

FIRST REGULAR SESSION

# SENATE BILL NO. 268

100TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WIELAND.

Read 1st time January 17, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0727S.01I

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## AN ACT

To repeal sections 8.250, 8.679, 21.290, 21.300, 21.310, 21.320, 33.440, 34.030, 34.040, 34.042, 34.044, 49.265, 49.535, 50.333, 50.660, 50.760, 50.783, 50.800, 50.815, 56.363, 60.010, 64.040, 64.140, 64.180, 64.231, 64.271, 64.281, 64.341, 64.342, 64.401, 64.550, 64.725, 64.815, 65.610, 65.662, 66.705, 66.711, 67.110, 67.461, 67.794, 67.950, 67.1170, 67.1180, 67.1237, 67.1421, 67.1431, 67.1551, 67.1812, 67.1866, 67.1874, 67.1953, 67.2000, 67.2505, 67.2515, 67.2520, 67.2525, 67.5050, 67.5060, 68.055, 68.215, 68.225, 68.250, 71.012, 71.015, 71.050, 71.070, 71.590, 71.794, 72.402, 72.403, 72.405, 72.422, 77.110, 77.220, 77.700, 78.300, 78.630, 79.160, 79.490, 80.200, 80.210, 80.570, 80.580, 81.220, 82.120, 82.133, 84.570, 88.027, 88.080, 88.110, 88.520, 88.640, 88.653, 88.657, 88.700, 88.787, 88.808, 88.812, 88.815, 88.880, 88.887, 88.917, 89.145, 89.360, 91.130, 91.670, 92.755, 95.280, 99.150, 99.430, 99.450, 99.490, 99.620, 99.825, 99.830, 99.865, 99.879, 99.881, 99.899, 99.936, 99.951, 99.980, 99.1021, 99.1036, 99.1060, 99.1088, 100.400, 100.410, 100.440, 100.580, 108.320, 110.070, 110.130, 115.023, 115.113, 115.124, 115.127, 115.345, 115.389, 115.521, 116.260, 116.290, 128.030, 135.210, 135.215, 135.963, 137.055, 137.073, 137.177, 137.355, 137.512, 138.050, 138.070, 138.100, 138.150, 138.460, 140.170, 141.040, 141.410, 141.430, 141.450, 141.540, 141.785, 141.850, 141.1009, 141.1012, 144.034, 160.665, 161.092, 162.321, 165.111, 165.121, 165.211, 172.020, 177.073, 177.086, 177.088, 177.091, 182.620, 184.104, 184.350, 184.353, 184.503, 184.509, 184.600, 184.830, 190.020, 190.088, 192.300, 197.330, 198.220, 204.260, 204.350, 204.355, 204.472, 204.567, 204.602, 204.604, 204.622, 204.658, 205.200, 205.979, 206.030, 206.060, 214.035, 214.060, 214.209, 226.799, 227.100, 227.107, 227.601, 227.609, 228.180, 229.050, 231.220, 231.280, 231.370, 231.410, 233.150, 233.175,

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

233.205, 233.225, 233.285, 233.295, 233.316, 233.325, 233.350, 233.370,  
 233.425, 233.503, 233.520, 234.120, 234.130, 238.212, 238.220, 238.310,  
 241.160, 242.030, 242.050, 242.140, 242.150, 242.270, 242.310, 242.485,  
 242.696, 242.720, 243.060, 243.110, 243.160, 243.220, 243.460, 243.550,  
 245.020, 245.060, 245.125, 245.140, 245.181, 245.300, 245.320, 245.395,  
 245.460, 246.070, 246.090, 246.160, 247.031, 247.040, 247.085, 247.160,  
 247.165, 247.215, 247.217, 247.220, 248.020, 248.090, 248.110, 249.050,  
 249.134, 249.340, 249.360, 249.425, 249.480, 249.510, 249.765, 249.800,  
 249.810, 249.939, 249.1103, 251.330, 251.370, 251.430, 253.080, 253.300,  
 256.645, 257.250, 259.140, 260.205, 260.215, 260.330, 260.395, 260.405,  
 260.460, 262.410, 262.583, 262.620, 262.900, 263.245, 263.247, 263.255,  
 263.257, 263.454, 263.456, 263.517, 267.595, 271.100, 271.340, 272.370,  
 273.170, 273.180, 274.100, 278.190, 287.872, 304.130, 305.310, 305.525,  
 305.575, 311.140, 311.840, 322.100, 341.130, 347.141, 347.145, 351.482,  
 352.200, 354.290, 355.626, 355.701, 359.481, 361.480, 361.510, 361.580,  
 362.044, 362.295, 362.331, 362.332, 362.485, 369.094, 369.104, 369.192,  
 369.349, 375.201, 375.355, 375.480, 375.777, 375.1185, 376.050, 376.070,  
 376.110, 376.150, 377.240, 379.025, 379.030, 379.040, 379.065, 379.095,  
 379.530, 379.570, 379.600, 380.041, 380.151, 380.321, 386.800, 388.290,  
 391.020, 392.040, 393.040, 393.760, 393.855, 393.945, 394.240, 400.7-210,  
 411.360, 411.671, 415.415, 417.250, 417.300, 426.150, 426.180, 426.320,  
 426.350, 430.100, 430.160, 430.170, 433.160, 443.110, 443.320, 444.110,  
 444.535, 444.600, 444.720, 444.772, 444.820, 444.850, 444.855, 444.875,  
 444.925, 446.090, 447.040, 447.541, 447.558, 451.300, 456.5-505, 470.080,  
 472.100, 472.110, 473.033, 473.040, 473.097, 473.507, 473.697, 473.703,  
 475.140, 479.368, 492.470, 492.480, 493.025, 493.027, 493.040, 493.045,  
 493.050, 493.055, 493.060, 493.070, 493.075, 493.080, 493.090, 493.100,  
 493.110, 493.120, 493.130, 493.140, 506.160, 506.180, 511.420, 513.205,  
 515.520, 523.030, 523.262, 525.270, 527.200, 527.290, 578.100, 640.015,  
 640.120, 640.418, 644.036, and 700.527, RSMo, and to enact in lieu thereof four  
 hundred thirty-six new sections relating to the means by which public notice  
 is required to be published, with existing penalty provisions.

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

Section A. Sections 8.250, 8.679, 21.290, 21.300, 21.310, 21.320, 33.440,  
 2 34.030, 34.040, 34.042, 34.044, 49.265, 49.535, 50.333, 50.660, 50.760, 50.783,  
 3 50.800, 50.815, 56.363, 60.010, 64.040, 64.140, 64.180, 64.231, 64.271, 64.281,

4 64.341, 64.342, 64.401, 64.550, 64.725, 64.815, 65.610, 65.662, 66.705, 66.711,  
5 67.110, 67.461, 67.794, 67.950, 67.1170, 67.1180, 67.1237, 67.1421, 67.1431,  
6 67.1551, 67.1812, 67.1866, 67.1874, 67.1953, 67.2000, 67.2505, 67.2515, 67.2520,  
7 67.2525, 67.5050, 67.5060, 68.055, 68.215, 68.225, 68.250, 71.012, 71.015, 71.050,  
8 71.070, 71.590, 71.794, 72.402, 72.403, 72.405, 72.422, 77.110, 77.220, 77.700,  
9 78.300, 78.630, 79.160, 79.490, 80.200, 80.210, 80.570, 80.580, 81.220, 82.120,  
10 82.133, 84.570, 88.027, 88.080, 88.110, 88.520, 88.640, 88.653, 88.657, 88.700,  
11 88.787, 88.808, 88.812, 88.815, 88.880, 88.887, 88.917, 89.145, 89.360, 91.130,  
12 91.670, 92.755, 95.280, 99.150, 99.430, 99.450, 99.490, 99.620, 99.825, 99.830,  
13 99.865, 99.879, 99.881, 99.899, 99.936, 99.951, 99.980, 99.1021, 99.1036, 99.1060,  
14 99.1088, 100.400, 100.410, 100.440, 100.580, 108.320, 110.070, 110.130, 115.023,  
15 115.113, 115.124, 115.127, 115.345, 115.389, 115.521, 116.260, 116.290, 128.030,  
16 135.210, 135.215, 135.963, 137.055, 137.073, 137.177, 137.355, 137.512, 138.050,  
17 138.070, 138.100, 138.150, 138.460, 140.170, 141.040, 141.410, 141.430, 141.450,  
18 141.540, 141.785, 141.850, 141.1009, 141.1012, 144.034, 160.665, 161.092,  
19 162.321, 165.111, 165.121, 165.211, 172.020, 177.073, 177.086, 177.088, 177.091,  
20 182.620, 184.104, 184.350, 184.353, 184.503, 184.509, 184.600, 184.830, 190.020,  
21 190.088, 192.300, 197.330, 198.220, 204.260, 204.350, 204.355, 204.472, 204.567,  
22 204.602, 204.604, 204.622, 204.658, 205.200, 205.979, 206.030, 206.060, 214.035,  
23 214.060, 214.209, 226.799, 227.100, 227.107, 227.601, 227.609, 228.180, 229.050,  
24 231.220, 231.280, 231.370, 231.410, 233.150, 233.175, 233.205, 233.225, 233.285,  
25 233.295, 233.316, 233.325, 233.350, 233.370, 233.425, 233.503, 233.520, 234.120,  
26 234.130, 238.212, 238.220, 238.310, 241.160, 242.030, 242.050, 242.140, 242.150,  
27 242.270, 242.310, 242.485, 242.696, 242.720, 243.060, 243.110, 243.160, 243.220,  
28 243.460, 243.550, 245.020, 245.060, 245.125, 245.140, 245.181, 245.300, 245.320,  
29 245.395, 245.460, 246.070, 246.090, 246.160, 247.031, 247.040, 247.085, 247.160,  
30 247.165, 247.215, 247.217, 247.220, 248.020, 248.090, 248.110, 249.050, 249.134,  
31 249.340, 249.360, 249.425, 249.480, 249.510, 249.765, 249.800, 249.810, 249.939,  
32 249.1103, 251.330, 251.370, 251.430, 253.080, 253.300, 256.645, 257.250, 259.140,  
33 260.205, 260.215, 260.330, 260.395, 260.405, 260.460, 262.410, 262.583, 262.620,  
34 262.900, 263.245, 263.247, 263.255, 263.257, 263.454, 263.456, 263.517, 267.595,  
35 271.100, 271.340, 272.370, 273.170, 273.180, 274.100, 278.190, 287.872, 304.130,  
36 305.310, 305.525, 305.575, 311.140, 311.840, 322.100, 341.130, 347.141, 347.145,  
37 351.482, 352.200, 354.290, 355.626, 355.701, 359.481, 361.480, 361.510, 361.580,  
38 362.044, 362.295, 362.331, 362.332, 362.485, 369.094, 369.104, 369.192, 369.349,  
39 375.201, 375.355, 375.480, 375.777, 375.1185, 376.050, 376.070, 376.110, 376.150,

40 377.240, 379.025, 379.030, 379.040, 379.065, 379.095, 379.530, 379.570, 379.600,  
41 380.041, 380.151, 380.321, 386.800, 388.290, 391.020, 392.040, 393.040, 393.760,  
42 393.855, 393.945, 394.240, 400.7-210, 411.360, 411.671, 415.415, 417.250, 417.300,  
43 426.150, 426.180, 426.320, 426.350, 430.100, 430.160, 430.170, 433.160, 443.110,  
44 443.320, 444.110, 444.535, 444.600, 444.720, 444.772, 444.820, 444.850, 444.855,  
45 444.875, 444.925, 446.090, 447.040, 447.541, 447.558, 451.300, 456.5-505, 470.080,  
46 472.100, 472.110, 473.033, 473.040, 473.097, 473.507, 473.697, 473.703, 475.140,  
47 479.368, 492.470, 492.480, 493.025, 493.027, 493.040, 493.045, 493.050, 493.055,  
48 493.060, 493.070, 493.075, 493.080, 493.090, 493.100, 493.110, 493.120, 493.130,  
49 493.140, 506.160, 506.180, 511.420, 513.205, 515.520, 523.030, 523.262, 525.270,  
50 527.200, 527.290, 578.100, 640.015, 640.120, 640.418, 644.036, and 700.527,  
51 RSMo, are repealed and four hundred thirty-six new sections enacted in lieu  
52 thereof, to be known as sections 8.250, 8.679, 21.290, 21.320, 33.440, 34.030,  
53 34.040, 34.042, 34.044, 49.265, 49.535, 50.333, 50.660, 50.760, 50.783, 50.800,  
54 50.815, 56.363, 60.010, 64.040, 64.140, 64.180, 64.231, 64.271, 64.281, 64.341,  
55 64.342, 64.401, 64.550, 64.725, 64.815, 65.610, 65.662, 66.705, 66.711, 67.110,  
56 67.461, 67.794, 67.950, 67.1170, 67.1180, 67.1237, 67.1421, 67.1431, 67.1551,  
57 67.1812, 67.1866, 67.1874, 67.1953, 67.2000, 67.2505, 67.2515, 67.2520, 67.2525,  
58 67.5050, 67.5060, 68.055, 68.215, 68.225, 68.250, 71.012, 71.015, 71.050, 71.070,  
59 71.590, 71.794, 72.402, 72.403, 72.405, 72.422, 77.110, 77.220, 77.700, 78.300,  
60 78.630, 79.160, 79.490, 80.200, 80.210, 80.570, 80.580, 81.220, 82.120, 82.133,  
61 84.570, 88.027, 88.080, 88.110, 88.520, 88.640, 88.653, 88.657, 88.700, 88.787,  
62 88.808, 88.812, 88.815, 88.880, 88.887, 88.917, 89.145, 89.360, 91.130, 91.670,  
63 92.755, 95.280, 99.150, 99.430, 99.450, 99.490, 99.620, 99.825, 99.830, 99.865,  
64 99.879, 99.881, 99.899, 99.936, 99.951, 99.980, 99.1021, 99.1036, 99.1060, 99.1088,  
65 100.400, 100.410, 100.440, 100.580, 108.320, 110.070, 110.130, 115.023, 115.113,  
66 115.124, 115.127, 115.345, 115.389, 115.521, 116.290, 128.030, 135.210, 135.215,  
67 135.963, 137.055, 137.073, 137.177, 137.355, 137.512, 138.050, 138.070, 138.100,  
68 138.150, 138.460, 140.170, 141.040, 141.410, 141.430, 141.450, 141.540, 141.785,  
69 141.850, 141.1009, 141.1012, 144.034, 160.665, 161.092, 162.321, 165.111,  
70 165.121, 165.211, 172.020, 177.073, 177.086, 177.088, 177.091, 182.620, 184.104,  
71 184.350, 184.353, 184.503, 184.509, 184.600, 184.830, 190.020, 190.088, 192.300,  
72 197.330, 198.220, 204.260, 204.350, 204.355, 204.472, 204.567, 204.602, 204.604,  
73 204.622, 204.658, 205.200, 205.979, 206.030, 206.060, 214.035, 214.060, 214.209,  
74 226.799, 227.100, 227.107, 227.601, 227.609, 228.180, 229.050, 231.220, 231.280,  
75 231.370, 231.410, 233.150, 233.175, 233.205, 233.225, 233.285, 233.295, 233.316,

