

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1442

99TH GENERAL ASSEMBLY

Reported from the Committee on Local Government and Elections, April 5, 2018, with recommendation that the Senate Committee Substitute do pass.

5051S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 49.060, 50.660, 50.783, 54.140, 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 70.370, 71.015, 84.510, 88.770, 94.900, 105.030, 115.124, 137.556, 162.441, 227.600, 263.245, and 304.060, RSMo, and to enact in lieu thereof twenty-eight new sections relating to local government, with existing penalty provisions.

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

Section A. Sections 49.060, 50.660, 50.783, 54.140, 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 70.370, 71.015, 84.510, 88.770, 94.900, 105.030, 115.124, 137.556, 162.441, 227.600, 263.245, and 304.060, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 41.657, 44.098, 49.060, 50.660, 50.783, 54.140, 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 70.370, 71.015, 84.510, 88.770, 94.900, 105.030, 115.124, 137.556, 162.441, 227.600, 227.601, 263.245, and 304.060, to read as follows:

41.657. 1. The county governing body or county planning commission, if any, of any county of the second classification with more than fifty-eight thousand but fewer than sixty-five thousand inhabitants, and any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants may adopt ordinances regulating incompatible land uses and structures within all or any portion of the unincorporated area extending up to three thousand feet outward from the boundaries of any National Guard

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 training center if the county has participated in the completion of a
11 joint land use study associated with that training center.

12 2. As used in this section, "incompatible land uses and structures"
13 are determined by the county governing body or county planning
14 commission, if any, to be incompatible with noise, vibration, and other
15 training impacts identified in the joint land use study or the most
16 recent state operational noise management plan. Regulations the
17 county governing body or county planning commission, if any,
18 determines are necessary to effectuate the purposes of this section and
19 the recommendations in the joint land use study or operational noise
20 management plan may include, but are not limited to, density, lot size,
21 outdoor lighting, land use, construction standards, and subdivision of
22 land.

23 3. The county governing body or county planning commission, if
24 any, may also provide for coordination with National Guard officials
25 and notification to current and future property owners with respect to
26 potential incompatible land uses, military training impacts, and the
27 existence of any regulation adopted under this section.

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

2 (1) "Critical incident", an incident that could result in serious
3 physical injury or loss of life;

4 (2) "Kansas border county", the county of Cherokee;

5 (3) "Law enforcement mutual aid region", the counties of Jasper
6 and Newton, including the Joplin metropolitan area, and the Kansas
7 border county and Oklahoma border county as defined in this section;

8 (4) "Oklahoma border counties", the counties of Ottawa and
9 Delaware;

10 (5) "Missouri border counties", the counties of Jasper and
11 Newton.

12 2. All law enforcement officers in the law enforcement mutual
13 aid region shall be permitted in critical incidents to respond to lawful
14 requests for aid in any other jurisdiction in the law enforcement
15 mutual aid region.

16 3. The on-scene incident commander, as defined by the National
17 Incident Management System, shall have the authority to make a
18 request for assistance in a critical incident and shall be responsible for
19 on-scene management until command authority is transferred to

20 another person.

21 4. In the event that an officer makes an arrest or apprehension
22 outside his or her home state, the offender shall be delivered to the
23 first officer who is commissioned in the jurisdiction in which the arrest
24 was made.

25 5. For the purposes of liability, all members of any political
26 subdivision or public safety agency responding under operational
27 control of the requesting political subdivision or public safety agency
28 are deemed employees of such responding political subdivision or
29 public safety agency and are subject to the liability and workers'
30 compensation provisions provided to them as employees of their
31 respective political subdivision or public safety agency. Qualified
32 immunity, sovereign immunity, official immunity, and the public duty
33 rule shall apply to the provisions of this section as interpreted by the
34 federal and state courts of the responding agency.

35 6. If the director of the Missouri department of public safety
36 determines that the state of Kansas has enacted legislation or the
37 governor of Kansas has issued an executive order or similar action that
38 permits Kansas border counties to enter into a similar mutual-aid
39 agreement as described under this section, then the director shall
40 execute and deliver to the governor, the speaker of the house of
41 representatives, and the president pro tempore of the senate a written
42 certification of such determination. Upon the execution and delivery
43 of such written certification and the parties receiving such
44 certification providing a unanimous written affirmation, the provisions
45 of this section shall be effective unless otherwise provided by law.

46 7. If the director of the Missouri department of public safety
47 determines that the state of Oklahoma has enacted legislation or the
48 governor of Oklahoma has issued an executive order or similar action
49 that permits Oklahoma border counties to enter into a similar
50 mutual-aid agreement as described under this section, then the director
51 shall execute and deliver to the governor, the speaker of the house of
52 representatives, and the president pro tempore of the senate a written
53 certification of such determination. Upon the execution and delivery
54 of such written certification and the parties receiving such
55 certification providing a unanimous written affirmation, the provisions
56 of this section shall be effective unless otherwise provided by law.

57 **8. The director of the Missouri department of public safety shall**
58 **notify the revisor of statutes of any changes that would render the**
59 **provisions of this section effective.**

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

5 **2. If at the time the vacancy occurs there is less than one year**
6 **remaining in the unexpired term, the vacancy shall be filled as**
7 **provided in section 105.030, except that the vacancy shall be filled**
8 **within sixty days.**

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

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

 50.660. [1.] All contracts shall be executed in the name of the county, or
2 in the name of a township in a county with a township form of government, by the
3 head of the department or officer concerned, except contracts for the purchase of
4 supplies, materials, equipment or services other than personal made by the officer
5 in charge of purchasing in any county or township having the officer. No contract
6 or order imposing any financial obligation on the county or township is binding
7 on the county or township unless it is in writing and unless there is a balance
8 otherwise unencumbered to the credit of the appropriation to which it is to be
9 charged and a cash balance otherwise unencumbered in the treasury to the credit
10 of the fund from which payment is to be made, each sufficient to meet the
11 obligation incurred and unless the contract or order bears the certification of the
12 accounting officer so stating; except that in case of any contract for public works
13 or buildings to be paid for from bond funds or from taxes levied for the purpose

14 it is sufficient for the accounting officer to certify that the bonds or taxes have
15 been authorized by vote of the people and that there is a sufficient unencumbered
16 amount of the bonds yet to be sold or of the taxes levied and yet to be collected
17 to meet the obligation in case there is not a sufficient unencumbered cash balance
18 in the treasury. All contracts and purchases shall be let to the lowest and best
19 bidder after due opportunity for competition, including advertising the proposed
20 letting in a newspaper in the county or township with a circulation of at least five
21 hundred copies per issue, if there is one, except that the advertising is not
22 required in case of contracts or purchases involving an expenditure of less than
23 six thousand dollars. It is not necessary to obtain bids on any purchase in the
24 amount of [four] ~~six~~ thousand [five hundred] dollars or less made from any one
25 person, firm or corporation during any period of ninety days [or, if the county is
26 any county of the first classification with more than one hundred fifty thousand
27 but fewer than two hundred thousand inhabitants or any county of the first
28 classification with more than two hundred sixty thousand but fewer than three
29 hundred thousand inhabitants, it is not necessary to obtain bids on such
30 purchases in the amount of six thousand dollars or less]. All bids for any
31 contract or purchase may be rejected and new bids advertised for. Contracts
32 which provide that the person contracting with the county or township shall,
33 during the term of the contract, furnish to the county or township at the price
34 therein specified the supplies, materials, equipment or services other than
35 personal therein described, in the quantities required, and from time to time as
36 ordered by the officer in charge of purchasing during the term of the contract,
37 need not bear the certification of the accounting officer, as herein provided; but
38 all orders for supplies, materials, equipment or services other than personal shall
39 bear the certification. In case of such contract, no financial obligation accrues
40 against the county or township until the supplies, materials, equipment or
41 services other than personal are so ordered and the certificate furnished.

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

50.783. 1. The county commission may waive the requirement of
2 competitive bids or proposals for supplies when the commission has determined
3 in writing and entered into the commission minutes that there is only a single
4 feasible source for the supplies. Immediately upon discovering that other feasible
5 sources exist, the commission shall rescind the waiver and proceed to procure the

6 supplies through the competitive processes as described in this chapter. A single
7 feasible source exists when:

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

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

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

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

23 3. Notwithstanding subsection 2 of this section to the contrary, on any
24 single feasible service purchase by any county of the first classification with more
25 than one hundred fifty thousand but fewer than two hundred thousand
26 inhabitants or any county of the first classification with more than two hundred
27 sixty thousand but fewer than three hundred thousand inhabitants where the
28 estimated expenditure is **over** six thousand dollars [or over], the commission
29 shall post notice of the proposed purchase and advertise the commission's intent
30 to make such purchase in at least one daily and one weekly newspaper of general
31 circulation in such places as are most likely to reach prospective bidders or
32 offerors and may provide such information through an electronic medium
33 available to the general public at least ten days before the contract is to be let.

