

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 704

AN ACT

To repeal sections 49.020, 49.060, 50.660, 50.783, 54.140, 65.610, 65.620, 67.617, 70.370, 71.015, 84.510, 88.770, 94.900, 105.030, 115.124, 137.556, and 162.441, RSMo, and to enact in lieu thereof seventeen new sections relating to political subdivisions, with existing penalty provisions.

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

1           Section A. Sections 49.020, 49.060, 50.660, 50.783, 54.140,  
2           65.610, 65.620, 67.617, 70.370, 71.015, 84.510, 88.770, 94.900,  
3           105.030, 115.124, 137.556, and 162.441, RSMo, are repealed and  
4           seventeen new sections enacted in lieu thereof, to be known as  
5           sections 49.020, 49.060, 50.660, 50.783, 54.140, 65.610, 65.620,  
6           67.617, 70.370, 71.015, 84.510, 88.770, 94.900, 105.030, 115.124,  
7           137.556, and 162.441, to read as follows:

8           49.020. At the general election in the year 1996, and every  
9           four years thereafter, the voters of each of the districts shall  
10          elect a county commissioner, who shall hold his or her office for  
11          a term of four years and until his or her successor is duly  
12          elected and qualified; and at the general election in the year  
13          1882, and every four years thereafter, the presiding commissioner  
14          of the county shall be elected by the voters of the county at  
15          large, who shall hold his or her office for the term of four  
16          years and until his or her successor is duly elected and  
17          qualified. Each commissioner shall be a resident of the county

1 and each commissioner elected from a district shall be a resident  
2 of the district from which such commissioner was elected. Each  
3 commissioner elected under the provisions of this chapter shall  
4 enter upon the duties of his or her office on the first day of  
5 January immediately after his or her election.

6 49.060. 1. When a vacancy shall occur in the office of a  
7 county commissioner, the vacancy shall at once be certified by  
8 the clerk of the commission to the governor[, who shall fill such  
9 vacancy with a person who resides in the district at the time the  
10 vacancy occurs, as provided by law].

11 2. If at the time the vacancy occurs there is less than one  
12 year remaining in the unexpired term, the vacancy shall be filled  
13 as provided in section 105.030.

14 3. If at the time the vacancy occurs there is one year or  
15 more remaining in the unexpired term, it shall be the duty of the  
16 governor to fill such vacancy by appointing, by and with the  
17 advice and consent of the senate subject to the provisions of  
18 article IV, section 51 of the Missouri constitution, some  
19 eligible person to said office who shall discharge the duties  
20 thereof until the next general election, at which time a  
21 commissioner shall be chosen for the remainder of the term, who  
22 shall hold such office until a successor is duly elected and  
23 qualified, unless sooner removed.

24 4. This section shall not apply to any county which has  
25 adopted a charter for its own government under article VI,  
26 section 18 of the Missouri constitution.

27 50.660. [1.] All contracts shall be executed in the name  
28 of the county, or in the name of a township in a county with a

1 township form of government, by the head of the department or  
2 officer concerned, except contracts for the purchase of supplies,  
3 materials, equipment or services other than personal made by the  
4 officer in charge of purchasing in any county or township having  
5 the officer. No contract or order imposing any financial  
6 obligation on the county or township is binding on the county or  
7 township unless it is in writing and unless there is a balance  
8 otherwise unencumbered to the credit of the appropriation to  
9 which it is to be charged and a cash balance otherwise  
10 unencumbered in the treasury to the credit of the fund from which  
11 payment is to be made, each sufficient to meet the obligation  
12 incurred and unless the contract or order bears the certification  
13 of the accounting officer so stating; except that in case of any  
14 contract for public works or buildings to be paid for from bond  
15 funds or from taxes levied for the purpose it is sufficient for  
16 the accounting officer to certify that the bonds or taxes have  
17 been authorized by vote of the people and that there is a  
18 sufficient unencumbered amount of the bonds yet to be sold or of  
19 the taxes levied and yet to be collected to meet the obligation  
20 in case there is not a sufficient unencumbered cash balance in  
21 the treasury. All contracts and purchases shall be let to the  
22 lowest and best bidder after due opportunity for competition,  
23 including advertising the proposed letting in a newspaper in the  
24 county or township with a circulation of at least five hundred  
25 copies per issue, if there is one, except that the advertising is  
26 not required in case of contracts or purchases involving an  
27 expenditure of less than six thousand dollars. It is not  
28 necessary to obtain bids on any purchase in the amount of [four]

1 six thousand [five hundred] dollars or less made from any one  
2 person, firm or corporation during any period of ninety days [or,  
3 if the county is any county of the first classification with more  
4 than one hundred fifty thousand but fewer than two hundred  
5 thousand inhabitants or any county of the first classification  
6 with more than two hundred sixty thousand but fewer than three  
7 hundred thousand inhabitants, it is not necessary to obtain bids  
8 on such purchases in the amount of six thousand dollars or less].  
9 All bids for any contract or purchase may be rejected and new  
10 bids advertised for. Contracts which provide that the person  
11 contracting with the county or township shall, during the term of  
12 the contract, furnish to the county or township at the price  
13 therein specified the supplies, materials, equipment or services  
14 other than personal therein described, in the quantities  
15 required, and from time to time as ordered by the officer in  
16 charge of purchasing during the term of the contract, need not  
17 bear the certification of the accounting officer, as herein  
18 provided; but all orders for supplies, materials, equipment or  
19 services other than personal shall bear the certification. In  
20 case of such contract, no financial obligation accrues against  
21 the county or township until the supplies, materials, equipment  
22 or services other than personal are so ordered and the  
23 certificate furnished.

24 [2. Notwithstanding the provisions of subsection 1 of this  
25 section to the contrary, advertising shall not be required in any  
26 county in the case of contracts or purchases involving an  
27 expenditure of less than six thousand dollars.]

28 50.783. 1. The county commission may waive the requirement

1 of competitive bids or proposals for supplies when the commission  
2 has determined in writing and entered into the commission minutes  
3 that there is only a single feasible source for the supplies.  
4 Immediately upon discovering that other feasible sources exist,  
5 the commission shall rescind the waiver and proceed to procure  
6 the supplies through the competitive processes as described in  
7 this chapter. A single feasible source exists when:

8 (1) Supplies are proprietary and only available from the  
9 manufacturer or a single distributor; or

10 (2) Based on past procurement experience, it is determined  
11 that only one distributor services the region in which the  
12 supplies are needed; or

13 (3) Supplies are available at a discount from a single  
14 distributor for a limited period of time.