76 233.325, 233.350, 233.370, 233.425, 233.503, 233.520, 234.120, 234.130, 238.212,  
77 238.220, 238.310, 241.160, 242.030, 242.050, 242.140, 242.150, 242.270, 242.310,  
78 242.485, 242.696, 242.720, 243.060, 243.110, 243.160, 243.220, 243.460, 243.550,  
79 245.020, 245.060, 245.125, 245.140, 245.181, 245.300, 245.320, 245.395, 245.460,  
80 246.070, 246.090, 246.160, 247.031, 247.040, 247.085, 247.160, 247.165, 247.215,  
81 247.217, 247.220, 248.020, 248.090, 248.110, 249.050, 249.134, 249.340, 249.360,  
82 249.425, 249.480, 249.510, 249.765, 249.800, 249.810, 249.939, 249.1103, 251.330,  
83 251.370, 251.430, 253.080, 253.300, 256.645, 257.250, 259.140, 260.205, 260.215,  
84 260.330, 260.395, 260.405, 260.460, 262.410, 262.583, 262.620, 262.900, 263.245,  
85 263.247, 263.255, 263.257, 263.454, 263.456, 263.517, 267.595, 271.100, 272.370,  
86 273.170, 273.180, 274.100, 278.190, 287.872, 304.130, 305.310, 305.525, 305.575,  
87 311.140, 311.840, 322.100, 341.130, 347.141, 347.145, 351.482, 352.200, 354.290,  
88 355.626, 355.701, 359.481, 361.480, 361.510, 361.580, 362.044, 362.295, 362.331,  
89 362.332, 362.485, 369.094, 369.104, 369.192, 369.349, 375.201, 375.355, 375.480,  
90 375.777, 375.1185, 376.050, 376.070, 376.110, 376.150, 377.240, 379.025, 379.030,  
91 379.040, 379.065, 379.095, 379.530, 379.570, 379.600, 380.041, 380.151, 380.321,  
92 386.800, 388.290, 391.020, 392.040, 393.040, 393.760, 393.855, 393.945, 394.240,  
93 400.7-210, 411.360, 411.671, 415.415, 417.250, 417.300, 426.150, 426.180, 426.320,  
94 426.350, 430.100, 430.160, 430.170, 433.160, 443.110, 443.320, 444.110, 444.535,  
95 444.600, 444.720, 444.772, 444.820, 444.850, 444.855, 444.875, 444.925, 446.090,  
96 447.040, 447.541, 447.558, 451.300, 456.5-505, 470.080, 472.100, 472.110, 473.033,  
97 473.040, 473.097, 473.507, 473.697, 473.703, 475.140, 479.368, 492.470, 493.077,  
98 506.160, 506.180, 511.420, 513.205, 515.520, 523.030, 523.262, 525.270, 527.200,  
99 527.290, 578.100, 640.015, 640.120, 640.418, 644.036, and 700.527, to read as  
100 follows:

8.250. 1. "Project" for the purposes of this chapter means the labor or  
2 material necessary for the construction, renovation, or repair of improvements to  
3 real property so that the work, when complete, shall be ready for service for its  
4 intended purpose and shall require no other work to be a completed system or  
5 component.

6 2. All contracts for projects, the cost of which exceeds twenty-five  
7 thousand dollars, entered into by any city containing five hundred thousand  
8 inhabitants or more shall be let to the lowest, responsive, responsible bidder or  
9 bidders after notice and publication of an advertisement [for five days in a daily  
10 newspaper in the county where the work is located, or at least twice over a period  
11 of ten days or more in a newspaper in the county where the work is located, and

12 in two daily newspapers in the state which do not have less than fifty thousand  
13 daily circulation] **on the front page of the city's website, if it has one, for**  
14 **a period of five days**, and by such other means as are determined to be most  
15 likely to reach potential bidders. **If the city does not have a website, the**  
16 **advertisement shall be sent to the secretary of state who shall publish**  
17 **such advertisement on the legal notices website, established pursuant**  
18 **to section 493.077, for a period of five days.**

19 3. All contracts for projects, the cost of which exceeds one hundred  
20 thousand dollars, entered into by an officer or agency of this state shall be let to  
21 the lowest, responsive, responsible bidder or bidders based on preestablished  
22 criteria after notice and publication of an advertisement [for five days in a daily  
23 newspaper in the county where the work is located, or at least twice over a period  
24 of ten days or more in a newspaper in the county where the work is located and  
25 in one daily newspaper in the state which does not have less than fifty thousand  
26 daily circulation] **on the front page of the officer or agency's website, if**  
27 **it has one, for a period of five days**, and by such other means as determined  
28 to be most likely to reach potential bidders. **If the officer or agency does not**  
29 **have a website, the advertisement shall be sent to the secretary of state**  
30 **who shall publish such advertisement on the legal notices website,**  
31 **established pursuant to section 493.077, for a period of five days.** For  
32 all contracts for projects between twenty-five thousand dollars and one hundred  
33 thousand dollars, a minimum of three contractors shall be solicited with the  
34 award being made to the lowest responsive, responsible bidder based on  
35 preestablished criteria.

36 4. The number of such public bids shall not be restricted or curtailed, but  
37 shall be open to all persons complying with the terms upon which the bids are  
38 requested or solicited unless debarred for cause. No contract shall be awarded  
39 when the amount appropriated for same is not sufficient to complete the work  
40 ready for service.

41 5. Dividing a project into component labor or material allocations for the  
42 purpose of avoiding bidding or advertising provisions required by this section is  
43 specifically prohibited.

8.679. When, in the discretion of the public owner, it is determined that  
2 a public works project should be performed with a negotiated contract for  
3 construction management services, such public owner shall advertise and solicit  
4 proposals from qualified construction managers [in the following manner: If the

5 total cost for the erection or construction of any building or structure or the  
6 improvement, alteration or repair of a building or structure exceeds five hundred  
7 thousand dollars, the public owner shall request and solicit proposals by  
8 advertising for ten days in one newspaper of general circulation in the county  
9 where the work is located. If the cost of the work contemplated exceeds one  
10 million five hundred thousand dollars, proposals shall be solicited by  
11 advertisement for ten days in two daily newspapers in the state which have not  
12 less than fifty thousand daily circulation in addition to the advertisement in the  
13 county where the work is located] **on the front page of its website, if it has**  
14 **one, for a period of ten days. If the public owner does not have a**  
15 **website, the advertisement shall be sent to the secretary of state who**  
16 **shall publish such advertisement on the legal notices website,**  
17 **established pursuant to section 493.077, for a period of five days.** The  
18 number of such proposals shall not be restricted or curtailed, but shall be open  
19 to all construction managers complying with the terms upon which the proposals  
20 are requested.

21.290. Notice of intention to apply for the enactment of local or special  
2 laws shall be published [in each county or incorporated city or town to be affected  
3 by the local or special law, by advertisement in some newspaper, if one is  
4 published in the county or incorporated city or town, and if there is no newspaper  
5 published in the county or incorporated city or town, by posting ten written or  
6 printed handbills in ten public places in the county or incorporated city or town,  
7 one of which shall be posted on the courthouse door] **on the legal notices**  
8 **website, established pursuant to section 493.077, and shall state the**  
9 **substance of the contemplated law.**

21.320. A copy of the notice required by [this chapter, duly authenticated  
2 and proved as set forth in section 21.310,] **section 21.290** shall be attached to  
3 the bill before its introduction and shall be once read in the senate and house of  
4 representatives before the bill is put upon its passage.

33.440. It shall be the duty of the fund commissioners to select, from time  
2 to time, some bank as fiscal agent, where all of the interest on the bonded debt  
3 of the state shall be paid, except interest on the state school and seminary bonds  
4 or state certificates of indebtedness, the interest on which shall be paid directly  
5 out of the state treasury[; and]. Whenever a change shall be made in the state's  
6 fiscal agent, the board shall immediately notify the holders of said bonds of such  
7 new selection by publication [in two metropolitan daily newspapers] **on the**

8 **front page of its website, if it has one. If the board does not have a**  
9 **website, notice shall be sent to the secretary of state who shall publish**  
10 **such notice on the legal notices website, established pursuant to section**  
11 **493.077.**

34.030. 1. The commissioner of administration shall purchase all supplies  
2 for all departments of the state, except as in this chapter otherwise  
3 provided. The commissioner of administration shall negotiate all leases and  
4 purchase all lands, except for such departments as derive their power to acquire  
5 lands from the constitution of the state.

6 2. When the commissioner of administration contracts to purchase lands  
7 on behalf of any department of the state that will be owned and managed by such  
8 department or when the department of natural resources contracts to purchase  
9 lands that will be owned or managed by the department of natural resources, and  
10 such lands exceed sixty or more acres in a single transaction or such purchase  
11 price exceeds two hundred fifty thousand dollars in a single transaction, the  
12 respective department shall:

13 (1) Provide public notice on its departmental website and to each publicly  
14 elected official that represents all or part of the county in which the land to be  
15 purchased is located at least sixty days prior to the department of natural  
16 resources purchasing such land or the commissioner of administration purchasing  
17 such land on behalf of a department;

18 (2) Provide public notice [in one newspaper with a circulation of more  
19 than five hundred customers and qualified under section 493.050 in every county  
20 in which the department of natural resources intends to purchase land or the  
21 commissioner of administration intends to purchase private land on behalf of a  
22 department. Such public notice shall be published once per week in such  
23 newspaper for a minimum of] **on the front page of its website, if it has one,**  
24 **for** two weeks prior to such land purchase; and

25 (3) Hold a public hearing in every county in which the department of  
26 natural resources intends to purchase land or the commissioner of administration  
27 intends to purchase land on behalf of a department. The department shall  
28 provide public notice of the public hearing on its departmental website and in  
29 writing to each publicly elected official who represents all or part of the county  
30 in which the land to be purchased is located at least fourteen calendar days prior  
31 to the hearing. The department shall also publish a public notice of the public  
32 hearing [in at least one newspaper with a circulation of more than five hundred

33 customers and qualified under section 493.050 in the county in which the land to  
34 be purchased is located. The public notice shall be published once per week in  
35 such newspaper or newspapers for a minimum of] **on its website, if it has one,**  
36 **at least** two weeks prior to the public hearing.

34.040. 1. All purchases in excess of three thousand dollars shall be  
2 based on competitive bids, except as otherwise provided in this chapter.

3 2. On any purchase where the estimated expenditure shall be twenty-five  
4 thousand dollars or over, except as provided in subsection 6 of this section, the  
5 commissioner of administration shall:

6 (1) Advertise for bids [in at least two daily newspapers of general  
7 circulation in such places as are most likely to reach prospective bidders and may  
8 advertise in at least two weekly minority newspapers and may provide such  
9 information through an electronic medium available to the general public] **on the**  
10 **front page of the office of administration's website** at least five days before  
11 bids for such purchases are to be opened. Other methods of advertisement, which  
12 may include minority business purchase councils, however, may be adopted by the  
13 commissioner of administration when such other methods are deemed more  
14 advantageous for the supplies to be purchased;

15 (2) Post a notice of the proposed purchase in his or her office; and

16 (3) Solicit bids by mail or other reasonable method generally available to  
17 the public from prospective suppliers. All bids for such supplies shall be mailed  
18 or delivered to the office of the commissioner of administration so as to reach  
19 such office before the time set for opening bids.

20 3. The contract shall be let to the lowest and best bidder. The  
21 commissioner of administration shall have the right to reject any or all bids and  
22 advertise for new bids, or purchase the required supplies on the open market if  
23 they can be so purchased at a better price. When bids received pursuant to this  
24 section are unreasonable or unacceptable as to terms and conditions,  
25 noncompetitive, or the low bid exceeds available funds and it is determined in  
26 writing by the commissioner of administration that time or other circumstances  
27 will not permit the delay required to resolicit competitive bids, a contract may be  
28 negotiated pursuant to this section, provided that each responsible bidder who  
29 submitted such bid under the original solicitation is notified of the determination  
30 and is given a reasonable opportunity to modify their bid and submit a best and  
31 final bid to the state. In cases where the bids received are noncompetitive or the  
32 low bid exceeds available funds, the negotiated price shall be lower than the

33 lowest rejected bid of any responsible bidder under the original solicitation.

34 4. The director of the department of revenue shall follow bidding  
35 procedures as contained in this chapter and may promulgate rules necessary to  
36 establish such procedures. No points shall be awarded on a request for proposal  
37 for a contract license office to a bidder for a return-to-the-state provision offer.

38 5. All bids shall be based on standard specifications wherever such  
39 specifications have been approved by the commissioner of administration. The  
40 commissioner of administration shall make rules governing the delivery,  
41 inspection, storage and distribution of all supplies so purchased and governing  
42 the manner in which all claims for supplies delivered shall be submitted,  
43 examined, approved and paid. The commissioner shall determine the amount of  
44 bond or deposit and the character thereof which shall accompany bids or  
45 contracts.

46 6. The department of natural resources may, without the approval of the  
47 commissioner of administration required pursuant to this section, enter into  
48 contracts of up to five hundred thousand dollars to abate illegal waste tire sites  
49 pursuant to section 260.276 when the director of the department determines that  
50 urgent action is needed to protect public health, safety, natural resources or the  
51 environment. The department shall follow bidding procedures pursuant to this  
52 section and may promulgate rules necessary to establish such procedures. Any  
53 rule or portion of a rule, as that term is defined in section 536.010, that is created  
54 under the authority delegated in this section shall become effective only if it  
55 complies with and is subject to all of the provisions of chapter 536 and, if  
56 applicable, section 536.028. This section and chapter 536 are nonseverable and  
57 if any of the powers vested with the general assembly pursuant to chapter 536 to  
58 review, to delay the effective date or to disapprove and annul a rule are  
59 subsequently held unconstitutional, then the grant of rulemaking authority and  
60 any rule proposed or adopted after August 28, 1999, shall be invalid and void.

61 7. The commissioner of administration and other agencies to which the  
62 state purchasing law applies shall not contract for goods or services with a vendor  
63 if the vendor or an affiliate of the vendor makes sales at retail of tangible  
64 personal property or for the purpose of storage, use, or consumption in this state  
65 but fails to collect and properly pay the tax as provided in chapter 144. For the  
66 purposes of this section, "affiliate of the vendor" shall mean any person or entity  
67 that is controlled by or is under common control with the vendor, whether  
68 through stock ownership or otherwise.

34.042. 1. When the commissioner of administration determines that the  
2 use of competitive bidding is either not practicable or not advantageous to the  
3 state, supplies may be procured by competitive proposals. The commissioner  
4 shall state the reasons for such determination, and a report containing those  
5 reasons shall be maintained with the vouchers or files pertaining to such  
6 purchases. All purchases in excess of five thousand dollars to be made under this  
7 section shall be based on competitive proposals.

8 2. On any purchase where the estimated expenditure shall be twenty-five  
9 thousand dollars or over, the commissioner of administration shall:

10 (1) Advertise for proposals [in at least two daily newspapers of general  
11 circulation in such places as are most likely to reach prospective offerors and may  
12 advertise in at least two weekly minority newspapers and may provide such  
13 information through an electronic medium available to the general public] **on the**  
14 **front page of the office of administration's website** at least five days before  
15 proposals for such purchases are to be opened. Other methods of advertisement,  
16 however, may be adopted by the commissioner of administration when such other  
17 methods are deemed more advantageous for the supplies to be purchased;

18 (2) Post notice of the proposed purchase; and

19 (3) Solicit proposals by mail or other reasonable method generally  
20 available to the public from prospective offerors.

21 All proposals for such supplies shall be mailed or delivered to the office of the  
22 commissioner of administration so as to reach such office before the time set for  
23 opening proposals. Proposals shall be opened in a manner to avoid disclosure of  
24 contents to competing offerors during the process of negotiation.

25 3. The contract shall be let to the lowest and best offeror as determined  
26 by the evaluation criteria established in the request for proposal and any  
27 subsequent negotiations conducted pursuant to this subsection. In determining  
28 the lowest and best offeror, as provided in the request for proposals and under  
29 rules promulgated by the commissioner of administration, negotiations may be  
30 conducted with responsible offerors who submit proposals selected by the  
31 commissioner of administration on the basis of reasonable criteria for the purpose  
32 of clarifying and assuring full understanding of and responsiveness to the  
33 solicitation requirements. Those offerors shall be accorded fair and equal  
34 treatment with respect to any opportunity for negotiation and subsequent revision  
35 of proposals. Revisions may be permitted after submission and before award for  
36 the purpose of obtaining best and final offers. In conducting negotiations there

37 shall be no disclosure of any information derived from proposals submitted by  
38 competing offerors. The commissioner of administration shall have the right to  
39 reject any or all proposals and advertise for new proposals or purchase the  
40 required supplies on the open market if they can be so purchased at a better  
41 price.