54.140. It shall be the duty of the county treasurer to separate and divide
2 the revenues of such county in his hands and as they come into his hands in
3 compliance with the provision of law; and it shall be his duty to pay out the
4 revenues thus subdivided, on warrants issued by order of the commission, on the
5 respective funds so set apart and subdivided, and not otherwise; and for this
6 purpose the treasurer shall **have access to any document in the possession**
7 **of any county employee or official that the treasurer requests for the**
8 **purpose of reviewing a warrant**, keep a separate account with the county

9 commission of each fund which several funds shall be known and designated as
10 provided by law; and no warrant shall be paid out of any fund other than that
11 upon which it has been drawn by order of the commission as aforesaid. **No**
12 **employee or official of any county shall refuse a request from the**
13 **county treasurer for access to, review of, or a copy of any document in**
14 **the possession of a county official or employee that the county**
15 **treasurer deems relevant to his or her duties under section 50.330.** Any
16 county treasurer or other county officer **or employee**, who shall fail or refuse to
17 perform the duties required of him or them under the provisions of this section
18 and chapters 136 to 154, and in the express manner provided and directed, shall
19 be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a
20 fine of not less than one hundred dollars, and not more than five hundred dollars,
21 and in addition to such punishment, his office shall become vacant.

56.363. 1. The county commission of any county may on its own motion
2 and shall upon the petition of ten percent of the total number of people who voted
3 in the previous general election in the county submit to the voters at a general
4 or special election the proposition of making the county prosecutor a full-time
5 position. The commission shall cause notice of the election to be published in a
6 newspaper published within the county, or if no newspaper is published within
7 the county, in a newspaper published in an adjoining county, for three weeks
8 consecutively, the last insertion of which shall be at least ten days and not more
9 than thirty days before the day of the election, and by posting printed notices
10 thereof at three of the most public places in each township in the county. The
11 proposition shall be put before the voters substantially in the following form:

12 Shall the office of prosecuting attorney be made a full-time position
13 in _____ County?

14 YES NO

15 If a majority of the voters voting on the proposition vote in favor of making the
16 county prosecutor a full-time position, it shall become effective upon the date that
17 the prosecutor who is elected at the next election subsequent to the passage of
18 such proposal is sworn into office. **The position shall then qualify for the**
19 **retirement benefits available to a full-time prosecutor of a county of the**
20 **first classification. Any county that elects to make the position of**
21 **prosecuting attorney full-time shall pay into the Missouri prosecuting**
22 **attorneys and circuit attorneys' retirement fund at the same**
23 **contribution amount as paid by counties of the first classification.**

24 2. The provisions of subsection 1 of this section notwithstanding, in any
25 county where the proposition of making the county prosecutor a full-time position
26 was submitted to the voters at a general election in 1998 and where a majority
27 of the voters voting on the proposition voted in favor of making the county
28 prosecutor a full-time position, the proposition shall become effective on May 1,
29 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999,
30 under the provisions of this subsection shall have the additional duty of providing
31 not less than three hours of continuing education to peace officers in the county
32 served by the prosecuting attorney in each year of the term beginning January
33 1, 1999.

34 3. In counties that, prior to August 28, 2001, have elected pursuant to this
35 section to make the position of prosecuting attorney a full-time position, the
36 county commission may at any time elect to have that position also qualify for the
37 retirement benefit available for a full-time prosecutor of a county of the first
38 classification. Such election shall be made by a majority vote of the county
39 commission and once made shall be irrevocable, unless the voters of the county
40 elect to change the position of prosecuting attorney back to a part-time position
41 under subsection 4 of this section. When such an election is made, the results
42 shall be transmitted to the Missouri prosecuting attorneys and circuit attorneys'
43 retirement system fund, and the election shall be effective on the first day of
44 January following such election. Such election shall also obligate the county to
45 pay into the Missouri prosecuting attorneys and circuit attorneys' system
46 retirement fund the same retirement contributions for full-time prosecutors as are
47 paid by counties of the first classification.

48 4. In any county of the third classification without a township form of
49 government and with more than twelve thousand but fewer than fourteen
50 thousand inhabitants and with a city of the fourth classification with more than
51 one thousand seven hundred but fewer than one thousand nine hundred
52 inhabitants as the county seat that has elected to make the county prosecutor a
53 full-time position under this section after August 28, 2014, the county commission
54 may on its own motion and shall upon the petition of ten percent of the total
55 number of people who voted in the previous general election in the county submit
56 to the voters at a general or special election the proposition of changing the
57 full-time prosecutor position to a part-time position. The commission shall cause
58 notice of the election to be published in a newspaper published within the county,
59 or if no newspaper is published within the county, in a newspaper published in

60 an adjoining county, for three weeks consecutively, the last insertion of which
61 shall be at least ten days and not more than thirty days before the day of the
62 election, and by posting printed notices thereof at three of the most public places
63 in each township in the county. The proposition shall be put before the voters
64 substantially in the following form:

65 Shall the office of prosecuting attorney be made a part-time
66 position in _____ County?

67 YES NO

68 If a majority of the voters vote in favor of making the county prosecutor a
69 part-time position, it shall become effective upon the date that the prosecutor who
70 is elected at the next election subsequent to the passage of such proposal is sworn
71 into office.

72 5. In any county that has elected to make the full-time position of county
73 prosecutor a part-time position under subsection 4 of this section, the county's
74 retirement contribution to the retirement system and the retirement benefit
75 earned by the member shall prospectively be that of a part-time prosecutor as
76 established in this chapter. Any retirement contribution made and retirement
77 benefit earned prior to the effective date of the voter-approved proposition under
78 subsection 4 of this section shall be maintained by the retirement system and
79 used to calculate the retirement benefit for such prior full-time position
80 service. Under no circumstances shall a member in a part-time prosecutor
81 position earn full-time position retirement benefit service accruals for time
82 periods after the effective date of the proposition changing the county prosecutor
83 back to a part-time position.

 56.805. As used in sections 56.800 to 56.840, the following words and
2 terms mean:

3 (1) "Annuity", annual payments, made in equal monthly installments, to
4 a retired member from funds provided for, in, or authorized by, the provisions of
5 sections 56.800 to 56.840;

6 (2) "Average final compensation", the average compensation of an
7 employee for the two consecutive years prior to retirement when the employee's
8 compensation was greatest;

9 (3) "Board of trustees" or "board", the board of trustees established by the
10 provisions of sections 56.800 to 56.840;

11 (4) "Compensation", all salary and other compensation payable by a
12 county to an employee for personal services rendered as an employee, **including**

13 **any salary reduction amounts under a cafeteria plan that satisfies 26**
14 **U.S.C. Section 125 or an eligible deferred compensation plan that**
15 **satisfies 26 U.S.C. Section 457 but not including [travel and mileage]**
16 **reimbursement for any expenses, any consideration for agreeing to**
17 **terminate employment, or any other nonrecurring or unusual payment**
18 **that is not part of regular remuneration;**

19 (5) "County", the City of St. Louis and each county in the state;

20 (6) "Creditable service", the sum of both membership service and
21 creditable prior service;

22 (7) "Effective date of the establishment of the system", August 28, 1989;

23 (8) "Employee", an elected or appointed prosecuting attorney or circuit
24 attorney who is employed by a county or a city not within a county;

25 (9) "Membership service", service as a prosecuting attorney or circuit
26 attorney after becoming a member that is creditable in determining the amount
27 of the member's benefits under this system;

28 (10) "Prior service", service of a member rendered prior to the effective
29 date of the establishment of the system which is creditable under section 56.823;

30 (11) "Retirement system" or "system", the prosecuting attorneys and
31 circuit attorneys' retirement system authorized by the provisions of sections
32 56.800 to 56.840.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter
2 until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys
3 provided for in subsection 2 of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until
5 August 27, 2003, each county treasurer shall pay to the system the following
6 amounts to be drawn from the general revenues of the county:

7 (1) For counties of the third and fourth classification except as provided
8 in subdivision (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars
10 and sixty-seven cents;

11 (3) For counties of the first classification, and, except as otherwise
12 provided under section 56.363, counties which pursuant to section 56.363 elect to
13 make the position of prosecuting attorney a full-time position after August 28,
14 2001, or whose county commission has elected a full-time retirement benefit
15 pursuant to subsection 3 of section 56.363, and the City of St. Louis, one
16 thousand two hundred ninety-one dollars and sixty-seven cents.

17 3. Beginning August 28, 1989, and continuing until August 27, 2003, the
18 county treasurer shall at least monthly transmit the sums specified in subsection
19 2 of this section to the Missouri office of prosecution services for deposit to the
20 credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement
21 System Fund", which is hereby created. All moneys held by the state treasurer
22 on behalf of the system shall be paid to the system within ninety days after
23 August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit
24 attorneys' retirement system fund shall be used only for the purposes provided
25 in sections 56.800 to 56.840 and for no other purpose.

26 4. Beginning August 28, 2003, the funds for prosecuting attorneys and
27 circuit attorneys provided for in this section shall be paid from county or city
28 funds and the surcharge established in this section and collected as provided by
29 this section and sections 488.010 to 488.020.