15 2. On any single feasible source purchase where the  
16 estimated expenditure is [three thousand dollars or] over six  
17 thousand dollars, the commission shall post notice of the  
18 proposed purchase[. Where the estimated expenditure is five  
19 thousand dollars or over, The commission shall also] and  
20 advertise the commission's intent to make such purchase in at  
21 least one daily and one weekly newspaper of general circulation  
22 in such places as are most likely to reach prospective bidders or  
23 offerors and may provide such information through an electronic  
24 medium available to the general public at least ten days before  
25 the contract is to be let.

26 3. Notwithstanding subsection 2 of this section to the  
27 contrary, on any single feasible service purchase by any county  
28 of the first classification with more than one hundred fifty

1 thousand but fewer than two hundred thousand inhabitants or any  
2 county of the first classification with more than two hundred  
3 sixty thousand but fewer than three hundred thousand inhabitants  
4 where the estimated expenditure is over six thousand dollars [or  
5 over], the commission shall post notice of the proposed purchase  
6 and advertise the commission's intent to make such purchase in at  
7 least one daily and one weekly newspaper of general circulation  
8 in such places as are most likely to reach prospective bidders or  
9 offerors and may provide such information through an electronic  
10 medium available to the general public at least ten days before  
11 the contract is to be let.

12 54.140. It shall be the duty of the county treasurer to  
13 separate and divide the revenues of such county in his hands and  
14 as they come into his hands in compliance with the provision of  
15 law; and it shall be his duty to pay out the revenues thus  
16 subdivided, on warrants issued by order of the commission, on the  
17 respective funds so set apart and subdivided, and not otherwise;  
18 and for this purpose the treasurer shall have access to any  
19 document in the possession of any county employee or official  
20 that the treasurer requests for the purpose of reviewing a  
21 warrant, keep a separate account with the county commission of  
22 each fund which several funds shall be known and designated as  
23 provided by law; and no warrant shall be paid out of any fund  
24 other than that upon which it has been drawn by order of the  
25 commission as aforesaid. No employee or official of any county  
26 shall refuse a request from the county treasurer for access to,  
27 review of, or a copy of any document in the possession of a  
28 county official or employee that the county treasurer deems

1 relevant to his or her duties under section 50.330. Any county  
2 treasurer or other county officer or employee, who shall fail or  
3 refuse to perform the duties required of him or them under the  
4 provisions of this section and chapters 136 to 154, and in the  
5 express manner provided and directed, shall be guilty of a  
6 misdemeanor, and, upon conviction thereof, shall be punished by a  
7 fine of not less than one hundred dollars, and not more than five  
8 hundred dollars, and in addition to such punishment, his office  
9 shall become vacant.

10 65.610. 1. Upon the petition of at least ten percent of  
11 voters at the last general election of any county having  
12 heretofore adopted township organization, praying therefor, the  
13 county commission shall submit the question of the abolition of  
14 township organization to the voters of the county at a general or  
15 special election. The question shall include a countywide tax  
16 levy for road and bridge purposes. The total vote for governor  
17 at the last general election before the filing of the petition  
18 where a governor was elected shall be used to determine the  
19 number of voters necessary to sign the petition. If the petition  
20 is filed six months or more prior to a general election, the  
21 proposition shall be submitted at a special election to be  
22 ordered by the county commission within sixty days after the  
23 petition is filed; if the petition is filed less than six months  
24 before a general election, then the proposition shall be  
25 submitted at the general election next succeeding the filing of  
26 the petition. The election shall be conducted, the vote  
27 canvassed and the result declared in the same manner as provided  
28 by law in respect to elections of county officers. The clerk of

1 the county commission shall give notice that a proposition for  
2 the abolition of township organization form of county government  
3 in the county is to be voted upon by causing a copy of the order  
4 of the county commission authorizing such election to be  
5 published at least once each week for three successive weeks, the  
6 last insertion to be not more than one week prior to the  
7 election, in some newspaper published in the county where the  
8 election is to be held, if there is a newspaper published in the  
9 county and, if not, by posting printed or written handbills in at  
10 least two public places in each election precinct in the county  
11 at least twenty-one days prior to the date of election. The  
12 clerk of the county commission shall provide the ballot which  
13 shall be printed and in substantially the following form:

14 OFFICIAL BALLOT

15 (Check the one for which you wish to vote)

16 Shall township organization form of county government be  
17 abolished in \_\_\_\_\_ County and a countywide ..... tax at a  
18 rate of ..... collected for road and bridge purposes?

19  YES

NO

20  
21 If a majority of the electors voting upon the proposition shall  
22 vote for the abolition thereof the township organization form of  
23 county government shall be declared to have been abolished; and  
24 township organization shall cease in said county; and except as  
25 provided in section 65.620 all laws in force in relation to  
26 counties not having township organization shall immediately take  
27 effect and be in force in such county.

28 2. No election or any proposal for either the adoption of



1 township organization or for the abolition of township  
2 organization in any county shall be held within two years after  
3 an election is held under this section.

4 65.620. 1. Whenever any county abolishes township  
5 organization the county treasurer and ex officio collector shall  
6 immediately settle his accounts as treasurer with the county  
7 commission and shall thereafter perform all duties, exercise all  
8 powers, have all rights and be subject to all liabilities imposed  
9 and conferred upon the county collector of revenue under chapter  
10 52 until the first Monday in March after the general election  
11 next following the abolishment of township organization and until  
12 a collector of revenue for the county is elected and qualified.  
13 The person elected collector at the general election as  
14 aforesaid, if that election is not one for collector of revenue  
15 under chapter 52, shall serve until the first Monday in March  
16 following the election and qualification of a collector of  
17 revenue under chapter 52. Upon abolition of township  
18 organization a county treasurer shall be appointed to serve until  
19 the expiration of the term of such officer pursuant to chapter  
20 54.

21 2. Upon abolition of township organization, title to all  
22 property of all kinds theretofore owned by the several townships  
23 of the county shall vest in the county and the county shall be  
24 liable for all outstanding obligations and liabilities of the  
25 several townships.

26 3. The terms of office of all township officers shall  
27 expire on the abolition of township organization and the township  
28 trustee of each township shall immediately settle his accounts

1 with the county clerk and all township officers shall promptly  
2 deliver to the appropriate county officers, as directed by the  
3 county commission, all books, papers, records and property  
4 pertaining to their offices.

