

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 1358
96TH GENERAL ASSEMBLY

5325L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 11.010, 57.104, 67.1860, 67.1862, 67.1864, 67.1866, 67.1868, 67.1870, 67.1872, 67.1874, 67.1878, 67.1880, 67.1886, 67.1888, 67.1890, 67.1892, 67.1894, 67.1896, 67.1898, 94.902, 190.400, 190.410, 190.420, 190.430, 190.440, 205.042, 302.341, 304.120, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof thirty new sections relating to political subdivisions, with a penalty provision.

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

Section A. Sections 11.010, 57.104, 67.1860, 67.1862, 67.1864, 67.1866, 67.1868, 2 67.1870, 67.1872, 67.1874, 67.1878, 67.1880, 67.1886, 67.1888, 67.1890, 67.1892, 67.1894, 3 67.1896, 67.1898, 94.902, 190.400, 190.410, 190.420, 190.430, 190.440, 205.042, 302.341, 4 304.120, 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and thirty new sections 5 enacted in lieu thereof, to be known as sections 11.010, 11.025, 44.035, 57.104, 67.312, 67.313, 6 67.1860, 67.1862, 67.1864, 67.1866, 67.1868, 67.1870, 67.1872, 67.1874, 67.1878, 67.1880, 7 67.1886, 67.1888, 67.1894, 71.009, 94.902, 190.411, 190.415, 190.445, 205.042, 302.341, 8 304.120, 321.228, 537.293, and 1, to read as follows:

11.010. The official manual, commonly known as the "Blue Book", compiled and 2 electronically published by the secretary of state on its official website is the official manual of 3 this state, and it is unlawful for any officer or employee of this state **except the secretary of** 4 **state**, or any board, or department or any officer or employee thereof, to cause to be printed, at 5 state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for 6 the secretary of state to publish, or permit to be published in the manual any duplication, or 7 rearrangement of any part of any report, or other document, required to be printed at the expense

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.

8 of the state which has been submitted to and rejected by him or her as not suitable for publication
9 in the manual.

**11.025. Notwithstanding any other provision of law, the secretary of state may enter
2 into an agreement directly with a nonprofit organization for such nonprofit organization
3 to print and distribute copies of the official manual. The secretary of state shall provide
4 to the organization the electronic version of the official manual prepared and published
5 under this chapter. The nonprofit organization shall charge a fee for a copy of the official
6 manual to cover the cost of production and distribution.**

**44.035. The name, address, and social security number, as well as any other
2 personal identifying information that is utilized in a voluntary registry of persons with
3 health-related ailments created by a public governmental body to assist individuals in case
4 of a disaster or emergency, shall not be considered a public record under the provisions of
5 chapter 610. Nothing in this section shall authorize a public governmental body to deny
6 a lawful request for such name, address, social security number, or other personal
7 identifying information from a law enforcement agency or any public governmental body
8 that provides firefighting, medical or other emergency services.**

57.104. 1. The sheriff of any county [of the first classification not having a charter form
2 of government] may employ an attorney at law to aid and advise him **or her** in the discharge of
3 his **or her** duties and to represent him **or her** in court. The sheriff shall set the compensation for
4 an attorney hired pursuant to this section within the allocation made by the county commission
5 to the sheriff's department for compensation of employees to be paid out of the general revenue
6 fund of the county.

7 2. The attorney employed by a sheriff pursuant to subsection 1 of this section shall be
8 employed at the pleasure of the sheriff.

**67.312. In any county with a charter form of government and with more than three
2 hundred thousand but fewer than four hundred fifty thousand inhabitants, if any city,
3 town, village, sewer district, or water supply district does not actually process or treat
4 sewage or wastewater but pays a premium or fee to another entity for such service, the city,
5 town, village, sewer district, or water supply district shall not charge and collect from its
6 customers a premium or fee of more than two hundred percent more than the premium or
7 fee it pays to such other entity without a majority vote of the qualified voters voting
8 thereon.**

**67.313. 1. If approved by a majority of the voters voting on the proposal, any city,
2 town, village, sewer district, or water supply district located within this state may, by order
3 or ordinance, levy and impose annually, upon lateral sewer service lines providing sewer
4 service to residential property having four or fewer dwelling units within the jurisdiction**

5 of such city, town, village, sewer district, or water supply district, a fee not to exceed four
6 dollars per month or forty-eight dollars annually.

7 2. The ballot of submission shall be in substantially the following form:

8 For the purpose of repair or replacement of lateral sewer service lines extending
9 from the residential dwelling to its connection with the public sewer system line, due to
10 failure of the line, shall (city, town, village, sewer district, or water supply district) be
11 authorized to impose a fee not to exceed four dollars per month or forty-eight dollars
12 annually on residential property for each lateral sewer service line providing sewer service
13 within the (city, town, village, sewer district, or water supply district) to residential
14 property having four or fewer dwelling units for the purpose of paying for the costs of
15 necessary lateral sewer service line repairs or replacements?

16 3. For the purpose of this section, a lateral sewer service line may be defined by
17 local order or ordinance, but shall not include more than the portion of the sewer line
18 which extends from the sewer mains owned by the utility or municipality to the point of
19 entry into the premises receiving sewer service, and may not include facilities owned by the
20 utility or municipality. For purposes of this section, repair may be defined and limited by
21 local ordinance, and may include replacement or repairs.

22 4. If a majority of the voters voting thereon approve the proposal authorized in
23 subsection 1 of this section, the governing body of the city, town, village, sewer district, or
24 water supply district may enact an order or ordinance for the collection of such fee. The
25 funds collected under such ordinance shall be deposited in a special account to be used
26 solely for the purpose of paying for the reasonable costs associated with and necessary to
27 administer and carry out the lateral sewer service line repairs as defined in the order or
28 ordinance and to reimburse the necessary costs of lateral sewer service line repair or
29 replacement. All interest generated on deposited funds shall be accrued to the special
30 account established for the repair of lateral sewer service lines.

31 5. The city, town, village, sewer district, or water supply district may establish, as
32 provided in the order or ordinance, regulations necessary for the administration of
33 collections, claims, repairs, replacements and all other activities necessary and convenient
34 for the implementation of any order or ordinance adopted and approved under this
35 section. The city, town, village, sewer district, or water supply district may administer the
36 program or may contract with one or more persons, through a competitive process, to
37 provide for administration of any portion of implementation activities of any order or
38 ordinance adopted and approved under this section, and reasonable costs of administering
39 the program may be paid from the special account established under this section not to
40 exceed five percent of the fund on an annual basis.

41 **6. Notwithstanding any other provision of law to the contrary, the collector in any**
42 **city, town, village, sewer district, or water supply district that adopts an order or ordinance**
43 **under this section, who now or hereafter collects any fee to provide for, ensure or**
44 **guarantee the repair of lateral sewer service lines, may add such fee to the general tax levy**
45 **bills of property owners within the city, town, village, sewer district, or water supply**
46 **district. All revenues received on such combined bill which are for the purpose of**
47 **providing for, ensuring or guaranteeing the repair of lateral sewer service lines shall be**
48 **separated from all other revenues so collected and credited to the appropriate fund or**
49 **account of the city, town, village, sewer district, or water supply district. The collector of**
50 **the city, town, village, sewer district, or water supply district may collect such fee in the**
51 **same manner and to the same extent as the collector now or hereafter may collect**
52 **delinquent real estate taxes and tax bills.**

 67.1860. Sections 67.1860 to [67.1898] **67.1894** shall be known as the "Missouri Law
2 Enforcement District Act".

 67.1862. As used in sections 67.1860 to [67.1898] **67.1894**, the following terms mean:

- 2 (1) "Approval of the required majority" or "direct voter approval", a simple majority;
3 (2) "Board", the board of directors of a district;
4 (3) "District", a law enforcement district organized [pursuant to] **under** sections 67.1860
5 to [67.1898] **67.1894**;

6 **(4) "Registered voter", any voter registered within the boundaries of the district**
7 **or proposed district.**

 67.1864. 1. A district may be created to fund, promote, plan, design, construct, improve,
2 maintain and operate one or more projects relating to law enforcement or to assist in such
3 activity.