30 5. (1) Beginning August 28, 2003, each county treasurer shall pay to the
31 system the following amounts to be drawn from the general revenues of the
32 county:

33 (a) For counties of the third and fourth classification except as provided
34 in paragraph (c) of this subdivision, one hundred eighty-seven dollars;

35 (b) For counties of the second classification, two hundred seventy-one
36 dollars;

37 (c) For counties of the first classification, counties which pursuant to
38 section 56.363 elect to make the position of prosecuting attorney a full-time
39 position after August 28, 2001, or whose county commission has elected a
40 full-time retirement benefit pursuant to subsection 3 of section 56.363, and the
41 City of St. Louis, six hundred forty-six dollars.

42 (2) Beginning August 28, 2015, the county contribution set forth in
43 paragraphs (a) to (c) of subdivision (1) of this subsection shall be adjusted in
44 accordance with the following schedule based upon the prosecuting attorneys and
45 circuit attorneys' retirement system's annual actuarial valuation report. If the
46 system's funding ratio is:

47 (a) One hundred twenty percent or more, no monthly sum shall be
48 transmitted;

49 (b) More than one hundred ten percent but less than one hundred twenty
50 percent, the monthly sum transmitted shall be reduced fifty percent;

51 (c) At least ninety percent and up to and including one hundred ten
52 percent, the monthly sum transmitted shall remain the same;

53 (d) At least eighty percent and less than ninety percent, the monthly sum
54 transmitted shall be increased fifty percent; and

55 (e) Less than eighty percent, the monthly sum transmitted shall be
56 increased one hundred percent.

57 6. Beginning August 28, 2003, the county treasurer shall at least monthly
58 transmit the sums specified in subsection 5 of this section to the Missouri office
59 of prosecution services for deposit to the credit of the Missouri prosecuting
60 attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri
61 prosecuting attorneys and circuit attorneys' retirement system fund shall be used
62 only for the purposes provided in sections 56.800 to 56.840, and for no other
63 purpose.

64 7. Beginning August 28, 2003, the following surcharge for prosecuting
65 attorneys and circuit attorneys shall be collected and paid as follows:

66 (1) There shall be assessed and collected a surcharge of four dollars in all
67 criminal cases filed in the courts of this state including violation of any county
68 ordinance, any violation of criminal or traffic laws of this state, including
69 infractions, and against any person who has pled guilty for any violation and paid
70 a fine through a fine collection center, but no such surcharge shall be assessed
71 when the costs are waived or are to be paid by the state, county, or municipality
72 or when a criminal proceeding or the defendant has been dismissed by the
73 court. For purposes of this section, the term "county ordinance" shall include any
74 ordinance of the City of St. Louis;

75 (2) The clerk responsible for collecting court costs in criminal cases shall
76 collect and disburse such amounts as provided by sections 488.010 to
77 488.026. Such funds shall be payable to the prosecuting attorneys and circuit
78 attorneys' retirement fund. Moneys credited to the prosecuting attorneys and
79 circuit attorneys' retirement fund shall be used only for the purposes provided for
80 in sections 56.800 to 56.840 and for no other purpose.

81 8. The board may accept gifts, donations, grants and bequests from
82 private or public sources to the Missouri prosecuting attorneys and circuit
83 attorneys' retirement system fund.

84 9. No state moneys shall be used to fund section 56.700 and sections
85 56.800 to 56.840 unless provided for by law.

86 **10. Beginning January first following the effective date of this**
87 **act, all members, who upon vesting and retiring are eligible to receive**
88 **a normal annuity equal to fifty percent of the final average**

89 compensation and, as a condition of participation, shall contribute two
90 percent of their gross salary to the fund. Beginning on January 1, 2020,
91 each such member shall contribute four percent of their gross salary to
92 the fund. Each county treasurer shall deduct the appropriate amount
93 from the gross salary of the prosecuting attorney or circuit attorney
94 and, at least monthly, shall transmit the sum to the prosecuting
95 attorney and circuit attorney retirement system for deposit in the
96 prosecuting attorneys and circuit attorneys' retirement fund.

97 11. Upon separation from the system, a nonvested member shall
98 receive a lump sum payment equal to the total contribution of the
99 member without interest or other increases in value.

100 12. Upon retirement and in the sole discretion of the board on
101 the advice of the actuary, a member shall receive a lump sum payment
102 equal to the total contribution of the member without interest or other
103 increases in value, but such lump sum shall not exceed twenty-five
104 percent of the final average compensation of the member. This amount
105 shall be in addition to any retirement benefits to which the member is
106 entitled.

107 13. Upon the death of a nonvested member or the death of a
108 vested member prior to retirement, the lump sum payment in
109 subsection 11 or 12 of this section shall be made to the designated
110 beneficiary of the member or, if no beneficiary has been designated, to
111 the member's estate.

56.814. 1. Any [member] person who became a member prior to
2 January 1, 2019, who has attained the age of sixty-two years and who has
3 twelve years or more of creditable service as prosecuting attorney or circuit
4 attorney may retire with a normal annuity as determined in subsection 3 of
5 section 56.840.

6 2. Any person who becomes a member on or after January 1,
7 2019, who has attained the age of sixty-five and who has twelve years
8 or more of creditable service as a prosecuting attorney or circuit
9 attorney may retire with a normal annuity.

56.833. 1. Upon termination of employment, any [member with twelve or
2 more years of creditable service] person who became a member prior to
3 January 1, 2019, shall be entitled to a deferred normal annuity, payable at age
4 fifty-five with twelve or more years of creditable service as determined in

5 **subsection 3 of section 56.840. Upon termination of employment, any**
6 **person who became a member on or after January 1, 2019, shall be**
7 **entitled to a deferred normal annuity, payable at age sixty with twelve**
8 **or more years of creditable service as determined in subsection 3 of**
9 **section 56.840.** Any member with less than twelve years of creditable service
10 shall forfeit all rights in the fund, including the member's accrued creditable
11 service as of the date of the member's termination of employment.

12 2. A former member who has forfeited creditable service may have the
13 creditable service restored by again becoming an employee [and] **within ten**
14 **years of the date of the termination of employment,** completing four years
15 of continuous membership service, **and contributing an amount to the fund**
16 **equal to any lump sum payment received under subsections 11 and 12**
17 **of section 56.807. Notwithstanding any other provision of section**
18 **104.800 to the contrary, a former member shall not be entitled to**
19 **transfer creditable service into this retirement system unless the**
20 **member previously vested in this system.**

21 3. Absences for sickness or injury of less than twelve months shall be
22 counted as membership service.

56.840. 1. Annuity payments to retired employees under the provisions
2 of sections 56.800 to 56.840 shall be available beginning January first next
3 succeeding the expiration of two calendar years from the effective date of the
4 establishment of the system to eligible retired employees, and employees with at
5 least twelve years of creditable service shall have vested rights and upon reaching
6 the required age shall be entitled to retirement benefits.

7 2. **All members serving as a prosecuting attorney or circuit**
8 **attorney in a county of the first classification, a county with a charter**
9 **form of government, or a city not within a county shall receive one year**
10 **of creditable service for each year served.**

11 3. **Notwithstanding any provision of law to the contrary,**
12 **members serving as a prosecuting attorney in counties that elected to**
13 **make the position of prosecuting attorney a full-time position shall**
14 **receive one year of creditable vesting service for each year served as**
15 **a part-time or full-time prosecuting attorney. Such members shall**
16 **receive one year of creditable benefit service for each year served as**
17 **a full-time prosecuting attorney and six-tenths of a year of creditable**
18 **benefit service for each year served as a part-time prosecuting**

19 attorney. Upon retirement, any member who has less than twelve years
20 of creditable benefit service shall receive a reduced full-time benefit in
21 a sum equal to the portion that the member's creditable benefit years
22 bear to twelve vesting years.

23 4. Members restoring creditable service under subsection 2 of
24 section 56.833 shall receive one year of creditable service for each
25 restored year served as a full-time prosecuting attorney and six-tenths
26 of a year of creditable service for each restored year served as a part-
27 time prosecuting attorney. Unless otherwise permitted by law, no
28 member shall receive credit for any partial year of employment.

29 5. Notwithstanding any provision of law to the contrary, any
30 member who vested in the system as a part-time prosecuting attorney
31 and who ceased being a member for more than six months before
32 returning as a full-time prosecuting attorney shall be entitled only to
33 retirement benefits as a part-time prosecuting attorney. Any creditable
34 service earned by such an employee upon returning to the system as a
35 full-time prosecuting attorney shall begin a new vesting period subject
36 to the provision of the system in effect at the time of the member's
37 return. No member shall receive benefits while employed as a
38 prosecuting attorney or circuit attorney.

59.800. 1. Beginning on July 1, 2001, notwithstanding any other
2 condition precedent required by law to the recording of any instrument specified
3 in subdivisions (1) and (2) of **subsection 1 of** section 59.330, an additional fee
4 of five dollars shall be charged and collected by every recorder of deeds in this
5 state on each instrument recorded. The additional fee shall be distributed as
6 follows:

7 (1) One dollar and twenty-five cents to the recorder's fund established
8 [pursuant to] **under** subsection 1 of section 59.319, provided, however, that all
9 funds received [pursuant to] **under** this section shall be used exclusively for the
10 purchase, installation, upgrade and maintenance of modern technology necessary
11 to operate the recorder's office in an efficient manner;

12 (2) One dollar and seventy-five cents to the county general revenue fund;
13 and

14 (3) Two dollars to the fund established in subsection 2 of this section.