5 [4. For a period of one calendar year following the  
6 abolition of the townships or until the voters of the county have  
7 approved a tax levy for road and bridge purposes, whichever  
8 occurs first, the county collector shall continue to collect a  
9 property tax on a countywide basis in an amount equal to the tax  
10 levied by the township that had the lowest total tax rate in the  
11 county immediately prior to the abolishment of the townships.  
12 The continued collection of the tax shall be considered a  
13 continuation of an existing tax and shall not be considered a new  
14 tax levy.]

15 67.617. 1. Each regional convention and visitors  
16 commission shall, before the second Monday in October, make an  
17 annual report to the chief executive officers and governing  
18 bodies of the city and county, respectively, and to the general  
19 assembly stating the condition of the commission on the first day  
20 of July of that year, and the various sums of money received and  
21 distributed by it during the preceding calendar year. The fiscal  
22 year for each regional convention and visitors commission shall  
23 begin on the first day of July and end on the thirtieth day of  
24 June of the following calendar year.

25 2. Before the close of the first fiscal year of such  
26 commission, and at the close of every third fiscal year  
27 thereafter, the chief executives of the city and county, jointly,  
28 shall appoint one or more certified public accountants, who shall

1 annually examine the books, accounts, and vouchers of the  
2 regional convention and visitors commission, and who shall make  
3 due report thereof to the chief executives and the board of the  
4 district. The commission shall produce and submit to the  
5 accountants for examination all books, papers, documents,  
6 vouchers, and accounts of their office belonging or pertaining to  
7 the office, and shall in every way assist the accountants in  
8 their work. In the report to be made by the accountants they may  
9 make any recommendation they deem proper as to the business  
10 methods of the officers and employees. A reasonable compensation  
11 for the services of the accountants shall be paid by the  
12 commission.

13 3. In addition to the exceptions available under [sections  
14 610.010 to 610.225] chapter 610, the leases, agreements,  
15 contracts, or subleases, and any amendments thereto, for space,  
16 usage, or services in any convention center or related facilities  
17 owned or operated by a regional convention and visitors  
18 commission, or any drafts or unexecuted versions of such  
19 documents, shall not be considered public records within the  
20 meaning of subdivision (6) of section 610.010, when, in the  
21 reasonable judgment of the commission, the disclosure of the  
22 information in the records may endanger the competitiveness of  
23 the business or prospects of the commission or provide an unfair  
24 advantage to its competitors; provided, however, that the  
25 foregoing may not be deemed to include any leases, agreements,  
26 contracts, or subleases involving a professional sports  
27 franchise.

28 70.370. Within sixty days after this section becomes

1 effective, the governor by and with the advice and consent of the  
2 senate shall appoint three commissioners to enter into a compact  
3 on behalf of the state of Missouri with the state of Illinois.  
4 If the senate is not in session at the time for making any  
5 appointment, the governor shall make a temporary appointment as  
6 in case of a vacancy. Any two of the commissioners so appointed  
7 together with the attorney general of the state of Missouri may  
8 act to enter into the following compact:

9 COMPACT BETWEEN MISSOURI AND ILLINOIS  
10 CREATING THE BI-STATE DEVELOPMENT AGENCY  
11 AND THE BI-STATE METROPOLITAN DISTRICT

12 The states of Missouri and Illinois enter into the following  
13 agreement:

14 ARTICLE I

15 They agree to and pledge each to the other faithful  
16 cooperation in the future planning and development of the  
17 bi-state metropolitan district, holding in high trust for the  
18 benefit of its people and of the nation the special blessings and  
19 natural advantages thereof.

20 ARTICLE II

21 To that end the two states create a district to be known as  
22 the "Bi-State Metropolitan Development District" (herein referred  
23 to as "The District" ) which shall embrace the following  
24 territory: The City of St. Louis and the counties of St. Louis  
25 and St. Charles [and], Jefferson, and Franklin in Missouri, and  
26 the counties of Madison, St. Clair, and Monroe in Illinois.

27 ARTICLE III

28 There is created "The Bi-State Development Agency of the

1 Missouri-Illinois Metropolitan District" (herein referred to as  
2 "The Bi-State Agency" ) which shall be a body corporate and  
3 politic. The bi-state agency shall have the following powers:

4 (1) To plan, construct, maintain, own and operate bridges,  
5 tunnels, airports and terminal facilities and to plan and  
6 establish policies for sewage and drainage facilities;

7 (2) To make plans for submission to the communities  
8 involved for coordination of streets, highways, parkways, parking  
9 areas, terminals, water supply and sewage and disposal works,  
10 recreational and conservation facilities and projects, land use  
11 pattern and other matters in which joint or coordinated action of  
12 the communities within the areas will be generally beneficial;

13 (3) To charge and collect fees for use of the facilities  
14 owned and operated by it;

15 (4) To issue bonds upon the security of the revenues to be  
16 derived from such facilities; and, or upon any property held or  
17 to be held by it;

18 (5) To receive for its lawful activities any contributions  
19 or moneys appropriated by municipalities, counties, state or  
20 other political subdivisions or agencies; or by the federal  
21 government or any agency or officer thereof;

22 (6) To disburse funds for its lawful activities, and fix  
23 salaries and wages of its officers and employees;

24 (7) To perform all other necessary and incidental  
25 functions; and

26 (8) To exercise such additional powers as shall be  
27 conferred on it by the legislature of either state concurred in  
28 by the legislature of the other or by act of congress.

1           No property now or hereafter vested in or held by either  
2 state, or by any county, city, borough, village, township or  
3 other political subdivision, shall be taken by the bi-state  
4 agency without the authority or consent of such state, county,  
5 city, borough, village, township or other political subdivision,  
6 nor shall anything herein impair or invalidate in any way any  
7 bonded indebtedness of such state, county, city, borough,  
8 village, township or other political subdivision, nor impair the  
9 provisions of law regulating the payment into sinking funds of  
10 revenues derived from municipal property, or dedicating the  
11 revenues derived from any municipal property to a specific  
12 purpose.

13           Unless and until otherwise provided, it shall make an annual  
14 report to the governor of each state, setting forth in detail the  
15 operations and transactions conducted by it pursuant to this  
16 agreement and any legislation thereunder.

17           Nothing contained in this compact shall impair the powers of  
18 any municipality to develop or improve terminal or other  
19 facilities.

20           The bi-state agency shall from time to time make plans for  
21 the development of the district; and when such plans are duly  
22 approved by the legislatures of the two states, they shall be  
23 binding upon both states with the same force and effect as if  
24 incorporated in this compact.

25           The bi-state agency may from time to time make  
26 recommendations to the legislatures of the two states or to the  
27 Congress of the United States, based upon study and analysis, for  
28 the improvement of transportation, terminal, and other facilities

1 in the district.

