

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 112

AN ACT

To repeal sections 50.622, 50.740, 54.040, 54.261, 68.075, 94.900, 94.902, 105.145, 139.100, 182.640, 182.660, 233.295, 242.460, 243.350, 245.185, 321.242, 321.246, 393.1075, 473.730, 473.743, 473.747, and 475.120, RSMo, and to enact in lieu thereof twenty-four new sections relating to political subdivisions, with a penalty provision.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 50.622, 50.740, 54.040, 54.261, 68.075,  
2           94.900, 94.902, 105.145, 139.100, 182.640, 182.660, 233.295,  
3           242.460, 243.350, 245.185, 321.242, 321.246, 393.1075, 473.730,  
4           473.743, 473.747, and 475.120, RSMo, are repealed and twenty-four  
5           new sections enacted in lieu thereof, to be known as sections  
6           50.622, 50.740, 54.040, 54.261, 68.075, 84.514, 94.900, 94.902,  
7           94.903, 105.145, 139.100, 182.640, 182.660, 233.295, 242.460,  
8           243.350, 245.185, 321.242, 321.246, 393.1075, 473.730, 473.743,  
9           and 475.120, and 1, to read as follows:

10           50.622. 1. Any county may amend the annual budget during  
11           any fiscal year in which the county receives additional funds,  
12           and such amount or source, including, but not limited to, federal

1 or state grants or private donations, could not be estimated when  
2 the budget was adopted. The county shall follow the same  
3 procedures as required in sections 50.525 to 50.745 for adoption  
4 of the annual budget to amend its budget during a fiscal year.

5 2. Any county may decrease the annual budget twice during  
6 any fiscal year in which the county experiences a verifiable  
7 decline in funds of two percent or more, and such amount could  
8 not be estimated or anticipated when the budget was adopted,  
9 provided that any decrease in appropriations shall not unduly  
10 affect any one officeholder. Before any reduction affecting an  
11 independently elected officeholder can occur, negotiations shall  
12 take place with all officeholders who receive funds from the  
13 affected category of funds in an attempt to cover the shortfall.  
14 The county shall follow the same procedures as required in  
15 sections 50.525 to 50.745 to decrease the annual budget, except  
16 that the notice provided for in section 50.600 shall be extended  
17 to thirty days for purposes of this subsection. Such notice  
18 shall include a published summary of the proposed reductions and  
19 an explanation of the shortfall.

20 3. Any decrease in an appropriation authorized under  
21 subsection 2 of this section shall not impact any dedicated fund  
22 otherwise provided by law.

23 4. County commissioners may reduce budgets of departments  
24 under their direct supervision and responsibility at any time  
25 without the restrictions imposed by this section.

26 5. Subsections 2, 3, and 4 of this section shall expire on  
27 July 1, ~~2016~~ 2027.

28 6. Notwithstanding the provisions of this section, no

1 charter county shall be restricted from amending its budget under  
2 and pursuant to the terms of its charter.

3 50.740. 1. It is hereby made the first duty of the county  
4 commission in counties of classes three and four at its regular  
5 January term to go over the estimates and revise and amend the  
6 same in such way as to promote efficiency and economy in county  
7 government. The commission may alter or change any estimate as  
8 public interest may require and to balance the budget, first  
9 giving the person preparing supporting data an opportunity to be  
10 heard. After the county commission shall have revised the  
11 estimate it shall be the duty of the clerk of said commission  
12 forthwith to enter such revised estimate on the record of the  
13 said commission and the commission shall forthwith enter thereon  
14 its approval.

15 2. The county clerk shall within five days after the date  
16 of approval of such budget estimate file a certified copy thereof  
17 with the county treasurer, taking a receipt therefor, and he  
18 shall also forward a certified copy thereof to the state auditor  
19 by registered mail or by electronic means under subsection 4 of  
20 this section. The county treasurer shall not pay nor enter  
21 protest on any warrant except payroll for the current year until  
22 such budget estimate shall have been so filed. If any county  
23 treasurer shall pay or enter for protest any warrant except  
24 payroll before the budget estimate shall have been filed, as by  
25 sections 50.525 to 50.745 provided, the county treasurer shall be  
26 liable on the official bond for such act. Immediately upon  
27 receipt of the estimated budget the state auditor shall send to  
28 the county clerk the receipt therefor by registered mail or by

1 electronic means under subsection 4 of this section.

2 3. Any order of the county commission of any county  
3 authorizing or directing the issuance of any warrant contrary to  
4 any provision of this law shall be void and of no binding force  
5 or effect; and any county clerk, county treasurer, or other  
6 officer participating in the issuance or payment of any such  
7 warrant shall be liable therefor upon the official bond.

8 4. For the purposes of fulfilling their respective  
9 requirements under subsection 2 of this section, the county clerk  
10 and state auditor may correspond with the other by email or other  
11 electronic system established by the state auditor for that  
12 purpose.

13 54.040. [1.] Except in a county with a charter form of  
14 government, a candidate for county treasurer shall be at least  
15 twenty-one years of age and a resident of the state of Missouri  
16 and the county in which he or she is a candidate for at least one  
17 year prior to the date of the general election for such office.  
18 The candidate shall also be a registered voter and shall be  
19 current in the payment of all personal and real estate taxes.  
20 Upon election to such office, the person shall continue to reside  
21 in that county during his or her tenure in office. Each  
22 candidate for county treasurer shall also provide to the election  
23 authority a copy of a signed affidavit from a surety company  
24 authorized to do business in this state indicating that the  
25 candidate meets the bond requirements for the office of county  
26 treasurer under this chapter.

27 [2. No sheriff, marshal, clerk or collector, or the deputy  
28 of any such officer, shall be eligible to the office of treasurer

1 of any county.]

2 54.261. 1. The county treasurer in counties of the first  
3 classification, not having a charter form of government and  
4 containing a portion of a city with a population of three hundred  
5 thousand or more, and in counties of the second, third and fourth  
6 classifications of this state, shall receive as compensation for  
7 services performed by the treasurer an annual salary based upon  
8 the assessed valuation of the county. The provisions of this  
9 section shall not permit or require a reduction, nor shall  
10 require an increase, in the amount of compensation being paid for  
11 the office of treasurer on January 1, 2002.

12 2. The amount of salary based upon assessed valuation shall  
13 be computed according to the following schedule:

14	Assessed Valuation	Salary \$
15	18,000,000 to 40,999,999	\$29,000
16	41,000,000 to 53,999,999	30,000
17	54,000,000 to 65,999,999	32,000
18	66,000,000 to 85,999,999	34,000
19	86,000,000 to 99,999,999	36,000
20	100,000,000 to 130,999,999	38,000
21	131,000,000 to 159,999,999	40,000
22	160,000,000 to 189,999,999	41,000
23	190,000,000 to 249,999,999	41,500
24	250,000,000 to 299,999,999	43,000
25	300,000,000 or more	45,000

26 3. Two thousand dollars of the salary authorized in this  
27 section shall be payable to the treasurer only if the treasurer  
28 has completed at least twenty hours of classroom instruction each

1 calendar year relating to the operations of the treasurer's  
2 office when approved by a professional association of the county  
3 treasurers or county collectors of Missouri unless exempted from  
4 the training by the professional association. The professional  
5 association approving the program shall provide a certificate of  
6 completion to each treasurer who completes the training program  
7 and shall send a list of certified treasurers to the county  
8 commission of each county. Expenses incurred for attending the  
9 training session [may] shall be reimbursed to the county  
10 treasurer in the same manner as other expenses as may be  
11 appropriated for that purpose.

12 4. The county treasurer in any county, other than a county  
13 of the first classification having a charter form of government  
14 or a county of the first classification not having a charter form  
15 of government and not containing any part of a city with a  
16 population of three hundred thousand or more, shall not, except  
17 upon two-thirds vote of all the members of the commission,  
18 receive an annual compensation in an amount less than the total  
19 compensation being received for the office of county treasurer in  
20 the particular county for services rendered or performed on the  
21 date the salary commission votes.

22 5. In the event of a vacancy due to death, resignation, or  
23 otherwise in the office of treasurer in any county except a  
24 county with a charter form of government, and when there is no  
25 deputy treasurer, the county commission shall appoint a qualified  
26 acting treasurer until such time as the vacancy is filled by the  
27 governor pursuant to section 105.030 or the elected treasurer  
28 returns to work. The county commission shall employ and fix the

1 compensation of clerical and other assistants necessary to enable  
2 the interim treasurer to efficiently perform the duties of the  
3 office.

4 68.075. 1. This section shall be known and may be cited as  
5 the "Advanced Industrial Manufacturing Zones Act".

6 2. As used in this section, the following terms shall mean:

7 (1) "AIM zone", an area identified through a resolution  
8 passed by the port authority board of commissioners appointed  
9 under section 68.045 that is being developed or redeveloped for  
10 any purpose so long as any infrastructure and building built or  
11 improved is in the development area. The port authority board of  
12 commissioners shall file an annual report indicating the  
13 established AIM zones with the department of revenue;

14 (2) "County average wage", the average wage in each county  
15 as determined by the Missouri department of economic development  
16 for the most recently completed full calendar year. However, if  
17 the computed county average wage is above the statewide average  
18 wage, the statewide average wage shall be deemed the county  
19 average wage for such county for the purpose of determining  
20 eligibility;

21 (3) "New job", the number of full-time employees located at  
22 the project facility that exceeds the project facility base  
23 employment less any decrease in the number of full-time employees  
24 at related facilities below the related facility base employment.  
25 No job that was created prior to the date of the notice of intent  
26 shall be deemed a new job. An employee that spends less than  
27 fifty percent of the employee's work time at the facility is  
28 still considered to be located at a facility if the employee

1 receives his or her directions and control from that facility, is  
2 on the facility's payroll, one hundred percent of the employee's  
3 income from such employment is Missouri income, and the employee  
4 is paid at or above the [state] county average wage.

5 3. Any port authority located in this state may establish  
6 an AIM zone. Such zone may only include the area within the port  
7 authority's jurisdiction, ownership, or control and may include  
8 any such area. The port authority shall determine the boundaries  
9 for each AIM zone, and more than one AIM zone may exist within  
10 the port authority's jurisdiction or under the port authority's  
11 ownership or control and may be expanded or contracted by  
12 resolution of the port authority board of commissioners.

13 4. Fifty percent of the state tax withholdings imposed by  
14 sections 143.191 to 143.265 on new jobs within such zone after  
15 development or redevelopment has commenced shall not be remitted  
16 to the general revenue fund of the state of Missouri. Such  
17 moneys shall be deposited into the port authority AIM zone fund  
18 established under subsection 5 of this section for the purpose of  
19 continuing to expand, develop, and redevelop AIM zones identified  
20 by the port authority board of commissioners and may be used for  
21 managerial, engineering, legal, research, promotion, planning,  
22 satisfaction of bonds issued under section 68.040, and any other  
23 expenses.

24 5. There is hereby created in the state treasury the "Port  
25 Authority AIM Zone Fund", which shall consist of money collected  
26 under this section. The state treasurer shall be custodian of  
27 the fund and shall approve disbursements from the fund in  
28 accordance with sections 30.170 and 30.180 to the port



1 authorities from which the funds were collected, less the pro-  
2 rata portion appropriated by the general assembly to be used  
3 solely for the administration of this section which shall not  
4 exceed ten percent of the total amount collected within the zones  
5 of a port authority. Notwithstanding the provisions of section  
6 33.080 to the contrary, any moneys remaining in the fund at the  
7 end of the biennium shall not revert to the credit of the general  
8 revenue fund. The state treasurer shall invest moneys in the  
9 fund in the same manner as other funds are invested. Any  
10 interest and moneys earned on such investments shall be credited  
11 to the fund.