15 2. (1) There is hereby established a revolving fund known as the
16 "Statutory County Recorder's Fund", which shall receive funds paid to the

17 recorders of deeds of the counties of this state [pursuant to] **under** subdivision
18 (3) of subsection 1 of this section. The director of the department of revenue shall
19 be custodian of the fund and shall make disbursements from the fund for the
20 purpose of subsidizing the fees collected by counties that hereafter elect or have
21 heretofore elected to separate the offices of clerk of the circuit court and
22 recorder. The subsidy shall consist of the total amount of moneys collected
23 [pursuant to] **under** subdivisions (1) and (2) of subsection 1 of this section
24 subtracted from fifty-five thousand dollars, **except under such circumstances**
25 **in which the annual average of funds collected under subsection 1 of**
26 **this section during the previous three calendar years are insufficient**
27 **to meet all obligations calculated in this subdivision. In such**
28 **circumstances, the provisions of subdivision (2) of this subsection shall**
29 **apply.** The moneys paid to qualifying counties [pursuant to] **under** this
30 subsection shall be deposited in the county general revenue fund. For purposes
31 of this section a "qualified county" is a county that hereafter elects or has
32 heretofore elected to separate the offices of clerk of the circuit court and recorder
33 and in which the office of the recorder of deeds collects less than fifty-five
34 thousand dollars in fees [pursuant to] **under** subdivisions (1) and (2) of
35 subsection 1 of this section, on an annual basis. Moneys in the statutory county
36 recorder's fund shall not be considered state funds and shall be deemed nonstate
37 funds.

38 **(2) In the event funds collected under subdivision (3) of**
39 **subsection 1 of this section are insufficient to meet the obligations**
40 **under subdivision (1) of this subsection, the director of revenue shall**
41 **calculate the projected shortfall that would otherwise be incurred**
42 **based on the formula outlined under subdivision (1) of this subsection.**
43 **If the fund balance is greater than the annual average disbursement**
44 **from the fund during the previous three years, up to thirty-three**
45 **percent of the amount that exceeds the annual three-year average to**
46 **meet the obligation may be used to meet the obligations. Should this**
47 **amount be insufficient or unavailable to meet the shortfall, the director**
48 **of revenue shall set a new requisite amount to determine a qualified**
49 **county under subdivision (1) of this subsection other than fifty-five**
50 **thousand dollars, which reflects the revenue collected under**
51 **subdivision (3) of subsection 1 of this section in addition to thirty-three**
52 **percent of the excess fund balance.**

65.610. 1. Upon the petition of at least ten percent of voters at the last
 2 general election of any county having heretofore adopted township organization,
 3 praying therefor, the county commission shall submit the question of the abolition
 4 of township organization to the voters of the county at a general or special
 5 election. **The question shall include a countywide tax levy for road and**
 6 **bridge purposes.** The total vote for governor at the last general election before
 7 the filing of the petition where a governor was elected shall be used to determine
 8 the number of voters necessary to sign the petition. If the petition is filed six
 9 months or more prior to a general election, the proposition shall be submitted at
 10 a special election to be ordered by the county commission within sixty days after
 11 the petition is filed; if the petition is filed less than six months before a general
 12 election, then the proposition shall be submitted at the general election next
 13 succeeding the filing of the petition. The election shall be conducted, the vote
 14 canvassed and the result declared in the same manner as provided by law in
 15 respect to elections of county officers. The clerk of the county commission shall
 16 give notice that a proposition for the abolition of township organization form of
 17 county government in the county is to be voted upon by causing a copy of the
 18 order of the county commission authorizing such election to be published at least
 19 once each week for three successive weeks, the last insertion to be not more than
 20 one week prior to the election, in some newspaper published in the county where
 21 the election is to be held, if there is a newspaper published in the county and, if
 22 not, by posting printed or written handbills in at least two public places in each
 23 election precinct in the county at least twenty-one days prior to the date of
 24 election. The clerk of the county commission shall provide the ballot which shall
 25 be printed and in substantially the following form:

26 OFFICIAL BALLOT

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

28 Shall township organization form of county government be
 29 abolished in _____ County **and a countywide tax at a**
 30 **rate of collected for road and bridge purposes?**

31 YES

NO

32 If a majority of the electors voting upon the proposition shall vote for the
 33 abolition thereof the township organization form of county government shall be
 34 declared to have been abolished; and township organization shall cease in said
 35 county; and except as provided in section 65.620 all laws in force in relation to
 36 counties not having township organization shall immediately take effect and be

37 in force in such county.

38 2. No election or any proposal for either the adoption of township
39 organization or for the abolition of township organization in any county shall be
40 held within two years after an election is held under this section.

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

14 2. Upon abolition of township organization, title to all property of all
15 kinds theretofore owned by the several townships of the county shall vest in the
16 county and the county shall be liable for all outstanding obligations and liabilities
17 of the several townships.

18 3. The terms of office of all township officers shall expire on the abolition
19 of township organization and the township trustee of each township shall
20 immediately settle his accounts with the county clerk and all township officers
21 shall promptly deliver to the appropriate county officers, as directed by the
22 county commission, all books, papers, records and property pertaining to their
23 offices.

24 [4. For a period of one calendar year following the abolition of the
25 townships or until the voters of the county have approved a tax levy for road and
26 bridge purposes, whichever occurs first, the county collector shall continue to
27 collect a property tax on a countywide basis in an amount equal to the tax levied
28 by the township that had the lowest total tax rate in the county immediately
29 prior to the abolishment of the townships. The continued collection of the tax
30 shall be considered a continuation of an existing tax and shall not be considered
31 a new tax levy.]

70.370. Within sixty days after this section becomes effective, the governor

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

8 COMPACT BETWEEN MISSOURI AND ILLINOIS

9 CREATING THE BI-STATE DEVELOPMENT AGENCY

10 AND THE BI-STATE METROPOLITAN DISTRICT

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

12 ARTICLE I

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

17 ARTICLE II

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

23 ARTICLE III

24 There is created "The Bi-State Development Agency of the Missouri-Illinois
25 Metropolitan District" (herein referred to as "The Bi-State Agency") which shall
26 be a body corporate and politic. The bi-state agency shall have the following
27 powers:

28 (1) To plan, construct, maintain, own and operate bridges, tunnels,
29 airports and terminal facilities and to plan and establish policies for sewage and
30 drainage facilities;

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

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

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

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

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

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

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

49 No property now or hereafter vested in or held by either state, or by any
50 county, city, borough, village, township or other political subdivision, shall be
51 taken by the bi-state agency without the authority or consent of such state,
52 county, city, borough, village, township or other political subdivision, nor shall
53 anything herein impair or invalidate in any way any bonded indebtedness of such
54 state, county, city, borough, village, township or other political subdivision, nor
55 impair the provisions of law regulating the payment into sinking funds of
56 revenues derived from municipal property, or dedicating the revenues derived
57 from any municipal property to a specific purpose.

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

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

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

67 The bi-state agency may from time to time make recommendations to the
68 legislatures of the two states or to the Congress of the United States, based upon
69 study and analysis, for the improvement of transportation, terminal, and other
70 facilities in the district.

71 The bi-state agency may petition any interstate commerce commission (or
72 like body), public service commission, public utilities commission (or like body),
73 or any other federal, municipal, state or local authority, administrative, judicial

74 or legislative, having jurisdiction in the premises, for the adoption and execution
75 of any physical improvements, change in method, rate of transportation, system
76 of handling freight, warehousing, docking, lightering, or transfer of freight, which,
77 in the opinion of the bi-state agency, may be designed to improve or better the
78 handling of commerce in and through the district, or improve terminal and
79 transportation facilities therein. It may intervene in any proceeding affecting the
80 commerce of the district.

81 ARTICLE IV

82 The bi-state agency shall consist of ten commissioners, five of whom shall
83 be resident voters of the state of Missouri and five of whom shall be resident
84 voters of the state of Illinois. All commissioners shall reside within the bi-state
85 district, the Missouri members to be chosen by the state of Missouri and the
86 Illinois members by the state of Illinois in the manner and for the terms fixed by
87 the legislature of each state except as herein provided.

88 ARTICLE V

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

93 Until otherwise determined by the legislatures of the two states no action
94 of the bi-state agency shall be binding unless taken at a meeting at which at least
95 three members from each state are present, and unless a majority of the members
96 from each state present at such meeting shall vote in favor thereof. Each state
97 reserves the right hereafter to provide by law for the exercise of the veto power
98 by the governor thereof over any action of any commissioner appointed therefrom.

99 Until otherwise determined by the action of the legislature of the two
100 states, the bi-state agency shall not incur any obligations for salaries, office or
101 other administrative expenses, prior to the making of appropriations adequate to
102 meet the same.