2 The bi-state agency may petition any interstate commerce  
3 commission (or like body), public service commission, public  
4 utilities commission (or like body), or any other federal,  
5 municipal, state or local authority, administrative, judicial or  
6 legislative, having jurisdiction in the premises, for the  
7 adoption and execution of any physical improvements, change in  
8 method, rate of transportation, system of handling freight,  
9 warehousing, docking, lightering, or transfer of freight, which,  
10 in the opinion of the bi-state agency, may be designed to improve  
11 or better the handling of commerce in and through the district,  
12 or improve terminal and transportation facilities therein. It  
13 may intervene in any proceeding affecting the commerce of the  
14 district.

15 ARTICLE IV

16 The bi-state agency shall consist of ten commissioners, five  
17 of whom shall be resident voters of the state of Missouri and  
18 five of whom shall be resident voters of the state of Illinois.  
19 All commissioners shall reside within the bi-state district, the  
20 Missouri members to be chosen by the state of Missouri and the  
21 Illinois members by the state of Illinois in the manner and for  
22 the terms fixed by the legislature of each state except as herein  
23 provided.

24 ARTICLE V

25 The bi-state agency shall elect from its number a chairman,  
26 a vice chairman, and may appoint such officers and employees as  
27 it may require for the performance of its duties, and shall fix  
28 and determine their qualifications and duties.





1 practicable and is vested with all necessary and appropriate  
2 powers not inconsistent with the constitution or the laws of the  
3 United States or of either state, to effectuate the same, except  
4 the power to levy taxes or assessments.

5 It shall render such advice, suggestion and assistance to  
6 all municipal officials as will permit all local and municipal  
7 improvements, so far as practicable, to fit in with the plan.

8 ARTICLE VII

9 In witness thereof, we have hereunto set our hands and seals  
10 under authority vested in us by law.

11 (Signed)

12 In the presence of:

13 (Signed)

14 71.015. 1. Should any city, town, or village, not located  
15 in any county of the first classification which has adopted a  
16 constitutional charter for its own local government, seek to  
17 annex an area to which objection is made, the following shall be  
18 satisfied:

19 (1) Before the governing body of any city, town, or village  
20 has adopted a resolution to annex any unincorporated area of  
21 land, such city, town, or village shall first as a condition  
22 precedent determine that the land to be annexed is contiguous to  
23 the existing city, town, or village limits and that the length of  
24 the contiguous boundary common to the existing city, town, or  
25 village limit and the proposed area to be annexed is at least  
26 fifteen percent of the length of the perimeter of the area  
27 proposed for annexation.

28 (2) The governing body of any city, town, or village shall

1 propose an ordinance setting forth the following:

2 (a) The area to be annexed and affirmatively stating that  
3 the boundaries comply with the condition precedent referred to in  
4 subdivision (1) above;

5 (b) That such annexation is reasonable and necessary to the  
6 proper development of the city, town, or village;

7 (c) That the city has developed a plan of intent to provide  
8 services to the area proposed for annexation;

9 (d) That a public hearing shall be held prior to the  
10 adoption of the ordinance;

11 (e) When the annexation is proposed to be effective, the  
12 effective date being up to thirty-six months from the date of any  
13 election held in conjunction thereto.

14 (3) The city, town, or village shall fix a date for a  
15 public hearing on the ordinance and make a good faith effort to  
16 notify all fee owners of record within the area proposed to be  
17 annexed by certified mail, not less than thirty nor more than  
18 sixty days before the hearing, and notify all residents of the  
19 area by publication of notice in a newspaper of general  
20 circulation qualified to publish legal matters in the county or  
21 counties where the proposed area is located, at least once a week  
22 for three consecutive weeks prior to the hearing, with at least  
23 one such notice being not more than twenty days and not less than  
24 ten days before the hearing.

25 (4) At the hearing referred to in subdivision (3) of this  
26 subsection, the city, town, or village shall present the plan of  
27 intent and evidence in support thereof to include:

28 (a) A list of major services presently provided by the

1 city, town, or village including, but not limited to, police and  
2 fire protection, water and sewer systems, street maintenance,  
3 parks and recreation, and refuse collection;

4 (b) A proposed time schedule whereby the city, town, or  
5 village plans to provide such services to the residents of the  
6 proposed area to be annexed within three years from the date the  
7 annexation is to become effective;

8 (c) The level at which the city, town, or village assesses  
9 property and the rate at which it taxes that property;

10 (d) How the city, town, or village proposes to zone the  
11 area to be annexed;

12 (e) When the proposed annexation shall become effective.

13 (5) Following the hearing, and either before or after the  
14 election held in subdivision (6) of this subsection, should the  
15 governing body of the city, town, or village vote favorably by  
16 ordinance to annex the area, the governing body of the city, town  
17 or village shall file an action in the circuit court of the  
18 county in which such unincorporated area is situated, under the  
19 provisions of chapter 527, praying for a declaratory judgment  
20 authorizing such annexation. The petition in such action shall  
21 state facts showing:

22 (a) The area to be annexed and its conformity with the  
23 condition precedent referred to in subdivision (1) of this  
24 subsection;

25 (b) That such annexation is reasonable and necessary to the  
26 proper development of the city, town, or village; and

27 (c) The ability of the city, town, or village to furnish  
28 normal municipal services of the city, town, or village to the

1 unincorporated area within a reasonable time not to exceed three  
2 years after the annexation is to become effective. Such action  
3 shall be a class action against the inhabitants of such  
4 unincorporated area under the provisions of section 507.070.

5 (6) Except as provided in subsection 3 of this section, if  
6 the court authorizes the city, town, or village to make an  
7 annexation, the legislative body of such city, town, or village  
8 shall not have the power to extend the limits of the city, town,  
9 or village by such annexation until an election is held at which  
10 the proposition for annexation is approved by a majority of the  
11 total votes cast in the city, town, or village and by a separate  
12 majority of the total votes cast in the unincorporated territory  
13 sought to be annexed. However, should less than a majority of  
14 the total votes cast in the area proposed to be annexed vote in  
15 favor of the proposal, but at least a majority of the total votes  
16 cast in the city, town, or village vote in favor of the proposal,  
17 then the proposal shall again be voted upon in not more than one  
18 hundred twenty days by both the registered voters of the city,  
19 town, or village and the registered voters of the area proposed  
20 to be annexed. If at least two-thirds of the qualified electors  
21 voting thereon are in favor of the annexation, then the city,  
22 town, or village may proceed to annex the territory. If the  
23 proposal fails to receive the necessary majority, no part of the  
24 area sought to be annexed may be the subject of another proposal  
25 to annex for a period of two years from the date of the election,  
26 except that, during the two-year period, the owners of all fee  
27 interests of record in the area or any portion of the area may  
28 petition the city, town, or village for the annexation of the

1 land owned by them pursuant to the procedures in section 71.012.  
2 The elections shall if authorized be held, except as herein  
3 otherwise provided, in accordance with the general state law  
4 governing special elections, and the entire cost of the election  
5 or elections shall be paid by the city, town, or village  
6 proposing to annex the territory.