12 6. The port authority shall approve any projects that begin  
13 construction and disperse any money collected under this section.  
14 The port authority shall submit an annual budget for the funds to  
15 the department of economic development explaining how and when  
16 such money will be spent.

17 7. The provision of section 23.253 notwithstanding, no AIM  
18 zone may be established after August 28, 2023. Any AIM zone  
19 created prior to that date shall continue to exist and be  
20 coterminous with the retirement of all debts incurred under  
21 subsection 4 of this section. No debts may be incurred or  
22 reauthorized using AIM zone revenue after August 28, 2023.

23 84.514. The chief of police, with the approval of the  
24 board, may appoint a police officer to serve as lieutenant  
25 colonel on matters relating to homeland security and disaster  
26 communications. Notwithstanding the provisions of section 84.510  
27 to the contrary, such position shall be a new position and in  
28 addition to the number of lieutenant colonels authorized under

1 section 84.510. The lieutenant colonel authorized under this  
2 section shall be responsible for matters relating to homeland  
3 security and disaster communications as determined by the chief  
4 and be entitled to the same rank, privileges, and compensation  
5 afforded all other lieutenant colonels within the department.

6 94.900. 1. (1) The governing body of the following cities  
7 may impose a tax as provided in this section:

8 (a) Any city of the third classification with more than ten  
9 thousand eight hundred but less than ten thousand nine hundred  
10 inhabitants located at least partly within a county of the first  
11 classification with more than one hundred eighty-four thousand  
12 but less than one hundred eighty-eight thousand inhabitants;

13 (b) Any city of the fourth classification with more than  
14 four thousand five hundred but fewer than five thousand  
15 inhabitants;

16 (c) Any city of the fourth classification with more than  
17 eight thousand nine hundred but fewer than nine thousand  
18 inhabitants;

19 [(c) Any city of the fourth classification with more than  
20 two thousand six hundred but fewer than two thousand seven  
21 hundred inhabitants and located in any county of the first  
22 classification with more than eighty-two thousand but fewer than  
23 eighty-two thousand one hundred inhabitants;]

24 (d) Any home rule city with more than forty-eight thousand  
25 but fewer than forty-nine thousand inhabitants;

26 (e) Any home rule city with more than seventy-three  
27 thousand but fewer than seventy-five thousand inhabitants;

28 (f) Any city of the fourth classification with more than

1 thirteen thousand five hundred but fewer than sixteen thousand  
2 inhabitants; or

3 (g) Any city of the fourth classification with more than  
4 seven thousand but fewer than eight thousand inhabitants.

5 (2) The governing body of any city listed in subdivision  
6 (1) of this subsection is hereby authorized to impose, by  
7 ordinance or order, a sales tax in the amount of up to one-half  
8 of one percent on all retail sales made in such city which are  
9 subject to taxation under the provisions of sections 144.010 to  
10 144.525 for the purpose of improving the public safety for such  
11 city, including but not limited to expenditures on equipment,  
12 city employee salaries and benefits, and facilities for police,  
13 fire and emergency medical providers. The tax authorized by this  
14 section shall be in addition to any and all other sales taxes  
15 allowed by law, except that no ordinance or order imposing a  
16 sales tax pursuant to the provisions of this section shall be  
17 effective unless the governing body of the city submits to the  
18 voters of the city, at a county or state general, primary or  
19 special election, a proposal to authorize the governing body of  
20 the city to impose a tax.

21 2. If the proposal submitted involves only authorization to  
22 impose the tax authorized by this section, the ballot of  
23 submission shall contain, but need not be limited to, the  
24 following language:

25 Shall the city of ..... (city's  
26 name) impose a citywide sales tax of .....  
27 (insert amount) for the purpose of improving the public  
28 safety of the city?

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YES  NO

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 submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or

1 is terminated by any means, all funds remaining in the special  
2 trust fund shall be used solely for improving the public safety  
3 for the city. Any funds in such special trust fund which are not  
4 needed for current expenditures may be invested by the governing  
5 body in accordance with applicable laws relating to the  
6 investment of other city funds.

7 5. All sales taxes collected by the director of the  
8 department of revenue under this section on behalf of any city,  
9 less one percent for cost of collection which shall be deposited  
10 in the state's general revenue fund after payment of premiums for  
11 surety bonds as provided in section 32.087, shall be deposited in  
12 a special trust fund, which is hereby created, to be known as the  
13 "City Public Safety Sales Tax Trust Fund". The moneys in the  
14 trust fund shall not be deemed to be state funds and shall not be  
15 commingled with any funds of the state. The provisions of  
16 section 33.080 to the contrary notwithstanding, money in this  
17 fund shall not be transferred and placed to the credit of the  
18 general revenue fund. The director of the department of revenue  
19 shall keep accurate records of the amount of money in the trust  
20 and which was collected in each city imposing a sales tax  
21 pursuant to this section, and the records shall be open to the  
22 inspection of officers of the city and the public. Not later  
23 than the tenth day of each month the director of the department  
24 of revenue shall distribute all moneys deposited in the trust  
25 fund during the preceding month to the city which levied the tax;  
26 such funds shall be deposited with the city treasurer of each  
27 such city, and all expenditures of funds arising from the trust  
28 fund shall be by an appropriation act to be enacted by the

1 governing body of each such city. Expenditures may be made from  
2 the fund for any functions authorized in the ordinance or order  
3 adopted by the governing body submitting the tax to the voters.

4 6. The director of the department of revenue may make  
5 refunds from the amounts in the trust fund and credited to any  
6 city for erroneous payments and overpayments made, and may redeem  
7 dishonored checks and drafts deposited to the credit of such  
8 cities. If any city abolishes the tax, the city shall notify the  
9 director of the department of revenue of the action at least  
10 ninety days prior to the effective date of the repeal and the  
11 director of the department of revenue may order retention in the  
12 trust fund, for a period of one year, of two percent of the  
13 amount collected after receipt of such notice to cover possible  
14 refunds or overpayment of the tax and to redeem dishonored checks  
15 and drafts deposited to the credit of such accounts. After one  
16 year has elapsed after the effective date of abolition of the tax  
17 in such city, the director of the department of revenue shall  
18 remit the balance in the account to the city and close the  
19 account of that city. The director of the department of revenue  
20 shall notify each city of each instance of any amount refunded or  
21 any check redeemed from receipts due the city.

22 7. Except as modified in this section, all provisions of  
23 sections 32.085 and 32.087 shall apply to the tax imposed  
24 pursuant to this section.

25 94.902. 1. The governing bodies of the following cities  
26 may impose a tax as provided in this section:

27 (1) Any city of the third classification with more than  
28 twenty-six thousand three hundred but less than twenty-six

1 thousand seven hundred inhabitants;

2 (2) Any city of the fourth classification with more than  
3 thirty thousand three hundred but fewer than thirty thousand  
4 seven hundred inhabitants;

5 (3) Any city of the fourth classification with more than  
6 twenty-four thousand eight hundred but fewer than twenty-five  
7 thousand inhabitants;

8 (4) Any special charter city with more than twenty-nine  
9 thousand but fewer than thirty-two thousand inhabitants; [or]

10 (5) Any city of the third classification with more than  
11 four thousand but fewer than four thousand five hundred  
12 inhabitants and located in any county of the first classification  
13 with more than two hundred thousand but fewer than two hundred  
14 sixty thousand inhabitants;

15 (6) Any city of the fourth classification with more than  
16 nine thousand five hundred but fewer than ten thousand eight  
17 hundred inhabitants; or

18 (7) Any city of the fourth classification with more than  
19 five hundred eighty but fewer than six hundred fifty inhabitants.

20 2. The governing body of any city listed in subsection 1 of  
21 this section may impose, by order or ordinance, a sales tax on  
22 all retail sales made in the city which are subject to taxation  
23 under chapter 144. The tax authorized in this section may be  
24 imposed in an amount of up to one-half of one percent, and shall  
25 be imposed solely for the purpose of improving the public safety  
26 for such city, including but not limited to expenditures on  
27 equipment, city employee salaries and benefits, and facilities  
28 for police, fire and emergency medical providers. The tax

1 authorized in this section shall be in addition to all other  
2 sales taxes imposed by law, and shall be stated separately from  
3 all other charges and taxes. The order or ordinance imposing a  
4 sales tax under this section shall not become effective unless  
5 the governing body of the city submits to the voters residing  
6 within the city, at a county or state general, primary, or  
7 special election, a proposal to authorize the governing body of  
8 the city to impose a tax under this section.

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

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

15  YES  NO

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

20  
21 If a majority of the votes cast on the proposal by the qualified  
22 voters voting thereon are in favor of the proposal, then the  
23 ordinance or order and any amendments to the order or ordinance  
24 shall become effective on the first day of the second calendar  
25 quarter after the director of revenue receives notice of the  
26 adoption of the sales tax. If a majority of the votes cast on  
27 the proposal by the qualified voters voting thereon are opposed  
28 to the proposal, then the tax shall not become effective unless



1 the proposal is resubmitted under this section to the qualified  
2 voters and such proposal is approved by a majority of the  
3 qualified voters voting on the proposal. However, in no event  
4 shall a proposal under this section be submitted to the voters  
5 sooner than twelve months from the date of the last proposal  
6 under this section.

7 4. Any sales tax imposed under this section shall be  
8 administered, collected, enforced, and operated as required in  
9 section 32.087. All sales taxes collected by the director of the  
10 department of revenue under this section on behalf of any city,  
11 less one percent for cost of collection which shall be deposited  
12 in the state's general revenue fund after payment of premiums for  
13 surety bonds as provided in section 32.087, shall be deposited in  
14 a special trust fund, which is hereby created in the state  
15 treasury, to be known as the "City Public Safety Sales Tax Trust  
16 Fund". The moneys in the trust fund shall not be deemed to be  
17 state funds and shall not be commingled with any funds of the  
18 state. The provisions of section 33.080 to the contrary  
19 notwithstanding, money in this fund shall not be transferred and  
20 placed to the credit of the general revenue fund. The director  
21 shall keep accurate records of the amount of money in the trust  
22 fund and which was collected in each city imposing a sales tax  
23 under this section, and the records shall be open to the  
24 inspection of officers of the city and the public. Not later  
25 than the tenth day of each month the director shall distribute  
26 all moneys deposited in the trust fund during the preceding month  
27 to the city which levied the tax. Such funds shall be deposited  
28 with the city treasurer of each such city, and all expenditures

1 of funds arising from the trust fund shall be by an appropriation  
2 act to be enacted by the governing body of each such city.  
3 Expenditures may be made from the fund for any functions  
4 authorized in the ordinance or order adopted by the governing  
5 body submitting the tax to the voters. If the tax is repealed,  
6 all funds remaining in the special trust fund shall continue to  
7 be used solely for the designated purposes. Any funds in the  
8 special trust fund which are not needed for current expenditures  
9 shall be invested in the same manner as other funds are invested.  
10 Any interest and moneys earned on such investments shall be  
11 credited to the fund.