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

5 3. A district may be created in any county of the first classification [without a charter
6 form of government and a population of fifty thousand inhabitants or less].

 67.1866. 1. Whenever the creation of a district is desired, ten percent of the registered
2 voters within the proposed district may file a petition requesting the creation of a district. The
3 petition shall be filed in the circuit court of the county in which the proposed district is located.

4 2. The proposed district area shall be contiguous and may contain any portion of one or
5 more municipalities. **Two areas may be considered contiguous if both are adjacent to the**
6 **shoreline of the same body of water.**

7 3. The petition shall set forth:

8 (1) The name and address of each owner of real property located within the proposed
9 district [or who is a] **and each** registered voter [resident] within the proposed district;

10 (2) A specific description of the proposed district boundaries including a map illustrating
11 such boundaries;

12 (3) A general description of the purpose or purposes for which the district is being
13 formed; and

14 (4) The name of the proposed district.

15 4. The circuit clerk of the county in which the petition is filed [pursuant to] **under** this
16 section shall present the petition to the judge, who shall thereupon set the petition for hearing not
17 less than thirty days nor more than forty days after the filing. The judge shall cause notice of the
18 time and place of the hearing to be given, by publication on three separate days in one or more
19 newspapers having a general circulation within the county, with the third and final publication
20 to occur not less than twenty days prior to the date set for the hearing. The notice shall recite the
21 information required [pursuant to] **under** subsection 3 of this section. The costs of printing and
22 publication of the notice shall be paid as required [pursuant to] **under** section 67.1870.

23 **5. In the event any owner of real property within the proposed district who is**
24 **named in the petition or any registered voter does not join in the petition or file an entry**
25 **of appearance and waiver of service of process in the case, a copy of the petition shall be**
26 **served upon such owner or registered voter in the manner provided by supreme court rule**
27 **for the service of petitions generally. Any objections to the petition shall be raised by**
28 **answer within the time provided by supreme court rule for the filing of an answer to a**
29 **petition.**

67.1868. 1. Any owner of real property within the proposed district and any [legal]
2 **registered** voter [who is a resident] within the proposed district may join in or file a petition
3 supporting or answer opposing the creation of the district and seeking a judgment respecting
4 these same issues.

5 2. The court shall hear the case without a jury. If the court determines the petition is
6 defective or the proposed district or its plan of operation is unconstitutional, it shall enter its
7 judgment to that effect and shall refuse to incorporate the district as requested in the pleadings.
8 If the court determines the petition is not legally defective and the proposed district and plan of
9 operation are not unconstitutional, the court shall [determine and declare] **order** the district
10 organized and incorporated and shall approve the plan of operation stated in the petition.

11 3. Any party having filed a petition or answer to a petition may appeal the circuit court's
12 order or judgment in the same manner as provided for other appeals. Any order either refusing
13 to incorporate the district or incorporating the district shall be a final judgment for purposes of
14 appeal.

67.1870. The costs of filing and defending the petition and all publication and incidental
2 costs incurred in obtaining circuit court certification of the petition for voter approval shall be

3 paid by the petitioners. If a district is organized [pursuant to] **under** sections 67.1860 to
4 [67.1898] **67.1894**, the petitioners may be reimbursed for such costs out of the revenues received
5 by the district.

67.1872. A district created [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894**
2 shall be governed by a board of directors consisting of five members to be elected as provided
3 in section 67.1874.

67.1874. 1. Within thirty days after the order declaring the district organized has become
2 final, the circuit clerk of the county in which the petition was filed shall give notice by causing
3 publication to be made once a week for two consecutive weeks in a newspaper of general
4 circulation in the county, the last publication of which shall be at least ten days before the day
5 of the meeting required by this section, to call a meeting of the owners of real property and
6 registered voters [resident] within the district at a day and hour specified in a public place in the
7 county in which the petition was filed for the purpose of electing a board of five directors, two
8 to serve one year, two to serve two years, and one to serve three years, to be composed of
9 [residents] **registered voters** of the district.

10 2. The attendees, when assembled, shall organize by [the election of] **electing** a chairman
11 and secretary of the meeting [who] . **The secretary** shall conduct the election.

12 3. **Upon completion of the terms of the initial directors under subsection 1 of this**
13 **section**, each director shall serve for a term of three years and until such director's successor is
14 duly elected and qualified. Successor directors shall be elected in the same manner as the initial
15 directors at a meeting of the [residents] **registered voters** called by the board. [Each successor
16 director shall serve a three-year term.] The remaining directors shall have the authority to elect
17 an interim director to complete any unexpired term of a director caused by resignation or
18 disqualification.

19 4. Directors shall be at least twenty-one years of age.

67.1878. A district may receive and use funds for the purposes of planning, designing,
2 constructing, reconstructing, maintaining and operating one or more projects relating to law
3 enforcement. Such funds may be derived from any funding method which is authorized by
4 sections 67.1860 to [67.1898] **67.1894** and from any other source, including but not limited to
5 funds from federal sources, the state of Missouri or an agency of the state, a political subdivision
6 of the state or private sources.

67.1880. 1. If approved by at least four-sevenths of the [qualified] **registered** voters
2 voting on the question in the district, the district may impose a property tax in an amount not to
3 exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district
4 board may levy a property tax rate lower than its approved tax rate ceiling and may increase that

5 lowered tax rate to a level not exceeding the tax rate ceiling **approved by the voters** without
6 **new** voter approval. The property tax shall be uniform throughout the district.

7 2. The ballot of submission shall be substantially in the following form:

8 Shall the Law Enforcement District impose a property tax upon all real and
9 tangible personal property within the district at a rate of not more than (insert amount)
10 cents per hundred dollars assessed valuation for the purpose of providing revenue for the
11 development of a project (or projects) in the district (insert general description of the project or
12 projects, if necessary)?

13 YES NO

14

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

17 3. The county collector of each county in which the district is partially or entirely located
18 shall collect the property taxes and special benefit assessments made upon all real property and
19 tangible personal property within that county and the district, in the same manner as other
20 property taxes are collected.

21 4. Every county collector having collected or received district property taxes shall, on
22 or before the fifteenth day of each month and after deducting his or her commissions, remit to
23 the treasurer of that district the amount collected or received by him or her prior to the first day
24 of the month. Upon receipt of such money, the district treasurer shall execute a receipt therefor,
25 which he or she shall forward or deliver to the collector. The district treasurer shall deposit such
26 sums into the district treasury, credited to the appropriate project or purpose. The collector and
27 district treasurer shall make final settlement of the district account and commissions owing, not
28 less than once each year, if necessary.

67.1886. In addition to all other powers granted by sections 67.1860 to [67.1898]
2 **67.1894** the district shall have the following general powers:

3 (1) To contract with the [local] **county** sheriff's department for the provision of services;

4 (2) To sue and be sued in its own name, and to receive service of process, which shall
5 be served upon the district secretary;

6 (3) To fix compensation of its employees and contractors;

7 (4) To purchase any personal property necessary or convenient for its activities;

8 (5) To collect and disburse funds for its activities; and

9 (6) To exercise such other implied powers necessary or convenient for the district to
10 accomplish its purposes which are not inconsistent with its express powers.

67.1888. 1. The district may obtain such insurance as it deems appropriate, considering
2 its legal limits of liability, to protect itself, its officers and its employees from any potential

3 liability and may also obtain such other types of insurance as it deems necessary to protect
4 against loss of its real or personal property of any kind. The cost of this insurance shall be
5 charged against the project.

6 2. The district may also require contractors performing construction or maintenance
7 work on the project and companies providing operational and management services to obtain
8 liability insurance having the district, its directors and employees as additional named insureds.

9 3. **The district may self-insure if it is unable to obtain liability insurance coverage**
10 **at a rate which is economically feasible to the district, considering its resources. However,**
11 the district shall not attempt to self-insure for its potential liabilities unless it finds that it has
12 sufficient funds available to cover any anticipated judgments or settlements and still complete
13 its project without interruption. [The district may self-insure if it is unable to obtain liability
14 insurance coverage at a rate which is economically feasible to the district, considering its
15 resources.]