7 (7) Failure to comply in providing services to the said  
8 area or to zone in compliance with the plan of intent within  
9 three years after the effective date of the annexation, unless  
10 compliance is made unreasonable by an act of God, shall give rise  
11 to a cause of action for deannexation which may be filed in the  
12 circuit court by any resident of the area who was residing in the  
13 area at the time the annexation became effective.

14 (8) No city, town, or village which has filed an action  
15 under this section as this section read prior to May 13, 1980,  
16 which action is part of an annexation proceeding pending on May  
17 13, 1980, shall be required to comply with subdivision (5) of  
18 this subsection in regard to such annexation proceeding.

19 (9) If the area proposed for annexation includes a public  
20 road or highway but does not include all of the land adjoining  
21 such road or highway, then such fee owners of record, of the  
22 lands adjoining said highway shall be permitted to intervene in  
23 the declaratory judgment action described in subdivision (5) of  
24 this subsection.

25 2. Notwithstanding any provision of subsection 1 of this  
26 section, for any annexation by any city with a population of  
27 three hundred fifty thousand or more inhabitants which is located  
28 in more than one county that becomes effective after August 28,

1 1994, if such city has not provided water and sewer service to  
2 such annexed area within three years of the effective date of the  
3 annexation, a cause of action shall lie for deannexation, unless  
4 the failure to provide such water and sewer service to the  
5 annexed area is made unreasonable by an act of God. The cause of  
6 action for deannexation may be filed in the circuit court by any  
7 resident of the annexed area who is presently residing in the  
8 area at the time of the filing of the suit and was a resident of  
9 the annexed area at the time the annexation became effective. If  
10 the suit for deannexation is successful, the city shall be liable  
11 for all court costs and attorney fees.

12 3. Notwithstanding the provisions of subdivision (6) of  
13 subsection 1 of this section, all cities, towns, and villages  
14 located in any county of the first classification with a charter  
15 form of government with a population of two hundred thousand or  
16 more inhabitants which adjoins a county with a population of nine  
17 hundred thousand or more inhabitants shall comply with the  
18 provisions of this subsection. If the court authorizes any city,  
19 town, or village subject to this subsection to make an  
20 annexation, the legislative body of such city, town or village  
21 shall not have the power to extend the limits of such city, town,  
22 or village by such annexation until an election is held at which  
23 the proposition for annexation is approved by a majority of the  
24 total votes cast in such city, town, or village and by a separate  
25 majority of the total votes cast in the unincorporated territory  
26 sought to be annexed; except that:

27 (1) In the case of a proposed annexation in any area which  
28 is contiguous to the existing city, town or village and which is

1 within an area designated as flood plain by the Federal Emergency  
2 Management Agency and which is inhabited by no more than thirty  
3 registered voters and for which a final declaratory judgment has  
4 been granted prior to January 1, 1993, approving such annexation  
5 and where notarized affidavits expressing approval of the  
6 proposed annexation are obtained from a majority of the  
7 registered voters residing in the area to be annexed, the area  
8 may be annexed by an ordinance duly enacted by the governing body  
9 and no elections shall be required; and

10 (2) In the case of a proposed annexation of unincorporated  
11 territory in which no qualified electors reside, if at least a  
12 majority of the qualified electors voting on the proposition are  
13 in favor of the annexation, the city, town or village may proceed  
14 to annex the territory and no subsequent election shall be  
15 required.

16  
17 If the proposal fails to receive the necessary separate  
18 majorities, no part of the area sought to be annexed may be the  
19 subject of any other proposal to annex for a period of two years  
20 from the date of such election, except that, during the two-year  
21 period, the owners of all fee interests of record in the area or  
22 any portion of the area may petition the city, town, or village  
23 for the annexation of the land owned by them pursuant to the  
24 procedures in section 71.012 or 71.014. The election shall, if  
25 authorized, be held, except as otherwise provided in this  
26 section, in accordance with the general state laws governing  
27 special elections, and the entire cost of the election or  
28 elections shall be paid by the city, town, or village proposing

1 to annex the territory. Failure of the city, town or village to  
2 comply in providing services to the area or to zone in compliance  
3 with the plan of intent within three years after the effective  
4 date of the annexation, unless compliance is made unreasonable by  
5 an act of God, shall give rise to a cause of action for  
6 deannexation which may be filed in the circuit court not later  
7 than four years after the effective date of the annexation by any  
8 resident of the area who was residing in such area at the time  
9 the annexation became effective or by any nonresident owner of  
10 real property in such area.

11 4. Except for a cause of action for deannexation under  
12 subdivision (2) of subsection 3 of this section, any action of  
13 any kind seeking to deannex from any city, town, or village any  
14 area annexed under this section, or seeking in any way to  
15 reverse, invalidate, set aside, or otherwise challenge such  
16 annexation or oust such city, town, or village from jurisdiction  
17 over such annexed area shall be brought within five years of the  
18 date of the adoption of the annexation ordinance.

19 84.510. 1. For the purpose of operation of the police  
20 department herein created, the chief of police, with the approval  
21 of the board, shall appoint such number of police department  
22 employees, including police officers and civilian employees as  
23 the chief of police from time to time deems necessary.

24 2. The base annual compensation of police officers shall be  
25 as follows for the several ranks:

26 (1) Lieutenant colonels, not to exceed five in number, at  
27 not less than seventy-one thousand nine hundred sixty-nine  
28 dollars, nor more than [one hundred thirty-three thousand eight



1 hundred eighty-eight] one hundred forty-six thousand one hundred  
2 twenty four dollars per annum each;

3 (2) Majors at not less than sixty-four thousand six hundred  
4 seventy-one dollars, nor more than [one hundred twenty-two  
5 thousand one hundred fifty-three] one hundred thirty-three  
6 thousand three hundred twenty dollars per annum each;

7 (3) Captains at not less than fifty-nine thousand five  
8 hundred thirty-nine dollars, nor more than [one hundred eleven  
9 thousand four hundred thirty-four] one hundred twenty-one  
10 thousand six hundred eight dollars per annum each;

11 (4) Sergeants at not less than forty-eight thousand six  
12 hundred fifty-nine dollars, nor more than [ninety-seven thousand  
13 eighty-six] one hundred six thousand five hundred sixty dollars  
14 per annum each;

15 (5) Master patrol officers at not less than fifty-six  
16 thousand three hundred four dollars, nor more than [eighty-seven  
17 thousand seven hundred one] ninety-four thousand three hundred  
18 thirty-two dollars per annum each;

19 (6) Master detectives at not less than fifty-six thousand  
20 three hundred four dollars, nor more than [eighty-seven thousand  
21 seven hundred one] ninety-four thousand three hundred thirty-two  
22 dollars per annum each;

23 (7) Detectives, investigators, and police officers at not  
24 less than twenty-six thousand six hundred forty-three dollars,  
25 nor more than [eighty-two thousand six hundred nineteen] eighty-  
26 seven thousand six hundred thirty-six dollars per annum each.