42 4. The commissioner shall make available, upon request, to any members  
43 of the general assembly, information pertaining to competitive proposals,  
44 including the names of bidders and the amount of each bidder's offering for each  
45 contract.

34.044. 1. The commissioner of administration may waive the  
2 requirement of competitive bids or proposals for supplies when the commissioner  
3 has determined in writing that there is only a single feasible source for the  
4 supplies. Immediately upon discovering that other feasible sources exist, the  
5 commissioner shall rescind the waiver and proceed to procure the supplies  
6 through the competitive processes as described in this chapter. A single feasible  
7 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 shall be five thousand dollars or over, the commissioner of  
16 administration shall post notice of the proposed purchase. Where the estimated  
17 expenditure is twenty-five thousand dollars or over, the commissioner of  
18 administration shall also advertise the commissioner's intent to make such  
19 purchase [in at least two daily newspapers of general circulation in such places  
20 as are most likely to reach prospective bidders or offerors and may provide such  
21 information through an electronic medium available to the general public] **on the**  
22 **front page of the office of administration's website** at least five days before  
23 the contract is to be let. Other methods of advertisement, however, may be  
24 adopted by the commissioner of administration when such other methods are  
25 deemed more advantageous for the supplies to be purchased. The requirement  
26 for advertising may be waived, if not feasible, due to the supplies being available  
27 at a discount for only a limited period of time.

49.265. The county commission in all counties of class two, by order entered of record, may authorize all county offices, except the sheriff's office, to be open not more than five days each week, and in all counties of classes three and four by order entered of record, may authorize all county offices, except the sheriff's office, to be open not more than five and one-half days each week. The county commission, after entering such an order, may require any office to be open six days a week when public convenience requires. The authorization by the county commission in counties of the third and fourth class to close such offices **[must] shall be published [three times in the county newspapers and such authorization to be signed by the county commission] on the front page of the commission's website, if it has one. If the commission does not have a website, notice of such authorization shall be sent to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077.**

49.535. 1. Any bonds shall have all of the qualities of negotiable instruments under the law, and shall not be subject to taxation in any manner. In case any of the officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before delivery of the bonds, the signatures or countersignatures shall nevertheless be valid and sufficient, for all purposes, the same as if they had remained in office until the delivery.

2. The bonds shall be sold in the manner and upon such terms as the governing body of the county deems for the best interest of the county, at public sale, to the highest and best bidder, upon sealed bid, after publication of notice of the public sale **[at least three times in a newspaper of general circulation in the county, the last insertion of the notice to be] on the front page of the governing body's website, if it has one**, at least ten days before the last day for filing and public opening of the sealed bids. **If the governing body does not have a website, notice shall be sent, at least ten days before the last day for filing and public opening of the sealed bids, to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077.**

3. The bonds, when issued, shall be payable from the revenue derived from the buildings as provided in section 49.560. It shall be plainly stated on the face of each bond that the same has been issued under the provisions of sections 49.520 to 49.580 and that it does not constitute an indebtedness of the county, or the state of Missouri, within the meaning of any constitutional provisions or

23 limitations.

50.333. 1. There shall be a salary commission in every nonchartered  
2 county.

3 2. The clerk or court administrator of the circuit court of the judicial  
4 circuit in which such county is located shall set a date, time and place for the  
5 salary commission meeting and serve as temporary chairman of the salary  
6 commission until the members of the commission elect a chairman from their  
7 number. Upon written request of a majority of the salary commission members  
8 the clerk or court administrator of the circuit court shall forthwith set the earliest  
9 date possible for a meeting of the salary commission. The circuit clerk or court  
10 administrator shall give notice of the time and place of any meeting of the salary  
11 commission. Such notice shall be published [in a newspaper of general  
12 circulation in such county] **on the front page of the circuit court's website,**  
13 **if it has a website,** at least five days prior to such meeting. **If the circuit**  
14 **court does not have a website, notice shall be sent at least five days**  
15 **prior to the meeting to the secretary of state who shall publish it on the**  
16 **legal notices website, established pursuant to section 493.077, until the**  
17 **date of the meeting has passed.** Such notice shall contain a general  
18 description of the business to be discussed at such meeting.

19 3. The members of the salary commission shall be:

- 20 (1) The recorder of deeds if the recorder's office is separate from that of  
21 the circuit clerk;
- 22 (2) The county clerk;
- 23 (3) The prosecuting attorney;
- 24 (4) The sheriff;
- 25 (5) The county commissioners;
- 26 (6) The collector or treasurer ex officio collector;
- 27 (7) The treasurer or treasurer ex officio collector;
- 28 (8) The assessor;
- 29 (9) The auditor;
- 30 (10) The public administrator; and
- 31 (11) The coroner.

32 Members of the salary commission shall receive no additional compensation for  
33 their services as members of the salary commission. A majority of members shall  
34 constitute a quorum.

35 4. Notwithstanding the provisions of sections 610.021 and 610.022, all

36 meetings of a county salary commission shall be open meetings and all votes  
37 taken at such meetings shall be open records. Any vote taken at any meeting of  
38 the salary commission shall be taken by recorded yeas and nays.

39         5. In every county, the salary commission shall meet at least once before  
40 November thirtieth of each odd-numbered year and may meet in any  
41 even-numbered year. The salary commission may meet as many times as it  
42 deems necessary and may meet after November thirtieth and prior to December  
43 fifteenth of any odd-numbered year if the commission has met at least once prior  
44 to November thirtieth of that year. At any meeting of the salary commission, the  
45 members shall elect a chairman from their number. The county clerk shall  
46 present a report on the financial condition of the county to the commission once  
47 the chairman is elected, and shall keep the minutes of the meeting.

48         6. For purposes of this section, the 1988 base compensation is the  
49 compensation paid on September 1, 1987, plus the same percentage increase paid  
50 or allowed, whichever is greater, to the presiding commissioner or the sheriff,  
51 whichever is greater, of that county for the year beginning January 1, 1988. Such  
52 increase shall be expressed as a percentage of the difference between the  
53 maximum allowable compensation and the compensation paid on September 1,  
54 1987. At its meeting in 1987 and at any meeting held in 1988, the salary  
55 commission shall determine the compensation to be paid to every county officer  
56 holding office on January 1, 1988. The salary commission shall establish the  
57 compensation for each office at an amount not greater than that set by law as the  
58 maximum compensation. If the salary commission votes to increase  
59 compensation, but not to pay the maximum amount authorized by law for any  
60 officer or office, then the increase in compensation shall be the same percentage  
61 increase for all officers and offices and shall be expressed as a percentage of the  
62 difference between the maximum allowable compensation and the compensation  
63 being received at the time of the vote. If two-thirds of the members of the salary  
64 commission vote to decrease the compensation being received at the time of the  
65 vote below that compensation, all officers shall receive the same percentage  
66 decrease. The commission may vote not to increase or decrease the compensation  
67 and that compensation shall continue to be the salary of such offices and officers  
68 during the subsequent term of office.

69         7. For the year 1989 and every second year thereafter, the salary  
70 commission shall meet in every county as many times as it deems necessary on  
71 or prior to November thirtieth of any such year for the purpose of determining the

72 amount of compensation to be paid to county officials. For each year in which the  
73 commission meets, the members shall elect a chairman from their number. The  
74 county clerk shall present a report on the financial condition of the county to the  
75 commission once the chairman is elected, and shall keep minutes of the  
76 meeting. The salary commission shall then consider the compensation to be paid  
77 for the next term of office for each county officer to be elected at their next  
78 general election. If the commission votes not to increase or decrease the  
79 compensation, the salary being paid during the term in which the vote was taken  
80 shall continue as the salary of such offices and officers during the subsequent  
81 term of office. If the salary commission votes to increase the compensation, all  
82 officers or offices whose compensation is being considered by the commission at  
83 that time shall receive the same percentage of the maximum allowable  
84 compensation. However, for any county in which all offices' and officers' salaries  
85 have been set at one hundred percent of the maximum allowable compensation,  
86 the commission may vote to increase the compensation of all offices except that  
87 of full-time prosecuting attorneys at that or any subsequent meeting of the salary  
88 commission without regard to any law or maximum limitation established by  
89 law. Such increase shall be expressed as a percentage of the compensation being  
90 paid during the term of office when the vote is taken, and each officer or office  
91 whose compensation is being established by the salary commission at that time  
92 shall receive the same percentage increase over the compensation being paid for  
93 that office during the term when the vote is taken. This increase shall be in  
94 addition to any increase mandated by an official's salary schedule because of  
95 changes in assessed valuation during the current term. If the salary commission  
96 votes to decrease the compensation, a vote of two-thirds or more of all the  
97 members of the salary commission shall be required before the salary or other  
98 compensation of any county office shall be decreased below the compensation  
99 being paid for the particular office on the date the salary commission votes, and  
100 all officers and offices shall receive the same percentage decrease.

101           8. The salary commission shall issue, not later than December fifteenth  
102 of any year in which it meets, a report of compensation to be paid to each officer  
103 and the compensation so set shall be paid beginning with the start of the  
104 subsequent term of office of each officer. The report of compensation shall be  
105 certified to the clerk of the county commission for the county and shall be in  
106 substantially the following form:

107           The salary commission for \_\_\_\_\_ County hereby certifies that it

108 has met pursuant to law to establish compensation for county  
109 officers to be paid to such officers during the next term of office for  
110 the officers affected. The salary commission reports that there  
111 shall be (no increase in compensation) (an increase of \_\_\_\_\_  
112 percent) (a decrease of \_\_\_\_\_ percent) (county officer's salaries set  
113 at \_\_\_\_\_ percent of the maximum allowable compensation).

114 Salaries shall be adjusted each year on the official's year of incumbency for any  
115 change in the last completed assessment that would affect the maximum  
116 allowable compensation for that office.

117 9. For the meeting in 1989 and every meeting thereafter, in the event a  
118 salary commission in any county fails, neglects or refuses to meet as provided in  
119 this section, or in the event a majority of the salary commission is unable to reach  
120 an agreement and so reports or fails to certify a salary report to the clerk of the  
121 county commission by December fifteenth of any year in which a report is  
122 required to be certified by this section, then the compensation being paid to each  
123 affected office or officer on such date shall continue to be the compensation paid  
124 to the affected office or officer during the succeeding term of office.

125 10. Other provisions of law notwithstanding, in every instance where an  
126 officer or employee of any county is paid a mileage allowance or reimbursement,  
127 the county commission shall allow or reimburse such officers or employees out of  
128 the county treasury at the highest rate paid to any county officer for each mile  
129 actually and necessarily traveled in the performance of their official duties. The  
130 county commission of any county may elect to pay a mileage allowance for any  
131 county commissioner for travel going to and returning from the place of holding  
132 commission meetings and for all other necessary travel on official county business  
133 in the personal motor vehicle of the commissioner presenting the claim. The  
134 governing body of any county of the first classification not having a charter form  
135 of government may provide by order for the payment of mileage expenses of  
136 elected and appointed county officials by payment of a certain amount monthly  
137 which would reflect the average monthly mileage expenses of such officer based  
138 on the amount allowed pursuant to state law for the payment of mileage for state  
139 employees. Any order entered for such purpose shall not be construed as salary,  
140 wages or other compensation for services rendered.

141 11. The term "maximum allowable compensation" as used in this section  
142 means the highest compensation which may be paid to the specified officer or  
143 office in the particular county based on the salary schedule established by law for

144 the specified officer or office. If the salary commission at its meeting in 1987  
145 voted for one hundred percent of the maximum allowable compensation and does  
146 not change such vote at its meeting held within thirty days after May 13, 1988,  
147 as provided in subsection 6 of this section, the one hundred percent shall be  
148 calculated on the basis of the total allowable compensation permitted after May  
149 13, 1988.

150           12. At the salary commission meeting which establishes the percentage  
151 rate to be applied to county officers during the next term of office, the salary  
152 commission may authorize the further adjustment of such officers' compensation  
153 as a cost-of-living component and effective January first of each year, the  
154 compensation for county officers may be adjusted by the county commission, and  
155 if the adjustment of compensation is authorized, the percentage increase shall be  
156 the same for all county officers, not to exceed the percentage increase given to the  
157 other county employees. The compensation for all county officers may be set as  
158 a group, although the change in compensation will not become effective until the  
159 next term of office for each officer.

160           13. At the salary commission meeting in 1997 which establishes the  
161 salaries for those officers to be elected at the general election in 1998, the salary  
162 commission of each noncharter county may provide salary increases for associate  
163 county commissioners elected in 1996. This one-time increase is necessitated by  
164 the change from two- to four-year terms for associate commissioners pursuant to  
165 house bill 256, passed by the first regular session of the eighty-eighth general  
166 assembly in 1995.

          50.660. All contracts shall be executed in the name of the county, or in the  
2 name of a township in a county with a township form of government, by the head  
3 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  
21 five hundred copies per issue, if there is one,] **on the front page of the county  
22 or township's website, if it has one**, except that the advertising is not  
23 required in case of contracts or purchases involving an expenditure of less than  
24 six thousand dollars. **If the county or township does not have a website,  
25 notice shall be sent to the secretary of state who shall publish such  
26 notice on the legal notices website, established pursuant to section  
27 493.077.** It is not necessary to obtain bids on any purchase in the amount of six  
28 thousand dollars or less made from any one person, firm or corporation during  
29 any period of ninety days. All bids for any contract or purchase may be rejected  
30 and new bids advertised for. Contracts which provide that the person contracting  
31 with the county or township shall, during the term of the contract, furnish to the  
32 county or township at the price therein specified the supplies, materials,  
33 equipment or services other than personal therein described, in the quantities  
34 required, and from time to time as ordered by the officer in charge of purchasing  
35 during the term of the contract, need not bear the certification of the accounting  
36 officer, as herein provided; but all orders for supplies, materials, equipment or  
37 services other than personal shall bear the certification. In case of such contract,  
38 no financial obligation accrues against the county or township until the supplies,  
39 materials, equipment or services other than personal are so ordered and the  
40 certificate furnished.

50.760. 1. It shall be the duty of the commissioners of the county  
2 commission in all counties of the second class, and in all counties of the first class  
3 not having a charter form of government, if there is no purchasing agent  
4 appointed pursuant to section 50.753, on or before the first day of February of  
5 each year, to estimate the kind and quantity of supplies, including any  
6 advertising or printing which the county may be required to do, required by law  
7 to be paid for out of the county funds, which will be necessary for the use of the  
8 several officers of such county for the following year, and to advertise for sealed  
9 bids and contract with the lowest and best bidder for such supplies. Before

10 letting any such contract or contracts the commission shall cause notice that it  
11 will receive sealed bids for such supplies to be given by advertisement [in some  
12 newspaper of general circulation published in the county, such notice to be  
13 published once per week for three consecutive weeks, the last insertion of which  
14 shall not be less than ten days] **on the front page of the commission's**  
15 **website, if it has one, for a period of three consecutive weeks** before the  
16 date in said advertisement fixed for the letting of such contract or contracts,  
17 which shall be let on the first Monday in March, or on such other day and date  
18 as the commission may fix between the first Monday of March and the first  
19 Saturday after the second Monday in March next following the publication of such  
20 notice; except that if by the nature or quantity of any article or thing needed for  
21 any county officer in any county of this state to which sections 50.760 to 50.790  
22 apply, the same may not be included in such contract at a saving to such county,  
23 then such article or thing may be purchased for such officer upon an order of the  
24 county commission first being made and entered as provided in sections 50.760  
25 to 50.790; and except further, that if any supplies not included in such contract  
26 are required by any such officer or if the supplies included in such contract are  
27 exhausted then such article or thing may be purchased for such officer upon order  
28 of the county commission first being made and entered of record as provided in  
29 sections 50.760 to 50.790.