67.1894. [1. The authority of the district to levy any property tax levied pursuant to
2 section 67.1880 may be terminated by a petition of the voters in the district in the manner
3 prescribed in this section.

4 2. The petition for termination of authority to tax may be changed as follows:

5 (1) Twenty-five percent of the number of voters who voted in the most recent
6 gubernatorial election in the district may file with the board a petition in writing praying that the
7 district's authority to impose a property tax be terminated. The petition shall specifically state
8 that the district's authority to impose any property tax, whether or not such a tax is being imposed
9 at the time such petition is filed, shall be terminated. Such petition shall be in substantially the
10 form set forth for petitions in chapter 116; or

11 (2) All of the owners of real estate in the district may file a petition with the board
12 praying that the district's authority to impose a property tax be terminated. The petition shall
13 specifically state that the district's authority to impose any property tax, whether or not such a
14 tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall
15 be in substantially the form set forth for petitions in chapter 116. The petition shall describe the
16 property owned by the petitioners and shall be deemed to give assent of the petitioners to the
17 petition.

18 3. The secretary of the board shall cause notice of the filing of any petition filed pursuant
19 to this section to be given and published in the county in which the property is located, which
20 notice shall recite the filing of such petition, the number of petitioners and the prayer of the
21 petitioners; giving notice to all persons interested to appear at the office of the board at the time
22 named in the notice and show cause in writing, if any they have, why the petition should not be
23 granted. The board shall at the time and place mentioned, or at such time or times to which the

24 hearing may be adjourned, proceed to hear the petition and all objections thereto presented in
25 writing by any person showing cause why the petition should not be granted.

26 4. If the board deems it for the best interest of the district, it shall grant the petition. If
27 the petition is granted, the board shall make an order to that effect and file the petition with the
28 circuit clerk. If the petition contains the signatures of all the owners of the property pursuant to
29 the provisions of subdivision (2) of subsection 2 of this section, the authority to tax shall be
30 terminated upon the order of the court. If the petition contains the signatures of twenty-five
31 percent of the number of voters who voted in the most recent gubernatorial election in the district
32 pursuant to subdivision (1) of subsection 2 of this section, the authority to tax shall be terminated
33 subject to the election provided in section 67.1896. The circuit court having jurisdiction over
34 the district shall proceed to make any such order terminating such taxation authority as is
35 provided in the order of the board, unless the court shall find that such order of the board was
36 not authorized by law or that such order of the board was not supported by competent and
37 substantial evidence.

38 5. Any person aggrieved by any decision of the board made pursuant to the provisions
39 of this section may appeal that decision to the circuit court of the county in which the property
40 is located within thirty days of the decision by the board.] **Whenever the district board receives**
41 **a petition, signed by a number of registered voters of the district equal to at least ten**
42 **percent of the number of registered voters of the district, calling for an election to repeal**
43 **the tax imposed under section 67.1880, the board shall submit to the voters of the district**
44 **a proposal to repeal the tax. If a majority of the votes cast on the question by the registered**
45 **voters voting thereon are in favor of the repeal, the repeal shall become effective on**
46 **December thirty-first of the calendar year in which such repeal was approved. If a**
47 **majority of the votes cast on the question by the qualified voters voting thereon are**
48 **opposed to the repeal, then the tax authorized in section 67.1880 shall remain effective until**
49 **the question is resubmitted under this section to the registered voters and the repeal is**
50 **approved by a majority of the registered voters voting on the question.**

71.009. Any municipality seeking a voluntary annexation shall have such request
2 **granted by the commission within fourteen days if such municipality demonstrates that:**

3 (1) **A majority of the property owners in the area sought to be annexed, if any,**
4 **support such annexation;**

5 (2) **Such area is consistent with a boundary change proposal adopted by such**
6 **municipality; and**

7 (3) **Such municipality is a service provider for both water and sanitary sewer**
8 **service within the municipality.**

94.902. 1. **(1) The governing body of the following cities may impose a sales tax as provided in this section:**

(a) Any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants[, or] ;

(b) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants[, or] ;

(c) Any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants[,] ;

(d) Any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants.

(2) The governing body of any city listed in subdivision (1) of this subsection may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

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

Shall the city of (city's name) impose a citywide sales tax at a rate of (insert rate of percent) percent for the purpose of improving the public safety of the city?

YES NO

30

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 proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon

37 are opposed to the proposal, then the tax shall not become effective unless the proposal is
38 resubmitted under this section to the qualified voters and such proposal is approved by a majority
39 of the qualified voters voting on the proposal. However, in no event shall a proposal under this
40 section be submitted to the voters sooner than twelve months from the date of the last proposal
41 under this section.

42 3. Any sales tax imposed under this section shall be administered, collected, enforced,
43 and operated as required in section 32.087. All sales taxes collected by the director of the
44 department of revenue under this section on behalf of any city, less one percent for cost of
45 collection which shall be deposited in the state's general revenue fund after payment of premiums
46 for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which
47 is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust
48 Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be
49 commingled with any funds of the state. The provisions of section 33.080 to the contrary
50 notwithstanding, money in this fund shall not be transferred and placed to the credit of the
51 general revenue fund. The director shall keep accurate records of the amount of money in the
52 trust fund and which was collected in each city imposing a sales tax under this section, and the
53 records shall be open to the inspection of officers of the city and the public. Not later than the
54 tenth day of each month the director shall distribute all moneys deposited in the trust fund during
55 the preceding month to the city which levied the tax. Such funds shall be deposited with the city
56 treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by
57 an appropriation act to be enacted by the governing body of each such city. Expenditures may
58 be made from the fund for any functions authorized in the ordinance or order adopted by the
59 governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the
60 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
61 special trust fund which are not needed for current expenditures shall be invested in the same
62 manner as other funds are invested. Any interest and moneys earned on such investments shall
63 be credited to the fund.

64 4. The director of the department of revenue may authorize the state treasurer to make
65 refunds from the amounts in the trust fund and credited to any city for erroneous payments and
66 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
67 such cities. If any city abolishes the tax, the city shall notify the director of the action at least
68 ninety days before the effective date of the repeal, and the director may order retention in the
69 trust fund, for a period of one year, of two percent of the amount collected after receipt of such
70 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and
71 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date
72 of abolition of the tax in such city, the director shall remit the balance in the account to the city

73 and close the account of that city. The director shall notify each city of each instance of any
74 amount refunded or any check redeemed from receipts due the city.

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

78 Shall (insert the name of the city) repeal the sales tax
79 imposed at a rate of (insert rate of percent) percent for the purpose of improving the public
80 safety of the city?

81 YES NO

82

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

89 6. Whenever the governing body of any city that has adopted the sales tax authorized in
90 this section receives a petition, signed by ten percent of the registered voters of the city voting
91 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this
92 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If
93 a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
94 the repeal, that repeal shall become effective on December thirty-first of the calendar year in
95 which such repeal was approved. If a majority of the votes cast on the question by the qualified
96 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the
97 question is resubmitted under this section to the qualified voters and the repeal is approved by
98 a majority of the qualified voters voting on the question.

99 7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
100 apply to the tax imposed under this section.

[650.325.] **190.411.** There is hereby established within the department of public safety
2 the "[Advisory Committee for] 911 Service Oversight **Board**" which is charged with assisting
3 and advising the state in ensuring the availability, implementation and enhancement of a
4 statewide emergency telephone number common to all jurisdictions through research, planning,
5 training and education. The [committee for] 911 service oversight **board** shall represent all
6 entities and jurisdictions before appropriate policy-making authorities and the general assembly
7 and shall strive toward the immediate access to emergency services for all citizens of this state.