27 3. The board of police commissioners has the authority by  
28 resolution to effect a comprehensive pay schedule program to

1 provide for step increases with separate pay rates within each  
2 rank, in the above-specified salary ranges from police officers  
3 through chief of police.

4 4. Officers assigned to wear civilian clothes in the  
5 performance of their regular duties may receive an additional one  
6 hundred fifty dollars per month clothing allowance. Uniformed  
7 officers may receive seventy-five dollars per month uniform  
8 maintenance allowance.

9 5. The chief of police, subject to the approval of the  
10 board, shall establish the total regular working hours for all  
11 police department employees, and the board has the power, upon  
12 recommendation of the chief, to pay additional compensation for  
13 all hours of service rendered in excess of the established  
14 regular working period, but the rate of overtime compensation  
15 shall not exceed one and one-half times the regular hourly rate  
16 of pay to which each member shall normally be entitled. No  
17 credit shall be given nor deductions made from payments for  
18 overtime for the purpose of retirement benefits.

19 6. The board of police commissioners, by majority  
20 affirmative vote, including the mayor, has the authority by  
21 resolution to authorize incentive pay in addition to the base  
22 compensation as provided for in subsection 2 of this section, to  
23 be paid police officers of any rank who they determine are  
24 assigned duties which require an extraordinary degree of skill,  
25 technical knowledge and ability, or which are highly demanding or  
26 unusual. No credit shall be given nor deductions made from these  
27 payments for the purpose of retirement benefits.

28 7. The board of police commissioners may effect programs to

1 provide additional compensation for successful completion of  
2 academic work at an accredited college or university. No credit  
3 shall be given nor deductions made from these payments for the  
4 purpose of retirement benefits.

5 8. The additional pay increments provided in subsections 6  
6 and 7 of this section shall not be considered a part of the base  
7 compensation of police officers of any rank and shall not exceed  
8 ten percent of what the officer would otherwise be entitled to  
9 pursuant to subsections 2 and 3 of this section.

10 9. Not more than twenty-five percent of the officers in any  
11 rank who are receiving the maximum rate of pay authorized by  
12 subsections 2 and 3 of this section may receive the additional  
13 pay increments authorized by subsections 6 and 7 of this section  
14 at any given time. However, any officer receiving a pay  
15 increment provided pursuant to the provisions of subsections 6  
16 and 7 of this section shall not be deprived of such pay increment  
17 as a result of the limitations of this subsection.

18 88.770. 1. The board of aldermen may provide for and  
19 regulate the lighting of streets and the erection of lamp posts,  
20 poles and lights therefor, and may make contracts with any  
21 person, association or corporation, either private or municipal,  
22 for the lighting of the streets and other public places of the  
23 city with gas, electricity or otherwise, except that each initial  
24 contract shall be ratified by a majority of the voters of the  
25 city voting on the question and any renewal contract or extension  
26 shall be subject to voter approval of the majority of the voters  
27 voting on the question, pursuant to the provisions of section  
28 88.251. The board of aldermen may erect, maintain and operate

1 gas works, electric light works, or light works of any other kind  
2 or name, and to erect lamp posts, electric light poles, or any  
3 other apparatus or appliances necessary to light the streets,  
4 avenues, alleys or other public places, and to supply private  
5 lights for the use of the inhabitants of the city and its  
6 suburbs, and may regulate the same, and may prescribe and  
7 regulate the rates to be paid by the consumers thereof, and may  
8 acquire by purchase, donation or condemnation suitable grounds  
9 within or without the city upon which to erect such works and the  
10 right-of-way to and from such works, and also the right-of-way  
11 for laying gas pipes, electric wires under or above the grounds,  
12 and erecting posts and poles and such other apparatus and  
13 appliances as may be necessary for the efficient operation of  
14 such works. The board of aldermen may, in its discretion, grant  
15 the right to any person, persons or corporation, to erect such  
16 works and lay the pipe, wires, and erect the posts, poles and  
17 other necessary apparatus and appliances therefor, upon such  
18 terms as may be prescribed by ordinance. Such rights shall not  
19 extend for a longer time than twenty years, but may be renewed  
20 for another period or periods not to exceed twenty years per  
21 period. Every initial grant shall be approved by a majority of  
22 the voters of the municipality voting on the question, and each  
23 renewal or extension of such rights shall be subject to voter  
24 approval of the majority of the voters voting on the question,  
25 pursuant to the provisions of section 88.251. Nothing herein  
26 contained shall be so construed as to prevent the board of  
27 aldermen from contracting with any person, persons or corporation  
28 for furnishing the city with gas or electric lights in cities

1 where franchises have already been granted, and where gas or  
2 electric light plants already exist, without a vote of the  
3 people, except that the board of aldermen may sell, convey,  
4 encumber, lease, abolish or otherwise dispose of any public  
5 utilities owned by the city including electric light systems,  
6 electric distribution systems or transmission lines, or any part  
7 of the electric light systems, electric or other heat systems,  
8 electric or other power systems, electric or other railways, gas  
9 plants, telephone systems, telegraph systems, transportation  
10 systems of any kind, waterworks, equipments and all public  
11 utilities not herein enumerated and everything acquired therefor,  
12 after first having passed an ordinance setting forth the terms of  
13 the sale, conveyance or encumbrance and when ratified by  
14 two-thirds of the voters voting on the question, except for the  
15 sale of a water or wastewater system, or the sale of a gas plant,  
16 which shall be authorized by a simple majority vote of the voters  
17 voting on the question. In the event of the proposed sale of a  
18 water or wastewater system, or a gas plant, the board of alderman  
19 shall hold a public meeting on such proposed sale at least thirty  
20 days prior to the vote.