30 2. The county commission may authorize the purchase of supplies, not  
31 including for contractual services, at any public auction held.

32 3. No contract for a purchase under this section shall arise until the  
33 commission has approved a purchase order for the supplies for which the bids  
34 were advertised and submitted under this section.

35 4. **If the commission does not have a website, notice required to**  
36 **be provided under subsection 1 of this section shall be sent to the**  
37 **secretary of state who shall publish such notice on the legal notices**  
38 **website, established pursuant to section 493.077 for a period of three**  
39 **consecutive weeks.**

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 over six thousand dollars, the commission shall post notice of the  
16 proposed purchase and advertise the commission's intent to make such purchase  
17 [in at least one daily and one weekly newspaper of general circulation in such  
18 places as are most likely to reach prospective bidders or offerors and may provide  
19 such information] through an electronic medium available to the general public  
20 at least ten days before the contract is to be let.

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

50.800. 1. On or before the first Monday in March of each year, the  
2 county commission of each county of the second, third, or fourth class shall  
3 prepare and publish [in some newspaper as provided for in section 493.050, if  
4 there is one, and if not by notices posted in at least ten places in the county,] **on**  
5 **the front page of its website, if it has one,** a detailed financial statement of  
6 the county for the year ending December thirty-first, preceding. **If the**  
7 **commission does not have a website, the financial statement shall be**  
8 **sent by the first Monday in March of each year to the secretary of state**  
9 **who shall publish such statement on the legal notices website,**  
10 **established pursuant to section 493.077.**

11 2. The statement shall show the bonded debt of the county, if any, kind

12 of bonds, date of maturity, interest rate, rate of taxation levied for interest and  
13 sinking fund and authority for the levy, the total amount of interest and sinking  
14 fund that has been collected and interest and sinking fund on hand in cash.

15 3. The statement shall also show separately the total amount of the  
16 county and township school funds on hand and loaned out, the amount of  
17 penalties, fines, levies, utilities, forfeitures, and any other taxes collected and  
18 disbursed or expended during the year and turned into the permanent school  
19 fund, the name of each person who has a loan from the permanent school fund,  
20 whether county or township, the amount of the loan, date loan was made and  
21 date of maturity, description of the security for the loan, amount, if any, of  
22 delinquent interest on each loan.

23 4. The statement shall show the total valuation of the county for purposes  
24 of taxation, the highest rate of taxation the constitution permits the county  
25 commission to levy for purposes of county revenue, the rate levied by the county  
26 commission for the year covered by the statement, division of the rate levied  
27 among the several funds and total amount of delinquent taxes for all years as of  
28 December thirty-first.

29 5. The statement shall show receipts or revenues into each and every fund  
30 separately. Each fund shall show the beginning balance of each fund; each source  
31 of revenue; the total amount received from each source of revenue; the total  
32 amount available in each fund; the total amount of disbursements or expenditures  
33 from each fund and the ending balance of each fund as of December  
34 thirty-first. The total receipts or revenues for the year into all funds shall be  
35 shown in the recapitulation. In counties with the township form of government,  
36 each township shall be considered a fund pursuant to this subsection.

37 6. Total disbursements or expenditures shall be shown for warrants issued  
38 in each category contained in the forms developed or approved by the state  
39 auditor pursuant to section 50.745. Total amount of warrants, person or vendor  
40 to whom issued and purpose for which issued shall be shown except as herein  
41 provided. Under a separate heading in each fund the statements shall show what  
42 warrants are outstanding and unpaid for the lack of funds on that date with  
43 appropriate balance or overdraft in each fund as the case may be.

44 7. Warrants issued to pay for the service of election judges and clerks of  
45 elections shall be in the following form:

46 Names of judges and clerks of elections at \$\_\_\_\_\_ per day (listing  
47 the names run in and not listing each name by lines, and at the

48 end of the list of names giving the total of the amount of all the  
49 warrants issued for such election services).

50 8. Warrants issued to pay for the service of jurors shall be in the following  
51 form:

52 Names of jurors at \$\_\_\_\_\_ per day (listing the names run in and  
53 not listing each name by lines, and at the end of the list of names  
54 giving the total of the amount of all the warrants issued for such  
55 election service).

56 9. Warrants to Internal Revenue Service for Social Security and  
57 withholding taxes shall be brought into one call.

58 10. Warrants to the director of revenue of Missouri for withholding taxes  
59 shall be brought into one call.

60 11. Warrants to the division of employment security shall be brought into  
61 one call.

62 12. Warrants to Missouri local government employees' retirement system  
63 or other retirement funds for each office shall be brought into one call.

64 13. Warrants for utilities such as gas, water, lights and power shall be  
65 brought into one call except that the total shall be shown for each vendor.

66 14. Warrants issued to each telephone company shall be brought into one  
67 call for each office in the following form:

68 (Name of Telephone Company for \_\_\_\_\_ office and total amount of  
69 warrants issued).

70 15. Warrants issued to the postmaster for postage shall be brought into  
71 one call for each office in the following form:

72 (Postmaster for \_\_\_\_\_ office and total amount of warrants issued).

73 16. Disbursements or expenditures by road districts shall show the  
74 warrants, if warrants have been issued in the same manner as provided for in  
75 subsection 5 of this section. If money has been disbursed or expended by  
76 overseers the financial statement shall show the total paid by the overseer to  
77 each person for the year, and the purpose of each payment. Receipts or revenues  
78 into the county distributive school fund shall be listed in detail, disbursements  
79 or expenditures shall be listed and the amount of each disbursement or  
80 expenditure. If any taxes have been levied by virtue of Section 12(a) of Article  
81 X of the Constitution of Missouri the financial statement shall contain the  
82 following:

83 By virtue and authority of the discretionary power conferred upon

84 the county commissions of the several counties of this state to levy  
85 a tax of not to exceed 35 cents on the \$100 assessed valuation the  
86 county commission of \_\_\_\_\_ County did for the year covered by  
87 this report levy a tax rate of \_\_\_\_\_ cents on the \$100 assessed  
88 valuation which said tax amounted to \$\_\_\_\_\_ and was disbursed  
89 or expended as follows:

90 The statement shall show how the money was disbursed or expended and if any  
91 part of the sum has not been accounted for in detail under some previous  
92 appropriate heading the portion not previously accounted for shall be shown in  
93 detail.

94 17. At the end of the statement the person designated by the county  
95 commission to prepare the financial statement herein required shall append the  
96 following certificate:

97 I, \_\_\_\_\_, the duly authorized agent appointed by the county  
98 commission of \_\_\_\_\_ County, state of Missouri, to prepare for  
99 publication the financial statement as required by section 50.800,  
100 RSMo, hereby certify that I have diligently checked the records of  
101 the county and that the above and foregoing is a complete and  
102 correct statement of every item of information required in section  
103 50.800, RSMo, for the year ending December 31, \_\_\_\_\_, and  
104 especially have I checked every receipt from every source  
105 whatsoever and every disbursement or expenditure of every kind  
106 and to whom and for what each such disbursement or expenditure  
107 was made and that each receipt or revenue and disbursement or  
108 expenditure is accurately shown. (If for any reason complete and  
109 accurate information is not given the following shall be added to  
110 the certificate.) Exceptions: The above report is incomplete because  
111 proper information was not available in the following records  
112 \_\_\_\_\_ which are in the keeping of the following officer or  
113 officers. The person designated to prepare the financial statement  
114 shall give in detail any incomplete data called for by this section.

115 Date \_\_\_\_\_

116 Officer designated by county commission to prepare financial  
117 statement required by section 50.800, RSMo.

118 Or if no one has been designated said statement having been prepared by the  
119 county clerk, signature shall be in the following form:

120 Clerk of the county commission and ex officio officer designated to  
121 prepare financial statement required by section 50.800, RSMo.

122 18. Any person falsely certifying to any fact covered by the certificate is  
123 liable on his **or her** bond and upon conviction of falsely certifying to any fact  
124 covered by the certificate is guilty of a misdemeanor and punishable by a fine of  
125 not less than two hundred dollars or more than one thousand dollars or by  
126 imprisonment in the county jail for not less than thirty days nor more than six  
127 months or by both fine and imprisonment. Any person charged with the  
128 responsibility of preparing the financial report who willfully or knowingly makes  
129 a false report of any record, is, in addition to the penalty otherwise provided for  
130 in this law, deemed guilty of a felony and upon conviction shall be sentenced to  
131 the penitentiary for not less than two years nor more than five years.

50.815. 1. On or before the first Monday in March of each year, the  
2 county commission of each county of the first class not having a charter form of  
3 government shall, with the assistance of the county clerk, prepare and publish [in  
4 some newspaper of general circulation published in the county] **on the front**  
5 **page of its website, if it has one**, a financial statement of the county for the  
6 year ending the preceding December thirty-first. **If the commission does not**  
7 **have a website, the financial statement shall be sent by the first**  
8 **Monday in March of each year to the secretary of state who shall**  
9 **publish such statement on the legal notices website, established**  
10 **pursuant to section 493.077.**

11 2. The financial statement shall show at least the following:

12 (1) A summary of the receipts of each fund of the county for the year;

13 (2) A summary of the disbursements and transfers of each fund of the  
14 county for the year;

15 (3) A statement of the cash balance at the beginning and at the end of the  
16 year for each fund of the county;

17 (4) A summary of delinquent taxes and other due bills for each fund of the  
18 county;

19 (5) A summary of warrants of each fund of the county outstanding at the  
20 end of the year;

21 (6) A statement of bonded indebtedness, if any, at the beginning and at  
22 the end of the year for each fund of the county; and

23 (7) A statement of the tax levies of each fund of the county for the year.

24 3. The financial statement need not show specific disbursements,

25 warrants issued, or the names of specific payees, but every individual warrant,  
 26 voucher, receipt, court order and all other items, records, documents and other  
 27 information which are not specifically required to be retained by the officer  
 28 having initial charge thereof and which would be required to be included in or to  
 29 construct a financial statement in the form prescribed for other counties by  
 30 section 50.800 shall be filed on or before the date of publication of the financial  
 31 statement prescribed by subsection 1 in the office of the county clerk, and the  
 32 county clerk shall preserve the same, and shall cause the same to be available for  
 33 inspection during normal business hours on the request of any person, for a  
 34 period of five years following the date of filing in his **or her** office, after which  
 35 five-year period these records may be disposed of according to law unless they are  
 36 the subject of a legal suit pending at the expiration of that period.

37 4. At the end of the financial statement, each commissioner of the county  
 38 commission and the county clerk shall sign and append the following certificate:

39 We, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, duly elected commissioners of the  
 40 county commission of \_\_\_\_\_ County, Missouri, and I, \_\_\_\_\_  
 41 \_\_\_\_\_, county clerk of that county, certify that the above and  
 42 foregoing is a complete and correct statement of every item of  
 43 information required in section 50.815 for the year ending  
 44 December 31, [19] **20** \_\_\_\_\_, and we have checked every receipt  
 45 from every source and every disbursement of every kind and to  
 46 whom and for what each disbursement was made, and each receipt  
 47 and disbursement is accurately included in the above and foregoing  
 48 totals. (If for any reason complete and accurate information is not  
 49 given the following shall be added to the certificate.) Exceptions:  
 50 the above report is incomplete because proper information was not  
 51 available in the following records \_\_\_\_\_ which are in the keeping  
 52 of the following officer or officers \_\_\_\_\_.

53 Date \_\_\_\_\_

54 \_\_\_\_\_  
 55 \_\_\_\_\_  
 56 \_\_\_\_\_

57 Commissioners, County Commission

58 \_\_\_\_\_  
 59 County Clerk

60 5. Any person falsely certifying to any fact covered by the certificate is

61 liable on his **or her** bond and is guilty of a misdemeanor and, on conviction  
 62 thereof, shall be punished by a fine of not less than two hundred dollars or more  
 63 than one thousand dollars, or by confinement in the county jail for a period of not  
 64 less than thirty days nor more than six months, or by both such fine and  
 65 confinement. Any person charged with preparing the financial report who  
 66 willfully or knowingly makes a false report of any record is, in addition to the  
 67 penalties otherwise provided for in this section, guilty of a felony, and upon  
 68 conviction thereof shall be sentenced to imprisonment by the division of  
 69 corrections for a term of not less than two years nor more than five years.

70 6. The provisions of sections 50.800 and 50.810 do not apply to counties  
 71 of the first class not having a charter form of government, except as provided in  
 72 subsection 3 of this section.

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] **on the**  
 11 **front page of the website of the commission, if it has a website, for a**  
 12 **period of three consecutive weeks prior to the election. If the**  
 13 **commission does not have a website, the notice of the election shall be**  
 14 **sent at least thirty days prior to the election to the secretary of state**  
 15 **who shall publish such notice on the legal notices website, established**  
 16 **pursuant to section 493.077, until the date of the election has**  
 17 **passed.** The proposition shall be put before the voters substantially in the  
 18 following form:

19 Shall the office of prosecuting attorney be made a full-time position  
 20 in \_\_\_\_\_ County?

21  YES  NO

22 If a majority of the voters voting on the proposition vote in favor of making the  
 23 county prosecutor a full-time position, it shall become effective upon the date that  
 24 the prosecutor who is elected at the next election subsequent to the passage of

25 such proposal is sworn into office. The position shall then qualify for the  
26 retirement benefits available to a full-time prosecutor of a county of the first  
27 classification. Any county that elects to make the position of prosecuting attorney  
28 full time shall pay into the Missouri prosecuting attorneys and circuit attorneys'  
29 retirement fund at the same contribution amount as paid by counties of the first  
30 classification.

31         2. The provisions of subsection 1 of this section notwithstanding, in any  
32 county where the proposition of making the county prosecutor a full-time position  
33 was submitted to the voters at a general election in 1998 and where a majority  
34 of the voters voting on the proposition voted in favor of making the county  
35 prosecutor a full-time position, the proposition shall become effective on May 1,  
36 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999,  
37 under the provisions of this subsection shall have the additional duty of providing  
38 not less than three hours of continuing education to peace officers in the county  
39 served by the prosecuting attorney in each year of the term beginning January  
40 1, 1999.

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

55         4. In any county of the third classification without a township form of  
56 government and with more than twelve thousand but fewer than fourteen  
57 thousand inhabitants and with a city of the fourth classification with more than  
58 one thousand seven hundred but fewer than one thousand nine hundred  
59 inhabitants as the county seat that has elected to make the county prosecutor a  
60 full-time position under this section after August 28, 2014, the county commission

61 may on its own motion and shall upon the petition of ten percent of the total  
62 number of people who voted in the previous general election in the county submit  
63 to the voters at a general or special election the proposition of changing the  
64 full-time prosecutor position to a part-time position. The commission shall cause  
65 notice of the election to be published [in a newspaper published within the  
66 county, or if no newspaper is published within the county, in a newspaper  
67 published in an adjoining county, for three weeks consecutively, the last insertion  
68 of which shall be at least ten days and not more than thirty days before the day  
69 of the election, and by posting printed notices thereof at three of the most public  
70 places in each township in the county] **on the front page of the commission's**  
71 **website, if it has one, for a period of three consecutive weeks prior to**  
72 **the election. If the commission does not have a website, the notice of**  
73 **the election shall be sent at least thirty days prior to the election to the**  
74 **secretary of state who shall publish such notice on the legal notices**  
75 **website, established pursuant to section 493.077, until the date of the**  
76 **election has passed.** The proposition shall be put before the voters  
77 substantially in the following form:

78        Shall the office of prosecuting attorney be made a part-time  
79        position in \_\_\_\_\_ County?

80                                 YES                                 NO

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

85        5. In any county that has elected to make the full-time position of county  
86 prosecutor a part-time position under subsection 4 of this section, the county's  
87 retirement contribution to the retirement system and the retirement benefit  
88 earned by the member shall prospectively be that of a part-time prosecutor as  
89 established in this chapter. Any retirement contribution made and retirement  
90 benefit earned prior to the effective date of the voter-approved proposition under  
91 subsection 4 of this section shall be maintained by the retirement system and  
92 used to calculate the retirement benefit for such prior full-time position  
93 service. Under no circumstances shall a member in a part-time prosecutor  
94 position earn full-time position retirement benefit service accruals for time  
95 periods after the effective date of the proposition changing the county prosecutor  
96 back to a part-time position.

