66 shall not be commingled with any funds of the state. The director of
67 revenue shall keep accurate records of the amount of money collected
68 and deposited in the trust fund and the records shall be open to the
69 inspection of officers of the district, the counties composing the
70 district, and the public. Not later than the tenth day of each month the
71 director of revenue shall distribute all moneys deposited in the Kansas
72 City Zoological District Sales Tax Trust Fund during the preceding
73 month to the district.

74 6. The director of revenue may make refunds from the amounts
75 in the Kansas City Zoological District Sales Tax Trust Fund and
76 credited to the district for erroneous payments and overpayments
77 made, and may redeem dishonored checks and drafts deposited to the
78 credit of the district. If the district abolishes the tax, the county shall
79 notify the director of revenue of the action at least ninety days prior
80 to the effective date of the repeal and the director of revenue may
81 order retention in the Kansas City Zoological District Sales Tax Trust
82 Fund, for a period of one year, of two percent of the amount collected
83 after receipt of such notice to cover possible refunds or overpayment
84 of the tax and to redeem dishonored checks and drafts deposited to the
85 credit of such account. After one year has elapsed after the effective
86 date of abolition of the tax in the district, the director of revenue shall
87 remit the balance in the account to the district and close the account
88 of the district. The director of revenue shall notify the district of each
89 instance of any amount refunded or any check redeemed from receipts
90 due the district.

91 7. Any of the eligible counties composing the Kansas City
92 Zoological District may withdraw from the district by adoption of a
93 resolution and approval of the resolution by a majority of the qualified

94 electors of the county, in the same manner provided in this section for
95 creating or becoming a part of the district. The governing body of a
96 withdrawing county shall provide for the sending of formal written
97 notice of withdrawal from the district to the governing body of the
98 other county or each of the other counties comprising the
99 district. Actual withdrawal shall not take effect until ninety days after
100 notice has been sent. A withdrawing county shall not be relieved from
101 any obligation that such county may have assumed or incurred by
102 reason of being a part of the district, including, but not limited to, the
103 retirement of any outstanding bonded indebtedness of the district.

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

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

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

9 (3) One member shall be the executive director of the Kansas
10 City Zoo;

11 (4) One member shall be appointed by the governing body of
12 each eligible county which establishes the district under section
13 184.503 in the following manner:

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

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

28 as a member of the district's commission for a term described under
29 subsection 2 of this section.

30 2. The term of each commissioner, initially appointed by a
31 county governing body, shall expire concurrently with such
32 commissioner's tenure as a county officer or three years after the date
33 of appointment as a commissioner, whichever occurs first. The term of
34 each succeeding commissioner shall expire concurrently with such
35 successor commissioner's tenure as a county officer or four years after
36 the date of appointment as a commissioner, whichever occurs first. The
37 term of the commissioner initially appointed by the Kansas City,
38 Missouri Board of Parks and Recreation shall expire concurrently with
39 such commissioner's tenure as a member of the Kansas City, Missouri
40 Board of Parks and Recreation, or one year after the date of
41 appointment as a commissioner, whichever occurs first. The term of
42 each commissioner succeeding a commissioner appointed by the Kansas
43 City, Missouri Board of Parks and Recreation shall expire concurrently
44 with such successor commissioner's tenure as a member of the Kansas
45 City, Missouri Board of Parks and Recreation or four years after the
46 date of appointment as a commissioner, whichever occurs first. The
47 term of each commissioner initially appointed by the governing body
48 of an eligible county shall expire four years after the date of
49 appointment as a commissioner. The term of each commissioner
50 succeeding a commissioner appointed by the governing body of an
51 eligible county shall expire four years after the date of appointment as
52 commissioner. If an eligible county withdraws under subsection 7 of
53 section 184.503, then the position of commissioner appointed by such
54 eligible county ends on the date on which the withdrawal becomes
55 effective. The term of the executive director of the Kansas City Zoo
56 shall not expire but shall transfer automatically to the current
57 executive director of the Kansas City Zoo or any interim director. Any
58 vacancy occurring in a commissioner position for reasons other than
59 expiration of terms of office shall be filled for the unexpired term by
60 appointment in the same manner that the original appointment was
61 made. Any commissioner may be removed for cause by the appointing
62 authority of the commissioner.