21 2. The ballots shall be substantially in the following form  
22 and shall indicate the property, or portion thereof, and whether  
23 the same is to be sold, leased or encumbered:

24 Shall \_\_\_\_\_  
25 (Indicate the property by stating whether electric  
26 distribution system, electric transmission lines or  
27 waterworks, etc.) be \_\_\_\_\_ (Indicate whether  
28 sold, leased or encumbered.)?

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

3           (a) Any city of the third classification with more than ten  
4 thousand eight hundred but less than ten thousand nine hundred  
5 inhabitants located at least partly within a county of the first  
6 classification with more than one hundred eighty-four thousand  
7 but less than one hundred eighty-eight thousand inhabitants;

8           (b) Any city of the fourth classification with more than  
9 four thousand five hundred but fewer than five thousand  
10 inhabitants;

11           (c) Any city of the fourth classification with more than  
12 eight thousand nine hundred but fewer than nine thousand  
13 inhabitants;

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

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

18           (f) Any city of the fourth classification with more than  
19 thirteen thousand five hundred but fewer than sixteen thousand  
20 inhabitants; [or]

21           (g) Any city of the fourth classification with more than  
22 seven thousand but fewer than eight thousand inhabitants;

23           (h) Any city of the fourth classification with more than  
24 four thousand but fewer than four thousand five hundred  
25 inhabitants and located in any county of the first classification  
26 with more than one hundred fifty thousand but fewer than two  
27 hundred thousand inhabitants; or

28           (i) Any city of the third classification with more than

1 thirteen thousand but fewer than fifteen thousand inhabitants and  
2 located in any county of the third classification without a  
3 township form of government and with more than thirty-three  
4 thousand but fewer than thirty-seven 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 name) impose a citywide  
26 sales tax of \_\_\_\_\_ (insert amount) for the purpose of improving  
27 the public safety of the city?

28  YES

NO

1           If you are in favor of the question, place an "X" in the box  
2 opposite "YES". If you are opposed to the question, place an "X"  
3 in the box opposite "NO".  
4

5           If a majority of the votes cast on the proposal by the qualified  
6 voters voting thereon are in favor of the proposal submitted  
7 pursuant to this subsection, then the ordinance or order and any  
8 amendments thereto shall be in effect on the first day of the  
9 second calendar quarter after the director of revenue receives  
10 notification of adoption of the local sales tax. If a proposal  
11 receives less than the required majority, then the governing body  
12 of the city shall have no power to impose the sales tax herein  
13 authorized unless and until the governing body of the city shall  
14 again have submitted another proposal to authorize the governing  
15 body of the city to impose the sales tax authorized by this  
16 section and such proposal is approved by the required majority of  
17 the qualified voters voting thereon. However, in no event shall  
18 a proposal pursuant to this section be submitted to the voters  
19 sooner than twelve months from the date of the last proposal  
20 pursuant to this section.

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

26           4. Once the tax authorized by this section is abolished or  
27 is terminated by any means, all funds remaining in the special  
28 trust fund shall be used solely for improving the public safety



1 for the city. Any funds in such special trust fund which are not  
2 needed for current expenditures may be invested by the governing  
3 body in accordance with applicable laws relating to the  
4 investment of other city funds.

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

1 adopted by the governing body submitting the tax to the voters.

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

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

23 105.030. 1. Whenever any vacancy, caused in any manner or  
24 by any means whatsoever, occurs or exists in any state or county  
25 office originally filled by election of the people, other than in  
26 the offices of lieutenant governor, state senator or  
27 representative, sheriff, or recorder of deeds in [the] any city  
28 [of St. Louis] not within a county, the vacancy shall be filled

1 by appointment by the governor [except that when a vacancy occurs  
2 in the office of county assessor after a general election at  
3 which a person other than the incumbent has been elected, the  
4 person so elected shall be appointed to fill the remainder of the  
5 unexpired term; and], unless otherwise provided by law.

6 2. The person appointed after duly qualifying and entering  
7 upon the discharge of his or her duties under the appointment  
8 shall continue in office until the first Monday in January next  
9 following the first ensuing general election, at which general  
10 election a person shall be elected to fill the unexpired portion  
11 of the term, or for the ensuing regular term, as the case may be,  
12 and the person so elected shall enter upon the discharge of the  
13 duties of the office the first Monday in January next following  
14 his or her election[, except that when the term to be filled  
15 begins on any day other than the first Monday in January, the  
16 appointee of the governor shall be entitled to hold the office  
17 until such other date].

18 3. (1) Notwithstanding subsection 1 of this section or any  
19 other provision of law to the contrary, when any vacancy, caused  
20 in any manner or by any means whatsoever, occurs or exists in any  
21 county office, the county commission shall, no later than  
22 fourteen days after the occurrence of the vacancy, fill the  
23 vacancy by appointment, and the person so appointed by the county  
24 commission after duly qualifying and entering upon the discharge  
25 of his or her duties under the appointment shall continue in  
26 office until the governor fills the vacancy by appointment under  
27 subsection 1 of this section or until the vacancy is filled by  
28 operation of another provision of law.

1       (2) In any county with only two county commissioners, if  
2 the commissioners cannot agree upon an appointee, the acting  
3 presiding commissioner shall fill the vacancy by appointment as  
4 required under subdivision (1) of this subsection.

5       4. The provisions of this section shall not apply to:

6       (1) Vacancies in county offices in any county which has  
7 adopted a charter for its own government under Section 18,  
8 Article VI of the Constitution; or

9       (2) Vacancies in the office of any associate circuit judge,  
10 circuit clerk, prosecuting attorney, or circuit attorney.

11       5. Any vacancy in the office of recorder of deeds in [the]  
12 any city [of St. Louis] not within a county shall be filled by  
13 appointment by the mayor of that city.