103 The bi-state agency is hereby authorized to make suitable rules and
104 regulations not inconsistent with the constitution or laws of the United States or
105 of either state, or of any political subdivision thereof, and subject to the exercise
106 of the power of congress, for the improvement of the district, which when
107 concurred in or authorized by the legislatures of both states, shall be binding and
108 effective upon all persons and corporations affected thereby.

109 The two states shall provide penalties for violations of any order, rule or

110 regulation of the bi-state agency, and for the manner of enforcing same.

111 ARTICLE VI

112 The bi-state agency is authorized and directed to proceed with the development
113 of the district in accordance with the articles of this compact as rapidly as may
114 be economically practicable and is vested with all necessary and appropriate
115 powers not inconsistent with the constitution or the laws of the United States or
116 of either state, to effectuate the same, except the power to levy taxes or
117 assessments.

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

121 ARTICLE VII

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

124 (Signed)

125 In the presence of:

126 (Signed)

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

5 (1) Before the governing body of any city, town, or village has adopted a
6 resolution to annex any unincorporated area of land, such city, town, or village
7 shall first as a condition precedent determine that the land to be annexed is
8 contiguous to the existing city, town, or village limits and that the length of the
9 contiguous boundary common to the existing city, town, or village limit and the
10 proposed area to be annexed is at least fifteen percent of the length of the
11 perimeter of the area proposed for annexation.

12 (2) The governing body of any city, town, or village shall propose an
13 ordinance setting forth the following:

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

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

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

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

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

25 (3) The city, town, or village shall fix a date for a public hearing on the
26 ordinance and make a good faith effort to notify all fee owners of record within
27 the area proposed to be annexed by certified mail, not less than thirty nor more
28 than sixty days before the hearing, and notify all residents of the area by
29 publication of notice in a newspaper of general circulation qualified to publish
30 legal matters in the county or counties where the proposed area is located, at
31 least once a week for three consecutive weeks prior to the hearing, with at least
32 one such notice being not more than twenty days and not less than ten days
33 before the hearing.

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

37 (a) A list of major services presently provided by the city, town, or village
38 including, but not limited to, police and fire protection, water and sewer systems,
39 street maintenance, parks and recreation, and refuse collection;

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

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

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

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

47 (5) Following the hearing, and either before or after the election held in
48 subdivision (6) of this subsection, should the governing body of the city, town, or
49 village vote favorably by ordinance to annex the area, the governing body of the
50 city, town or village shall file an action in the circuit court of the county in which
51 such unincorporated area is situated, under the provisions of chapter 527, praying
52 for a declaratory judgment authorizing such annexation. The petition in such
53 action shall state facts showing:

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

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

58 (c) The ability of the city, town, or village to furnish normal municipal
59 services of the city, town, or village to the unincorporated area within a
60 reasonable time not to exceed three years after the annexation is to become
61 effective. Such action shall be a class action against the inhabitants of such
62 unincorporated area under the provisions of section 507.070.

63 (6) Except as provided in subsection 3 of this section, if the court
64 authorizes the city, town, or village to make an annexation, the legislative body
65 of such city, town, or village shall not have the power to extend the limits of the
66 city, town, or village by such annexation until an election is held at which the
67 proposition for annexation is approved by a majority of the total votes cast in the
68 city, town, or village and by a separate majority of the total votes cast in the
69 unincorporated territory sought to be annexed. However, should less than a
70 majority of the total votes cast in the area proposed to be annexed vote in favor
71 of the proposal, but at least a majority of the total votes cast in the city, town, or
72 village vote in favor of the proposal, then the proposal shall again be voted upon
73 in not more than one hundred twenty days by both the registered voters of the
74 city, town, or village and the registered voters of the area proposed to be annexed.
75 If at least two-thirds of the qualified electors voting thereon are in favor of the
76 annexation, then the city, town, or village may proceed to annex the territory. If
77 the proposal fails to receive the necessary majority, no part of the area sought to
78 be annexed may be the subject of another proposal to annex for a period of two
79 years from the date of the election, except that, during the two-year period, the
80 owners of all fee interests of record in the area or any portion of the area may
81 petition the city, town, or village for the annexation of the land owned by them
82 pursuant to the procedures in section 71.012. The elections shall if authorized
83 be held, except as herein otherwise provided, in accordance with the general state
84 law governing special elections, and the entire cost of the election or elections
85 shall be paid by the city, town, or village proposing to annex the territory.

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

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

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

101 2. Notwithstanding any provision of subsection 1 of this section, for any
102 annexation by any city with a population of three hundred fifty thousand or more
103 inhabitants which is located in more than one county that becomes effective after
104 August 28, 1994, if such city has not provided water and sewer service to such
105 annexed area within three years of the effective date of the annexation, a cause
106 of action shall lie for deannexation, unless the failure to provide such water and
107 sewer service to the annexed area is made unreasonable by an act of God. The
108 cause of action for deannexation may be filed in the circuit court by any resident
109 of the annexed area who is presently residing in the area at the time of the filing
110 of the suit and was a resident of the annexed area at the time the annexation
111 became effective. If the suit for deannexation is successful, the city shall be liable
112 for all court costs and attorney fees.

113 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this
114 section, all cities, towns, and villages located in any county of the first
115 classification with a charter form of government with a population of two hundred
116 thousand or more inhabitants which adjoins a county with a population of nine
117 hundred thousand or more inhabitants shall comply with the provisions of this
118 subsection. If the court authorizes any city, town, or village subject to this
119 subsection to make an annexation, the legislative body of such city, town or
120 village shall not have the power to extend the limits of such city, town, or village
121 by such annexation until an election is held at which the proposition for
122 annexation is approved by a majority of the total votes cast in such city, town, or
123 village and by a separate majority of the total votes cast in the unincorporated
124 territory sought to be annexed; except that:

125 (1) In the case of a proposed annexation in any area which is contiguous
126 to the existing city, town or village and which is within an area designated as
127 flood plain by the Federal Emergency Management Agency and which is

128 inhabited by no more than thirty registered voters and for which a final
129 declaratory judgment has been granted prior to January 1, 1993, approving such
130 annexation and where notarized affidavits expressing approval of the proposed
131 annexation are obtained from a majority of the registered voters residing in the
132 area to be annexed, the area may be annexed by an ordinance duly enacted by the
133 governing body and no elections shall be required; and

134 (2) In the case of a proposed annexation of unincorporated territory in
135 which no qualified electors reside, if at least a majority of the qualified electors
136 voting on the proposition are in favor of the annexation, the city, town or village
137 may proceed to annex the territory and no subsequent election shall be required.
138 If the proposal fails to receive the necessary separate majorities, no part of the
139 area sought to be annexed may be the subject of any other proposal to annex for
140 a period of two years from the date of such election, except that, during the
141 two-year period, the owners of all fee interests of record in the area or any portion
142 of the area may petition the city, town, or village for the annexation of the land
143 owned by them pursuant to the procedures in section 71.012 or 71.014. The
144 election shall, if authorized, be held, except as otherwise provided in this section,
145 in accordance with the general state laws governing special elections, and the
146 entire cost of the election or elections shall be paid by the city, town, or village
147 proposing to annex the territory. Failure of the city, town or village to comply in
148 providing services to the area or to zone in compliance with the plan of intent
149 within three years after the effective date of the annexation, unless compliance
150 is made unreasonable by an act of God, shall give rise to a cause of action for
151 deannexation which may be filed in the circuit court not later than four years
152 after the effective date of the annexation by any resident of the area who was
153 residing in such area at the time the annexation became effective or by any
154 nonresident owner of real property in such area.

155 4. Except for a cause of action for deannexation under subdivision (2) of
156 subsection 3 of this section, any action of any kind seeking to deannex from any
157 city, town, or village any area annexed under this section, or seeking in any way
158 to reverse, invalidate, set aside, or otherwise challenge such annexation or oust
159 such city, town, or village from jurisdiction over such annexed area shall be
160 brought within five years of the date of the adoption of the annexation ordinance.

84.510. 1. For the purpose of operation of the police department herein
2 created, the chief of police, with the approval of the board, shall appoint such
3 number of police department employees, including police officers and civilian

4 employees as the chief of police from time to time deems necessary.

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

7 (1) Lieutenant colonels, not to exceed five in number, at not less than
8 seventy-one thousand nine hundred sixty-nine dollars, nor more than [one
9 hundred thirty-three thousand eight hundred eighty-eight] **one hundred forty-**
10 **six thousand one hundred twenty four** dollars per annum each;

11 (2) Majors at not less than sixty-four thousand six hundred seventy-one
12 dollars, nor more than [one hundred twenty-two thousand one hundred
13 fifty-three] **one hundred thirty-three thousand three hundred twenty**
14 dollars per annum each;

15 (3) Captains at not less than fifty-nine thousand five hundred thirty-nine
16 dollars, nor more than [one hundred eleven thousand four hundred thirty-four]
17 **one hundred twenty-one thousand six hundred eight** dollars per annum
18 each;

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

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

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

28 (7) Detectives, investigators, and police officers at not less than twenty-six
29 thousand six hundred forty-three dollars, nor more than [eighty-two thousand six
30 hundred nineteen] **eighty-seven thousand six hundred thirty-six** dollars per
31 annum each.