- [650.330.] **190.415.** 1. The [committee for] 911 service oversight **board** shall consist of [sixteen] **seven** members, one of [which] **whom** shall be [chosen from] **the director of the** department of public safety **or the director's designee**, who shall serve as chair of the [committee] **board** and only vote in the instance of a tie vote among the other members, and the other members shall be selected as follows:
- 6 (1) [One member chosen to represent an association domiciled in this state whose primary interest relates to counties;
 - 8 (2) One member chosen to represent the Missouri public service commission;
 - 9 (3)] One member chosen to represent emergency medical services;
 - 10 [(4)] **(2)** One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;
 - 11 [(5)] **(3)** One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;
 - 12 [(6)] **(4)** One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;
 - 13 [(7)] **(5)** One member chosen to represent an association whose primary interest relates to issues pertaining to [police chiefs] **law enforcement officials; and**
 - 14 [(8) One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;
 - 15 (9) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;
 - 16 (10) One member chosen to represent 911 service providers in counties of the second, third and fourth classification;
 - 17 (11) One member chosen to represent 911 service providers in counties of the first classification, with and without charter forms of government, and cities not within a county;
 - 18 [(12)] **(6)** One member chosen to represent telecommunications service providers with at least one hundred thousand access lines located within Missouri[;
 - 19 (13) One member chosen to represent telecommunications service providers with less than one hundred thousand access lines located within Missouri;
 - 20 (14) One member chosen to represent a professional association of physicians who conduct with emergency care; and
 - 21 (15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers].
2. Each of the members of the [committee for] 911 service oversight **board** shall be appointed by the governor with the advice and consent of the senate for a term of four years[;

37 except that, of those members first appointed, four members shall be appointed to serve for one
38 year, four members shall be appointed to serve for two years, four members shall be appointed
39 to serve for three years and four members shall be appointed to serve for four years]. Members
40 of the [committee] **board** may serve multiple terms.

41 3. The [committee for] 911 service oversight **board** shall meet at least quarterly at a
42 place and time specified by the chairperson of the [committee] **board** and it shall keep and
43 maintain records of such meetings, as well as the other activities of the [committee] **board**.
44 Members shall not be compensated but shall receive actual and necessary expenses for attending
45 meetings of the [committee] **board**.

46 4. The [committee for] 911 service oversight **board** shall:

47 (1) Organize and adopt standards governing the [committee's] **board's** formal and
48 informal procedures;

49 (2) Provide recommendations for primary answering points and secondary answering
50 points on statewide technical and operational standards for 911 services;

51 (3) Provide recommendations to public agencies concerning model systems to be
52 considered in preparing a 911 service plan;

53 (4) Provide requested mediation services to political subdivisions involved in
54 jurisdictional disputes regarding the provision of 911 services, except that such [committee]
55 **board** shall not supersede decision-making authority of local political subdivisions in regard to
56 911 services;

57 (5) Provide assistance to the governor and the general assembly regarding 911 services;

58 (6) Review existing and proposed legislation and make recommendations as to changes
59 that would improve such legislation;

60 (7) Aid and assist in the timely collection and dissemination of information relating to
61 the use of a universal emergency telephone number;

62 (8) Perform other duties as necessary to promote successful development,
63 implementation and operation of 911 systems across the state; and

64 (9) Advise the department of public safety on establishing rules and regulations
65 necessary to administer the provisions of sections [650.320 to 650.340] **190.400 to 190.445**.

66 5. The department of public safety shall provide staff assistance to the [committee for]
67 911 service oversight **board** as necessary in order for the [committee] **board** to perform its
68 duties pursuant to sections [650.320 to 650.340] **190.400 to 190.445**.

69 6. The department of public safety is authorized to adopt those rules that are reasonable
70 and necessary to accomplish the limited duties specifically delegated within section [650.340]
71 **190.445**. Any rule or portion of a rule, as that term is defined in section 536.010, shall become
72 effective only if it has been promulgated pursuant to the provisions of chapter 536. This section

73 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
74 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule
75 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
76 proposed or adopted after August 28, 1999, shall be invalid and void.

[650.340.] **190.445.** 1. The provisions of this section may be cited and shall be known
2 as the "911 Training and Standards Act".

3 2. Initial training requirements for telecommunicators who answer 911 calls that come
4 to public safety answering points shall be as follows:

- 5 (1) Police telecommunicator..... .16 hours;
- 6 (2) Fire telecommunicator..... 16 hours;
- 7 (3) Emergency medical services
8 telecommunicator..... 16 hours;
- 9 (4) Joint communication center
10 telecommunicator..... 40 hours.

11 3. All persons employed as a telecommunicator in this state shall be required to complete
12 ongoing training so long as such person engages in the occupation as a telecommunicator. Such
13 persons shall complete at least twenty-four hours of ongoing training every three years by such
14 persons or organizations as provided in subsection 6 of this section. The reporting period for the
15 ongoing training under this subsection shall run concurrent with the existing continuing
16 education reporting periods for Missouri peace officers pursuant to chapter 590.

17 4. Any person employed as a telecommunicator on August 28, 1999, shall not be
18 required to complete the training requirement as provided in subsection 2 of this section. Any
19 person hired as a telecommunicator after August 28, 1999, shall complete the training
20 requirements as provided in subsection 2 of this section within twelve months of the date such
21 person is employed as a telecommunicator.

22 5. The training requirements as provided in subsection 2 of this section shall be waived
23 for any person who furnishes proof to the [committee] **board** that such person has completed
24 training in another state which are at least as stringent as the training requirements of subsection
25 2 of this section.

26 6. The department of public safety shall determine by administrative rule the persons or
27 organizations authorized to conduct the training as required by subsection 2 of this section.

28 7. This section shall not apply to an emergency medical dispatcher or **dispatch** agency
29 as defined in section 190.100, or a person trained by an entity accredited or certified under
30 section 190.131, or a person who provides prearrival medical instructions who works for [an]
31 **a dispatch** agency which meets the requirements set forth in section 190.134.

205.042. 1. The trustees, within ten days after their appointment or election, shall
2 qualify by taking the oath of civil officers and organize as a board of health center trustees by the
3 election of one of their number as chairman, one as secretary, one as treasurer, and by the
4 election of such other officers as they may deem necessary, but no bond shall be required of
5 them.

6 2. No trustee shall receive any compensation for his services performed, but he may
7 receive reimbursement for any cash expenditures actually made for personal expenses incurred
8 as such trustee, and an itemized statement of all such expenses and money paid out shall be made
9 under oath by each of such trustees and filed with the secretary and allowed only by the
10 affirmative vote of all of the trustees present at a meeting of the board.

11 3. The board of health center trustees shall make and adopt such bylaws, rules and
12 regulations for its own guidance and for the government of the county health center as may be
13 deemed expedient for the economic and equitable conduct thereof. It shall have the exclusive
14 control of the expenditures of all moneys collected to the credit of the county health center fund,
15 and of the purchase of site or sites, the purchase or construction of any county health center
16 buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased,
17 constructed, leased or set apart for that purpose. All moneys received for the county health
18 center shall be credited to the county health center and deposited in the depository thereof for the
19 sole use of such county health center in accordance with the provisions of sections 205.010 to
20 205.150. All funds received by each county health center shall be paid out [only] **through an**
21 **electronic funds transfer system in an amount within that approved by the board of health**
22 **center trustees or** upon warrants ordered drawn by the treasurer of the board of trustees upon
23 properly authenticated vouchers of the board of health center trustees.

24 4. The board of health center trustees may appoint and remove such personnel as may
25 be necessary and fix their compensation; and shall in general carry out the spirit and intent of
26 sections 205.010 to 205.150 pertaining to establishing and maintaining a county health center.

27 5. The board of health center trustees shall hold meetings at least once each month, and
28 shall keep a complete record of all of its proceedings. Three members of the board shall
29 constitute a quorum for the transaction of business.

30 6. One of the trustees shall visit and examine the county health center at least twice each
31 month.

32 7. When the county health center is established, all personnel and all persons
33 approaching or coming within the limits of same, and all furniture and other articles used or
34 brought there shall be subject to such rules and regulations as the board may prescribe.

35 8. The board of health center trustees shall determine annually the rate of the tax levy,
36 except that the rate so determined shall not exceed the maximum rate authorized by the vote of
37 the people of the county.