60.010. 1. At the regular general election in the year 1948, and every four  
2 years thereafter, the voters of each county of this state in counties of the second,  
3 third, and fourth classification shall elect a registered land surveyor as county  
4 surveyor, who shall hold office for four years and until a successor is duly elected,  
5 commissioned and qualified. The person elected shall be commissioned by the  
6 governor.

7 2. No person shall be elected or appointed surveyor unless such person is  
8 a citizen of the United States, over the age of twenty-one years, a registered land  
9 surveyor, and shall have resided within the state one whole year. An elected  
10 surveyor shall have resided within the county for which the person is elected six  
11 months immediately prior to election and shall after election continue to reside  
12 within the county for which the person is surveyor. An appointed surveyor need  
13 not reside within the county for which the person is surveyor.

14 3. Notwithstanding the provisions of subsection 1 of this section, or any  
15 other law to the contrary, the county commission of any county of the third or  
16 fourth classification may appoint a surveyor following the deadline for filing for  
17 the office of surveyor, if no qualified candidate files for the office in the general  
18 election in which the office would have been on the ballot, provided that the  
19 notice required by section 115.345 has been published [in at least one newspaper  
20 of general circulation in the county]. The appointed surveyor shall serve at the  
21 pleasure of the county commission, however, an appointed surveyor shall forfeit  
22 said office once a qualified individual, who has been duly elected at a regularly  
23 scheduled general election where the office of surveyor is on the ballot and who  
24 has been commissioned by the governor, takes office. The county commission  
25 shall fix appropriate compensation, which need not be equal to that of an elected  
26 surveyor.

64.040. The county planning commission shall have power to make, adopt  
2 and may publish an official master plan of the county for the purpose of bringing  
3 about coordinated physical development in accordance with present and future  
4 needs. The master plan shall be developed so as to conserve the natural  
5 resources of the county, to insure efficient expenditure of public funds, and to  
6 promote the health, safety, convenience, prosperity and general welfare of the  
7 inhabitants. Such master plan may include, among other things, studies and  
8 recommendations relative to the location, character and extent of highways,  
9 railroads, bus, streetcar and other transportation routes, bridges, public  
10 buildings, schools, parks, parkways, forests, wildlife refuges, dams, and projects

11 affecting conservation of natural resources. The county planning commission may  
12 adopt the master plan in whole or in part, and subsequently amend or extend the  
13 adopted plan or any portion thereof. Before the adoption, amendment or  
14 extension of the plan or portion thereof, the commission shall hold at least one  
15 public hearing thereon, fifteen days' notice of the time and place of which shall  
16 be published [in at least one newspaper having general circulation within the  
17 county, and notice of such hearing shall also be posted] **on the front page of**  
18 **the commission's website, if it has one**, at least fifteen days in advance  
19 thereof [in at least four conspicuous places in each township]. **If the**  
20 **commission does not have a website, notice shall be sent at least fifteen**  
21 **days in advance of the hearing to the secretary of state who shall**  
22 **publish such notice on the legal notices website, established pursuant**  
23 **to section 493.077, until the date of the hearing has passed.** Such hearing  
24 may be adjourned from time to time. The adoption of the plan shall be by  
25 resolution carried by not less than a majority vote of the full membership of the  
26 county planning commission. After the adoption of the master plan an attested  
27 copy shall be certified to the county clerk and a copy shall be recorded in the  
28 office of the recorder of deeds.

64.140. The regulations imposed and the districts created under authority  
2 of sections 64.010 to 64.160 may be amended from time to time by the county  
3 commission by order after the order establishing the same has gone into effect,  
4 but no such amendment shall be made without a hearing before the county  
5 planning commission; or if there be no county planning commission, such hearing  
6 shall be held by the county zoning commission. Such hearing shall be held in any  
7 one place in the county designated by the planning or zoning commission  
8 regardless of the location of the land affected by such amendment or  
9 amendments. Public notice of such hearing shall be given by [at least one  
10 publication in one newspaper published in the county] **publication on the**  
11 **front page of the website of the entity holding the hearing** at least fifteen  
12 days before the date of the hearing. **If the entity holding the hearing does**  
13 **not have a website, notice shall be sent at least fifteen days in advance**  
14 **of the hearing to the secretary of state who shall publish such notice on**  
15 **the legal notices website, established pursuant to section 493.077, until**  
16 **the date of the hearing has passed.** In case of written protest against any  
17 proposed amendment, signed and acknowledged by the owners of thirty percent  
18 of the frontage within one thousand feet to the right or left of the frontage

19 proposed to be changed, or by the owners of thirty percent of the frontage directly  
20 opposite, or directly in the rear of the frontage proposed to be altered, or in cases  
21 where the land affected lies within one and one-half miles of the limits of a  
22 municipality, by the city council or zoning board of any such municipality, filed  
23 with the county clerk, such amendment may not be passed except by the favorable  
24 vote of two-thirds of all the members of the county commission.

64.180. 1. The county commission of any county which shall exercise the  
2 authority granted under the provisions of sections 64.170 to 64.200 shall appoint  
3 a building commission consisting of five members, residents and taxpayers of the  
4 county, one of whom shall be a member of the county commission, to be selected  
5 by the county commission. The members of the commission shall serve without  
6 compensation for a term of two years. The term of the county commission  
7 member shall not extend beyond the tenure of his **or her** office.

8 2. Said commission shall prepare a building and electrical code of  
9 regulations under the powers granted herein, which shall be submitted to the  
10 county commission for adoption. Such code of regulations shall be in accord with  
11 standards prescribed by recognized inspection and testing laboratories and  
12 agencies consistent with section 64.196.

13 3. Before the adoption of such code of regulations, the county commission  
14 shall hold at least three public hearings thereon, fifteen days' notice of the time  
15 and place of which shall be published [in at least two newspapers having general  
16 circulation within the county] **on the front page of the commission's**  
17 **website, if it has one**, and notice of such hearings shall also be posted at least  
18 fifteen days in advance thereof in four conspicuous places in the county. **If the**  
19 **commission does not have a website, notice of such authorization shall**  
20 **be sent at least fifteen days prior to the hearing to the secretary of**  
21 **state who shall publish such notice on the legal notices website,**  
22 **established pursuant to section 493.077, until the date of the hearing**  
23 **has passed.** The regulations adopted shall be applicable to the unincorporated  
24 territory of the county, except as otherwise provided herein, and may from time  
25 to time be amended by the county commission after hearings are held and notice  
26 given, as prescribed herein. The county commission is authorized to employ and  
27 pay the personnel necessary to enforce the regulations adopted.

64.231. 1. The county planning board shall have power to make, adopt  
2 and may publish an official master plan for the county for the purpose of bringing  
3 about coordinated physical development in accordance with present and future

4 needs. The master plan shall be developed so as to conserve the natural  
5 resources of the county, to ensure efficient expenditure of public funds, and to  
6 promote the health, safety, convenience, prosperity and general welfare of the  
7 inhabitants. The master plan may include, among other things, a land use plan,  
8 studies and recommendations relative to the locations, character and extent of  
9 highways, railroads, bus, streetcar and other transportation routes, bridges,  
10 public buildings, schools, sewers, parks and recreation facilities, parkways,  
11 forests, wildlife refuges, dams and projects affecting conservation of natural  
12 resources. The county planning board may adopt the master plan in whole or in  
13 part, and subsequently amend or extend the adopted plan or any portion  
14 thereof. Before the adoption, amendment or extension of the plan or portion  
15 thereof, the board shall hold at least one public hearing thereon, fifteen days'  
16 notice of the time and place of which shall be published [in at least one  
17 newspaper having general circulation within the county, and notice of the hearing  
18 shall also be posted at least fifteen days in advance thereof in at least two  
19 conspicuous places in each township] **on the front page of the board's**  
20 **website, if it has one. If the board does not have a website, notice shall**  
21 **be sent at least fifteen days in advance of the hearing to the secretary**  
22 **of state who shall publish such notice on the legal notices website,**  
23 **established pursuant to section 493.077, until the date of the hearing**  
24 **has passed.** The hearing may be adjourned from time to time. The adoption of  
25 the plan shall be by resolution carried by not less than a majority vote of the full  
26 membership of the county planning board. After the adoption of the master plan  
27 an attested copy shall be certified to the county clerk and a copy shall be recorded  
28 in the office of the recorder of deeds.

29         2. The master plan, with the accompanying maps, diagrams, charts,  
30 descriptive matter, and reports, shall include the plans specified by this section  
31 which are appropriate to the county and which may be made the basis for its  
32 physical development. The master plan may comprise any, all, or any  
33 combination of the plans specified in this section, for all or any part of the county.

64.271. 1. The regulations imposed under authority of sections 64.211 to  
2 64.295 may be amended, supplemented or changed from time to time by the  
3 county commission after the order establishing the same has gone into effect, but  
4 no such amendment shall be made without a report and recommendation from the  
5 planning board after public hearing before the board, public notice of which shall  
6 be given in the same manner as provided for the hearing in section 64.231.

7           2. The districts created under authority of sections 64.211 to 64.295 may  
8 be amended, supplemented or changed from time to time by the county  
9 commission after the order establishing the same has gone into effect, but no such  
10 amendment shall be made without a report and recommendation from the  
11 planning board after a public hearing before the board. The hearing shall be held  
12 in any one place in the county designated by the planning or zoning board  
13 regardless of the location of the land affected by the amendment. Public notice  
14 of the hearing shall be [given in at least one publication in a newspaper of  
15 general circulation in the county] **published on the front page of the board's**  
16 **website, if it has a website, for** at least fifteen days before the date of the  
17 hearing. **If the board does not have a website, notice shall be sent at**  
18 **least fifteen days in advance of the hearing to the secretary of state**  
19 **who shall publish such notice on the legal notices website, established**  
20 **pursuant to section 493.077, until the date of the hearing has passed.**

21           3. In case of written protest against any proposed amendment, signed and  
22 acknowledged by the owners of thirty percent of the frontage within one thousand  
23 feet to the right or left of the frontage proposed to be changed, or by the owners  
24 of thirty percent of the frontage directly opposite, or directly in the rear of the  
25 frontage proposed to be altered, or in cases where the land affected lies within  
26 one and one-half miles of the limits of a municipality, by the city council or  
27 zoning board of any such municipality, filed with the county clerk, such  
28 amendment may not be passed except by the favorable vote of two-thirds of all  
29 the members of the county commission.

64.281. 1. Any county commission which has appointed a planning board,  
2 as provided in sections 64.211 to 64.295, shall create by order a county board of  
3 zoning adjustment. The board of zoning adjustment shall consist of three  
4 commissioners of the county commission whose terms shall be only for the  
5 duration of their tenure of office. The board of zoning adjustment shall adopt  
6 rules of procedure consistent with the provisions of the zoning regulations and  
7 the provisions of sections 64.211 to 64.295. The chairman, or in the chairman's  
8 absence the acting chairman, shall administer oaths and compel the attendance  
9 of witnesses. All meetings of the board of zoning adjustment shall be open to the  
10 public. Public notice of such meeting shall be [given in at least one publication  
11 in a newspaper of general circulation in the county] **published on the front**  
12 **page of the board's website, if it has one, for** at least fifteen days before the  
13 date of the meeting. **If the board does not have a website, notice shall be**

14 **sent at least fifteen days in advance of the meeting to the secretary of**  
15 **state who shall publish such notice on the legal notices website,**  
16 **established pursuant to section 493.077, until the date of the meeting**  
17 **has passed.** The notice shall state the time and place of the hearing and the  
18 official docket of the board of zoning adjustment and the place where the specific  
19 requests will be accessible for examination by interested parties. Minutes shall  
20 be filed in the office of the county clerk and shall be a public record. Appeals to  
21 the board of zoning adjustment may be taken by any person aggrieved or by a  
22 public officer, department, board or bureau affected by any order or decision of  
23 the administrative officer in administering county zoning regulations. The appeal  
24 shall be taken within a period of not more than three months, and in the manner  
25 provided by the rules of the board of zoning adjustment. The appeal shall stay  
26 all proceedings in furtherance of the action appealed from, unless the officer from  
27 whom the appeal is taken shall certify to the board of zoning adjustment that the  
28 grounds of appeal would, in the officer's opinion, jeopardize or be detrimental to  
29 life or property. The board of zoning adjustment shall have the following powers  
30 and it shall be its duty:

31 (1) To hear and decide appeals where it is alleged there is error of law in  
32 any order, requirement, decision, or determination made by an administrative  
33 official in the enforcement of the county zoning regulations;

34 (2) To hear and decide all matters referred to it or upon which it is  
35 required to pass under county zoning regulations;

36 (3) In passing upon appeals, where there are practical difficulties or  
37 unnecessary hardship in the way of carrying out the strict letter of such order,  
38 which difficulties or hardship constitute an unreasonable deprivation of use as  
39 distinguished from merely granting a privilege, the board of zoning adjustment  
40 may vary or modify the application of any of the regulations or provisions so the  
41 intended purpose of the regulations shall be strictly observed, public safety and  
42 welfare secured and substantial justice done.

43 2. In exercising the above powers, the board of zoning adjustment may in  
44 conformity with the provisions of sections 64.211 to 64.295, reverse or affirm  
45 wholly or partly, or may modify the order, requirement, decision or determination  
46 appealed from and may make such order, requirement, decision or determination  
47 as ought to be made, and to that end shall have all the powers of the officer from  
48 whom the appeal is taken.

49 3. Regulations adopted pursuant to the provisions of sections 64.211 to

50 64.295 may include appropriate and reasonable provisions for the control of the  
51 use of buildings, structures, or land, which use of same cannot, in the opinion of  
52 the board of zoning adjustment, be placed, specified, or generally permitted in a  
53 specific district or districts because of the peculiar nature of the uses. The uses  
54 shall be limited to those which, if placed, specified or generally permitted in a  
55 specific district or districts, would pose undue regulatory difficulties. The uses  
56 shall be permitted only by a special permit issued by the board of zoning  
57 adjustment as a permissive use and not as a rezoning, after public hearing before  
58 the planning board, as provided by subsection 2 of section 64.271, and a report  
59 and recommendation made by the planning board to the board of zoning  
60 adjustment. The special permit shall set out regulations, restrictions, limitations  
61 and termination date so that reasonable control may be exercised over said  
62 uses. This section shall not allow the application of requirements for special use  
63 permits for any retail or retail service establishment in a district in which retail  
64 and retail service establishments generally are permitted uses, nor for any  
65 wholesale distribution establishment in a district in which wholesale storage and  
66 distribution establishments generally are permitted uses.

67 4. Any person aggrieved by any decision of the county board of zoning  
68 adjustment, or of the county commission, or of any officer, department, board or  
69 bureau of the county may present to the circuit court having jurisdiction in the  
70 county in which the property affected is located, a petition in the manner and  
71 form provided by section 536.110.