32 3. The board of police commissioners has the authority by resolution to
33 effect a comprehensive pay schedule program to provide for step increases with
34 separate pay rates within each rank, in the above-specified salary ranges from
35 police officers through chief of police.

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

40 5. The chief of police, subject to the approval of the board, shall establish
41 the total regular working hours for all police department employees, and the
42 board has the power, upon recommendation of the chief, to pay additional
43 compensation for all hours of service rendered in excess of the established regular
44 working period, but the rate of overtime compensation shall not exceed one and
45 one-half times the regular hourly rate of pay to which each member shall
46 normally be entitled. No credit shall be given nor deductions made from
47 payments for overtime for the purpose of retirement benefits.

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

55 7. The board of police commissioners may effect programs to provide
56 additional compensation for successful completion of academic work at an
57 accredited college or university. No credit shall be given nor deductions made
58 from these payments for the purpose of retirement benefits.

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

63 9. Not more than twenty-five percent of the officers in any rank who are
64 receiving the maximum rate of pay authorized by subsections 2 and 3 of this
65 section may receive the additional pay increments authorized by subsections 6
66 and 7 of this section at any given time. However, any officer receiving a pay
67 increment provided pursuant to the provisions of subsections 6 and 7 of this
68 section shall not be deprived of such pay increment as a result of the limitations
69 of this subsection.

88.770. 1. The board of aldermen may provide for and regulate the
2 lighting of streets and the erection of lamp posts, poles and lights therefor, and
3 may make contracts with any person, association or corporation, either private
4 or municipal, for the lighting of the streets and other public places of the city
5 with gas, electricity or otherwise, except that each initial contract shall be
6 ratified by a majority of the voters of the city voting on the question and any

7 renewal contract or extension shall be subject to voter approval of the majority
8 of the voters voting on the question, pursuant to the provisions of section
9 88.251. The board of aldermen may erect, maintain and operate gas works,
10 electric light works, or light works of any other kind or name, and to erect lamp
11 posts, electric light poles, or any other apparatus or appliances necessary to light
12 the streets, avenues, alleys or other public places, and to supply private lights for
13 the use of the inhabitants of the city and its suburbs, and may regulate the same,
14 and may prescribe and regulate the rates to be paid by the consumers thereof,
15 and may acquire by purchase, donation or condemnation suitable grounds within
16 or without the city upon which to erect such works and the right-of-way to and
17 from such works, and also the right-of-way for laying gas pipes, electric wires
18 under or above the grounds, and erecting posts and poles and such other
19 apparatus and appliances as may be necessary for the efficient operation of such
20 works. The board of aldermen may, in its discretion, grant the right to any
21 person, persons or corporation, to erect such works and lay the pipe, wires, and
22 erect the posts, poles and other necessary apparatus and appliances therefor,
23 upon such terms as may be prescribed by ordinance. Such rights shall not extend
24 for a longer time than twenty years, but may be renewed for another period or
25 periods not to exceed twenty years per period. Every initial grant shall be
26 approved by a majority of the voters of the municipality voting on the question,
27 and each renewal or extension of such rights shall be subject to voter approval of
28 the majority of the voters voting on the question, pursuant to the provisions of
29 section 88.251. Nothing herein contained shall be so construed as to prevent the
30 board of aldermen from contracting with any person, persons or corporation for
31 furnishing the city with gas or electric lights in cities where franchises have
32 already been granted, and where gas or electric light plants already exist, without
33 a vote of the people, except that the board of aldermen may sell, convey,
34 encumber, lease, abolish or otherwise dispose of any public utilities owned by the
35 city including electric light systems, electric distribution systems or transmission
36 lines, or any part of the electric light systems, electric or other heat systems,
37 electric or other power systems, electric or other railways, gas plants, telephone
38 systems, telegraph systems, transportation systems of any kind, waterworks,
39 equipments and all public utilities not herein enumerated and everything
40 acquired therefor, after first having passed an ordinance setting forth the terms
41 of the sale, conveyance or encumbrance and when ratified by two-thirds of the
42 voters voting on the question, **except for the sale of a water or wastewater**

43 system, or the sale of a gas plant, which shall be authorized by a simple
44 majority vote of the voters voting on the question. In the event the
45 board of aldermen determines the proposed sale of a water or
46 wastewater system shall be placed before voters, a public informational
47 meeting shall be held at least thirty days prior to any vote on the
48 matter. The municipality in question shall notify its customers of the
49 informational meeting through radio, television, newspaper, regular
50 mail, electronic mail, or any combination of notification methods to
51 most effectively notify customers at least fifteen days prior to the
52 informational meeting.

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

56 Shall _____ (Indicate the property by stating whether
57 electric distribution system, electric transmission lines or
58 waterworks, etc.) be _____ (Indicate whether sold, leased or
59 encumbered.)?

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

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

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

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

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

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

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

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

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

25 **(i) Any city of the third classification with more than thirteen**
26 **thousand but fewer than fifteen thousand inhabitants and located in**
27 **any county of the third classification without a township form of**
28 **government and with more than thirty-three thousand but fewer than**
29 **thirty-seven thousand inhabitants.**

30 (2) The governing body of any city listed in subdivision (1) of this
31 subsection is hereby authorized to impose, by ordinance or order, a sales tax in
32 the amount of up to one-half of one percent on all retail sales made in such city
33 which are subject to taxation under the provisions of sections 144.010 to 144.525
34 for the purpose of improving the public safety for such city, including but not
35 limited to expenditures on equipment, city employee salaries and benefits, and
36 facilities for police, fire and emergency medical providers. The tax authorized by
37 this section shall be in addition to any and all other sales taxes allowed by law,
38 except that no ordinance or order imposing a sales tax pursuant to the provisions
39 of this section shall be effective unless the governing body of the city submits to
40 the voters of the city, at a county or state general, primary or special election, a
41 proposal to authorize the governing body of the city to impose a tax.

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

45 Shall the city of _____ (city's name) impose a citywide sales tax of
46 _____ (insert amount) for the purpose of improving the public
47 safety of the city?

48 YES NO

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

52 If a majority of the votes cast on the proposal by the qualified voters voting
53 thereon are in favor of the proposal submitted pursuant to this subsection, then
54 the ordinance or order and any amendments thereto shall be in effect on the first
55 day of the second calendar quarter after the director of revenue receives

56 notification of adoption of the local sales tax. If a proposal receives less than the
57 required majority, then the governing body of the city shall have no power to
58 impose the sales tax herein authorized unless and until the governing body of the
59 city shall again have submitted another proposal to authorize the governing body
60 of the city to impose the sales tax authorized by this section and such proposal
61 is approved by the required majority of the qualified voters voting
62 thereon. However, in no event shall a proposal pursuant to this section be
63 submitted to the voters sooner than twelve months from the date of the last
64 proposal pursuant to this section.

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

69 4. Once the tax authorized by this section is abolished or is terminated by
70 any means, all funds remaining in the special trust fund shall be used solely for
71 improving the public safety for the city. Any funds in such special trust fund
72 which are not needed for current expenditures may be invested by the governing
73 body in accordance with applicable laws relating to the investment of other city
74 funds.

75 5. All sales taxes collected by the director of the department of revenue
76 under this section on behalf of any city, less one percent for cost of collection
77 which shall be deposited in the state's general revenue fund after payment of
78 premiums for surety bonds as provided in section 32.087, shall be deposited in a
79 special trust fund, which is hereby created, to be known as the "City Public Safety
80 Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be
81 state funds and shall not be commingled with any funds of the state. The
82 provisions of section 33.080 to the contrary notwithstanding, money in this fund
83 shall not be transferred and placed to the credit of the general revenue fund. The
84 director of the department of revenue shall keep accurate records of the amount
85 of money in the trust and which was collected in each city imposing a sales tax
86 pursuant to this section, and the records shall be open to the inspection of officers
87 of the city and the public. Not later than the tenth day of each month the
88 director of the department of revenue shall distribute all moneys deposited in the
89 trust fund during the preceding month to the city which levied the tax; such
90 funds shall be deposited with the city treasurer of each such city, and all
91 expenditures of funds arising from the trust fund shall be by an appropriation act

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

95 6. The director of the department of revenue may make refunds from the
96 amounts in the trust fund and credited to any city for erroneous payments and
97 overpayments made, and may redeem dishonored checks and drafts deposited to
98 the credit of such cities. If any city abolishes the tax, the city shall notify the
99 director of the department of revenue of the action at least ninety days prior to
100 the effective date of the repeal and the director of the department of revenue may
101 order retention in the trust fund, for a period of one year, of two percent of the
102 amount collected after receipt of such notice to cover possible refunds or
103 overpayment of the tax and to redeem dishonored checks and drafts deposited to
104 the credit of such accounts. After one year has elapsed after the effective date of
105 abolition of the tax in such city, the director of the department of revenue shall
106 remit the balance in the account to the city and close the account of that
107 city. The director of the department of revenue shall notify each city of each
108 instance of any amount refunded or any check redeemed from receipts due the
109 city.

110 7. Except as modified in this section, all provisions of sections 32.085 and
111 32.087 shall apply to the tax imposed pursuant to this section.