12 5. The director of the department of revenue may authorize  
13 the state treasurer to make refunds from the amounts in the trust  
14 fund and credited to any city for erroneous payments and  
15 overpayments made, and may redeem dishonored checks and drafts  
16 deposited to the credit of such cities. If any city abolishes  
17 the tax, the city shall notify the director of the action at  
18 least ninety days before the effective date of the repeal, and  
19 the director may order retention in the trust fund, for a period  
20 of one year, of two percent of the amount collected after receipt  
21 of such notice to cover possible refunds or overpayment of the  
22 tax and to redeem dishonored checks and drafts deposited to the  
23 credit of such accounts. After one year has elapsed after the  
24 effective date of abolition of the tax in such city, the director  
25 shall remit the balance in the account to the city and close the  
26 account of that city. The director shall notify each city of  
27 each instance of any amount refunded or any check redeemed from  
28 receipts due the city.

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

6           Shall .....(insert the  
7 name of the city) repeal the sales tax imposed at a  
8 rate of ..... (insert rate of percent) percent for  
9 the purpose of improving the public safety of the city?

10                    YES                    NO

11  
12 If a majority of the votes cast on the proposal are in favor of  
13 repeal, that repeal shall become effective on December  
14 thirty-first of the calendar year in which such repeal was  
15 approved. If a majority of the votes cast on the question by the  
16 qualified voters voting thereon are opposed to the repeal, then  
17 the sales tax authorized in this section shall remain effective  
18 until the question is resubmitted under this section to the  
19 qualified voters, and the repeal is approved by a majority of the  
20 qualified voters voting on the question.

21           7. Whenever the governing body of any city that has adopted  
22 the sales tax authorized in this section receives a petition,  
23 signed by ten percent of the registered voters of the city voting  
24 in the last gubernatorial election, calling for an election to  
25 repeal the sales tax imposed under this section, the governing  
26 body shall submit to the voters of the city a proposal to repeal  
27 the tax. If a majority of the votes cast on the question by the  
28 qualified voters voting thereon are in favor of the repeal, that

1 repeal shall become effective on December thirty-first of the  
2 calendar year in which such repeal was approved. If a majority  
3 of the votes cast on the question by the qualified voters voting  
4 thereon are opposed to the repeal, then the tax shall remain  
5 effective until the question is resubmitted under this section to  
6 the qualified voters and the repeal is approved by a majority of  
7 the qualified voters voting on the question.

8 8. Any sales tax imposed under this section by a city  
9 described under subdivision (6) of subsection 1 of this section  
10 that is in effect as of December 31, 2038, shall automatically  
11 expire. No city described under subdivision (6) of subsection 1  
12 of this section shall collect a sales tax pursuant to this  
13 section on or after January 1, 2039. Subsection 7 of this  
14 section shall not apply to a sales tax imposed under this section  
15 by a city described under subdivision (6) of subsection 1 of this  
16 section.

17 9. Except as modified in this section, all provisions of  
18 sections 32.085 and 32.087 shall apply to the tax imposed under  
19 this section.

20 94.903. 1. The governing body of any city of the fourth  
21 classification with more than nine thousand five hundred but  
22 fewer than ten thousand eight hundred inhabitants may impose, by  
23 order or ordinance, a sales tax on all retail sales made in the  
24 city that are subject to taxation under chapter 144. The tax  
25 authorized under this section may be imposed in an amount of up  
26 to one-half of one percent and shall be imposed solely for the  
27 purpose of improving the public safety for such city including,  
28 but not limited to, expenditures on equipment, city public safety

1 employee salaries and benefits, and facilities for police, fire,  
2 and emergency medical providers. The tax authorized under this  
3 section shall be in addition to all other sales taxes imposed by  
4 law and shall be stated separately from all other charges and  
5 taxes. The order or ordinance imposing a sales tax under this  
6 section shall not become effective unless the governing body of  
7 the city submits to the voters residing within the city, at a  
8 county or state general, primary, or special election, a proposal  
9 to authorize the governing body of the city to impose a tax under  
10 this section.

11 2. The ballot language for the tax authorized under this  
12 section shall be in substantially the following form:

13 Shall the city of ..... (insert name of city)  
14 impose a citywide sales tax at a rate of .....  
15 (insert rate) percent for the purpose of improving the  
16 public safety of the city?

17  YES                       NO

18  
19 If a majority of the votes cast on the proposal by the qualified  
20 voters voting thereon are in favor of the proposal, then the  
21 order or ordinance and any amendments to the order or ordinance  
22 shall become effective on the first day of the second calendar  
23 quarter after the director of revenue receives notice of the  
24 adoption of the sales tax. If a majority of the votes cast on  
25 the proposal by the qualified voters voting thereon are opposed  
26 to the proposal, then the tax shall not become effective unless  
27 the proposal is resubmitted under this section to the qualified  
28 voters and such proposal is approved by a majority of the

1 qualified voters voting on the proposal. However, in no event  
2 shall a proposal under this section be resubmitted to the voters  
3 sooner than twelve months from the date of the first proposal  
4 under this section. If the resubmitted proposal receives less  
5 than the required majority, then the governing body of the city  
6 shall have no power to impose the sales tax herein authorized,  
7 and the authorization under this section is terminated.

8 3. Any sales tax imposed under this section shall be  
9 administered, collected, enforced, and operated as required under  
10 section 32.087. All sales taxes collected by the director of  
11 revenue under this section on behalf of any city, less one  
12 percent for cost of collection, which shall be deposited in the  
13 state's general revenue fund after payment of premiums for surety  
14 bonds, as provided in section 32.087, shall be deposited in a  
15 special trust fund, which is hereby created in the state  
16 treasury, to be known as the "City Public Safety Sales Tax Trust  
17 Fund". The moneys in the trust fund shall not be deemed to be  
18 state funds and shall not be commingled with any funds of the  
19 state. The provisions of section 33.080 to the contrary  
20 notwithstanding, moneys in this fund shall not be transferred and  
21 placed to the credit of the general revenue fund. The director  
22 shall keep accurate records of the amount of moneys in the trust  
23 fund and the amount that was collected in each city imposing a  
24 sales tax under this section, and the records shall be open to  
25 the inspection of officers of the city and the public. No later  
26 than the tenth day of each month, the director shall distribute  
27 all moneys deposited in the trust fund during the preceding month  
28 to the city which levied the tax. Such funds shall be deposited

1 with the city treasurer of each such city, and all expenditures  
2 of funds arising from the trust fund shall be by an appropriation  
3 act to be enacted by the governing body of each such city.  
4 Expenditures may be made from the fund for any functions  
5 authorized in the ordinance or order adopted by the governing  
6 body submitting the tax to the voters. If the tax is repealed,  
7 all funds remaining in the special trust fund shall continue to  
8 be used solely for the designated purposes. Any funds in the  
9 special trust fund that are not needed for current expenditures  
10 shall be invested in the same manner as other funds are invested.  
11 Any interest and moneys earned on such investments shall be  
12 credited to the fund.

13 4. The director of revenue may make refunds from the  
14 amounts in the trust fund and credited to any city for erroneous  
15 payments and overpayments made and may redeem dishonored checks  
16 and drafts deposited to the credit of such cities. If any city  
17 repeals the tax, the city shall notify the director of the action  
18 at least ninety days before the effective date of the repeal, and  
19 the director may order retention in the trust fund, for a period  
20 of one year, of two percent of the amount collected after receipt  
21 of such notice to cover possible refunds or overpayment of the  
22 tax and to redeem dishonored checks and drafts deposited to the  
23 credit of such accounts. After one year has elapsed after the  
24 effective date of abolition of the tax in such city, the director  
25 shall remit the balance in the account to the city and close the  
26 account of that city. The director shall notify each city of  
27 each instance of any amount refunded or any check redeemed from  
28 receipts due to the city.

1           5. The governing body of any city that has adopted the  
2 sales tax authorized under this section may submit the question  
3 of repeal of the tax to the voters on any date available for  
4 elections for the city. The ballot language shall be in  
5 substantially the following form:

6           Shall the city of ..... (insert name of city)  
7 repeal the sales tax imposed at a rate of .....  
8 (insert rate) percent for the purpose of improving the  
9 public safety of the city?

10                    YES                                    NO

11  
12 If a majority of the votes cast on the question by the qualified  
13 voters voting thereon are in favor of repeal, that repeal shall  
14 become effective on December thirty-first of the calendar year in  
15 which such repeal was approved. If a majority of the votes cast  
16 on the question by the qualified voters voting thereon are  
17 opposed to the repeal, then the sales tax authorized under this  
18 section shall remain effective until the question is resubmitted  
19 and approved under this section.

20           6. The governing body of any city that has adopted the  
21 sales tax authorized under this section shall submit the question  
22 of the continuation of the tax to the voters twenty-five years  
23 from the date of its inception and every twenty-five years  
24 thereafter on a date available for elections for the city. The  
25 ballot language shall be in substantially the following form:

26           Shall ..... (insert name of city) continue  
27 collecting a sales tax imposed at a rate of  
28 ..... (insert rate) percent for the purpose of



1 providing revenues for the operation of public safety  
2 departments of the city?

3  YES

NO

4  
5 If a majority of the votes cast on the question by the qualified  
6 voters voting thereon are opposed to continuation, the repeal  
7 shall become effective on December thirty-first of the calendar  
8 year in which such continuation failed to be approved. If a  
9 majority of the votes cast on the question by the qualified  
10 voters voting thereon are in favor of continuation, then the  
11 sales tax authorized under this section shall remain effective  
12 until the question is resubmitted under this section to the  
13 qualified voters and continuation fails to be approved by a  
14 majority of the qualified voters voting on the question.

15 7. Except as modified under this section, all provisions of  
16 sections 32.085 and 32.087 shall apply to the tax imposed under  
17 this section.

18 105.145. 1. The following definitions shall be applied to  
19 the terms used in this section:

20 (1) "Governing body", the board, body, or persons in which  
21 the powers of a political subdivision as a body corporate, or  
22 otherwise, are vested;

23 (2) "Political subdivision", any agency or unit of this  
24 state, except counties and school districts, which now is, or  
25 hereafter shall be, authorized to levy taxes or empowered to  
26 cause taxes to be levied.

27 2. The governing body of each political subdivision in the  
28 state shall cause to be prepared an annual report of the

1 financial transactions of the political subdivision in such  
2 summary form as the state auditor shall prescribe by rule, except  
3 that the annual report of political subdivisions whose cash  
4 receipts for the reporting period are ten thousand dollars or  
5 less shall only be required to contain the cash balance at the  
6 beginning of the reporting period, a summary of cash receipts, a  
7 summary of cash disbursements and the cash balance at the end of  
8 the reporting period.

9 3. Within such time following the end of the fiscal year as  
10 the state auditor shall prescribe by rule, the governing body of  
11 each political subdivision shall cause a copy of the annual  
12 financial report to be remitted to the state auditor.

13 4. The state auditor shall immediately on receipt of each  
14 financial report acknowledge the receipt of the report.

15 5. In any fiscal year no member of the governing body of  
16 any political subdivision of the state shall receive any  
17 compensation or payment of expenses after the end of the time  
18 within which the financial statement of the political subdivision  
19 is required to be filed with the state auditor and until such  
20 time as the notice from the state auditor of the filing of the  
21 annual financial report for the fiscal year has been received.