14       115.124. 1. Notwithstanding any other law to the contrary,  
15 in a nonpartisan election in any political subdivision or special  
16 district including municipal elections in any city, town, or  
17 village with [one] two thousand or fewer inhabitants that have  
18 adopted a proposal pursuant to subsection 3 of this section but  
19 excluding municipal elections in any city, town, or village with  
20 more than [one] two thousand inhabitants, if the notice provided  
21 for in subsection 5 of section 115.127 has been published in at  
22 least one newspaper of general circulation as defined in section  
23 493.050 in the district, and [if the number of candidates who  
24 have filed for a particular office is equal to the number of  
25 positions in that office to be filled by the election, no  
26 election shall be held for such office] if the number of  
27 candidates for each office in a particular political subdivision,  
28 special district, or municipality is equal to the number of

1 positions for each office within the political subdivision,  
2 special district, or municipality to be filled by the election  
3 and no ballot measure is placed on the ballot such that a  
4 particular political subdivision will owe no proportional  
5 elections costs if an election is not held, no election shall be  
6 held, and the candidates shall assume the responsibilities of  
7 their offices at the same time and in the same manner as if they  
8 had been elected. If no election is held for [such office] a  
9 particular political subdivision, special district, or  
10 municipality as provided in this section, the election authority  
11 shall publish a notice containing the names of the candidates  
12 that shall assume the responsibilities of office under this  
13 section. Such notice shall be published in at least one  
14 newspaper of general circulation as defined in section 493.050 in  
15 such political subdivision or district by the first of the month  
16 in which the election would have occurred, had it been contested.  
17 Notwithstanding any other provision of law to the contrary, if at  
18 any election the number of candidates filing for a particular  
19 office exceeds the number of positions to be filled at such  
20 election, the election authority shall hold the election as  
21 scheduled, even if a sufficient number of candidates withdraw  
22 from such contest for that office so that the number of  
23 candidates remaining after the filing deadline is equal to the  
24 number of positions to be filled.

25 2. The election authority or political subdivision  
26 responsible for the oversight of the filing of candidates in any  
27 nonpartisan election in any political subdivision or special  
28 district shall clearly designate where candidates shall form a

1 line to effectuate such filings and determine the order of such  
2 filings; except that, in the case of candidates who file a  
3 declaration of candidacy with the election authority or political  
4 subdivision prior to 5:00 p.m. on the first day for filing, the  
5 election authority or political subdivision may determine by  
6 random drawing the order in which such candidates' names shall  
7 appear on the ballot. If a drawing is conducted pursuant to this  
8 subsection, it shall be conducted so that each candidate, or  
9 candidate's representative if the candidate filed under  
10 subsection 2 of section 115.355, may draw a number at random at  
11 the time of filing. If such drawing is conducted, the election  
12 authority or political subdivision shall record the number drawn  
13 with the candidate's declaration of candidacy. If such drawing  
14 is conducted, the names of candidates filing on the first day of  
15 filing for each office on each ballot shall be listed in  
16 ascending order of the numbers so drawn.

17 3. The governing body of any city, town, or village with  
18 ~~one~~ two thousand or fewer inhabitants may submit to the voters  
19 at any available election, a question to adopt the provisions of  
20 subsection 1 of this section for municipal elections. If a  
21 majority of the votes cast by the qualified voters voting thereon  
22 are in favor of the question, then the city, town, or village  
23 shall conduct nonpartisan municipal elections as provided in  
24 subsection 1 of this section for all nonpartisan elections  
25 remaining in the year in which the proposal was adopted and for  
26 the six calendar years immediately following such approval. At  
27 the end of such six-year period, each such city, town, or village  
28 shall be prohibited from conducting such elections in such a

1 manner unless such a question is again adopted by the majority of  
2 qualified voters as provided in this subsection.

3 137.556. 1. Notwithstanding the provisions of section  
4 137.555, any county of the second class which now has or may  
5 hereafter have more than one hundred thousand inhabitants, and  
6 any county of the first class not having a charter form of  
7 government, shall expend not less than twenty-five percent of the  
8 moneys accruing to it from the county's special road and bridge  
9 tax levied upon property situated within the limits of any city,  
10 town or village within the county for the repair and improvement  
11 of existing roads, streets and bridges within the city, town or  
12 village from which such moneys accrued, except that any county of  
13 the ~~[second]~~ first classification with more than sixty-five  
14 thousand but fewer than seventy-five thousand inhabitants and  
15 with a county seat with more than fifteen thousand but fewer than  
16 seventeen thousand inhabitants shall not be required to expend  
17 such moneys as prescribed in this section.

18 2. The city council or other governing body of the city,  
19 town or village shall designate the roads, streets and bridges to  
20 be repaired and improved and shall specify the kinds and types of  
21 materials to be used.

22 3. The county commission may make and supervise the  
23 improvements or the city, town or village, with the consent and  
24 approval of the county commission, may provide for the repairs  
25 and improvement by private contract and, in either case, the  
26 county commission shall pay the costs thereof out of any funds  
27 available under the provisions of this section.

28 162.441. 1. If any school district desires to be attached

1 to a community college district organized under sections 178.770  
2 to 178.890 or to one or more adjacent seven-director school  
3 districts for school purposes, upon the receipt of a petition  
4 setting forth such fact, signed either by voters of the district  
5 equal in number to ten percent of those voting in the last school  
6 election at which school board members were elected or by a  
7 majority of the voters of the district, whichever is the lesser,  
8 the school board of the district desiring to be so attached shall  
9 submit the question to the voters.

10 2. As an alternative to the procedure in subsection 1 of  
11 this section, a seven-director district may, by a majority vote  
12 of its board of education, propose a plan to the voters of the  
13 district to attach the district to one or more adjacent  
14 seven-director districts and call [for] an election upon the  
15 question of such plan.

16 3. As an alternative to the procedures in subsection 1 or 2  
17 of this section, a community college district organized under  
18 sections 178.770 to 178.890 may, by a majority vote of its board  
19 of trustees, propose a plan to the voters of the school district  
20 to attach the school district to the community college district,  
21 levy the tax rate applicable to the community college district at  
22 the time of the vote of the board of trustees, and call an  
23 election upon the question of such plan. The community college  
24 district shall be responsible for the costs associated with the  
25 election.

26 4. A plat of the proposed changes to all affected districts  
27 shall be published and posted with the notice of election.

28 [4.] 5. The question shall be submitted in substantially



1 the following form:

2 Shall the \_\_\_\_\_ school district be annexed to the \_\_\_\_\_  
3 school districts effective the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_?

4 [5.] 6. If a majority of the votes cast in the district  
5 proposing annexation favor annexation, the secretary shall  
6 certify the fact, with a copy of the record, to the board of the  
7 district and to the boards of the districts to which annexation  
8 is proposed; whereupon the boards of the seven-director districts  
9 to which annexation is proposed shall meet to consider the  
10 advisability of receiving the district or a portion thereof, and  
11 if a majority of all the members of each board favor annexation,  
12 the boundary lines of the seven-director school districts from  
13 the effective date shall be changed to include the district, and  
14 the board shall immediately notify the secretary of the district  
15 which has been annexed of its action.

16 [6.] 7. Upon the effective date of the annexation, all  
17 indebtedness, property and money on hand belonging thereto shall  
18 immediately pass to the seven-director school district. If the  
19 district is annexed to more than one district, the provisions of  
20 sections 162.031 and 162.041 shall apply.