

SECOND REGULAR SESSION

SENATE BILL NO. 1002

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILSON.

Read 1st time February 24, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4231S.02I

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 this section, unless the context clearly requires otherwise, the following terms mean:

(1) "Commission", the governing body of the Kansas City zoological district;

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

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

(4) "Organizations", nonprofit and tax exempt social, civic, or

21 community organizations and associations that are dedicated to the
22 development, provision, operation, supervision, promotion, or support
23 of zoological activities;

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

31 (6) "Zoological facilities", facilities operated or used for
32 participation or engagement in zoological activities.

184.503. 1. Whenever the governing body of any eligible county
2 shall adopt a resolution authorizing the creation of, or participation in,
3 the district and the levy of a tax to provide, individually, or on a
4 cooperative basis with another eligible county or other eligible
5 counties, for financial support of the district, or whenever a petition,
6 signed by not less than the number of qualified electors of an eligible
7 county equal to five percent of the number of ballots cast and counted
8 at the last preceding gubernatorial election held such county,
9 requesting the creation of, or participation in, the district and the levy
10 of a tax for the purpose of contributing to the financial support of the
11 district, is filed with the governing body of the county, the governing
12 body of such county shall request the county election officer to submit
13 to the qualified electors of such county the question of whether the
14 governing body shall be authorized to implement the resolution at the
15 next general or primary election date or special election. Such election
16 official shall give legal notice at least sixty days prior to such general
17 or primary election or special election in at least two newspapers that
18 such proposition or propositions shall be submitted at the next general
19 or primary election or special election held for submission of this
20 proposition. The resolution or proposition shall be printed on the
21 ballot and in the notice of election.

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

24 "Shall a retail sales tax of (insert amount, not to exceed
25 one-quarter of one cent) be levied and collected for the benefit of the

26 **Kansas City Zoological district, which shall be created and consist of**
27 **the county(s) of (insert name of counties), for the support of**
28 **zoological activities with the district?**

29 **YES** **NO"**

30 **The governing body of the county may place additional language on the**
31 **ballot to describe the use or allocation of the funds.**

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

47 **4. All sales taxes collected by the director of revenue from the**
48 **tax authorized by this section on behalf of the district, less one percent**
49 **for cost of collection, which shall be deposited in the state's general**
50 **revenue fund after payment of premiums for surety bonds, as provided**
51 **in section 32.087, shall be deposited with the state treasurer in a**
52 **special trust fund, which is hereby created, to be known as the "Kansas**
53 **City Zoological District Sales Tax Trust Fund". The moneys in the**
54 **Kansas City zoological district sales tax trust fund shall not be deemed**
55 **to be state funds and shall not be commingled with any funds of the**
56 **state. The director of revenue shall keep accurate records of the**
57 **amount of money collected and deposited in the trust fund and the**
58 **records shall be open to the inspection of officers of the district, the**
59 **counties composing the district, and the public. Not later than the**
60 **tenth day of each month the director of revenue shall distribute all**
61 **moneys deposited in the Kansas City zoological district sales tax trust**

62 fund during the preceding month to the district.

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

81 6. Any of the eligible counties composing the Kansas City
82 zoological district may withdraw from the district by adoption of a
83 resolution and approval of the resolution by a majority of the qualified
84 electors of the county, in the same manner provided in this section for
85 creating or becoming a part of the district. The governing body of a
86 withdrawing county shall provide for the sending of formal written
87 notice of withdrawal from the district to the governing body of the
88 other county or each of the other counties comprising the
89 district. Actual withdrawal shall not take effect until ninety days after
90 notice has been sent. A withdrawing county shall not be relieved from
91 any obligation that such county may have assumed or incurred by
92 reason of being a part of the district, including, but not limited to, the
93 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) Five members of the executive committee of Friends of the
10 Zoo, Inc., one of which shall be the executive director with the
11 remaining three members appointed by a majority vote of the executive
12 committee of Friends of the Zoo, Inc.

13 2. The term of each commissioner, initially appointed by a
14 county governing body, shall expire concurrently with such
15 commissioner's tenure as a county officer or three years after the date
16 of appointment as a commissioner, whichever occurs first. The term of
17 each succeeding commissioner shall expire concurrently with such
18 successor commissioner's tenure as a county officer or four years after
19 the date of appointment as a commissioner, whichever occurs first. The
20 term of the commissioner initially appointed by the Kansas City,
21 Missouri Board of Parks and Recreation shall expire concurrently with
22 such commissioner's tenure as a member of the Kansas City, Missouri
23 Board of Parks and Recreation, or one year after the date of
24 appointment as a commissioner, whichever occurs first. The term of
25 each commissioner succeeding a commissioner appointed by the Kansas
26 City, Missouri Board of Parks and Recreation shall expire concurrently
27 with such successor commissioner's tenure as a member of the Kansas
28 City, Missouri Board of Parks and Recreation or four years after the
29 date of appointment as a commissioner, whichever occurs first. The
30 term of each commissioner initially appointed by the executive
31 committee of Friend of the Zoo, Inc. shall expire concurrently with such
32 successor commissioner's tenure as a member of the executive
33 committee of Friends of the Zoo, Inc. or four years after the date of
34 appointment as a commissioner, whichever occurs first. The term of
35 each commissioner succeeding a commissioner appointed by the
36 executive committee of Friends of the Zoo, Inc. shall expire
37 concurrently with such successor commissioner's tenure as a member
38 of the executive committee of Friends of the Zoo, Inc. or four years
39 after the date of appointment as a commissioner, whichever occurs
40 first. The term of the executive director of Friends of the Zoo, Inc.
41 shall not expire but will transfer automatically to the current executive
42 director of Friends of the Zoo, Inc. or any interim executive

43 director. Any vacancy occurring in a commissioner position for reasons
44 other than expiration of terms of office shall be filled for the unexpired
45 term by appointment in the same manner that the original appointment
46 was made. Any commissioner may be removed for cause by the
47 appointing authority of the commissioner.

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

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

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

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

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

80 City Zoo.

81 8. Commissioners shall enjoy official immunity under the
82 common law for any action at law or equity, or other legal proceeding
83 against any commissioner relating to any act or omission of the
84 commissioner arising out of his or her performance of duties as a
85 commissioner. If any action at law or equity, or other legal proceeding,
86 shall be brought against any commissioner for any act or omission
87 arising out of the performance of duties as a commissioner, the
88 commissioner shall be indemnified in whole and held harmless by the
89 commission for any judgment or decree entered against the
90 commissioner and, further, shall be defended at the cost of expense of
91 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. Upon receipt of recommendations from the Friends of the Zoo,
51 Inc., the commission may provide donations, contributions, and grants
52 or other support, financial or otherwise for, or in aid of, zoological
53 activities in counties that are part of the district. In determining
54 whether to provide any such support the commission shall consider the
55 following factors:

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

59 (2) The economic impact upon the district;

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

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

63 the district;

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

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

67 4. The commission may provide for actual and necessary
68 expenses of commissioners and members of Friends of the Zoo, Inc.
69 incurred in the performance of their official duties.

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

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

83 7. Nothing in this section shall be construed as granting the
84 commission authority or power to manage the Kansas City Zoo or to
85 retain title to, or control over, the lands occupied by the Kansas City
86 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.**

Unofficial ✓

Bill

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