22 6. The state auditor shall prepare sample forms for  
23 financial reports and shall mail the same to the political  
24 subdivisions of the state. Failure of the auditor to supply such  
25 forms shall not in any way excuse any person from the performance  
26 of any duty imposed by this section.

27 7. All reports or financial statements hereinabove  
28 mentioned shall be considered to be public records.

1           8. The provisions of this section apply to the board of  
2 directors of every transportation development district organized  
3 under sections 238.200 to 238.275.

4           9. Any [transportation development district] political  
5 subdivision that fails to timely submit a copy of the annual  
6 financial statement to the state auditor shall be subject to a  
7 fine of five hundred dollars per day.

8           [9] 10. The state auditor shall report any violation of  
9 subsection [8] 9 of this section to the department of revenue.  
10 Upon notification from the state auditor's office that a  
11 [transportation development district] political subdivision  
12 failed to timely submit a copy of the annual financial statement,  
13 the department of revenue shall notify such [district] political  
14 subdivision by certified mail that the statement has not been  
15 received. Such notice shall clearly set forth the following:

16           (1) The name of the [district] political subdivision;

17           (2) That the [district] political subdivision shall be  
18 subject to a fine of five hundred dollars per day if the  
19 [district] political subdivision does not submit a copy of the  
20 annual financial statement to the state auditor's office within  
21 thirty days from the postmarked date stamped on the certified  
22 mail envelope;

23           (3) That the fine will be enforced and collected as  
24 provided under subsection [10] 11 of this section; and

25           (4) That the fine will begin accruing on the thirty-first  
26 day from the postmarked date stamped on the certified mail  
27 envelope and will continue to accrue until the state auditor's  
28 office receives a copy of the financial statement.

1 In the event a copy of the annual financial statement is received  
2 within such thirty-day period, no fine shall accrue or be  
3 imposed. The state auditor shall report receipt of the financial  
4 statement to the department of revenue within ten business days.  
5 Failure of the [district] political subdivision to submit the  
6 required annual financial statement within such thirty-day period  
7 shall cause the fine to be collected as provided under subsection  
8 [10] 11 of this section.

9 [10] 11. The department of revenue may collect the fine  
10 authorized under the provisions of subsection [8] 9 of this  
11 section by offsetting any sales or use tax distributions due to  
12 the [district] political subdivision. The director of revenue  
13 shall retain two percent for the cost of such collection. The  
14 remaining revenues collected from such violations shall be  
15 distributed annually to the schools of the county in the same  
16 manner that proceeds for all penalties, forfeitures, and fines  
17 collected for any breach of the penal laws of the state are  
18 distributed.

19 [11] 12. Any transportation development district organized  
20 under sections 238.200 to 238.275 having gross revenues of less  
21 than five thousand dollars in the fiscal year for which the  
22 annual financial statement was not timely filed shall not be  
23 subject to the fine authorized in this section.

24 139.100. 1. If any taxpayer shall fail or neglect to pay  
25 to the collector his taxes at the time required by law, then it  
26 shall be the duty of the collector, after the first day of  
27 January then next ensuing, to collect and account for, as other  
28 taxes, an additional tax, as penalty, the amount provided for in

1 section 140.100.

2 2. Collectors shall, on the day of their annual settlement  
3 with the county governing body, file with governing body a  
4 statement, under oath, of the amount so received, and from whom  
5 received, and settle with the governing body therefor; but,  
6 interest shall not be chargeable against persons who are absent  
7 from their homes, and engaged in the military service of this  
8 state or of the United States. The provisions of this section  
9 shall apply to the city of St. Louis, so far as the same relates  
10 to the addition of such interest, which, in such city, shall be  
11 collected and accounted for by the collector as other taxes, for  
12 which he shall receive no compensation.

13 3. Whenever any collector of the revenue in the state fails  
14 or refuses to collect the penalty provided for in this section on  
15 state and county taxes, it shall be the duty of the director of  
16 revenue and county clerk to charge such collectors with the  
17 amount of interest due thereon, as shown by the returns of the  
18 county clerk, and such collector shall be liable to the penalties  
19 as provided for in section 139.270.

20 4. For purposes of this section and other provisions of law  
21 relating to the timely payment of taxes due on any real or  
22 personal property, payments for taxes due on any real or personal  
23 property which are delivered by United States mail to the  
24 collector, the collector's office, or other officer or office  
25 designated by the county or city to receive such payments, of the  
26 appropriate county or city, shall be deemed paid as of the  
27 postmark date stamped on the envelope or other cover in which  
28 such payment is mailed. In the event any payment of taxes due is

1 sent by registered or certified mail, the date of registration or  
2 certification shall be deemed the postmark date. No additional  
3 tax or penalty shall be imposed under this section on any  
4 taxpayer whose payment is delivered by United States mail, if the  
5 postmark date stamped on the envelope or other cover containing  
6 such payment falls within the prescribed period or on or before  
7 the prescribed date, including any extension granted, for making  
8 the payment or if the postmaster for the jurisdiction where the  
9 payment was mailed verifies in writing that the payment was  
10 deposited in the United States mail within the prescribed period  
11 or on or before the prescribed date, including any extension  
12 granted, for making the payment, and was delayed in delivery  
13 because of an error by the United States postal service and not  
14 because of an error by the taxpayer. In the absence of a  
15 postmark, or if the postmark is illegible or otherwise  
16 inconclusive, the collector may use the collector's judgment  
17 regarding the timeliness of the payment contained therein and  
18 shall document such decision.

19 182.640. 1. A consolidated public library district created  
20 under the provisions of sections 182.610 to 182.670 shall be  
21 governed by a board of trustees which shall consist of not less  
22 than eight trustees to be appointed by the county commission or  
23 county executive officers of the counties participating in the  
24 consolidated public library district. Upon the creation of a  
25 consolidated district under section 182.620, the county  
26 commission or county executive officers of each participating  
27 county shall appoint four trustees who are residents of that  
28 county and who reside in the district, as representatives of its

1 county. If an existing consolidated public library district is  
2 enlarged by incorporating into it any county public library  
3 district under section 182.660, then the county commission or  
4 county executive of the petitioning county district shall appoint  
5 four trustees who are residents of that county as representatives  
6 of the county. If an existing consolidated public library  
7 district is enlarged by incorporating into it any city,  
8 municipal, school, or other public library district that does not  
9 include an entire county, that includes territory outside of the  
10 consolidated district's existing boundaries, and that petitions  
11 to join the consolidated district under section 182.660, then the  
12 county commission or county executive of each county within the  
13 petitioning district that is outside of the consolidated  
14 district's existing boundaries shall appoint one trustee who  
15 resides in their county and also within the petitioning district  
16 as a representative of the consolidated district. No appointed  
17 trustee shall be an [elective] elected official.

18 2. The trustees of the existing boards of a county public  
19 district shall remain as the representatives of their respective  
20 county and shall serve the remainder of their respective term as  
21 the governing board of a consolidated public library district.  
22 Upon expiration of their term the county commission or county  
23 executive officer shall appoint a resident of the respective  
24 county and district for a four-year term beginning the first day  
25 of July or until a successor shall be appointed. Trustees in  
26 office as of August 28, 2005, who reside outside the district  
27 shall be deemed to have vacated their trusteeships and successors  
28 shall be appointed under subsection 4 of this section.

1           3. Whenever any member of the board of trustees shall,  
2 without good cause, fail to attend six consecutive board meetings  
3 of the consolidated public library district or whenever any  
4 member of the board of trustees is deemed by the majority of the  
5 board of trustees to be guilty of conduct prejudicial to the good  
6 order and effective operation of the consolidated public library  
7 district, or whenever any member is deemed to be guilty of  
8 neglect of duty, then such member may be removed by resolution of  
9 the board of trustees duly acted upon, after specification of  
10 charge and hearing.

11           4. Vacancies in the board occasioned by removals,  
12 resignations, or otherwise shall be reported to the county  
13 commission or county executive officers and shall be filled in  
14 like manner as original appointments; except that, if the vacancy  
15 occurs during an unexpired term, the appointment shall be for  
16 only the unexpired portion of that term.

17           5. No person shall be employed by the board of library  
18 trustees or by the librarian who is related within the third  
19 degree by blood or by marriage to any trustee of the board.

20           6. Except as in sections 182.610 to 182.670 otherwise  
21 expressly provided, no trustee of a consolidated public library  
22 district shall receive any fee, salary, gratuity or other  
23 compensation or remuneration for acting as such; except that, the  
24 board of trustees may reimburse its members for actual and  
25 necessary expenses incurred in the performance of their duties.

26           7. The board of trustees shall have a president, secretary  
27 and a treasurer and such other officers as the board may select.  
28 All officers of the board shall be selected by the board. All



1 officers of the board of trustees shall serve at the pleasure of  
2 the board, and shall not receive any salary, gratuity or other  
3 compensation or reimbursement for acting as such, except the  
4 treasurer, who may also serve as secretary.

5 8. The board shall provide for regularly scheduled meetings  
6 of the board to be held monthly; except that, the board shall not  
7 be required to meet more than ten times in any calendar year.  
8 The board shall make and adopt bylaws, rules and regulations  
9 governing the proceedings of the board, including bylaws  
10 prescribing the duties of each officer of the board of trustees.  
11 No bylaws, rules or regulations shall be contrary to, or  
12 inconsistent with, any provision of law.

13 9. A majority of the full board of trustees shall  
14 constitute a quorum for the transaction of business. The act of  
15 the majority of the trustees present at a meeting at which a  
16 quorum is present shall be the act of the board of trustees,  
17 except as hereinafter provided. The affirmative vote of a  
18 majority of the full board of trustees shall be required to enter  
19 into any contract, employ or dismiss the chief administrative  
20 officer of the district, effect a merger or consolidation or  
21 approve a budget.

22 10. The board of trustees of a consolidated public library  
23 district shall adopt policies for the government of the  
24 consolidated public library district that will carry out the  
25 spirit and intent of sections 182.610 to 182.670, and the board  
26 shall employ a duly qualified graduate librarian as the chief  
27 executive and administrative officer of the consolidated public  
28 library district charged with the duty of carrying out the

1 policies adopted by the board. The librarian shall serve at the  
2 pleasure of the board. The librarian shall have the authority to  
3 employ professional library assistants and other employees to  
4 fill the positions that are created by the board. The assistants  
5 and employees may be dismissed by the librarian.

6 182.660. 1. Any consolidated public library district  
7 created under sections 182.610 to 182.670 may enlarge the area it  
8 serves by incorporating into it any county, city, municipal,  
9 school or public library district.

10 2. The board of trustees of a county, city, municipal,  
11 school or public library district may, by resolution duly acted  
12 upon, petition the board of trustees of a consolidated public  
13 library district to become a part of and be included in such  
14 consolidated public library district. The petitioning district  
15 may be admitted into the consolidated public library district  
16 upon majority vote of the board of trustees of the consolidated  
17 public library district at the prevailing tax rate of the  
18 consolidated district. Notice of inclusion of the petitioning  
19 district into the consolidated public library district shall be  
20 given to the governing authority of the district so included in  
21 accordance with the notice provisions set out in section 182.620.

22 3. Whenever five percent of the voters of a county, city,  
23 municipal, school or public library district shall petition in  
24 writing the governing authority of the district to be included in  
25 the consolidated public library district and upon written  
26 approval by majority vote of the board of trustees of the  
27 consolidated public library district, it shall be the duty of the  
28 governing authority to submit the question to the voters of the

1 petitioning district at an election.