64.341. 1. The county commissions in all counties of class one are hereby  
2 authorized and given the power in all matters pertaining to lots, tracts and  
3 parcels of ground, land and improvements thereon used by such counties as  
4 public parks, playgrounds, camping sites, recreation areas and sanitary land fills,  
5 to lease such land or any part thereof and any improvements erected thereon to,  
6 and permit improvements to be erected thereon by any person, firm or corporation  
7 undertaking to serve the public purposes thereof and to grant concessions therein  
8 for the sale of refreshments to the public using such areas and for services  
9 therein relating to boating, swimming, picnicking, golfing, shooting, horseback  
10 riding, fishing, tennis and other recreational, cultural and educational uses upon  
11 such terms and under such regulations as the county commissions may  
12 prescribe. The county commission may establish, change from time to time and  
13 provide for collection thereof by its agents, employees or concessionaires a  
14 reasonable charge or charges to the public for the uses of and services in the

15 areas as hereinabove set out. No lease or concession grant shall be for a longer  
16 term than seven years. No such lease shall be made or concession granted until  
17 after due opportunity for competition, including [advertising the proposed letting  
18 or granting in a newspaper in the county with a circulation of at least five  
19 hundred copies per issue, if there be such, and if not, in such case notice shall be  
20 posted on the bulletin board in the county courthouse] **publication of the**  
21 **proposed letting or granting on the front page of the commission's**  
22 **website, if it has one. If the commission does not have a website, notice**  
23 **shall be sent to the secretary of state who shall publish such notice on**  
24 **the legal notices website, established pursuant to section 493.077.** All  
25 leases shall be made and concessions granted to the party or parties submitting  
26 the bid most favorable to the county. In every such lease made and concession  
27 granted, the county shall reserve the right for properly authorized representatives  
28 thereof to enter at all reasonable times in and upon the premises for the purpose  
29 of inspecting same. All moneys derived from any leases, concessions, charges, or  
30 from the sale of products obtained from any such areas shall be paid into the  
31 county treasury and be credited to the park fund and be used and expended by  
32 the county commission for park purposes. Nothing herein stated shall be held to  
33 abrogate the conditions specified in the deed or deeds of gift of any land or lands  
34 herebefore granted to the county, but said deed or deeds and acceptance thereof  
35 and all conditions therein are hereby ratified and confirmed, which conditions  
36 thereof, so far as they may be in conflict with this section, shall be considered as  
37 exceptions to the provisions hereof.

38         2. When private operators are not interested or available, the county  
39 commission shall have the power to operate the facilities described in subsection  
40 1 of this section for a period not to exceed seven years, after which the facilities  
41 shall again be offered for competitive bids for private operation. In the event  
42 such bids are not responsive or favorable to the county, the county commission  
43 shall continue to operate the facilities for an additional period of time not to  
44 exceed seven years.

64.342. 1. The county commission of any county of the first classification  
2 without a charter form of government with a population of at least one hundred  
3 fifty thousand containing part of a city with a population over three hundred fifty  
4 thousand is hereby authorized to acquire, by purchase or gift, establish, construct,  
5 own, control, lease, equip, improve, maintain, operate and regulate, in whole or  
6 in part, concession stands or marinas within any area contiguous to the lake

7 which is used as a public park, playground, camping site or recreation area. No  
8 such lease or concession grant shall be for a longer term than twenty-five years,  
9 unless the proposed investment by the lessee or concessionaire is greater than ten  
10 million dollars, in which case the lease or concession grant may, at the county's  
11 option, be for a term not to exceed fifty years.

12 2. Such concession stands or marinas may offer refreshments for sale to  
13 the public using such areas and services therein relating to boating, swimming,  
14 picnicking, golfing, shooting, horseback riding, fishing, tennis and other  
15 recreational, cultural and educational uses upon such terms and under such  
16 regulations as the county may prescribe. If the county elects to bid the services  
17 authorized herein, the county shall award any contracts relating thereto to the  
18 most favorable bidder based upon the terms and regulations prescribed by the  
19 county after due opportunity for competition including [advertising the proposal  
20 letting or granting in a newspaper in the county with a circulation of at least five  
21 hundred copies per issue, if there be such, and if not, in such case notice shall be  
22 posted on the bulletin board in the county courthouse] **publication of the**  
23 **proposed letting or granting on the front page of the commission's**  
24 **website, if it has one. If the commission does not have a website, notice**  
25 **shall be sent to the secretary of state who shall publish such notice on**  
26 **the legal notices website, established pursuant to section 493.077.** The  
27 county shall have the right to reject any and all bids.

28 3. All moneys derived from the operation of concession stands or marinas  
29 shall be paid into the county treasury and be credited to a "Park Fund" to be  
30 established by each county authorized under subsection 1 of this section and be  
31 used and expended by the county commission for park purposes.

32 4. Any county meeting the qualifications of this section shall also have  
33 any other powers granted in section 64.341, provided, such powers shall not be  
34 construed to limit any powers granted in this section.

64.401. 1. Persons residing in an area adjacent to and within three miles  
2 of a municipality that has formed and established a park system under sections  
3 90.010 to 90.020 and 90.500 to 90.570 may petition to become part of the park  
4 system in the manner prescribed in this subsection. The petition shall include  
5 a description of the territory to be embraced by the park system, the provision for  
6 a tax to support the park system at the rate of tax which residents of the  
7 municipality are required to pay to support the park system, and the signatures  
8 of five percent of the qualified voters within the area outside the municipality as

9 determined by the county clerk on the basis of the number of votes cast in the  
10 area for governor in the last election held prior to filing of the petition. The  
11 petition shall be filed with the governing body of the municipality and the county  
12 clerk. The governing body of the municipality shall within thirty days of receipt  
13 of the petition vote to approve or reject the request of the adjacent property  
14 owners to become part of the municipal parks system at a regularly scheduled  
15 meeting of the governing body of the municipality. The governing body of the  
16 municipality shall notify the county clerk of its action. If the governing body of  
17 the municipality rejects the request, no further action on the matter shall be  
18 taken for a period of one year after the date that the governing body rejects the  
19 request. After such period of time, the persons residing in the area may submit  
20 a new petition pursuant to this subsection. If the governing body of the  
21 municipality approves the request, the county clerk shall proceed as prescribed  
22 in subsections 2 and 3 of this section.

23         2. Upon approval of the issue by the governing body of the municipality  
24 as prescribed in subsection 1 of this section, the county clerk shall present the  
25 petition to the county commission who shall thereupon set the petition for hearing  
26 not less than thirty days nor more than forty days after the filing.

27         3. Notice shall be given by the county commission of the time and place  
28 where the hearing will be held, by publication [on three separate days in one or  
29 more newspapers having a general circulation within the territory proposed to be  
30 incorporated as part of the park system, the first of which publications shall be  
31 not less than twenty days prior to the date set for the hearing and if there is no  
32 such newspaper, then notice shall be posted in ten of the most public places in  
33 the territory, not less than twenty days prior to the date set for the hearing] **on**  
34 **the front page of the commission's website, if it has one, for a period of**  
35 **at least twenty days prior to the date set for the hearing. If the**  
36 **commission does not have a website, notice shall be sent, at least**  
37 **twenty days prior to the hearing, to the secretary of state who shall**  
38 **publish such notice on the legal notices website, established pursuant**  
39 **to section 493.077, until the date of the hearing has passed.** This notice  
40 shall include a description of the territory as set out in the petition, the question  
41 of incorporation for park system services and the rate of tax which residents  
42 within the area outside the municipality would be required to pay to support the  
43 park system as set out in the petition.

44         4. If the county commission finds that the petition and notice meet the

45 requirements of subsections 1, 2 and 3 of this section, and that the boundaries as  
46 defined are reasonable boundaries for the incorporation of the area into the park  
47 system, the county commission shall order the submission of the question.

48 5. The question shall be submitted to the voters within the area outside  
49 the municipality substantially in the following form:

50 Shall the area be part of the public park system of the \_\_\_\_\_ (city,  
51 town, village) and shall a \_\_\_\_\_ cent tax on each one hundred  
52 dollars of assessed valuation within the area be levied for public  
53 parks?

54  YES  NO

55 6. If a majority of the votes cast on the proposal by the qualified voters  
56 within the area outside the municipality voting thereon are in favor of the  
57 proposal, then the area shall be part of the municipal park system as of the first  
58 day of the year following the year of the election.

59 7. The results of the election shall be certified by the election official of  
60 the county not less than thirty days after the election. In the event the proposal  
61 fails to receive a majority of the votes within the area outside the municipality  
62 in favor of the proposal, then such proposal shall not be resubmitted at any  
63 election held within one year of the date of the election the proposal was rejected.

64 8. If the area outside the municipality votes to join the municipal park  
65 system, then such an area shall have proportional representation on the park  
66 board in accordance with its population to the population of the municipality,  
67 except that such area shall be entitled to at least one representative on the park  
68 board. The county clerk shall determine the number of additional representatives  
69 by dividing the population of the municipality based on the last decennial census  
70 by nine to produce the quotient and shall allocate to the area that has voted to  
71 join the district one representative per quotient or part thereof which  
72 representative or representatives shall be in addition to the nine representatives  
73 from the municipality. The county commission shall appoint board members who  
74 shall have resided in the area outside the municipality which is included within  
75 the municipal park system for terms of three years. Where the area is in more  
76 than one county, the county commissions of each county shall, as nearly as  
77 practicable, evenly appoint such members with the county commission of the  
78 county having the largest area within the system appointing a greater number  
79 of board members if the members cannot be appointed evenly. Residents of such  
80 area residing outside the municipal boundaries shall have the same right of

81 access to parks and park facilities in the municipal park system as residents of  
82 the municipality.

83 9. The provisions of sections 90.010 to 90.020 and 90.500 and 90.570 shall  
84 apply to all areas outside the municipality that are included in the municipal  
85 park system under the provisions of this section.

64.550. The county planning commission shall have power to make, adopt  
2 and publish an official master plan of the county for the purpose of bringing  
3 about coordinated physical development in accordance with the present and  
4 future needs. The official master plan shall be developed so as to conserve the  
5 natural resources of the county, to insure efficient expenditure of public funds  
6 and to promote the health, safety, convenience, prosperity and general welfare of  
7 the inhabitants. Such official master plan may include, among other things,  
8 studies and recommendations relative to the location, character and extent of  
9 highways, railroads, bus, streetcar and other transportation routes, bridges,  
10 public buildings, schools, parks, parkways, forests, wildlife refuges, dams, and  
11 projects affecting conservation of natural resources. The county planning  
12 commission may adopt the official master plan in whole or in part and may  
13 subsequently amend or extend the adopted plan or portion thereof. Before the  
14 adoption, amendment or extension of the plan or portion thereof, the commission  
15 shall hold at least one public hearing thereon, fifteen days' notice of the time and  
16 place of which shall be published [in at least one newspaper having general  
17 circulation within the county, and notice of such hearing shall also be posted at  
18 least fifteen days in advance thereof in one or more public areas of the courthouse  
19 of the county] **on the front page of the commission's website, if it has one.**  
20 **If the commission does not have a website, notice shall be sent at least**  
21 **fifteen days in advance of the hearing to the secretary of state who**  
22 **shall publish such notice on the legal notices website, established**  
23 **pursuant to section 493.077, until the date of the hearing has**  
24 **passed.** Such hearing may be adjourned from time to time. The adoption of the  
25 plan, or part thereof, shall be by resolution carried by not less than a majority  
26 vote of the full membership of the county planning commission. After the  
27 adoption of the official master plan, or part thereof, an attested copy shall be  
28 certified to the county commission, to the recorder of deeds and to the clerk of  
29 each incorporated area covered by the plan or part thereof.

64.725. 1. As an alternative to the procedures in sections 64.510 to  
2 64.550, the county commission of any county may create a temporary county or

3 township planning commission prior to an election to adopt county or township  
4 planning and zoning. Such planning commission shall prepare a county plan for:

5 (1) All areas of the county, whether such areas are incorporated or  
6 unincorporated, outside the corporate limits of any city, town or village which has  
7 adopted a city plan in accordance with the laws of this state; or

8 (2) Any individual unincorporated township, separate from the rest of the  
9 county, which shall affect only that specific township.

10 2. The temporary county planning commission appointed pursuant to  
11 subdivision (1) of subsection 1 of this section shall consist of the county highway  
12 engineer, and one resident from each township of the county appointed by the  
13 county commission from the unincorporated area of the county. The temporary  
14 township planning commission appointed pursuant to subdivision (2) of  
15 subsection 1 of this section shall consist of the highway engineer, one person  
16 appointed by the county commission and three residents of the township for  
17 which the plan is proposed. The members of such planning commission or  
18 commissions shall serve until a planning commission is elected by the voters of  
19 the county or township, pursuant to subsection 6 of this section. All members of  
20 such temporary planning commission or commissions shall serve without  
21 compensation, but shall be reimbursed for their actual and necessary expenses  
22 incurred in the performance of their official duties. Such planning commission  
23 or commissions shall elect a chair at the first meeting of the year to serve for  
24 such year until a new chair is elected. The county highway engineer shall be an  
25 ex officio member of such planning commission or commissions.

26 3. Each temporary planning commission may create and adopt rules for  
27 the transaction of its business and shall keep a public record of its resolutions,  
28 transactions, findings and recommendations. Each commission may appoint such  
29 employees as it deems necessary for its work, and may contract with planners and  
30 other consultants for such services as it may require, and may incur other  
31 necessary expenses. Each commission shall have power to make, adopt and  
32 publish a proposal for a master plan of the county or township for the purpose of  
33 bringing about coordinated physical development in accordance with the present  
34 and future needs. The master plan shall be developed so as to conserve the  
35 natural resources of the county or township, to ensure efficient expenditure of  
36 public funds and to promote the health, safety, convenience, prosperity and  
37 general welfare of the inhabitants. Such master plan may include, among other  
38 things, studies and recommendations relative to the location, character and

39 extent of highways, railroads, bus, streetcar and other transportation routes,  
40 bridges, public buildings, schools, parks, parkways, forests, wildlife refuges, dams  
41 and projects affecting conservation of natural resources. Before the adoption of  
42 the plan, the commission shall hold at least one public hearing thereon, fifteen  
43 days' notice of the time and place of which shall be published [in at least one  
44 newspaper having general circulation within the affected county or township, and  
45 notice of such hearing shall also be posted at least fifteen days in advance thereof  
46 in one or more public areas of the courthouse of the county] **on the front page**  
47 **of the commission's website, if it has one. If the commission does not**  
48 **have a website, notice shall be sent at least fifteen days in advance of**  
49 **the hearing to the secretary of state who shall publish such notice on**  
50 **the legal notices website, established pursuant to section 493.077, until**  
51 **the date of the hearing has passed.** Such hearing may be adjourned from  
52 time to time. The adoption of the plan shall be by resolution carried by not less  
53 than a majority vote of the full membership of the temporary county or township  
54 planning commission.

55 4. After the temporary county or township planning commission has  
56 adopted a proposed plan for county or township planning and zoning in the  
57 county or township, the county commission shall submit to the voters of the  
58 county or affected township, the question of whether the county or township  
59 should adopt county or township planning and zoning as provided in the proposed  
60 plan. Such plan shall be available to the voters at least twenty days prior to the  
61 election. A notice stating the place or places and times for examining the plan  
62 shall be posted in one or more public areas of the courthouse of the county, and  
63 such notice shall be published [in at least one newspaper of general circulation  
64 in the county or township at least once a week for three consecutive weeks, the  
65 last publication to be twenty days prior to the election] **on the front page of**  
66 **the commission's website, if it has one, for a period of three consecutive**  
67 **weeks prior to the election. If the commission does not have a website,**  
68 **notice shall be sent at least three consecutive weeks prior to the**  
69 **election to the secretary of state who shall publish such notice on the**  
70 **legal notices website, established pursuant to section 493.077, until the**  
71 **date of the election has passed.**

72 5. The question for the adoption of county or township planning and  
73 zoning shall be submitted to the voters of the county, or to the voters of the  
74 township, substantially in either of the following forms, depending on whether

75 such ballot is for township planning and zoning or for county planning and  
76 zoning:

77 (1) For township planning and zoning:

78 Shall township planning and zoning as proposed by the township  
79 planning commission be adopted in \_\_\_\_\_ township (insert name  
80 of township)?