38 9. The board of health center trustees may enter into contracts and agreements with
39 federal, state, county, school and municipal governments and with private individuals,
40 partnerships, firms, associations and corporations for the furtherance of health activities, except
41 as hereafter prohibited.

 302.341. 1. If a Missouri resident charged with a moving [traffic] violation, **as defined**
2 **in section 302.010**, of this state or any county or municipality of this state fails to dispose of the
3 charges of which the resident is accused through authorized prepayment of fine and court costs
4 and fails to appear on the return date or at any subsequent date to which the case has been
5 continued, or without good cause fails to pay any fine or court costs assessed against the resident
6 for any such violation within the period of time specified or in such installments as approved by
7 the court or as otherwise provided by law, any court having jurisdiction over the charges shall
8 within ten days of the failure to comply inform the defendant by ordinary mail at the last address
9 shown on the court records that the court will order the director of revenue to suspend the
10 defendant's driving privileges if the charges are not disposed of and fully paid within thirty days
11 from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
12 and fully pay any applicable fines and court costs, the court shall notify the director of revenue
13 of such failure and of the pending charges against the defendant. Upon receipt of this
14 notification, the director shall suspend the license of the driver, effective immediately, and
15 provide notice of the suspension to the driver at the last address for the driver shown on the
16 records of the department of revenue. Such suspension shall remain in effect until the court with
17 the subject pending charge requests setting aside the noncompliance suspension pending final
18 disposition, or satisfactory evidence of disposition of pending charges and payment of fine and
19 court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition
20 of charges and payment of fine and court costs, if applicable, and payment of the reinstatement
21 fee as set forth in section 302.304, the director shall return the license and remove the suspension
22 from the individual's driving record. The filing of financial responsibility with the bureau of
23 safety responsibility, department of revenue, shall not be required as a condition of reinstatement
24 of a driver's license suspended solely under the provisions of this section.

25 2. If any city, town or village **meets the criteria established in subsection 6 of this**
26 **section and** receives more than thirty-five percent of its annual general operating revenue from
27 fines and court costs for [traffic] **cited moving** violations occurring on state highways, **whether**
28 **the violation is adjudicated finally as a moving or nonmoving violation**, all revenues from
29 such violations in excess of thirty-five percent of the annual general operating revenue of the

30 city, town or village shall be sent to the director of the department of revenue and shall be
31 distributed annually to the schools of the county in the same manner that proceeds of all
32 penalties, forfeitures and fines collected for any breach of the penal laws of the state are
33 distributed. For the purpose of this section the words "state highways" shall mean any state or
34 federal highway, including any such highway continuing through the boundaries of a city, town
35 or village with a designated street name other than the state highway number. [The director of
36 the department of revenue shall set forth by rule a procedure whereby excess revenues as set
37 forth above shall be sent to the department of revenue.]

38 **3. The governing body of each city, town, or village that meets the criteria**
39 **established in subsection 6 of this section shall cause to be prepared an annual report of**
40 **the fines and court costs collected for cited moving violations whether finally adjudicated**
41 **as a moving or nonmoving violation occurring on state highways, along with the entity's**
42 **annual general revenue for the year, in such summary form as the department of revenue**
43 **shall prescribe by rule. In the event the fines and court costs exceed thirty-five percent of**
44 **the entity's general operating revenue for the year, the entity shall include with the annual**
45 **report payment of the excess revenues to the director of the department of revenue. The**
46 **payment of excess revenues shall be disbursed as provided in subsection 2 of this section.**
47 If any city, town, or village disputes a determination that it has received excess revenues required
48 to be sent to the department of revenue, such city, town, or village may submit to an annual audit
49 by the state auditor under the authority of article IV, section 13 of the Missouri Constitution.
50 [Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
51 authority delegated in this section shall become effective only if it complies with and is subject
52 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
53 chapter 536 are nonseverable and if any of the powers vested with the general assembly under
54 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
55 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
56 or adopted after August 28, 2009, shall be invalid and void.]

57 **4. The department of revenue may promulgate rules necessary to implement the**
58 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
59 **536.010, that is created under the authority delegated in this section shall become effective**
60 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
61 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
62 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
63 **the effective date, or to disapprove and annul a rule are subsequently held**
64 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
65 **after August 28, 2012, shall be invalid and void.**

66 **5. In the event a city, town, or village that meets the criteria established in**
67 **subsection 6 of this section fails to comply with subsections 2 and 3 of this section, such**
68 **entity shall be subject to a civil penalty in an amount up to one thousand dollars. The**
69 **department of revenue shall determine the amount of the penalty by taking into account**
70 **the size of the entity, the seriousness of the offense, and whether the city, town, or village**
71 **has violated the provisions of subsections 2 and 3 of this section previously. The director**
72 **of revenue or his or her designated representative shall administer and enforce the**
73 **provisions of this section and may develop, prescribe, and issue any forms, notices, or other**
74 **written documents to enforce such authority and to ensure that every city, town, or village**
75 **is in compliance with the provisions of subsections 2 and 3 of this section.**

76 **6. The provisions of subsections 2, 3, 4, and 5 of this section shall apply only to any**
77 **city, town, or village with:**

78 **(1) Less than two million dollars in general revenue, excluding fines and court costs**
79 **collected for cited moving violations whether finally adjudicated as a moving or nonmoving**
80 **violation; and**

81 **(2) Fines and court costs from cited moving violations, whether finally adjudicated**
82 **as a moving or nonmoving violation, in excess of seventy thousand dollars.**

304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations
2 for motor vehicles within the limits of such municipalities. No person who is not a resident of
3 such municipality and who has not been within the limits thereof for a continuous period of more
4 than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown
5 by competent evidence that there was posted at the place where the boundary of such
6 municipality joins or crosses any highway a sign displaying in black letters not less than four
7 inches high and one inch wide on a white background the speed fixed by such municipality so
8 that such sign may be clearly seen by operators and drivers from their vehicles upon entering
9 such municipality.

10 2. Municipalities, by ordinance, may:

11 (1) Make additional rules of the road or traffic regulations to meet their needs and traffic
12 conditions;

13 (2) Establish one-way streets and provide for the regulation of vehicles thereon;

14 (3) Require vehicles to stop before crossing certain designated streets and boulevards;

15 (4) Limit the use of certain designated streets and boulevards to passenger vehicles,

16 **except that each municipality shall allow at least one street, with lawful traffic movement**
17 **and access from both directions, to be available for use by commercial vehicles to access**
18 **any roads in the state highway system. Under no circumstances shall the provisions of this**

19 **subdivision be construed to authorize municipalities to limit the use of all streets in the**
20 **municipality;**

21 (5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid
22 rubber tires;

23 (6) Regulate the parking of vehicles on streets by the installation of parking meters for
24 limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory
25 method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

26 (7) Require the use of signaling devices on all motor vehicles; and

27 (8) Prohibit sound producing warning devices, except horns directed forward.

28 3. No ordinance shall be valid which contains provisions contrary to or in conflict with
29 this chapter, except as herein provided.

30 4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the
31 vehicle is being permissively used by a lessee and is illegally parked or operated if the registered
32 owner-lessor of such vehicle furnishes the name, address and operator's license number of the
33 person renting or leasing the vehicle at the time the violation occurred to the proper municipal
34 authority within three working days from the time of receipt of written request for such
35 information. Any registered owner-lessor who fails or refuses to provide such information
36 within the period required by this subsection shall be liable for the imposition of any fine
37 established by municipal ordinance for the violation. Provided, however, if a leased motor
38 vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused
39 by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal
40 parking of such vehicle.