105.030. **1.** Whenever any vacancy, caused in any manner or by any
2 means whatsoever, occurs or exists in any state or county office originally filled
3 by election of the people, other than in the offices of lieutenant governor, state
4 senator or representative, sheriff, or recorder of deeds in **[the] any city [of St.**
5 **Louis] not within a county**, the vacancy shall be filled by appointment by the
6 governor **[except that when a vacancy occurs in the office of county assessor after**
7 **a general election at which a person other than the incumbent has been elected,**
8 **the person so elected shall be appointed to fill the remainder of the unexpired**
9 **term; and], unless otherwise provided by law.**

10 **2.** The person appointed after duly qualifying and entering upon the
11 discharge of his **or her** duties under the appointment shall continue in office
12 until the first Monday in January next following the first ensuing general
13 election, at which general election a person shall be elected to fill the unexpired
14 portion of the term, or for the ensuing regular term, as the case may be, and the
15 person so elected shall enter upon the discharge of the duties of the office the
16 first Monday in January next following his **or her** election[, except that when the

17 term to be filled begins on any day other than the first Monday in January, the
18 appointee of the governor shall be entitled to hold the office until such other
19 date].

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

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

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

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

37 **(2) Vacancies in the office of any associate circuit judge, circuit**
38 **clerk, prosecuting attorney, or circuit attorney.**

39 **5. Any vacancy in the office of recorder of deeds in [the] any city [of St.**
40 **Louis] not within a county shall be filled by appointment by the mayor of that**
41 **city.**

115.124. 1. Notwithstanding any other law to the contrary, in a
2 nonpartisan election in any political subdivision or special district including
3 municipal elections in any city, town, or village with [one] **two** thousand or fewer
4 inhabitants that have adopted a proposal pursuant to subsection 3 of this section
5 but excluding municipal elections in any city, town, or village with more than
6 [one] **two** thousand inhabitants, if the notice provided for in subsection 5 of
7 section 115.127 has been published in at least one newspaper of general
8 circulation as defined in section 493.050 in the district, and [if the number of
9 candidates who have filed for a particular office is equal to the number of
10 positions in that office to be filled by the election, no election shall be held for
11 such office] **if the number of candidates for each office in a particular**

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

32 2. The election authority or political subdivision responsible for the
33 oversight of the filing of candidates in any nonpartisan election in any political
34 subdivision or special district shall clearly designate where candidates shall form
35 a line to effectuate such filings and determine the order of such filings; except
36 that, in the case of candidates who file a declaration of candidacy with the
37 election authority or political subdivision prior to 5:00 p.m. on the first day for
38 filing, the election authority or political subdivision may determine by random
39 drawing the order in which such candidates' names shall appear on the ballot. If
40 a drawing is conducted pursuant to this subsection, it shall be conducted so that
41 each candidate, or candidate's representative if the candidate filed under
42 subsection 2 of section 115.355, may draw a number at random at the time of
43 filing. If such drawing is conducted, the election authority or political subdivision
44 shall record the number drawn with the candidate's declaration of candidacy. If
45 such drawing is conducted, the names of candidates filing on the first day of filing
46 for each office on each ballot shall be listed in ascending order of the numbers so
47 drawn.

48 3. The governing body of any city, town, or village with [one] **two**
49 thousand or fewer inhabitants may submit to the voters at any available election,
50 a question to adopt the provisions of subsection 1 of this section for municipal
51 elections. If a majority of the votes cast by the qualified voters voting thereon are
52 in favor of the question, then the city, town, or village shall conduct nonpartisan
53 municipal elections as provided in subsection 1 of this section for all nonpartisan
54 elections remaining in the year in which the proposal was adopted and for the six
55 calendar years immediately following such approval. At the end of such six-year
56 period, each such city, town, or village shall be prohibited from conducting such
57 elections in such a manner unless such a question is again adopted by the
58 majority of qualified voters as provided in this subsection.

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

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

16 3. The county commission may make and supervise the improvements or
17 the city, town or village, with the consent and approval of the county commission,
18 may provide for the repairs and improvement by private contract and, in either
19 case, the county commission shall pay the costs thereof out of any funds available
20 under the provisions of this section.

162.441. 1. If any school district desires to be attached **to a community**
2 **college district organized under sections 178.770 to 178.890 or** to one or
3 more adjacent seven-director school districts for school purposes, upon the receipt
4 of a petition setting forth such fact, signed either by voters of the district equal
5 in number to ten percent of those voting in the last school election at which

6 school board members were elected or by a majority of the voters of the district,
7 whichever is the lesser, the school board of the district desiring to be so attached
8 shall submit the question to the voters.

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

13 **3. As an alternative to the procedures in subsection 1 or 2 of this**
14 **section, a community college district organized under sections 178.770**
15 **to 178.890 may, by a majority vote of its board of trustees, propose a**
16 **plan to the voters of the school district to attach the school district to**
17 **the community college district, levy the tax rate applicable to the**
18 **community college district at the time of the vote of the board of**
19 **trustees, and call an election upon the question of such plan. The tax**
20 **rate applicable to the community college district shall not be levied as**
21 **to the school district until the proposal of the board of trustees of the**
22 **community college district has been approved by a majority vote of the**
23 **voters of the school district at the election called for that purpose. The**
24 **community college district shall be responsible for the costs associated**
25 **with the election.**

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

28 [4.] 5. The question shall be submitted in substantially the
29 following form:

30 Shall the _____ school district be annexed to the _____ school
31 districts effective the _____ day of _____, _____?

32 [5.] 6. If a majority of the votes cast in the district proposing annexation
33 favor annexation, the secretary shall certify the fact, with a copy of the record,
34 to the board of the district and to the boards of the districts to which annexation
35 is proposed; whereupon the boards of the seven-director districts to which
36 annexation is proposed shall meet to consider the advisability of receiving the
37 district or a portion thereof, and if a majority of all the members of each board
38 favor annexation, the boundary lines of the seven-director school districts from
39 the effective date shall be changed to include the district, and the board shall
40 immediately notify the secretary of the district which has been annexed of its
41 action.

42 [6.] 7. Upon the effective date of the annexation, all indebtedness,
43 property and money on hand belonging thereto shall immediately pass to the
44 seven-director school district. If the district is annexed to more than one district,
45 the provisions of sections 162.031 and 162.041 shall apply.

227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited
2 as the "Missouri Public-Private Partnerships Transportation Act".

3 2. As used in sections 227.600 to 227.669, unless the context clearly
4 requires otherwise, the following terms mean:

5 (1) "Commission", the Missouri highways and transportation commission;

6 (2) "Comprehensive agreement", the final binding written comprehensive
7 project agreement between a private partner and the commission required in
8 section 227.621 to finance, develop, and/or operate the project;

9 (3) "Department", the Missouri department of transportation;

10 (4) "Develop" or "development", to plan, locate, relocate, establish, acquire,
11 lease, design, or construct;

12 (5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all
13 other charges incurred to finance, develop, and/or operate the project;

14 (6) "Interim agreement", a preliminary binding written agreement
15 between a private partner and the commission that provides for completion of
16 studies and any other activities to advance the financing, development, and/or
17 operation of the project required by section 227.618;

18 (7) "Material default", any uncured default by a private partner in the
19 performance of its duties that jeopardizes adequate service to the public from the
20 project as determined by the commission;

21 (8) "Operate" or "operation", to improve, maintain, equip, modify, repair,
22 administer, or collect user fees;

23 (9) "Private partner", any natural person, corporation, partnership,
24 limited liability company, joint venture, business trust, nonprofit entity, other
25 business entity, or any combination thereof;

26 (10) "Project", exclusively includes any pipeline, ferry, port facility, water
27 facility, water way, water supply facility or pipeline, **stormwater facility or**
28 **system**, wastewater **system** or [wastewater] treatment facility, public building,
29 airport, railroad, light rail, vehicle parking facility, mass transit facility, or other
30 similar facility currently available or to be made available to a government entity
31 for public use, including any structure, parking area, appurtenance and other
32 property required to operate the structure or facility to be financed, developed,

33 and/or operated under agreement between the commission and a private
34 partner. The commission or private partner shall not have the authority to
35 collect user fees in connection with the project from motor carriers as defined in
36 section 227.630. Project shall not include any highway, interstate or bridge
37 construction, or any rest area, rest stop, or truck parking facility connected to an
38 interstate or other highway under the authority of the commission. Any project
39 not specifically included in this subdivision shall not be financed, developed, or
40 operated by a private partner until such project is approved by a vote of the
41 people;

42 (11) "Public use", a finding by the commission that the project to be
43 financed, developed, and/or operated by a private partner under sections 227.600
44 to 227.669 will improve or is needed as a necessary addition to the state
45 transportation system;

46 (12) "Revenues", include but are not limited to the following which arise
47 out of or in connection with the financing, development, and/or operation of the
48 project:

49 (a) Income;

50 (b) Earnings;

51 (c) Proceeds;

52 (d) User fees;

53 (e) Lease payments;

54 (f) Allocations;

55 (g) Federal, state, and local moneys; or

56 (h) Private sector moneys, grants, bond proceeds, and/or equity
57 investments;

58 (13) "State", the state of Missouri;

59 (14) "State highway system", the state system of highways and bridges
60 planned, located, relocated, established, acquired, constructed, and maintained
61 by the commission under Section 30(b), Article IV, Constitution of Missouri;

62 (15) "State transportation system", the state system of nonhighway
63 transportation programs, including but not limited to aviation, transit and mass
64 transportation, railroads, ports, waterborne commerce, freight and intermodal
65 connections;

66 (16) "User fees", tolls, fees, or other charges authorized to be imposed by
67 the commission and collected by the private partner for the use of all or a portion
68 of a project under a comprehensive agreement.