2 4. Upon admission of any petitioning district by majority  
3 vote of the board of trustees of the consolidated public library  
4 district or upon majority approval of the voters of any such  
5 district for inclusion in the consolidated public library  
6 district, the taxing authority and governing authority of the  
7 district shall take appropriate action to transfer, within sixty  
8 days following the approval or election, all title and interest  
9 in all property both real and personal in the name of the  
10 district, to the board of trustees of the consolidated public  
11 library district. Upon the transfer of the title and interest in  
12 the property, it shall become a part of the consolidated public  
13 library district, and the petitioning district and its board of  
14 trustees shall cease to exist. Notwithstanding section 182.640  
15 to the contrary, if the petitioning district is a city or  
16 municipal library district located in part in any county that is  
17 not a county participating in the consolidated public library  
18 district, the board of trustees of the consolidated public  
19 library district shall expand to include one additional trustee  
20 appointed by the county commissioners or county executive  
21 officers of the county not currently included in the consolidated  
22 public library district. Upon the admission of the petitioning  
23 district for inclusion in the consolidated public library  
24 district, the transfer of the title and interest in property of  
25 such petitioning district, and the appointment of the additional  
26 trustee, the petitioning district and its board of trustees shall  
27 cease to exist.

28 5. If the tax levy for the district admitted is not at the

1 same rate as that of the consolidated public library district or  
2 if there is no tax levied in the district for the support of  
3 public libraries, then at the beginning of the next taxing period  
4 a tax or taxes shall be levied in the district admitted to  
5 conform to and be the same as that levied in the consolidated  
6 public library district.

7 233.295. 1. Whenever a petition, signed by the owners of a  
8 majority of the acres of land[, ] within a road district organized  
9 under the provisions of sections 233.170 to 233.315, shall be  
10 filed with the county commission of any county in which such  
11 district is situated, setting forth the name of the district and  
12 the number of acres owned by each signer of such petition and the  
13 whole number of acres in such district, the county commission  
14 shall have power, if in its opinion the public good will be  
15 thereby advanced, to disincorporate such road district. No such  
16 road district shall be disincorporated until notice is published  
17 in at least one newspaper of general circulation in the county  
18 where the district is situated for four weeks successively prior  
19 to the hearing of such petition.

20 2. In any county with a population of at least thirty-two  
21 thousand inhabitants which adjoins a county of the first  
22 classification which contains a city with a population of one  
23 hundred thousand or more inhabitants that adjoins no other county  
24 of the first classification, whenever a petition signed by at  
25 least fifty registered voters residing within the district  
26 organized under the provisions of sections 233.170 to 233.315 is  
27 filed with the county clerk of the county in which the district  
28 is situated, setting forth the name of the district and

1 requesting the disincorporation of such district, the county  
2 clerk shall certify for election the following question to be  
3 voted upon by the eligible voters of the district:

4 Shall the ..... incorporated  
5 road district organized under the provisions of  
6 sections 233.170 to 233.315, RSMo, be dissolved?

7  YES  NO

8

9 If a majority of the persons voting on the question are in favor  
10 of the proposition, then the county commission shall  
11 disincorporate the road district.

12 3. The petition filed pursuant to subsection 2 of this  
13 section shall be submitted to the clerk of the county no later  
14 than eight weeks prior to the next countywide election at which  
15 the question will be voted upon.

16 4. Notwithstanding other provisions of this section to the  
17 contrary, in any county of the first classification with more  
18 than one hundred four thousand six hundred but less than one  
19 hundred four thousand seven hundred inhabitants, any petition to  
20 disincorporate a road district organized under sections 233.170  
21 to 233.315 shall be presented to the county commission or similar  
22 authority. The petition shall be signed by the lesser of fifty  
23 or a majority of the registered voters residing within the  
24 district, shall state the name of the district, and shall request  
25 the disincorporation of the district. If a petition is submitted  
26 as authorized in this section, and it is the opinion of the  
27 county commission that the public good will be advanced by the  
28 disincorporation after providing notice and a hearing as required

1 in this section, then the county commission shall disincorporate  
2 the road district. This subsection shall not apply to any road  
3 district located in two counties.

4 5. Notwithstanding other provisions of this section to the  
5 contrary, in any county of the third classification without a  
6 township form of government and with more than thirty-four  
7 thousand but fewer than thirty-four thousand one hundred  
8 inhabitants, any petition to disincorporate a road district  
9 organized under sections 233.170 to 233.315 shall be presented to  
10 the county commission or similar authority. The petition shall  
11 be signed by the lesser of fifty or a majority of the registered  
12 voters residing within the district, shall state the name of the  
13 district, and shall request the disincorporation of the district.  
14 If a petition is submitted as authorized in this section, and it  
15 is the opinion of the county commission that the public good will  
16 be advanced by the disincorporation after providing notice and a  
17 hearing as required in this section, then the county commission  
18 shall disincorporate the road district. This subsection shall  
19 not apply to any road district located in two counties.

20 6. Notwithstanding other provisions of this section to the  
21 contrary, in any county of the second classification with more  
22 than fifty-four thousand two hundred but fewer than fifty-four  
23 thousand three hundred inhabitants, any petition to  
24 disincorporate a road district organized under sections 233.170  
25 to 233.315 shall be presented to the county commission or similar  
26 authority. The petition shall be signed by the lesser of fifty  
27 or a majority of the registered voters residing within the  
28 district, shall state the name of the district, and shall request

1 the disincorporation of the district. If a petition is submitted  
2 as authorized in this section, and it is the opinion of the  
3 county commission that the public good will be advanced by the  
4 disincorporation after providing notice and a hearing as required  
5 in this section, then the county commission shall disincorporate  
6 the road district. This subsection shall not apply to any road  
7 district located in two counties.

8 7. Notwithstanding other provisions of this section to the  
9 contrary, in any county, any petition to disincorporate a road  
10 district organized under sections 233.170 to 233.315 shall be  
11 presented to the county commission or similar authority. The  
12 petition shall be signed by the lesser of fifty or a majority of  
13 the registered voters residing within the district, shall state  
14 the name of the district, and shall request the disincorporation  
15 of the district. If a petition is submitted as authorized in  
16 this section, and it is the opinion of the county commission that  
17 the public good will be advanced by the disincorporation after  
18 providing notice and a hearing as required in this section, then  
19 the county commission shall disincorporate the road district.  
20 This subsection shall not apply to any road district located in  
21 two counties.

22 8. Notwithstanding other provisions of this section to the  
23 contrary, in any county, a petition to disincorporate a road  
24 district located in two counties organized under sections 233.170  
25 to 233.315 shall be presented to the county commission or similar  
26 authority in each county in which the road district is located.  
27 Each petition shall be signed by the lesser of fifty or a  
28 majority of the registered voters residing within the district

1 and county, shall state the name of the district, and shall  
2 request the disincorporation of the district. If a petition is  
3 submitted as authorized in this section, and it is the opinion of  
4 the county commission in each county in which the road district  
5 is located that the public good will be advanced by the  
6 disincorporation after providing notice and a hearing as required  
7 in this section, then the county commission in each county in  
8 which the road district is located shall disincorporate the road  
9 district. A road district located in two counties shall not be  
10 disincorporated until it is disincorporated in each county in  
11 which it is located.

12 9. (1) The county commission or similar authority shall  
13 have the power to combine two or more road districts organized  
14 under sections 233.170 to 233.315 upon petition signed by a  
15 majority of the commissioners in each of the road districts  
16 seeking to be combined;

17 (2) The petition presented to the county commission or  
18 similar authority shall set forth the request that the road  
19 districts desire to be consolidated and shall set forth the  
20 proposed name of the new road district. If a petition is  
21 submitted as authorized in this subsection, then the county  
22 commission or similar authority shall hold a public hearing at a  
23 place and time it designates after it has published notice of the  
24 hearing for four consecutive weeks in a newspaper of general  
25 circulation in the county;

26 (3) After such hearing, if it is the opinion of the county  
27 commission that the public good will be advanced by the  
28 consolidation of the districts, then the county commission or



1 similar authority shall issue its order consolidating the  
2 districts and set the effective date of the consolidation in such  
3 order;

4 (4) Upon consolidation, the county commission or similar  
5 authority shall appoint the three initial commissioners of the  
6 consolidated district: one for a term of one year, one for a term  
7 of two years, and one for a term of three years;

8 (5) Upon consolidation, all assets and liabilities of the  
9 combined districts shall vest in the new consolidated district.

10 In the event the tax levies of the combined districts are  
11 different, then the initial tax levy for the consolidated  
12 district shall be the lower of the districts that were combined  
13 until changed as provided by statute;

14 (6) The county commission or similar authority shall have  
15 the power to make deeds, bills of sale, or other instruments  
16 transferring the assets of the districts combined to the new  
17 consolidated district and shall have all other powers necessary  
18 to effectuate the consolidation and transfer of all assets and  
19 liabilities to the consolidated road district; and

20 (7) The provisions of subsection 9 of this section shall  
21 not apply to any road district located in two counties.

22 242.460. 1. The said board of supervisors shall each year  
23 thereafter determine, order and levy the amount of the annual  
24 installment of the total taxes levied under section 242.450;  
25 which shall become due and be collected during said year at the  
26 same time that state and county taxes are due and collected,  
27 which said annual installment and levy shall be evidenced and  
28 certified by the said board not later than [October thirty-first]

1 September thirtieth of each year to the collector of revenue of  
2 each county, or township, in which lands and other property of  
3 said district are situate.

4 2. The certificate of said installment tax shall be in  
5 substantially the following form:

6  
7 State of Missouri, )  
8 ) ss  
9 County of ..... )

10  
11 To ..... collector of the revenue of said county, or  
12 township:

13  
14 This is to certify that by virtue and authority of the  
15 provisions of section 242.460, RSMo, the board of supervisors of  
16 "..... drainage district of Missouri" have and do hereby levy  
17 the sum of \$ ..... as the annual installment of tax for the  
18 year 20.... of the total tax levied under the provisions of  
19 section 242.450, RSMo, which said total tax has heretofore been  
20 certified to the recorder of deeds of your county; and said board  
21 of supervisors of said drainage district, by and with the  
22 authority of section 242.490, RSMo, has levied also the sum of  
23 \$..... as a maintenance tax for said year; said annual  
24 installment of tax and maintenance tax on the real estate and  
25 other property situate in your county, or township, are set out  
26 in the following table, in which are: First, the names of the  
27 present owners of said lands and other property so far as now  
28 known; second, the descriptions of said lands and other property

1 opposite the names of said owners; third, the amount of said  
2 installment of tax levied on each tract of real estate and other  
3 property, and fourth, the said amount of maintenance tax levied  
4 against the same.

5 The said taxes shall be collectible and payable the present  
6 year at the same time that state and county taxes are due and  
7 collected, and you are directed and ordered to demand and collect  
8 the said taxes at the same time you demand and collect the state  
9 and county taxes due on the same lands and other property, and  
10 this "drainage tax book" shall be your warrant and authority for  
11 making such demand and collection.

12 Witness the signature of the president of the said board of  
13 supervisors, attested by the seal of said district, and the  
14 signature of the secretary of said board, this ..... day of  
15 ....., A.D. 20.....

16  
17 (SEAL) .....  
18 President of Board of Supervisors.

19  
20  
21 .....  
22 Secretary of Board of Supervisors.

