

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

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

5326S.05C

TERRY L. SPIELER, Secretary.

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**AN ACT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38  YES  NO"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

58 (2) The economic impact upon the district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Bill

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