227.601. 1. Notwithstanding any provision of sections 227.600 to
2 227.669 to the contrary, the process and approval for concession
3 agreements to build, maintain, operate, or finance projects owned by
4 a political subdivision shall be approved by the governing body of such
5 political subdivision and shall not be subject to approval by the
6 commission. Notwithstanding the provisions of subsection 5 of this
7 section, the sale or conveyance of any project owned by a political
8 subdivision shall be subject to voter approval if required by law.

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

10 (1) "Competitive bidding process", a request for proposal for the
11 financing, development, or operation of the project, including any
12 deadline for submission of such proposals, and notice of the request
13 which shall be published once a week for two consecutive weeks in:

14 (a) A newspaper of general circulation in the city where the
15 proposed project is located;

16 (b) At least one construction industry trade publication that is
17 nationally distributed; and

18 (c) Such other publications or manner as the governing body of
19 the political subdivision may determine;

20 (2) "Concession agreement", a license or lease between a private
21 partner and a political subdivision for the development, finance,
22 operation, or maintenance of a project, as such term is defined in
23 section 227.600.

24 3. Notwithstanding any provision of law to the contrary, political
25 subdivisions may enter into concession agreements provided that:

26 (1) The term of the concession agreement shall be for a term not
27 exceeding thirty years;

28 (2) The political subdivision shall retain oversight of operations
29 of any such project;

30 (3) The political subdivision shall retain oversight of rate setting
31 methodology;

32 (4) The political subdivision shall have the right to terminate the
33 agreement if the private partner does not comply with the concession
34 agreement.

35 4. The commission shall not be required to oversee, or issue an
36 annual report under section 227.669 for, projects approved by political
37 subdivisions, provided that any political subdivision entering into a

38 **concession agreement shall use a public-private partnership framework**
39 **that shall include a competitive bidding process.**

40 **5. Except as provided in subsection 1 of this section, the**
41 **provisions of sections 71.530, 71.550, 78.190, 78.630, 81.190, 88.251,**
42 **88.633, 88.770, 88.773, 91.550, and 91.600 shall not apply to concession**
43 **agreements that are approved as provided in this section.**

263.245. 1. **Subject to voter approval under section 263.247,** all
2 owners of land in:

3 **(1)** Any county with a township form of government, located north of the
4 Missouri River and having no portion of the county located east of U.S. Highway
5 63 [and located in];

6 **(2)** Any county of the third classification without a township form of
7 government and with more than four thousand one hundred but fewer than four
8 thousand two hundred inhabitants[.]; or [in]

9 **(3)** Any county of the third classification without a township form of
10 government and with more than two thousand three hundred but fewer than two
11 thousand four hundred inhabitants shall control all brush growing on such
12 owner's property that is designated as the county right-of-way or county
13 maintenance easement part of such owner's property and which is adjacent to any
14 county road. Such brush shall be cut, burned, or otherwise destroyed as often as
15 necessary in order to keep such lands accessible for purposes of maintenance and
16 safety of the county road **and to prevent brush from interfering with any**
17 **vehicle that may travel the road.**

18 2. The county commission, either upon its own motion or upon receipt of
19 a written notice requesting the action from any residents of the county in which
20 the county road bordering the lands in question is located or upon written request
21 of any person regularly using the county road, may control such brush so as to
22 allow easy access to the land described in subsection 1 of this section, and for that
23 purpose the county commission, or its agents, servants, or employees shall have
24 authority to enter on such lands without being liable to an action of trespass
25 therefor, and shall keep an accurate account of the expenses incurred in
26 eradicating the brush, and shall verify such statement under seal of the county
27 commission, and transmit the same to the officer whose duty it is or may be to
28 extend state and county taxes on tax books or bills against real estate. Such
29 officer shall extend the aggregate expenses so charged against each tract of land
30 as a special tax, which shall then become [a lien on such lands,] **due on such**

31 **landowner's real and personal property tax assessment** and be collected
32 as state and county taxes are collected by law and paid to the county commission
33 and credited to the county control fund.

34 3. Before proceeding to control brush as provided in this section, the
35 county commission of the county in which the land is located shall notify the
36 owner of the land of the requirements of this law [by certified mail, return receipt
37 requested, from a list] **in writing using any mail service with delivery**
38 **tracking and an address** supplied by the officer who prepares the tax list[,]
39 and shall allow the owner of the land thirty days from [acknowledgment date of
40 return receipt, or] **the date of [refusal of acceptance of] delivery** [as the case may
41 be,] to eradicate all such brush growing on land designated as the county
42 right-of-way or county maintenance easement part of such owner's land and
43 which is adjacent to the county road. In the event that the property owner cannot
44 be located by [certified] mail, notice shall be placed in a newspaper of general
45 circulation in the county in which the land is located at least thirty days before
46 the county commission removes the brush pursuant to subsection 2 of this
47 section. Such property owner shall be granted an automatic thirty-day extension
48 due to hardship by notifying the county commission that such owner cannot
49 comply with the requirements of this section, due to hardship, within the first
50 thirty-day period. The property owner may be granted a second extension by a
51 majority vote of the county commission. There shall be no further extensions. For
52 the purposes of this subsection, "hardship" may be financial, physical or any other
53 condition that the county commission deems to be a valid reason to allow an
54 extension of time to comply with the requirements of this section.

55 4. County commissions shall not withhold rock, which is provided from
56 funds from the county aid road trust fund, for maintaining county roads due to
57 the abutting property owner's refusal to remove brush located on land designated
58 as the county right-of-way or county maintenance easement part of such owner's
59 land. County commissions shall use such rock on the county roads, even though
60 the brush is not removed, or county commissions may resort to the procedures in
61 this section to remove the brush.

62 5. **The county right-of-way or county maintenance easement shall**
63 **extend fifteen feet from the center of the county road or the distance**
64 **set forth in the original conveyance, whichever is greater. For**
65 **purposes of this subsection, the "center of the county road" shall be the**
66 **point equidistant from both edges of the drivable ground of the road in**

67 **its current condition.**

68 **6. In the event a county is required to obtain a land survey to**
69 **enforce this section, the costs of such survey shall be divided equally**
70 **between the county and the landowner.**

304.060. 1. The state board of education shall adopt and enforce
2 regulations not inconsistent with law to cover the design and operation of all
3 school buses used for the transportation of school children when owned and
4 operated by any school district or privately owned and operated under contract
5 with any school district in this state, and such regulations shall by reference be
6 made a part of any such contract with a school district. The state board of
7 education may adopt rules and regulations governing the use of other vehicles
8 owned by a district or operated under contract with any school district in this
9 state and used for the purpose of transporting school children. The operator of
10 such vehicle shall be licensed in accordance with section 302.272, and such
11 vehicle shall transport no more children than the manufacturer suggests as
12 appropriate for such vehicle. The state board of education may also adopt rules
13 and regulations governing the use of authorized common carriers for the
14 transportation of students on field trips or other special trips for educational
15 purposes. Every school district, its officers and employees, and every person
16 employed under contract by a school district shall be subject to such
17 regulations. The state board of education shall cooperate with the state
18 transportation department and the state highway patrol in placing suitable
19 warning signs at intervals on the highways of the state.

20 **2. Notwithstanding the provisions of subsection 1 of this section,**
21 **any school board in the state of Missouri in an urban district**
22 **containing the greater part of the population of a city which has more**
23 **than three hundred thousand inhabitants may contract with any**
24 **municipality, bi-state agency, or other governmental entity for the**
25 **purpose of transporting school children attending a grade or grades not**
26 **lower than the ninth nor higher than the twelfth grade, provided that**
27 **such contract shall be for additional transportation services, and shall**
28 **not replace or fulfill any of the school district's obligations pursuant to**
29 **section 167.231. The school district may notify students of the option**
30 **to use district contracted transportation services.**

31 **3. Any officer or employee of any school district who violates any of the**
32 **regulations or fails to include obligation to comply with such regulations in any**

33 contract executed by him on behalf of a school district shall be guilty of
34 misconduct and subject to removal from office or employment. Any person
35 operating a school bus under contract with a school district who fails to comply
36 with any such regulations shall be guilty of breach of contract and such contract
37 shall be cancelled after notice and hearing by the responsible officers of such
38 school district.

39 [3.] 4. Any other provision of the law to the contrary notwithstanding, in
40 any county of the first class with a charter form of government adjoining a city
41 not within a county, school buses may bear the word "special".

Unofficial ✓

Bill

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