81  YES  NO

82 (2) For county planning and zoning:

83 Shall county planning and zoning as proposed by the county  
84 planning commission be adopted?

85  YES  NO

86 6. If a majority of the votes cast in a county or township on the question  
87 of whether the county or township should adopt county or township planning and  
88 zoning as provided in the proposed plan are in favor of adopting the plan, then  
89 the plan shall become immediately effective in the appropriate county or  
90 township, and an attested copy of the official master plan shall be certified to the  
91 county commission, to the recorder of deeds, and to the clerk of each incorporated  
92 area covered by the plan or part thereof, or to the clerk of the appropriate  
93 township, if any, and the temporary county or township planning commission  
94 shall implement the plan. At the next countywide election:

95 (1) For countywide plans, the voters in each township of the  
96 unincorporated area of the county shall elect one member from each township to  
97 be a member of the county planning commission; or

98 (2) For township plans, the voters in the township shall elect three  
99 members to the township planning commission;

100 and the county commission shall by order entered of record have the newly  
101 elected members of the county or township planning commission continue with  
102 a program of county or township planning and zoning. If a majority of the votes  
103 cast on the question of whether the county or township should adopt county or  
104 township planning and zoning as provided in the proposed plan are in opposition  
105 to adopting the plan, then it shall be at the discretion of the county commission  
106 whether to retain or dissolve the temporary county or township planning  
107 commission established pursuant to subsection 1 of this section.

108 7. The terms of the elected members of the county or township planning  
109 commission shall be four years or until the member's successor takes office;  
110 except that, the terms shall be overlapping and one-half of the members first

111 elected, or if an uneven number one-half plus one, shall be elected for two-year  
112 terms and the remaining members shall be elected for four-year terms. The  
113 county highway engineer shall be an ex officio member of the county or township  
114 planning commission. The term of the county highway engineer shall be only for  
115 the duration of the engineer's tenure of official position. All members of the  
116 county or township planning commission shall serve as such without  
117 compensation, but shall be reimbursed for actual and necessary expenses incurred  
118 in the performance of their official duties. The planning commission shall elect  
119 a chair at the first meeting of the year to serve for such year until a new chair is  
120 elected. The county or township commission shall have all powers granted a  
121 county planning commission appointed pursuant to sections 64.510 to 64.695.

122 8. If the county commission does not appoint a temporary county or  
123 township planning commission as provided in subsection 1 of this section, the  
124 voters of the county or of any township may submit a petition, signed by five  
125 percent of the number of voters in the county or township voting at the last  
126 gubernatorial election, calling for the appointment of a temporary county or  
127 township planning commission. Upon receipt of such a petition, the county  
128 commission shall appoint a temporary county or township planning commission  
129 as provided in subsection 1 of this section.

64.815. The county planning commission shall prepare an official master  
2 plan of the county for the purpose of bringing about coordinated physical  
3 development in accordance with the present and future needs. The official master  
4 plan shall be developed so as to conserve the natural resources of the county, to  
5 insure efficient expenditure of public funds and to promote the health, safety,  
6 convenience, prosperity and general welfare of the inhabitants. The official  
7 master plan may include, among other things, studies and recommendations  
8 relative to the location, character and extent of highways, railroads, bus, streetcar  
9 and other transportation routes, bridges, public buildings, schools, parks,  
10 parkways, forests, wildlife refuges, dams, and projects affecting conservation of  
11 natural resources. The county commission, upon the recommendation of the  
12 county planning commission, may adopt the official master plan in whole or in  
13 part and may subsequently amend or extend the adopted plan or portion  
14 thereof. Before the adoption, amendment or extension of the plan or portion  
15 thereof, the county commission shall hold at least one public hearing thereon,  
16 fifteen days' notice of the time and place of which shall be published [in at least  
17 one newspaper having general circulation within the county, and notice of such

18 hearing shall also be posted at least fifteen days in advance thereof in one or  
19 more public areas of the courthouse of the county] **on the front page of the**  
20 **commission's website, if it has one. If the commission does not have a**  
21 **website, notice shall be sent at least fifteen days in advance of the**  
22 **hearing to the secretary of state who shall publish such notice on the**  
23 **legal notices website, established pursuant to section 493.077, until the**  
24 **date of the hearing has passed.** The hearing may be adjourned from time to  
25 time. The adoption of the plan, or part thereof, shall be by resolution carried by  
26 not less than a majority vote of the full membership of the county  
27 commission. After the adoption of the official master plan, or part thereof, an  
28 attested copy shall be certified by the county commission to the recorder of deeds  
29 and to the clerk of each incorporated area covered by the plan or part thereof.

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 bridge  
6 purposes. The total vote for governor at the last general election before the filing  
7 of the petition where a governor was elected shall be used to determine the  
8 number of voters necessary to sign the petition. If the petition is filed six months  
9 or more prior to a general election, the proposition shall be submitted at a special  
10 election to be ordered by the county commission within sixty days after the  
11 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] **on the front page of the commission's**  
24 **website, if it has one,** at least twenty-one days prior to the date of election. **If**

25 **the commission does not have a website, notice shall be sent at least**  
 26 **twenty-one days prior to the election to the secretary of state who shall**  
 27 **publish such notice on the legal notices website, established pursuant**  
 28 **to section 493.077, until the date of the election has passed.** The clerk of  
 29 the county commission shall provide the ballot which shall be printed and in  
 30 substantially the following form:

31 OFFICIAL BALLOT

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

33 Shall township organization form of county government be  
 34 abolished in \_\_\_\_\_ County and a countywide \_\_\_\_\_ tax at  
 35 a rate of \_\_\_\_\_ collected for road and bridge purposes?

36  YES

NO

37 If a majority of the electors voting upon the proposition shall vote for the  
 38 abolition thereof the township organization form of county government shall be  
 39 declared to have been abolished; and township organization shall cease in said  
 40 county; and except as provided in section 65.620 all laws in force in relation to  
 41 counties not having township organization shall immediately take effect and be  
 42 in force in such county.

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

65.662. The township planning commission shall have power to make,  
 2 adopt and publish an official master plan of the township for the purpose of  
 3 bringing about coordinated physical development in accordance with the present  
 4 and future needs. The official master plan shall be developed so as to conserve  
 5 the natural resources of the township, to ensure efficient expenditure of public  
 6 funds and to promote the health, safety, convenience, prosperity and general  
 7 welfare of the inhabitants. Such official master plan may include, among other  
 8 things, studies and recommendations relative to the location, character and  
 9 extent of highways, railroads, bus, streetcar and other transportation routes,  
 10 bridges, public buildings, schools, parks, parkways, forests, wildlife refuges,  
 11 dams, and projects affecting conservation of natural resources. The township  
 12 planning commission may adopt the official master plan in whole or in part and  
 13 may subsequently amend or extend the adopted plan or portion thereof. Before  
 14 the adoption, amendment or extension of the plan or portion thereof, the township  
 15 planning commission shall hold at least one public hearing thereon, fifteen days'

16 notice of the time and place of which shall be published [in at least one  
17 newspaper having general circulation within the township, and notice of such  
18 hearing shall also be posted at least fifteen days in advance thereof in one or  
19 more public area in the township] **on the front page of the commission's**  
20 **website, if it has one. If the commission does not have a website, notice**  
21 **shall be sent at least fifteen days in advance of the hearing to the**  
22 **secretary of state who shall publish such notice on the legal notices**  
23 **website, established pursuant to section 493.077, until the date of the**  
24 **hearing has passed.** Such hearing may be adjourned from time to time. The  
25 adoption of the plan, or part thereof, shall be by resolution carried by not less  
26 than a majority vote of the full membership of the township planning  
27 commission. After the adoption of the official master plan, or part thereof, an  
28 attested copy shall be certified to the township board, to the county commission,  
29 to the recorder of deeds and to the township clerk.

66.705. 1. The county constitution framed by the commission shall take  
2 effect on the day fixed therein and shall supersede any existing charter, county  
3 constitution or government, if approved by the majority of the qualified voters of  
4 the county voting thereon. The county constitution shall be submitted by the  
5 county constitution commission to the election authority of the county not later  
6 than thirty days after the completion of the county constitution or more than one  
7 year from the date of the selection of the county constitution commission by the  
8 circuit court. The election authority of the county shall conduct the election at  
9 the next available election authorized under state law. The election shall be  
10 conducted under the provisions of chapter 115 and may, at the request of the  
11 county constitution commission, be conducted by mail ballot. The commission  
12 may submit for separate vote any parts of the county constitution, or any  
13 alternative sections or articles, and the alternative sections or articles receiving  
14 the larger affirmative vote shall prevail if a charter is adopted.

15 2. In addition to notices required under chapter 115, the election  
16 authority shall publish the full text of the county constitution [in each newspaper  
17 of general circulation in the county at least once a week for at least three weeks,  
18 the last publication to be] **on the front page of the election authority's**  
19 **website, if it has one,** not more than three nor less than two weeks  
20 immediately preceding the election. **If the election authority does not have**  
21 **a website, the full text of the county constitution shall be sent not more**  
22 **than three nor less than two weeks prior to the election to the**

23 **secretary of state who shall publish such notice on the legal notices**  
24 **website, established pursuant to section 493.077, until the date of the**  
25 **election has passed.**

26 3. The ballot of submission shall contain, but need not be limited to, the  
27 following language:

28 Shall \_\_\_\_\_ County adopt the proposed county constitution?

29  YES

NO

30 If a majority of the votes cast by the qualified voters voting thereon are in favor  
31 of the proposal, then the county constitution shall be adopted. If a majority of the  
32 votes cast by the qualified voters voting thereon are opposed to the proposal, the  
33 county constitution shall not be adopted. No county constitution shall be  
34 submitted to the voters of the county within two years after the election at which  
35 a county constitution was defeated, and prior to resubmitting the question of  
36 whether to adopt a county constitution to the voters pursuant to this subsection,  
37 the county commission shall resubmit the question set forth in section 66.700 to  
38 the qualified voters of the county and a majority of the votes cast by the qualified  
39 voters voting thereon shall be in favor of the proposal.

66.711. 1. Pursuant to Section 9 of Article VI of the State Constitution,  
2 any county of the first classification without a charter form of government may  
3 adopt an alternative form of government and frame a county constitution for the  
4 vesting of any and all powers the general assembly has the authority to confer,  
5 provided such powers are consistent with the constitution of this state and not  
6 limited or denied by either the county constitution or by laws of this state, except  
7 those powers to regulate and provide for free and open elections. A county  
8 approving the alternative form of government and adopting a county constitution  
9 in the manner prescribed by this section shall only impose such taxes as it is  
10 authorized by the constitution and law to impose. The county commission of such  
11 a county may authorize the submission of the question set forth in this section by  
12 placing such question on the ballot at a county or state general, primary or  
13 special election as set by the county commission. The circuit judges of the circuit  
14 where such county is located shall establish a county constitution commission to  
15 develop a county constitution if the qualified voters of the county, at a county or  
16 state general, primary or special election, approve the following question:

17 Shall a commission be chosen by the \_\_\_\_\_ circuit court (circuit  
18 number) to frame a county constitution which shall be submitted  
19 to the voters of \_\_\_\_\_ County (county's name)?

20

 YES NO

21 The election authority shall certify the results of the election to the county  
22 commission of the county and the circuit court where such county is located. If  
23 a majority of the votes cast by the qualified voters voting thereon are in favor of  
24 the proposal, then the circuit judges of the circuit where such county is located  
25 shall establish a commission in the manner prescribed in subsection 2 of this  
26 section. If a majority of the votes cast by the qualified voters voting thereon are  
27 opposed to the proposal, the circuit judges shall not establish a county  
28 constitution.

29         2. In any county where the question submitted pursuant to subsection 1  
30 of this section is approved, the circuit judges of the circuit where such county is  
31 located shall, within sixty days after certification of the election results by the  
32 election authority, appoint a commission to frame the county constitution,  
33 consisting of fourteen residents of the county who shall serve without pay and be  
34 equally divided between the two political parties casting the greater number of  
35 votes for governor at the last preceding gubernatorial election.

36         3. The county constitution framed by the commission shall take effect on  
37 the day fixed therein and shall supersede any existing county constitution or  
38 government, if approved by the majority of the qualified voters of the county  
39 voting thereon. The county constitution shall be submitted by the county  
40 constitution commission to the election authority of the county not later than  
41 thirty days after the completion of the county constitution or more than one year  
42 from the date of the selection of the county constitution commission by the circuit  
43 court. The election authority of the county shall conduct the election at the next  
44 available election authorized under state law. The election shall be conducted  
45 under the provisions of chapter 115 and may, at the request of the county  
46 constitution commission, be conducted by mail ballot. The commission may  
47 submit for separate vote any parts of the county constitution, or any alternative  
48 sections or articles, and the alternative sections or articles receiving the larger  
49 affirmative vote shall prevail if a constitution is adopted.

50         4. In addition to notices required under chapter 115, the election  
51 authority shall publish the full text of the county constitution [in each newspaper  
52 of general circulation in the county at least once a week for at least three weeks,  
53 the last publication to be] **on the front page of its website, if it has one**, not  
54 more than three nor less than two weeks immediately preceding the election. **If**  
55 **the election authority does not have a website, the full text of the**

56 **county constitution shall be sent, not more than three nor less than two**  
57 **weeks prior to the election, to the secretary of state who shall publish**  
58 **such notice on the legal notices website, established pursuant to section**  
59 **493.077, until the date of the election has passed.**

60           5. The ballot of submission shall contain, but need not be limited to, the  
61 following language:

62           Shall \_\_\_\_\_ County adopt the proposed county constitution?

63                            YES                                            NO

64 If a majority of the votes cast by the qualified voters voting thereon are in favor  
65 of the proposal, then the county constitution shall be adopted. If a majority of the  
66 votes cast by the qualified voters voting thereon are opposed to the proposal, the  
67 county constitution shall not be adopted. No county constitution shall be  
68 submitted to the voters of the county within two years after the election at which  
69 a county constitution was defeated, and prior to resubmitting the question of  
70 whether to adopt a county constitution to the voters pursuant to this subsection,  
71 the county commission shall resubmit the question set forth in subsection 1 of  
72 this section to the qualified voters of the county and a majority of the votes cast  
73 by the qualified voters voting thereon shall be in favor of the proposal.

74           6. Duplicate certificates shall be made, setting forth the county  
75 constitution adopted and its ratification, signed by the election authority of the  
76 county after canvassing election returns. One of such certified copies shall be  
77 deposited in the office of the secretary of state and the other, after being recorded  
78 in the records of the county, shall be deposited among the archives of the county  
79 and all courts shall take judicial notice thereof. This subsection shall also apply  
80 to any amendment to the county constitution.

81           7. All amendments to such county constitution shall be approved by the  
82 voters and shall become part of the county constitution at the time and under the  
83 conditions fixed in the amendments.

84           8. Pursuant to section 1.140, the provisions of this section are severable.  
85 If any provision of this section is found by a court of competent jurisdiction to be  
86 unconstitutional, the remaining provisions of this act are valid unless the court  
87 finds the valid provisions of this act are so essentially and inseparably connected  
88 with, and so dependent upon, the void provision that it cannot be presumed the  
89 legislature would have enacted the valid provisions without the void one; or  
90 unless the court finds that the valid provisions, standing alone, are incomplete  
91 and are incapable of being executed in accordance with the legislative intent.