41 **5. No ordinance shall deny the use of commercial vehicles on all streets within the**
42 **municipality.**

321.228. 1. As used in this section, the following terms shall mean:

2 (1) **"Residential construction", new construction and erection of detached single-**
3 **family or two-family dwellings or the development of land to be used for detached single-**
4 **family or two-family dwellings;**

5 (2) **"Residential construction regulatory system", any bylaw, ordinance, order,**
6 **rule, or regulation adopted, implemented, or enforced by any city, town, village, or county**
7 **that pertains to residential construction, to any permitting system, or program relating to**
8 **residential construction, including but not limited to the use or occupancy by the initial**
9 **occupant thereof, or to any system or program for the inspection of residential**
10 **construction. Residential construction regulatory system also includes the whole or any**
11 **part of a nationally recognized model code, with or without amendments specific to such**
12 **city, town, village, or county.**

13 **2. Notwithstanding the provisions of any other law to the contrary, if a city, town,**
14 **village, or county adopts or has adopted, implements, and enforces a residential**
15 **construction regulatory system applicable to residential construction within its jurisdiction,**
16 **any fire protection districts wholly or partly located within such city, town, village, or**
17 **county shall be without power, authority, or privilege to enforce or implement a residential**
18 **construction regulatory system purporting to be applicable to any residential construction**
19 **within such city, town, village, or county. Any such residential construction regulatory**
20 **system adopted by a fire protection district or its board shall be treated as advisory only**
21 **and shall not be enforced by such fire protection district or its board.**

22 **3. Notwithstanding the provisions of any other law to the contrary, fire protection**
23 **districts:**

24 **(1) Shall have final regulatory authority regarding the location and specifications**
25 **of fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential**
26 **construction; and**

27 **(2) May inspect the alteration, enlargement, replacement or repair of a detached**
28 **single-family or two-family dwelling; and**

29 **(3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this**
30 **subsection.**

537.293. 1. Notwithstanding any other provision of law, the use of vehicles on a
2 **public street or highway in a manner which is legal under state and local law shall not**
3 **constitute a public or private nuisance, and shall not be the basis of a civil action for public**
4 **or private nuisance.**

5 **2. No individual or business entity shall be subject to any civil action in law or**
6 **equity for a public or private nuisance on the basis of such individual or business entity**
7 **legally using vehicles on a public street or highway. Any actions by a court in this state to**
8 **enjoin the use of a public street or highway in violation of this section and any damages**
9 **awarded or imposed by a court, or assessed by a jury, against an individual or business**
10 **entity for public or private nuisance in violation of this section shall be null and void.**

11 **3. Notwithstanding any other provision of law, nothing in this section shall be**
12 **construed to limit civil liability for compensatory damages arising from physical injury to**
13 **another human being.**

Section 1. 1. The governor is hereby authorized and empowered to vacate the
2 **existing one acre easement made on May 25, 1971, between the state and the City of**
3 **Sedalia, Missouri, located at 2600 West 16th Street, and is hereby authorized and**
4 **empowered to grant to the City of Sedalia, Missouri, an easement to construct, reconstruct,**

5 **alter, replace, maintain, and operate a fire station and an entrance thereto on and over**
6 **certain state-owned property more particularly described as follows:**

7 **COMMENCING AT THE SOUTHEAST CORNER OF THE**
8 **SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 45 NORTH,**
9 **RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, PETTIS**
10 **COUNTY, MISSOURI; THENCE N 86°29'52"W ALONG THE SOUTH**
11 **LINE OF SAID SOUTHWEST QUARTER, 939 FEET TO THE POINT OF**
12 **BEGINNING OF THE PARCEL CONVEYED TO THE STATE OF**
13 **MISSOURI IN VOLUME 289 AT PAGE 242 IN THE PETTIS COUNTY**
14 **RECORDERS OFFICE, AND AS SHOWN ON A SURVEY IN PLAT**
15 **CABINET B AT PAGE 775 TO THE POINT OF BEGINNING; THENCE**
16 **CONTINUING N 86°29'52"W ALONG SAID SOUTH LINE, 323 FEET**
17 **TO THE EASTERLY RIGHT OF WAY OF THE MISSOURI PACIFIC**
18 **RAILROAD COMPANY DESCRIBED IN VOLUME 140 AT PAGE 298,**
19 **AND AS SHOWN ON SAID SURVEY IN PLAT CABINET B AT PAGE**
20 **775; THENCE N 2°24'46"E ALONG SAID RIGHT OF WAY, 387.32**
21 **FEET; THENCE S 87°36'42"E, 323 FEET TO THE EAST LINE OF SAID**
22 **PROPERTY DESCRIBED IN VOLUME 289 AT PAGE 242; THENCE S**
23 **2°24'41"W ALONG SAID EAST LINE, 393.60 FEET TO THE POINT OF**
24 **BEGINNING, CONTAINING 2.9 ACRES, MORE OR LESS, RESERVING**
25 **TO THE STATE OF MISSOURI INGRESS AND EGRESS TO THE**
26 **NORTH 2.1 ACRES MORE OR LESS OF THE PARCEL DESCRIBED IN**
27 **VOLUME 289 AT PAGE 242.**

28
29 **EXCEPTING THEREFROM THE RIGHT OF WAY FOR HIGHWAY Y**
30 **AS SHOWN ON SAID SURVEY IN PLAT CABINET B AT PAGE 775,**
31 **AND THE MISSOURI DEPARTMENT OF TRANSPORTATIONS PLANS**
32 **FOR STATE HIGHWAY Y.**

33
34 **2. The commissioner of administration shall set the terms and conditions for the**
35 **conveyance as the commissioner deems reasonable. Such terms and conditions may**
36 **include, but are not limited to, the number of appraisals required, the time, place, and**
37 **terms of the conveyance.**

38 **3. The attorney general shall approve the form of the instrument of conveyance.**

2 [67.1890. 1. The boundaries of any district organized pursuant to
3 sections 67.1860 to 67.1898 may be changed in the manner prescribed in this
4 section; but any change of boundaries of the district shall not impair or affect its
5 organization or its rights in or to property, or any of its rights or privileges
6 whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien
7 or charge for or upon which it might be liable or chargeable had any change of
8 boundaries not been made.

2. The boundaries may be changed as follows:

9 (1) Twenty-five percent of the number of voters who voted in the most
10 recent gubernatorial election in the area to be annexed or deannexed may file
11 with the board a petition in writing praying that such real property be included
12 within, or removed from, the district. The petition shall describe the property to
13 be included in, or removed from, the district and shall describe the property
14 owned by the petitioners and shall be deemed to give assent of the petitioners to
15 the inclusion in, or removal from, the district of the property described in the
16 petition. Such petition shall be in substantially the form set forth for petitions in
17 chapter 116; provided that, in the event that there are more than twenty-five
18 property owners or taxpaying electors signing the petition, it shall be deemed
19 sufficient description of their property in the petition as required in this section
20 to list the addresses of such property; or

21 (2) All of the owners of any territory or tract of land near or adjacent to
22 a district in the case of annexation, or all of the owners of any territory or tract of
23 land within a district in the case of deannexation, who own all of the real estate
24 in such territory or tract of land may file a petition with the board praying that
25 such real property be included in, or removed from, the district. The petition
26 shall describe the property owned by the petitioners and shall be deemed to give
27 assent of the petitioners to the inclusion in, or removal from, the district of the
28 property described in the petition.

29 3. The secretary of the board shall cause notice of the filing of any
30 petition filed pursuant to this section to be given and published in the county in
31 which the property is located, which notice shall recite the filing of such petition,
32 the number of petitioners, a general description of the boundaries of the area
33 proposed to be included or removed and the prayer of the petitioners; giving
34 notice to all persons interested to appear at the office of the board at the time
35 named in the notice and show cause in writing, if any they have, why the petition
36 should not be granted. The board shall at the time and place mentioned, or at
37 such time or times to which the hearing may be adjourned, proceed to hear the
38 petition and all objections thereto presented in writing by any person showing
39 cause why the petition should not be granted. The failure of any person interested
40 to show cause in writing why such petition shall not be granted shall be deemed
41 as an assent on his or her part to the inclusion of such lands in, or removal of
42 such lands from, the district as prayed for in the petition.

43 4. If the board deems it for the best interest of the district, it shall grant
44 the petition, but if the board determines in the case of annexation that some
45 portion of the property mentioned in the petition cannot as a practical matter be
46 served by the district, or if it deems in the case of annexation that it is in the best
47 interest of the district that some portion of the property in the petition not be
48 included in the district, or if in the case of deannexation it deems that it is
49 impracticable for any portion of the property to be deannexed from the district,
50 then the board shall grant the petition in part only. If the petition is granted, the
51 board shall make an order to that effect and file the petition with the circuit clerk.