23  
24 Then shall follow a table or schedule showing in properly ruled  
25 columns:

- 26 (1) The names of the present owners of said lands and other  
27 property so far as now known;
- 28 (2) The descriptions of the said lands and other property

1 opposite the names of said owners;

2 (3) The amount of said annual installment tax levied on  
3 each tract of land or piece of property;

4 (4) The amount of maintenance tax;

5 (5) A blank column in which the collector shall record the  
6 several amounts as collected by him;

7 (6) A blank column in which the collector shall record the  
8 date of payment of the different sums;

9 (7) A blank column in which the collector shall record the  
10 names of the person or persons paying the several amounts, if  
11 other than the person whose name appears in column one hereof.

12 3. The columns in which the annual installment tax and the  
13 maintenance tax, if any, appear shall be correctly totaled and  
14 the total amount shall correspond to the amount set out in the  
15 above mentioned certificate. The said certificate and table  
16 shall be prepared in the form of a well-bound book, which shall  
17 be endorsed and named "Drainage Tax Book, ..... Drainage  
18 District ..... County, or ..... Township of .....  
19 County, Missouri, for the year 20....", which endorsement shall  
20 also be printed at the top of each page in said book.

21 243.350. 1. Each year the county clerk shall apportion the  
22 amount of the annual installment, or the aggregate of the  
23 installments which the commission has provided shall become due  
24 and payable in that year and the maintenance taxes, if any,  
25 against the land and other property in the drainage district in  
26 proportion to the benefits assessed.

27 2. The said annual installment and maintenance taxes when  
28 so apportioned shall be extended by the clerk in a well-bound

1 book which shall be designated and endorsed "Drainage Tax Book of  
2 Drainage District Number ..... of ..... County, or  
3 ..... Township of ..... County, Missouri, for the year  
4 20....", which endorsement shall also be written or printed at  
5 the top of each page. There shall be set out in properly ruled  
6 columns of said book the following:

7 (1) The names of the present owners of said land and other  
8 property so far as now known;

9 (2) Description of the land and other property;

10 (3) Amount of said installment or installments of tax  
11 levied on the corresponding tract of land or other property;

12 (4) Amount of maintenance tax, if any, levied against said  
13 tract of land or other property;

14 (5) A blank column in which the collector shall record the  
15 several amounts as collected by him;

16 (6) A blank column in which the collector shall record the  
17 date of payment of the different sums;

18 (7) A blank column in which the collector shall record the  
19 names of the person or persons paying the several amounts, if  
20 other than the person whose name appears in column one hereof.

21 3. The county clerk shall prepare and deliver the said  
22 drainage tax book to the collector of the revenue of the county,  
23 or township, not later than ~~【October thirty-first】~~ September  
24 thirtieth of each year in which the installment and maintenance  
25 taxes, if any, are due and payable, and the said taxes shall  
26 become due and be collected during said year at the same time  
27 that state and county taxes are due and collected.

28 245.185. 1. The said board of supervisors shall each year

1 thereafter determine, order and levy the amount of the annual  
2 installment of the total taxes levied under section 245.180,  
3 which shall become due and be collected during said year at the  
4 same time that state and county taxes are due and collected,  
5 which said annual installment and levy shall be evidenced and  
6 certified by the board not later than [October thirty-first]  
7 September thirtieth of each year to the collector of revenue of  
8 each county, or township, in which lands and other property of  
9 said district are situate.

10 2. The certificate of said installment tax shall be in  
11 substantially the following form:

12  
13 State of Missouri,

14 ss

15 County of . . . . .

16  
17 To ....., collector of the revenue of said county, or  
18 township:

19  
20 This is to certify that by virtue and authority of the  
21 provisions of section 245.185, RSMo, the board of supervisors of  
22 "..... levee district of Missouri" have and do hereby levy  
23 the sum of \$ ..... as the annual installment of the tax for  
24 the year 20.... of the total tax levied under the provisions of  
25 section 245.180, RSMo, which said total tax has heretofore been  
26 certified to the recorder of deeds of your county; and said board  
27 of supervisors of said district by and with the authority of  
28 section 245.195, RSMo, has levied also the sum of \$ ..... as



1           3.    Then shall follow a table or schedule showing in  
2 properly ruled columns, first, the names of the present owners of  
3 said lands and other property so far as now known; second, the  
4 descriptions of the said lands and other property opposite the  
5 names of said owners; third, the amount of said annual  
6 installment tax levied on each tract of land or piece of  
7 property; fourth, the amount of maintenance tax; fifth, a blank  
8 column in which the collector shall record the several amounts as  
9 collected by him; sixth, a blank column in which the collector  
10 shall record the date of payment of the different sums; seventh,  
11 a blank column in which the collector shall record the names of  
12 the person or persons paying the several amounts, if other than  
13 the person whose name appears in column one hereof. The columns  
14 in which the annual installment tax and the maintenance tax, if  
15 any, appear shall be correctly totaled and the total amount shall  
16 correspond to the amount set out in the above mentioned  
17 certificate. The said certificate and table shall be prepared in  
18 the form of a well-bound book which shall be endorsed and named  
19 "Levee tax book ..... levee district ..... County, or  
20 ..... Township of ..... County, Missouri, for the year  
21 20....", which endorsement shall also be printed at the top of  
22 each page in said book.

23           321.242. 1. The governing body of any fire protection  
24 district which operates within and has boundaries identical to a  
25 city with a population of at least thirty thousand but not more  
26 than thirty-five thousand inhabitants which is located in a  
27 county of the first classification, excluding a county of the  
28 first classification having a population in excess of nine



1 hundred thousand, or the governing body of any municipality  
2 having a municipal fire department may impose a sales tax in an  
3 amount of up to one-fourth of one percent on all retail sales  
4 made in such fire protection district or municipality which are  
5 subject to taxation pursuant to the provisions of sections  
6 144.010 to 144.525. The tax authorized by this section shall be  
7 in addition to any and all other sales taxes allowed by law,  
8 except that no sales tax imposed pursuant to the provisions of  
9 this section shall be effective unless the governing body of the  
10 fire protection district or municipality submits to the voters of  
11 such fire protection district or municipality, at a county or  
12 state general, primary or special election, a proposal to  
13 authorize the governing body of the fire protection district or  
14 municipality to impose a tax.

15 2. The ballot of submission shall contain, but need not be  
16 limited to, the following language:

17 Shall ..... (insert name of district or  
18 municipality) impose a sales tax of .....  
19 (insert rate of tax) for the purpose of providing  
20 revenues for the operation of the .....  
21 (insert fire protection district or municipal fire  
22 department)?

23  YES  NO

24  
25 If a majority of the votes cast on the proposal by the qualified  
26 voters voting thereon are in favor of the proposal, then the  
27 sales tax authorized in this section shall be in effect. If a  
28 majority of the votes cast by the qualified voters voting are

1 opposed to the proposal, then the governing body of the fire  
2 protection district or municipality shall not impose the sales  
3 tax authorized in this section unless and until the governing  
4 body of such fire protection district or municipality resubmits a  
5 proposal to authorize the governing body of the fire protection  
6 district or municipality to impose the sales tax authorized by  
7 this section and such proposal is approved by a majority of the  
8 qualified voters voting thereon.

9 3. All revenue received by a fire protection district or  
10 municipality from the tax authorized pursuant to the provisions  
11 of this section shall be deposited in a special trust fund and  
12 shall be used solely for the operation of the fire protection  
13 district or the municipal fire department.

14 4. All sales taxes collected by the director of revenue  
15 pursuant to this section or section 321.246 on behalf of any fire  
16 protection district or municipality, less one percent for cost of  
17 collection which shall be deposited in the state's general  
18 revenue fund after payment of premiums for surety bonds as  
19 provided in section 32.087, shall be deposited in a special trust  
20 fund, which is hereby created, to be known as the "Fire  
21 Protection Sales Tax Trust Fund". Any moneys in the fire  
22 protection district sales tax trust fund created prior to August  
23 28, 1999, shall be transferred to the fire protection sales tax  
24 trust fund. The moneys in the fire protection sales tax trust  
25 fund shall not be deemed to be state funds and shall not be  
26 commingled with any funds of the state. The director of revenue  
27 shall keep accurate records of the amount of money in the trust  
28 fund and of the amounts which were collected in each fire

1 protection district or municipality imposing a sales tax pursuant  
2 to this section, and the records shall be open to the inspection  
3 of officers of the fire protection district or municipality and  
4 the public. Not later than the tenth day of each month, the  
5 director of revenue shall distribute all moneys deposited in the  
6 trust fund during the preceding month to the fire protection  
7 district or municipality which levied the tax. Such funds shall  
8 be deposited with the treasurer of each such fire protection  
9 district or municipality, and all expenditures of funds arising  
10 from the fire protection sales tax trust fund shall be for the  
11 operation of the fire protection district or the municipal fire  
12 department and for no other purpose.

13 5. The director of revenue may [authorize the state  
14 treasurer to] make refunds from the amounts in the trust fund and  
15 credited to any fire protection district or municipality for  
16 erroneous payments and overpayments made and may redeem  
17 dishonored checks and drafts deposited to the credit of such fire  
18 protection districts or municipalities. If any fire protection  
19 district or municipality abolishes the tax, the fire protection  
20 district or municipality shall notify the director of revenue of  
21 the action at least ninety days prior to the effective date of  
22 the repeal and the director of revenue may order retention in the  
23 trust fund, for a period of one year, of two percent of the  
24 amount collected after receipt of such notice to cover possible  
25 refunds or overpayment of the tax and to redeem dishonored checks  
26 and drafts deposited to the credit of such accounts. After one  
27 year has elapsed after the effective date of abolition of the tax  
28 in such fire protection district or municipality, the director of

1 revenue shall remit the balance in the account to the fire  
2 protection district or municipality and close the account of that  
3 fire protection district or municipality. The director of  
4 revenue shall notify each fire protection district or  
5 municipality of each instance of any amount refunded or any check  
6 redeemed from receipts due the fire protection district or  
7 municipality. In the event a tax within a fire protection  
8 district is approved pursuant to this section, and such fire  
9 protection district is dissolved, if the boundaries of the fire  
10 protection district are identical to that of the city, the tax  
11 shall continue and proceeds shall be distributed to the governing  
12 body of the city formerly containing the fire protection district  
13 and the proceeds of the tax shall be used for fire protection  
14 services within such city.

15 6. Except as modified in this section, all provisions of  
16 sections 32.085 and 32.087 shall apply to the tax imposed  
17 pursuant to this section.

18 321.246. 1. The governing body of any fire protection  
19 district which operates within both a county of the first  
20 classification with a charter form of government and with a  
21 population greater than six hundred thousand but less than nine  
22 hundred thousand and a county of the fourth classification with a  
23 population greater than thirty thousand but less than thirty-five  
24 thousand and that adjoins a county of the first classification  
25 with a charter form of government, [or] the governing body of any  
26 fire protection district which contains a city of the fourth  
27 classification having a population greater than two thousand four  
28 hundred when the city is located in a county of the first

1 classification without a charter form of government having a  
2 population greater than one hundred fifty thousand and the county  
3 contains a portion of a city with a population greater than three  
4 hundred fifty thousand, or the governing body of any fire  
5 protection district that operates in a county of the third  
6 classification with a population greater than fourteen thousand  
7 but less than fifteen thousand may impose a sales tax in an  
8 amount of up to one-half of one percent on all retail sales made  
9 in such fire protection district which are subject to taxation  
10 pursuant to the provisions of sections 144.010 to 144.525. The  
11 tax authorized by this section shall be in addition to any and  
12 all other sales taxes allowed by law, except that no sales tax  
13 imposed pursuant to the provisions of this section shall be  
14 effective unless the governing body of the fire protection  
15 district submits to the voters of the fire protection district,  
16 at a county or state general, primary or special election, a  
17 proposal to authorize the governing body of the fire protection  
18 district to impose a tax.