63 3. The commission shall select annually, from its membership, a
64 chairperson, a vice chairperson, and a treasurer. The treasurer shall

65 be bonded in such amounts as the commission may require.

66 4. The commission may appoint such officers, agents, and
67 employees as it may require for the performance of its duties, and shall
68 determine the qualifications and duties and fix the compensation of
69 such officers, agents, and employees.

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

73 6. A majority of the commissioners shall constitute, in the
74 aggregate, a quorum for the transaction of business. No action of the
75 commission shall be binding unless taken at a meeting at which at least
76 a quorum is present, and unless a majority of the commissioners
77 present at such meeting, shall vote in favor thereof. In the event a
78 quorum is present and there is a tie vote on a pending motion, the
79 executive director of the Kansas City Zoo shall have the power to break
80 the tie by exercising an additional vote. No action of the commission
81 taken at a meeting thereof shall be binding unless the subject of such
82 action is included in a written agenda for such meeting, the agenda and
83 notice of meeting having been mailed to each commissioner by postage-
84 paid first class mail at least fourteen calendar days prior to the
85 meeting.

86 7. The commissioners shall be subject to the provisions of the
87 laws of this state, which relate to conflicts of interest, in any zoological
88 activity supported by the district or commission or in any other
89 business transaction of the district or commission. A commissioner
90 shall disclose any conflict of interest in writing to the other
91 commissioners and shall abstain from voting on any matter relating to
92 such facility, organization, or activity or such business transaction,
93 except that the executive director of Kansas City Zoo shall not be
94 required to abstain from voting on matters relating to the Kansas City
95 Zoo.

96 8. Commissioners shall enjoy official immunity under the
97 common law for any action at law or equity, or other legal proceeding
98 against any commissioner relating to any act or omission of the
99 commissioner arising out of his or her performance of duties as a
100 commissioner. If any action at law or equity, or other legal proceeding,
101 shall be brought against any commissioner for any act or omission

102 arising out of the performance of duties as a commissioner, the
103 commissioner shall be indemnified in whole and held harmless by the
104 commission for any judgment or decree entered against the
105 commissioner and, further, shall be defended at the cost of expense of
106 the commission in any such proceeding.

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

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

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

29 (2) Issuing refunding notes, bonds or other instruments in
30 writing for the purpose of refunding, extending or unifying the whole
31 or any part of its outstanding indebtedness from time to time, whether
32 evidenced by notes, bonds or other instruments in writing. Such

33 refunding notes, bonds or other instruments in writing shall not exceed
34 in amount the principal of the outstanding indebtedness to be refunded
35 and the accrued interest thereon to the date of such refunding;

36 (3) Providing that all notes, bonds and other instruments in
37 writing issued hereunder shall or may be payable, both as to principal
38 and interest, from sales tax revenues authorized under this compact
39 and disbursed to the district by counties comprising the district,
40 admissions and other revenues collected from the use of any zoological
41 facility or facilities constructed hereunder, or from any other resources
42 of the commission, and further may be secured by a mortgage or deed
43 of trust upon any property interest of the commission; and

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

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

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

58 (2) The economic impact upon the district;

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

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

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

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

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

69 5. The commission shall cause to be prepared annually a report

70 on the operations and transactions conducted by the commission
71 during the preceding year. The report shall be submitted to the
72 governing bodies of the counties comprising the district, to the
73 governing body of each county that appoints a commissioner, to the
74 Kansas City, Missouri Board of Parks and Recreation, and to the
75 executive board of Friends of the Zoo, Inc. The commission shall
76 publish the annual report in the official county newspaper of each of
77 the counties comprising the district.

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

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

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

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

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

19 4. The accounts of the commission shall be open at any
20 reasonable time for inspection by duly authorized representatives of
21 the counties comprising the district, the cities that appoint a

22 **commissioner, the executive committee of Friends of the Zoo, Inc., and**
23 **other persons authorized by the commission.**

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