52 Upon the order of the court having jurisdiction over the district, the property shall
 53 be included in, or removed from, the district. If the petition contains the
 54 signatures of all the owners of the property pursuant to the provisions of
 55 subdivision (2) of subsection 2 of this section, the property shall be included in,
 56 or removed from, the district upon the order of the court. If the petition contains
 57 the signatures of twenty-five percent of the number of voters who voted in the
 58 most recent gubernatorial election in the area to be annexed or deannexed
 59 pursuant to subdivision (1) of subsection 2 of this section, the property shall be
 60 included in, or removed from, the district subject to the election provided in
 61 section 67.1892. The circuit court having jurisdiction over the district shall
 62 proceed to make any such order including such additional property within the
 63 district, or removing such property from the district, as is provided in the order
 64 of the board, unless the court shall find that such order of the board was not
 65 authorized by law or that such order of the board was not supported by competent
 66 and substantial evidence.

67 5. Any person aggrieved by any decision of the board made pursuant to
 68 the provisions of this section may appeal that decision to the circuit court of the
 69 county in which the property is located within thirty days of the decision by the
 70 board.]
 71

2 [67.1892. 1. If the petition to add or remove any territory or tract of land
 3 to the district contained fewer than all of the signatures required pursuant to
 4 subdivision (2) of subsection 2 of section 67.1890, the decree of extension or
 5 retraction of boundaries shall not become final and conclusive until it has been
 6 submitted to an election of the voters residing within the boundaries described
 7 in such decree and until it has been assented to by a majority vote of the voters
 8 in the newly included area, or the area to be removed, voting on the question.
 9 The decree shall also provide for the holding of the election to vote on the
 10 proposition of extending or retracting the boundaries of the district, and shall fix
 the date for holding the election.

11 2. The question shall be submitted in substantially the following form:
 12 Shall the boundaries of the Law Enforcement District be
 13 (extended to include/retracted to remove) the following described property?
 14 (Describe property)

15 YES NO

16 3. If a majority of the voters voting on the proposition vote in favor of the
 17 extension or retraction of the boundaries of the district, then the court shall enter
 18 its further order declaring the decree of extension or retraction of the boundaries
 19 to be final and conclusive. In the event, however, that the court finds that a
 20 majority of the voters voting thereon voted against the proposition to extend or
 21 retract the boundaries of the district, then the court shall enter its further order
 22 declaring the decree of extension or retraction of boundaries to be void and of no
 23 effect.]

2 [67.1896. 1. If the petition filed pursuant to section 67.1894 contained
 3 fewer than all of the signatures required pursuant to subdivision (2) of subsection
 4 2 of section 67.1894, the termination of taxation authority shall not become final
 5 and conclusive until it has been submitted to an election of the voters residing
 6 within the district and until it has been assented to by at least four-sevenths of the
 7 voters in the district voting on the question. The decree shall also provide for the
 8 holding of the election to vote on the proposition, and shall fix the date for
 9 holding the election.

10 2. The question shall be submitted in substantially the following form:
 11 Shall the authority of the Law Enforcement District to adopt
 12 property taxes be terminated?

13 YES NO

14 3. If four-sevenths of the voters voting on the proposition vote in favor
 15 of such termination, then the court shall enter its further order declaring the
 16 termination of such authority, and all such taxes that are being assessed in the
 17 current calendar year pursuant to such authority, to be final and conclusive. In
 18 the event, however, that the court finds that less than four-sevenths of the voters
 19 voting thereon voted against the proposition to terminate such authority, then the
 20 court shall enter its further order declaring the decree of termination of such
 21 district's taxing authority to be void and of no effect.]

2 [67.1898. 1. Whenever a petition signed by not less than ten percent of
 3 the registered voters in any district organized pursuant to sections 67.1860 to
 4 67.1898 is filed with the circuit court having jurisdiction over the district, setting
 5 forth all the relevant facts pertaining to the district, and alleging that the further
 6 operation of the district is not in the best interests of the inhabitants of the
 7 district, and that the district should, in the interest of the public welfare and
 8 safety, be dissolved, the circuit court shall have authority, after hearing evidence
 9 submitted on such question, to order a submission of the question, after having
 10 caused publication of notice of a hearing on such petition in the same manner as
 11 the notice required in section 67.1874, in substantially the following form:

12 Shall (Insert the name of the law enforcement district)
 13 Law Enforcement District be dissolved?

14 YES NO

15 2. If the court shall find that it is to the best interest of the inhabitants of
 16 the district that such district be dissolved, it shall make an order reciting such
 17 finding and providing for the submission of the proposition to dissolve such
 18 district to a vote of the voters of the district, setting forth such further details in
 19 its order as may be necessary to an orderly conduct of such election. Such
 20 election shall be held at the municipal election. Returns of the election shall be
 21 certified to the court.

22 If the court finds that a majority of the voters voting thereon shall have voted in
 favor of the proposition to dissolve the district, the court shall make a final order

23 dissolving the district, and the decree shall contain a proviso that the district shall
 24 continue in full force for the purpose of paying all outstanding and lawful
 25 obligations and disposing of property of the district; but no additional costs or
 26 obligations shall be created except such as are necessary to pay such costs,
 27 obligations and liabilities previously incurred, or necessary to the winding up of
 28 the district. If the court shall find that a majority of the voters of the district
 29 voting thereon shall not have voted favorably on the proposition to dissolve such
 30 district, then the court shall make a final order declaring such result dismissing
 31 the petition praying for the dissolution of said district; and the district shall
 32 continue to operate in the same manner as though the petition asking for such
 33 dissolution has not been filed.

34 3. The dissolution of a district shall not invalidate or affect any right
 35 accruing to such district, or to any person, or invalidate or affect any contract or
 36 indebtedness entered into or imposed upon such district or person; and whenever
 37 the circuit court shall, pursuant to this section, dissolve a district, the court shall
 38 appoint some competent person to act as trustee for the district so dissolved and
 39 such trustee before entering upon the discharge of his or her duties shall take and
 40 subscribe an oath that he or she will faithfully discharge the duties of the office,
 41 and shall give bond with sufficient security, to be approved by the court to the use
 42 of such dissolved district, for the faithful discharge of his or her duties, and shall
 43 proceed to liquidate the district under orders of the court, including the levying
 44 of any taxes provided for in sections 67.1860 to 67.1898.]

45

2 [190.400. As used in sections 190.400 to 190.440, the following words
 and terms shall mean:

3 (1) "911", the primary emergency telephone number within the wireless
 4 system;

5 (2) "Board", the wireless service provider enhanced 911 advisory board;

6 (3) "Public safety agency", a functional division of a public agency
 7 which provides fire fighting, police, medical or other emergency services. For
 8 the purpose of providing wireless service to users of 911 emergency services,
 9 as expressly provided in this section, the department of public safety and state
 10 highway patrol shall be considered a public safety agency;

11 (4) "Public safety answering point", the location at which 911 calls are
 12 initially answered;

13 (5) "Wireless service provider", a provider of commercial mobile
 14 service pursuant to Section 332(d) of the Federal Telecommunications Act of
 15 1996 (47 U.S.C. Section 151 et seq).]

16

2 [190.410. 1. There is hereby created in the department of public safety
 the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of
 3 eight members as follows:

4 (1) The director of the department of public safety or the director's
5 designee who shall hold a position of authority in such department of at least a
6 division director;

7 (2) The chairperson of the public service commission or the
8 chairperson's designee; except that such designee shall be a commissioner of the
9 public service commission or hold a position of authority in the commission of
10 at least a division director;

11 (3) Three representatives and one alternate from the wireless service
12 providers, elected by a majority vote of wireless service providers licensed to
13 provide service in this state; and

14 (4) Three representatives from public safety answering point
15 organizations, elected by the members of the state chapter of the associated
16 public safety communications officials and the state chapter of the National
17 Emergency Numbering Association.