19 2. The ballot of submission shall contain, but need not be  
20 limited to, the following language:

21 Shall the fire protection district of  
22 ..... (district's name) impose a  
23 district-wide sales tax of ..... for the  
24 purpose of providing revenues for the operation of the  
25 fire protection district?

26  YES  NO

27

28 If a majority of the votes cast on the proposal by the qualified

1 voters voting thereon are in favor of the proposal, then the  
2 sales tax authorized in this section shall be in effect. If a  
3 majority of the votes cast by the qualified voters voting are  
4 opposed to the proposal, then the governing body of the fire  
5 protection district shall not impose the sales tax authorized in  
6 this section unless and until the governing body of the fire  
7 protection district resubmits a proposal to authorize the  
8 governing body of the fire protection district to impose the  
9 sales tax authorized by this section and such proposal is  
10 approved by a majority of the qualified voters voting thereon.

11 3. All revenue received by a fire protection district from  
12 the tax authorized pursuant to the provisions of this section  
13 shall be deposited in a special trust fund and shall be used  
14 solely for the operation of the fire protection district.

15 4. All sales taxes collected by the director of revenue  
16 pursuant to this section on behalf of any fire protection  
17 district, less one percent for cost of collection which shall be  
18 deposited in the state's general revenue fund after payment of  
19 premiums for surety bonds as provided in section 32.087, shall be  
20 deposited in the fire protection district sales tax trust fund  
21 established pursuant to section 321.242. The moneys in the fire  
22 protection district sales tax trust fund shall not be deemed to  
23 be state funds and shall not be commingled with any funds of the  
24 state. The director of revenue shall keep accurate records of  
25 the amount of money in the trust and which was collected in each  
26 fire protection district imposing a sales tax pursuant to this  
27 section, and the records shall be open to the inspection of  
28 officers of the fire protection district and the public. Not

1 later than the tenth day of each month, the director of revenue  
2 shall distribute all moneys deposited in the trust fund during  
3 the preceding month to the fire protection district which levied  
4 the tax. Such funds shall be deposited with the treasurer of  
5 each such fire protection district, and all expenditures of funds  
6 arising from the fire protection district sales tax trust fund  
7 shall be for the operation of the fire protection district and  
8 for no other purpose.

9 5. The director of revenue may [authorize the state  
10 treasurer to] make refunds from the amounts in the trust fund and  
11 credited to any fire protection district for erroneous payments  
12 and overpayments made and may redeem dishonored checks and drafts  
13 deposited to the credit of such fire protection districts. If  
14 any fire protection district abolishes the tax, the fire  
15 protection district shall notify the director of revenue of the  
16 action at least ninety days prior to the effective date of the  
17 repeal and the director of revenue may order retention in the  
18 trust fund, for a period of one year, of two percent of the  
19 amount collected after receipt of such notice to cover possible  
20 refunds or overpayment of the tax and to redeem dishonored checks  
21 and drafts deposited to the credit of such accounts. After one  
22 year has elapsed after the effective date of abolition of the tax  
23 in such fire protection district, the director of revenue shall  
24 remit the balance in the account to the fire protection district  
25 and close the account of that fire protection district. The  
26 director of revenue shall notify each fire protection district of  
27 each instance of any amount refunded or any check redeemed from  
28 receipts due the fire protection district. In the event a tax

1 within a fire protection district is approved under this section,  
2 and such fire protection district is dissolved, the tax shall  
3 lapse on the date that the fire protection district is dissolved  
4 and the proceeds from the last collection of such tax shall be  
5 distributed to the governing bodies of the counties formerly  
6 containing the fire protection district and the proceeds of the  
7 tax shall be used for fire protection services within such  
8 counties.

9 6. Except as modified in this section, all provisions of  
10 sections 32.085 and 32.087 shall apply to the tax imposed  
11 pursuant to this section.

12 393.1075. 1. This section shall be known as the "Missouri  
13 Energy Efficiency Investment Act".

14 2. As used in this section, the following terms shall mean:

15 (1) "Commission", the Missouri public service commission;

16 (2) "Demand response", measures that decrease peak demand  
17 or shift demand to off-peak periods;

18 (3) "Demand-side program", any program conducted by the  
19 utility to modify the net consumption of electricity on the  
20 retail customer's side of the electric meter, including but not  
21 limited to energy efficiency measures, [load] rate management,  
22 demand response, and interruptible or curtailable load;

23 (4) "Energy efficiency", measures that reduce the amount of  
24 electricity required to achieve a given end use;

25 (5) "Interruptible or curtailable rate", a rate under which  
26 a customer receives a reduced charge in exchange for agreeing to  
27 allow the utility to withdraw the supply of electricity under  
28 certain specified conditions;



1           (6) "Total resource cost test", a test that compares the  
2 sum of avoided utility costs and avoided probable environmental  
3 compliance costs to the sum of all incremental costs of end-use  
4 measures that are implemented due to the program, as defined by  
5 the commission in rules.

6           3. It shall be the policy of the state to value demand-side  
7 investments equal to traditional investments in supply and  
8 delivery infrastructure and allow recovery of all reasonable and  
9 prudent costs of delivering cost-effective demand-side programs.  
10 In support of this policy, the commission shall:

11           (1) Provide timely cost recovery for utilities;

12           (2) Ensure that utility financial incentives are aligned  
13 with helping customers use energy more efficiently and in a  
14 manner that sustains or enhances utility customers' incentives to  
15 use energy more efficiently; and

16           (3) Provide timely earnings opportunities associated with  
17 cost-effective measurable and verifiable efficiency savings.

18           4. The commission shall permit electric corporations to  
19 implement commission-approved demand-side programs proposed  
20 pursuant to this section with a goal of achieving all cost-  
21 effective demand-side savings. Recovery for such programs shall  
22 not be permitted unless the programs are approved by the  
23 commission, result in energy or demand savings and are beneficial  
24 to all customers in the customer class in which the programs are  
25 proposed, regardless of whether the programs are utilized by all  
26 customers. The commission shall consider the total resource cost  
27 test a preferred cost-effectiveness test. Programs targeted to  
28 low-income customers or general education campaigns do not need

1 to meet a cost-effectiveness test, so long as the commission  
2 determines that the program or campaign is in the public  
3 interest. Nothing herein shall preclude the approval of demand-  
4 side programs that do not meet the test if the costs of the  
5 program above the level determined to be cost-effective are  
6 funded by the customers participating in the program or through  
7 tax or other governmental credits or incentives specifically  
8 designed for that purpose.

9 5. To comply with this section the commission may develop  
10 cost recovery mechanisms to further encourage investments in  
11 demand-side programs including, in combination and without  
12 limitation: capitalization of investments in and expenditures  
13 for demand-side programs, rate design modifications, accelerated  
14 depreciation on demand-side investments, and allowing the utility  
15 to retain a portion of the net benefits of a demand-side program  
16 for its shareholders. In setting rates the commission shall  
17 fairly apportion the costs and benefits of demand-side programs  
18 to each customer class except as provided for in subsection 6 of  
19 this section. Prior to approving a rate design modification  
20 associated with demand-side cost recovery, the commission shall  
21 conclude a docket studying the effects thereof and promulgate an  
22 appropriate rule.

23 6. The commission may reduce or exempt allocation of  
24 demand-side expenditures to low-income classes, as defined in an  
25 appropriate rate proceeding, as a subclass of residential  
26 service.

27 7. Provided that the customer has notified the electric  
28 corporation that the customer elects not to participate in

1 demand-side measures offered by an electrical corporation, none  
2 of the costs of demand-side measures of an electric corporation  
3 offered under this section or by any other authority, and no  
4 other charges implemented in accordance with this section, shall  
5 be assigned to any account of any customer, including its  
6 affiliates and subsidiaries, meeting one or more of the following  
7 criteria:

8 (1) The customer has one or more accounts within the  
9 service territory of the electrical corporation that has a demand  
10 of five thousand kilowatts or more;

11 (2) The customer operates an interstate pipeline pumping  
12 station, regardless of size; or

13 (3) The customer has accounts within the service territory  
14 of the electrical corporation that have, in aggregate, a demand  
15 of two thousand five hundred kilowatts or more, and the customer  
16 has a comprehensive demand-side or energy efficiency program and  
17 can demonstrate an achievement of savings at least equal to those  
18 expected from utility-provided programs.

19 8. Customers that have notified the electrical corporation  
20 that they do not wish to participate in demand-side programs  
21 under this section shall not subsequently be eligible to  
22 participate in demand-side programs except under guidelines  
23 established by the commission in rulemaking.

24 9. Customers who participate in demand-side programs  
25 initiated after August 1, 2009, shall be required to participate  
26 in program funding for a period of time to be established by the  
27 commission in rulemaking.

28 10. Customers electing not to participate in an electric

1 corporation's demand-side programs under this section shall still  
2 be allowed to participate in interruptible or curtailable rate  
3 schedules or tariffs offered by the electric corporation.

4 11. The commission shall provide oversight and may adopt  
5 rules and procedures and approve corporation-specific settlements  
6 and tariff provisions, independent evaluation of demand-side  
7 programs, as necessary, to ensure that electric corporations can  
8 achieve the goals of this section. Any rule or portion of a  
9 rule, as that term is defined in section 536.010, that is created  
10 under the authority delegated in this section shall become  
11 effective only if it complies with and is subject to all of the  
12 provisions of chapter 536 and, if applicable, section 536.028.  
13 This section and chapter 536 are nonseverable and if any of the  
14 powers vested with the general assembly pursuant to chapter 536  
15 to review, to delay the effective date, or to disapprove and  
16 annul a rule are subsequently held unconstitutional, then the  
17 grant of rulemaking authority and any rule proposed or adopted  
18 after August 28, 2009, shall be invalid and void.

19 12. Each electric corporation shall submit an annual report  
20 to the commission describing the demand-side programs implemented  
21 by the utility in the previous year. The report shall document  
22 program expenditures, including incentive payments, peak demand  
23 and energy savings impacts and the techniques used to estimate  
24 those impacts, avoided costs and the techniques used to estimate  
25 those costs, the estimated cost-effectiveness of the demand-side  
26 programs, and the net economic benefits of the demand-side  
27 programs.

28 13. Charges attributable to demand-side programs under this

1 section shall be clearly shown as a separate line item on bills  
2 to the electrical corporation's customers.

3 14. [(1) Any customer of an electrical corporation who has  
4 received a state tax credit under sections 135.350 to 135.362 or  
5 under sections 253.545 to 253.561 shall not be eligible for  
6 participation in any demand-side program offered by an electrical  
7 corporation under this section if such program offers a monetary  
8 incentive to the customer, except as provided in subdivision (4)  
9 of this subsection.