18 2. Immediately after the board is established the initial term of
19 membership for a member elected pursuant to subdivision (3) of subsection 1
20 of this section shall be one year and all subsequent terms for members so elected
21 shall be two years. The membership term for a member elected pursuant to
22 subdivision (4) of subsection 1 of this section shall initially and subsequently be
23 two years. Each member shall serve no more than two successive terms unless
24 the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of
25 this section. Members of the board shall serve without compensation, however,
26 the members may receive reimbursement of actual and necessary expenses. Any
27 vacancies on the board shall be filled in the manner provided for in this
28 subsection.

29 3. The board shall do the following:

30 (1) Elect from its membership a chair and other such officers as the
31 board deems necessary for the conduct of its business;

32 (2) Meet at least one time per year for the purpose of discussing the
33 implementation of Federal Communications Commission order 94-102;

34 (3) Advise the office of administration regarding implementation of
35 Federal Communications Commission order 94-102; and

36 (4) Provide any requested mediation service to a political subdivision
37 which is involved in a jurisdictional dispute regarding the providing of wireless
38 911 services. The board shall not supersede decision-making authority of any
39 political subdivision in regard to 911 services.

40 4. The director of the department of public safety shall provide and
41 coordinate staff and equipment services to the board to facilitate the board's
42 duties.]

43

2 [190.420. 1. There is hereby established in the state treasury a fund to
3 be known as the "Wireless Service Provider Enhanced 911 Service Fund". All
fees collected pursuant to sections 190.400 to 190.440 by wireless service

4 providers shall be remitted to the director of the department of revenue. The
5 director shall remit such payments to the state treasurer.

6 2. The state treasurer shall deposit such payments into the wireless
7 service provider enhanced 911 service fund. Moneys in the fund shall be used
8 for the purpose of reimbursing expenditures actually incurred in the
9 implementation and operation of the wireless service provider enhanced 911
10 system.

11 3. Any unexpended balance in the fund shall be exempt from the
12 provisions of section 33.080, relating to the transfer of unexpended balances to
13 the general revenue fund, and shall remain in the fund. Any interest earned on
14 the moneys in the fund shall be deposited into the fund.]
15

2 [190.430. 1. The commissioner of the office of administration is
3 authorized to establish a fee, if approved by the voters pursuant to section
4 190.440, not to exceed fifty cents per wireless telephone number per month to
5 be collected by wireless service providers from wireless service customers.

6 2. The office of administration shall promulgate rules and regulations
7 to administer the provisions of sections 190.400 to 190.440. Any rule or portion
8 of a rule, as that term is defined in section 536.010, that is promulgated pursuant
9 to the authority delegated in sections 190.400 to 190.440 shall become effective
10 only if it has been promulgated pursuant to the provisions of chapter 536. All
11 rulemaking authority delegated prior to July 2, 1998, is of no force and effect
12 and repealed; however, nothing in this section shall be interpreted to repeal or
13 affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully
14 complied with the provisions of chapter 536. This section and chapter 536 are
15 nonseverable and if any of the powers vested with the general assembly pursuant
16 to chapter 536 to review, to delay the effective date or to disapprove and annul
17 a rule are subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after July 2, 1998, shall be invalid
19 and void.

20 3. The office of administration is authorized to administer the fund and
21 to distribute the moneys in the wireless service provider enhanced 911 service
22 fund for approved expenditures as follows:

23 (1) For the reimbursement of actual expenditures for implementation of
24 wireless enhanced 911 service by wireless service providers in implementing
25 Federal Communications Commission order 94-102; and

26 (2) To subsidize and assist the public safety answering points based on
27 a formula established by the office of administration, which may include, but is
28 not limited to the following:

29 (a) The volume of wireless 911 calls received by each public safety
30 answering point;

(b) The population of the public safety answering point jurisdiction;

31 (c) The number of wireless telephones in a public safety answering point
32 jurisdiction by zip code; and

33 (d) Any other criteria found to be valid by the office of administration
34 provided that of the total amount of the funds used to subsidize and assist the
35 public safety answering points, at least ten percent of said funds shall be
36 distributed equally among all said public safety answering points providing said
37 services under said section;

38 (3) For the reimbursement of actual expenditures for equipment for
39 implementation of wireless enhanced 911 service by public safety answering
40 points to the extent that funds are available, provided that ten percent of funds
41 distributed to public safety answering points shall be distributed in equal
42 amounts to each public safety answering point participating in enhanced 911
43 service;

44 (4) Notwithstanding any other provision of the law, no proprietary
45 information submitted pursuant to this section shall be subject to subpoena or
46 otherwise released to any person other than to the submitting wireless service
47 provider, without the express permission of said wireless service provider.
48 General information collected pursuant to this section shall only be released or
49 published in aggregate amounts which do not identify or allow identification of
50 numbers of subscribers or revenues attributable to an individual wireless service
51 provider.

52 4. Wireless service providers are entitled to retain one percent of the
53 surcharge money they collect for administrative costs associated with billing and
54 collection of the surcharge.

55 5. No more than five percent of the moneys in the fund, subject to
56 appropriation by the general assembly, shall be retained by the office of
57 administration for reimbursement of the costs of overseeing the fund and for the
58 actual and necessary expenses of the board.

59 6. The office of administration shall review the distribution formula
60 once every year and may adjust the amount of the fee within the limits of this
61 section, as determined necessary.

62 7. The provisions of sections 190.307 and 190.308 shall be applicable
63 to programs and services authorized by sections 190.400 to 190.440.

64 8. Notwithstanding any other provision of the law, in no event shall any
65 wireless service provider, its officers, employees, assigns or agents, be liable for
66 any form of civil damages or criminal liability which directly or indirectly result
67 from, or is caused by, an act or omission in the development, design,
68 installation, operation, maintenance, performance or provision of 911 service or
69 other emergency wireless two- and three-digit wireless numbers, unless said acts
70 or omissions constitute gross negligence, recklessness or intentional misconduct.
71 Nor shall any wireless service provider, its officers, employees, assigns, or
72 agents be liable for any form of civil damages or criminal liability which directly
73 or indirectly result from, or is caused by, the release of subscriber information

74 to any governmental entity as required under the provisions of this act unless the
75 release constitutes gross negligence, recklessness or intentional misconduct.]
76

2 [190.440. 1. The office of administration shall not be authorized to
3 establish a fee pursuant to the authority granted in section 190.430 unless a
4 ballot measure is submitted and approved by the voters of this state. The ballot
5 measure shall be submitted by the secretary of state for approval or rejection at
6 the general election held and conducted on the Tuesday immediately following
7 the first Monday in November, 1998, or at a special election to be called by the
8 governor on the ballot measure. If the measure is rejected at such general or
9 special election, the measure may be resubmitted at each subsequent general
10 election, or may be resubmitted at any subsequent special election called by the
11 governor on the ballot measure, until such measure is approved.

12 2. The ballot of the submission shall contain, but is not limited to, the
13 following language:

14 Shall the Missouri Office of Administration be authorized to establish
15 a fee of up to fifty cents per month to be charged every wireless telephone
16 number for the purpose of funding wireless enhanced 911 service?

17 YES NO

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

20 3. If a majority of the votes cast on the ballot measure by the qualified
21 voters voting thereon are in favor of such measure, then the office of
22 administration shall be authorized to establish a fee pursuant to section 190.430,
23 and the fee shall be effective on January 1, 1999, or the first day of the month
24 occurring at least thirty days after the approval of the ballot measure. If a
25 majority of the votes cast on the ballot measure by the qualified voters voting
26 thereon are opposed to the measure, then the office of administration shall have
27 no power to establish the fee unless and until the measure is approved.]
28

2 [650.320. For the purposes of sections 650.320 to 650.340, the
3 following terms mean:

4 (1) "Committee", the advisory committee for 911 service oversight
5 established in section 650.325;

6 (2) "Public safety answering point", the location at which 911 calls are
7 initially answered;

8 (3) "Telecommunicator", any person employed as an emergency
9 telephone worker, call taker or public safety dispatcher whose duties include
10 receiving, processing or transmitting public safety information received through
a 911 public safety answering point.]