10 (2) As a condition of participation in any demand-side  
11 program offered by an electrical corporation under this section  
12 when such program offers a monetary incentive to the customer,  
13 the commission shall develop rules that require documentation to  
14 be provided by the customer to the electrical corporation to show  
15 that the customer has not received a tax credit listed in  
16 subdivision (1) of this subsection.

17 (3) The penalty for a customer who provides false  
18 documentation under subdivision (2) of this subsection shall be a  
19 class A misdemeanor.

20 (4) The provisions of this subsection shall not apply to  
21 any low-income customer who would otherwise be eligible to  
22 participate in a demand-side program that is offered by an  
23 electrical corporation to low-income customers.

24 15.] The commission shall develop rules that provide for  
25 disclosure of participants in all demand-side programs offered by  
26 electrical corporations under this section when such programs  
27 provide monetary incentives to the customer. The disclosure  
28 required by this subsection may include, but not be limited to,

1 the following: the name of the participant, or the names of the  
2 [principles] principals if for a company, the property address,  
3 and the amount of the monetary incentive received.

4 473.730. 1. Every county in this state, except the City of  
5 St. Louis, shall elect a public administrator at the general  
6 election in the year 1880, and every four years thereafter, who  
7 shall be ex officio public guardian and conservator in and for  
8 the public administrator's county. A candidate for public  
9 administrator shall be at least twenty-one years of age and a  
10 resident of the state of Missouri and the county in which he or  
11 she is a candidate for at least one year prior to the date of the  
12 general election for such office. The candidate shall also be a  
13 registered voter and shall be current in the payment of all  
14 personal and business taxes. Each candidate for public  
15 administrator shall provide to the election authority a copy of a  
16 signed affidavit from a surety company indicating that the  
17 candidate meets the bond requirements for the office of public  
18 administrator under this section.

19 2. Before entering on the duties of the public  
20 administrator's office, the public administrator shall take the  
21 oath required by the constitution, and enter into bond to the  
22 state of Missouri in a sum not less than ten thousand dollars,  
23 with [two] one or more securities, approved by the court and  
24 conditioned that the public administrator will faithfully  
25 discharge all the duties of the public administrator's office,  
26 which bond shall be given and oath of office taken on or before  
27 the first day of January following the public administrator's  
28 election, and it shall be the duty of the judge of the court to

1 require the public administrator to make a statement annually,  
2 under oath, of the amount of property in the public  
3 administrator's hands or under the public administrator's control  
4 as such administrator, for the purpose of ascertaining the amount  
5 of bond necessary to secure such property; and such court may  
6 from time to time, as occasion shall require, demand additional  
7 security of such administrator, and, in default of giving the  
8 same within twenty days after such demand, may remove the  
9 administrator and appoint another.

10 [2.] 3. The public administrator in all counties, in the  
11 performance of the duties required by chapters 473, 474, and 475,  
12 is a public officer. The duties specified by section 475.120 are  
13 discretionary. The county shall defend and indemnify the public  
14 administrator against any alleged breach of duty, provided that  
15 any such alleged breach of duty arose out of an act or omission  
16 occurring within the scope of duty or employment.

17 [3.] 4. After January 1, 2001, all salaried public  
18 administrators shall be considered county officials for purposes  
19 of section 50.333, subject to the minimum salary requirements set  
20 forth in section 473.742.

21 [4.] 5. The public administrator for the city of St. Louis  
22 shall be appointed by a majority of the circuit judges and  
23 associate circuit judges of the twenty-second judicial circuit,  
24 en banc. Such public administrator shall meet the same  
25 qualifications and requirements specified in subsection 1 of this  
26 section for elected public administrators. The elected public  
27 administrator holding office on August 28, 2013, shall continue  
28 to hold such office for the remainder of his or her term.

1           473.743. Upon appointment by the probate court, it shall be  
2 the duty of the public administrator to take into his or her  
3 charge and custody the estates of all deceased persons, and the  
4 [person and] estates of all minors, and the estates or person and  
5 estate of all incapacitated persons in his or her county, in the  
6 following cases:

7           (1) When a stranger dies intestate in the county without  
8 relations, or dies leaving a will, and the personal  
9 representative named is absent, or fails to qualify;

10          (2) When persons die intestate without any known heirs;

11          (3) When persons unknown die or are found dead in the  
12 county;

13          (4) When money, property, papers or other estate are left  
14 in a situation exposed to loss or damage, and no other person  
15 administers on the same;

16          (5) When any estate of any person who dies intestate  
17 therein, or elsewhere, is left in the county liable to be  
18 injured, wasted or lost, when the intestate does not leave a  
19 known husband, widow or heirs in this state;

20          (6) [The persons of all minors under the age of fourteen  
21 years, whose parents are dead, and who have no legal guardian or  
22 conservator;

23          (7)] The estates of all minors whose parents are dead, or,  
24 if living, refuse or neglect to qualify as conservator, or,  
25 having qualified have been removed, or are, from any cause,  
26 incompetent to act as such conservator, and who have no one  
27 authorized by law to take care of and manage their estate;

28          [(8)] (7) The estates or person and estate of all disabled



1 or incapacitated persons in his or her county who have no legal  
2 guardian or conservator, and no one competent to take charge of  
3 such estate, or to act as such guardian or conservator, can be  
4 found, or is known to the court having jurisdiction, who will  
5 qualify;

6 [(9)] (8) Where from any other good cause, the court shall  
7 order him to take possession of any estate to prevent its being  
8 injured, wasted, purloined or lost;

9 [(10) When moneys are delivered to the public administrator  
10 from the county coroner;

11 (11)] (9) The public administrator shall act as trustee  
12 when appointed by the circuit court or the probate division of  
13 the circuit court.

14 475.120. 1. The guardian of the person of a minor shall be  
15 entitled to the custody and control of the ward and shall provide  
16 for the ward's education, support and maintenance.

17 2. A guardian or limited guardian of an incapacitated  
18 person shall act in the best interest of the ward. A limited  
19 guardian of an incapacitated person shall have the powers and  
20 duties enumerated by the court in the adjudication order or any  
21 later modifying order.

22 3. The general powers and duties of a guardian of an  
23 incapacitated person shall be to take charge of the person of the  
24 ward and to provide for the ward's care, treatment, habilitation,  
25 education, support and maintenance; and the powers and duties  
26 shall include, but not be limited to, the following:

27 (1) Assure that the ward resides in the best and least  
28 restrictive setting reasonably available;

1           (2) Assure that the ward receives medical care and other  
2 services that are needed;

3           (3) Promote and protect the care, comfort, safety, health,  
4 and welfare of the ward;

5           (4) Provide required consents on behalf of the ward;

6           (5) To exercise all powers and discharge all duties  
7 necessary or proper to implement the provisions of this section.

8           4. A guardian of an adult or minor ward is not obligated by  
9 virtue of such guardian's appointment to use the guardian's own  
10 financial resources for the support of the ward. If the ward's  
11 estate and available public benefits are inadequate for the  
12 proper care of the ward, the guardian or conservator may apply to  
13 the county commission pursuant to section 475.370.

14           5. No guardian of the person shall have authority to seek  
15 admission of the guardian's ward to a mental health or  
16 intellectual disability facility for more than thirty days for  
17 any purpose without court order except as otherwise provided by  
18 law.

19           6. Only the director or chief administrative officer of a  
20 social service agency serving as guardian of an incapacitated  
21 person, or such person's designee, is legally authorized to act  
22 on behalf of the ward.

23           7. A social service agency serving as guardian of an  
24 incapacitated person shall notify the court within fifteen days  
25 after any change in the identity of the professional individual  
26 who has primary responsibility for providing guardianship  
27 services to the incapacitated person.

28           8. Any social service agency serving as guardian may not

1 provide other services to the ward.

2 9. In the absence of any written direction from the ward to  
3 the contrary, a guardian may execute a preneed contract for the  
4 ward's funeral services, including cremation, or an irrevocable  
5 life insurance policy to pay for the ward's funeral services,  
6 including cremation, and authorize the payment of such services  
7 from the ward's resources. Nothing in this section shall  
8 interfere with the rights of next-of-kin to direct the  
9 disposition of the body of the ward upon death under section  
10 194.119. If a preneed arrangement such as that authorized by  
11 this subsection is in place and no next-of-kin exercises the  
12 right of sepulcher within ten days of the death of the ward, the  
13 guardian may sign consents for the disposition of the body,  
14 including cremation, without any liability therefor. A guardian  
15 who exercises the authority granted in this subsection shall not  
16 be personally financially responsible for the payment of  
17 services.

18 Section 1. 1. The director of the department of natural  
19 resources is hereby authorized and empowered to sell, transfer,  
20 grant, convey, remise, release, and forever quitclaim to all  
21 interest of the department of natural resources in property  
22 located in Jackson County, Missouri, to the City of Independence.  
23 The property to be conveyed is more particularly described as  
24 follows:

25 TRACT I:

26  
27 All of Lots 5, 8, 9 and 12, Catherine Atkins  
28 Subdivision of Lot 7 of Woodson's Subdivision of Lots  
29 93, 130, 131 and 142, OLD TOWN OF INDEPENDENCE, a  
30 Subdivision in Independence, Jackson County, Missouri,  
31 lying North of the Lexington Branch of the Missouri  
32 Pacific Railroad.

1           TRACT III:

2  
3           All of the West half of Lot 141, OLD TOWN OF  
4           INDEPENDENCE, a Subdivision in Independence, Jackson  
5           County, Missouri, lying North of the Lexington Branch  
6           of the Missouri Pacific Railroad.

7  
8           TRACT IV:

9  
10          All of the South 281 ½ feet of the East ahlf of Lot  
11          141, OLD TOWN OF INDEPENDENCE, a Subdivision in  
12          Independence, Jackson County, Missouri, except the  
13          South 166 ½ feet thereof and except ALL that part of  
14          Lot 141. OLD TOWN INDEPENDENCE, a Subdivision in  
15          Independence, Jackson County, Missouri, described as  
16          follows: Commencing at the Southeast corner of said  
17          Lot 141; thence North along the East line of said Lot  
18          141, a distance of 166 ½ feet to the true point of  
19          beginning; thence continuing North along said East line  
20          of said Lot 141, a distance of 115 feet; thence West  
21          100 feet; thence South 115 feet; thence East to the  
22          point of beginning, according to the recorded plat  
23          thereof.

24  
25          TRACT V:

26  
27          All of the West half of Lot 141, OLD TOWN OF  
28          INDEPENDENCE, a Subdivision in Independence, Jackson  
29          County, Missouri, lying South of the Lexington Branch  
30          of the Missouri Pacific Railroad, except the South 166  
31          ½ feet thereof.

32  
33          TRACT II:

34  
35          All of Lot 12, Catherine Atkins Subdivision of Lot 7 of  
36          Woodson's Subdivision of Lots 93, 130, 131 and 142, OLD  
37          TOWN OF INDEPENDENCE, a Subdivision in Independence,  
38          Jackson County, Missouri lying South of the Lexington  
39          Branch of Missouri Pacific Railroad.

40  
41          TRACT VI:

42  
43          All of the South 166 ½ feet of Lot 141, OLD TOWN OF  
44          INDEPENDENCE, a Subdivision in Independence, Jackson  
45          County, Missouri, except the South 30 feet thereof in  
46          street.

47  
48          Eugene L. Selders and Monica T. Selders were husband  
49          and wife when they acquired title to the premises in  
50          question and remained husband and wife, continuously,  
51          never having been dicorced, until the date of his death