67.110. 1. Each political subdivision in the state, except counties and any  
2 political subdivision located at least partially within any county with a charter  
3 form of government or any political subdivision located at least partially within  
4 any city not within a county, shall fix its ad valorem property tax rates as  
5 provided in this section not later than September first for entry in the tax  
6 books. Each political subdivision located, at least partially, within a county with  
7 a charter form of government or within a city not within a county shall fix its ad  
8 valorem property tax rates as provided in this section not later than October first  
9 for entry in the tax books for each calendar year after December 31, 2008. Before  
10 the governing body of each political subdivision of the state, except counties, as  
11 defined in section 70.120, fixes its rate of taxation, its budget officer shall present  
12 to its governing body the following information for each tax rate to be levied: the  
13 assessed valuation by category of real, personal and other tangible property in the  
14 political subdivision as entered in the tax book for the fiscal year for which the  
15 tax is to be levied, as provided by subsection 3 of section 137.245, the assessed  
16 valuation by category of real, personal and other tangible property in the political  
17 subdivisions for the preceding taxable year, the amount of revenue required to be  
18 provided from the property tax as set forth in the annual budget adopted as  
19 provided by this chapter, and the tax rate proposed to be set. Should any  
20 political subdivision whose taxes are collected by the county collector of revenue  
21 fail to fix its ad valorem property tax rate by the date provided under this section  
22 for such political subdivision, then no tax rate other than the rate, if any,  
23 necessary to pay the interest and principal on any outstanding bonds shall be  
24 certified for that year.

25 2. The governing body shall hold at least one public hearing on the  
26 proposed rates of taxes at which citizens shall be heard prior to their  
27 approval. The governing body shall determine the time and place for such  
28 hearing. A notice stating the hour, date and place of the hearing shall be  
29 published [in at least one newspaper qualified under the laws of the state of  
30 Missouri of general circulation in the county within which all or the largest  
31 portion of the political subdivision is situated, or such notice shall be posted in  
32 at least three public places within the political subdivision; except that, in any  
33 county of the first class having a charter form of government, such notice may be  
34 published in a newspaper of general circulation within the political subdivision  
35 even though such newspaper is not qualified under the laws of Missouri for other  
36 legal notices. Such notice shall be published or posted] **on the front page of**

37 **the governing body's website, if it has one**, at least seven days prior to the  
38 date of the hearing. **If the governing body does not have a website, notice**  
39 **shall be sent at least seven days prior to the date of the hearing to the**  
40 **secretary of state who shall publish such notice on the legal notices**  
41 **website, established pursuant to section 493.077, until the date of the**  
42 **hearing has passed.** The notice shall include the assessed valuation by  
43 category of real, personal and other tangible property in the political subdivision  
44 for the fiscal year for which the tax is to be levied as provided by subsection 3 of  
45 section 137.245, the assessed valuation by category of real, personal and other  
46 tangible property in the political subdivision for the preceding taxable year, for  
47 each rate to be levied the amount of revenue required to be provided from the  
48 property tax as set forth in the annual budget adopted as provided by this  
49 chapter, and the tax rates proposed to be set for the various purposes of  
50 taxation. The tax rates shall be calculated to produce substantially the same  
51 revenues as required in the annual budget adopted as provided in this  
52 chapter. Following the hearing the governing body of each political subdivision  
53 shall fix the rates of taxes, the same to be entered in the tax book. Failure of any  
54 taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit  
55 of any other legal remedy otherwise available to the taxpayer. Nothing in this  
56 section absolves political subdivisions of responsibilities under section 137.073,  
57 nor to adjust tax rates in event changes in assessed valuation occur that would  
58 alter the tax rate calculations.

59         3. Each political subdivision of the state shall fix its property tax rates in  
60 the manner provided in this section for each fiscal year which begins after  
61 December 31, 1976. New or increased tax rates for political subdivisions whose  
62 taxes are collected by the county collector approved by voters after September  
63 first of any year shall not be included in that year's tax levy except for any new  
64 tax rate ceiling approved pursuant to section 71.800.

65         4. In addition to the information required under subsections 1 and 2 of  
66 this section, each political subdivision shall also include the increase in tax  
67 revenue due to an increase in assessed value as a result of new construction and  
68 improvement and the increase, both in dollar value and percentage, in tax  
69 revenue as a result of reassessment if the proposed tax rate is adopted.

67.461. 1. After the governing body has made the findings specified in  
2 section 67.457 and plans and specifications for the proposed improvements have  
3 been prepared, the governing body shall by ordinance or resolution order

4 assessments to be made against each parcel of real property deemed to be  
5 benefitted by an improvement based on the revised estimated cost of the  
6 improvement or, if available, the final cost thereof, and shall order a proposed  
7 assessment roll to be prepared.

8           2. The plans and specifications for the improvement and the proposed  
9 assessment roll shall be filed with the city clerk or county clerk, as applicable,  
10 and shall be open for public inspection. Such clerk shall thereupon, at the  
11 direction of the governing body, publish notice that the governing body will  
12 conduct a hearing to consider the proposed improvement and proposed  
13 assessments. Such notice shall be published [in a newspaper of general  
14 circulation at least once] **on the front page of the clerk's website, if it has**  
15 **one**, not more than twenty days and not less than ten days before the hearing  
16 and shall state the project name for the improvement, the date, time and place  
17 of such hearing, the general nature of the improvement, the revised estimated  
18 cost or, if available, the final cost of the improvement, the boundaries of the  
19 neighborhood improvement district to be assessed, and that written or oral  
20 objections will be considered at the hearing. At the same time, the clerk shall  
21 mail to the owners of record of the real property made liable to pay the  
22 assessments, at their last known post office address, a notice of the hearing and  
23 a statement of the cost proposed to be assessed against the real property so  
24 owned and assessed. The failure of any owner to receive such notice shall not  
25 invalidate the proceedings.

26           **3. If the clerk does not have a website, the notice required under**  
27 **subsection 2 of this section shall be sent, not more than twenty days**  
28 **and not less than ten days before the hearing, to the secretary of state**  
29 **who shall publish such notice on the legal notices website, established**  
30 **pursuant to section 493.077, until the date of the hearing has passed.**

67.794. 1. Upon the filing of the petition with the county clerk pursuant  
2 to section 67.793, the county clerk shall present it to the governing body of the  
3 county who shall set the petition for hearing not less than thirty days nor more  
4 than forty days after the filing.

5           2. Notice shall be given by the governing body of the county of the time  
6 and place where the hearing will be held, by publication on [three separate days  
7 in one or more newspapers having a general circulation within the territory  
8 proposed to be incorporated as a regional recreational district or to be added to  
9 an existing regional recreational district, the first of which publications shall be]

10 **the front page of the governing body's website, if it has one**, not less than  
11 twenty days prior to the date set for the hearing [and if there is no such  
12 newspaper, then notice shall be posted in ten of the most public places in the  
13 territory, not less than twenty days prior to the date set for the hearing. This].  
14 **If the governing body of the county does not have a website, notice**  
15 **shall be sent not less than twenty days prior to the date set for the**  
16 **hearing to the secretary of state who shall publish such notice on the**  
17 **legal notices website, established pursuant to section 493.077, until the**  
18 **date of the hearing has passed.** The notice shall include a description of the  
19 territory as set out in the petition, names of municipalities located therein, and  
20 the type and rate of the tax to be levied, the name of the proposed district and the  
21 question of creating a regional recreational district or adding to an existing  
22 district.

23 3. The costs of printing and publication or posting of notices of public  
24 hearing thereon shall be paid in advance by the petitioners, and, if a district is  
25 organized or territory is added to an existing district pursuant to sections 67.792  
26 to 67.799, such persons shall be reimbursed out of the funds received by the  
27 district from taxation or other sources.

28 4. If two or more petitions covering in part the same territory are filed  
29 prior to the public hearing upon the petition which is first filed, the petitions  
30 shall be consolidated for public hearing, and hearing on such petitions may be  
31 continued to permit the giving of notice of any subsequent petitions. At the  
32 public hearing upon the petitions, the petitioners in the petition first filed may  
33 move to amend the petition to include any part of the territory described in the  
34 subsequent petitions, either as originally filed or as amended. Any such motion  
35 shall be allowed by the governing body of the county. The public hearing shall  
36 proceed upon the first petition as originally filed or as so amended, and further  
37 proceedings upon any other petitions subsequently filed shall be stayed until the  
38 termination of all proceedings upon the first petition, or any petition may be  
39 dismissed or withdrawn upon motion of the petitioners therein by their  
40 representatives.

67.950. 1. Any special purpose district formed under the provisions of a  
2 statute of this state requiring approval by the voters of the district, and for which  
3 no specific procedure is provided to terminate or dissolve such a district, may be  
4 dissolved as provided in this section and section 67.955.

5 2. A petition describing the boundaries of the district sought to be

6 dissolved shall be filed with the clerk of the circuit court of the county in which  
7 the subject district is located or, if the subject district embraces lands in more  
8 than one county, with the clerk of the circuit court of the county having the  
9 largest acreage within the boundaries of the subject district. Such petition, in  
10 addition to such boundary description, shall allege that further operation of the  
11 subject district is inimical to the best interests of the inhabitants of the district  
12 and that the district should, in the interest of the public welfare and safety, be  
13 dissolved, and such other information as may be useful to the court in  
14 determining whether the petition should be granted and a decree of dissolution  
15 entered. Such petition shall also include a detailed plan for payment of all debt  
16 and obligations of the district at the time of dissolution. Such petition shall be  
17 accompanied by a cash deposit of fifty dollars as an advancement of the costs of  
18 the proceeding, and the petition shall be signed by eight percent or more of the  
19 voters of the district. The petition shall be verified by at least one of the signers  
20 thereof and shall be served upon the governing board of the district. The district  
21 shall be a party, and if the governing board in its discretion determines that such  
22 dissolution is not in the public interest, the district shall oppose such petition and  
23 pay all cost and expense thereof.

24       3. **(1)** Upon the filing of the petition, the petition shall be presented to  
25 the circuit court and such court shall fix a date for a hearing on such  
26 petition. The clerk of the court shall give notice of the filing of the petition [in  
27 some newspaper of general circulation in the county in which the proceedings are  
28 pending, and if the district extends into any other county or counties, such notice  
29 shall also be published in some newspaper of general circulation in such other  
30 county or counties] **on the front page of the court's website, if it has one.**  
31 **If the court does not have a website, the notice shall be sent to the**  
32 **secretary of state who shall publish such notice on the legal notices**  
33 **website, established pursuant to section 493.077, until the date of the**  
34 **hearing has passed.**

35       **(2)** The notice shall contain a description of the subject boundary lines of  
36 the district and the general purposes of the petition, and shall set forth the date  
37 fixed for the hearing on the petition, which shall not be less than seven nor more  
38 than twenty-one days after the date of the last publication of the notice and shall  
39 be on some regular judicial day of the court in which the petition is  
40 pending. Such notice shall be signed by the clerk of the circuit court [and shall  
41 be published in three successive issues of a weekly newspaper or in twenty

42 successive issues of a daily newspaper].

43           4. The court, for good cause shown, may continue the case or the hearing  
44 thereon from time to time until final disposition thereof.

45           5. Exceptions to the dissolution of a district may be made by any voter or  
46 landowner of the district, and by the district as provided in this section. Such  
47 exceptions shall be filed not less than five days prior to the date set for the  
48 hearing on the petition. Such exceptions shall specify the grounds upon which  
49 the exceptions are filed, and the court shall take them into consideration in  
50 passing upon the petition and shall also consider the evidence in support of the  
51 petition and in support of the exceptions made. Unless petitioners prove that all  
52 debts and financial obligations of the district can be paid in full upon dissolution,  
53 the petition shall be dismissed at the cost of the petitioners.

54           6. Should the court find that it would not be to the public interest to  
55 dissolve a district, the petition shall be dismissed at the costs of the petitioners.  
56 If, however, the court should find in favor of the petitioners, the court shall enter  
57 its interlocutory decree of dissolution, which decree shall provide for the  
58 submission of the question to the voters of the district. The decree of dissolution  
59 shall not become final and conclusive until it has been submitted to the voters  
60 residing within the boundaries described in such decree and approved by a  
61 majority of the votes cast. The decree shall provide for the submission of the  
62 question and shall fix the date thereof.

63           7. The question shall be submitted in substantially the following form:  
64           Shall the \_\_\_\_\_ district be dissolved?

65           8. The returns shall be certified by the election authority to the circuit  
66 court having jurisdiction in the case. Upon receiving such certification, the court  
67 shall enter its order canvassing the returns and declaring the result of such  
68 election. If a majority of the votes cast on the question by the qualified voters  
69 voting thereon are in favor of the question, then the court shall, in such order  
70 declaring the result of the election, enter a further order declaring the decree of  
71 dissolution to be final and conclusive. If a majority of the votes cast on the  
72 question by the qualified voters voting thereon are opposed to the question, then  
73 the court shall enter a further order declaring such decree of dissolution to be  
74 void and of no effect. No appeal shall lie from any of such orders. In the event  
75 that the court declares the decree of dissolution to be final as provided in this  
76 subsection, the clerk of the circuit court shall file certified copies of such decree  
77 of dissolution and of such final order with the secretary of state, the recorder of

78 deeds of the county or counties in which the district is located, and with the clerk  
79 of the county commission of the county or counties in which the district is located.

80 9. Notwithstanding any other provision of law in this section to the  
81 contrary, no district shall be dissolved until all of its outstanding indebtedness  
82 has been paid, and the court in its decree of dissolution shall provide for the  
83 disposition of the remaining property of the district.

67.1170. 1. The governing body of any county which borders on or which  
2 contains part of a lake with not less than one hundred miles of shoreline, may  
3 establish a lake area business district in the manner provided in this section and,  
4 upon establishment, each such district shall be a body corporate and politic and  
5 a political subdivision of the state. If such lake area business district is  
6 established, it shall consist of the area in that county which is within five miles,  
7 more or less, the determination being if the major portion of a voting precinct lies  
8 within the five-mile distance of such a lake.

9 2. Upon petition by fifty or more owners of real property located within  
10 five miles of the lake described in subsection 1 of this section, the governing body  
11 of the county shall adopt a resolution of intention to establish a lake area  
12 business district. The resolution shall contain the following information:

13 (1) Description of the boundaries of the proposed area;

14 (2) The time and place of a hearing to be held by the governing body  
15 considering establishment of the district; and

16 (3) The proposed uses to which the additional revenue shall be put and  
17 the proposed tax rate to be voted on by residents of the district pursuant to  
18 section 67.1177.

19 3. Whenever a hearing is held as provided in this section, the governing  
20 body of the county shall:

21 (1) Publish notice of the hearing [on two separate occasions in at least one  
22 newspaper of general circulation in the county] **on the front page of its**  
23 **website, if it has one**, not more than fifteen days nor less than ten days before  
24 the hearing. **If the governing body does not have a website, notice shall**  
25 **be sent, at least ten days but not more than fifteen days before the**  
26 **hearing, to the secretary of state who shall publish such notice on the**  
27 **legal notices website, established pursuant to section 493.077, until the**  
28 **date of the hearing has passed;**

29 (2) Hear all protests and receive evidence for or against the establishment  
30 of the proposed district;

31 (3) Rule upon all protests, which determinations shall be final.

32 4. If the governing body following the hearing decides to establish the  
33 proposed district, it shall adopt an order to that effect. The order shall contain  
34 the following:

35 (1) The description of the boundaries of the district;

36 (2) A statement that a lake area business district has been established;

37 (3) The uses to which any additional revenue generated by a tax levied  
38 pursuant to section 67.1177 shall be put; and

39 (4) The creation of an advisory board and enumeration of its duties and  
40 responsibilities, as provided by section 67.1175.

67.1180. 1. Whenever a petition calling for dissolution of a lake area  
2 business district, signed by two-thirds of the owners of real property subject to  
3 ad valorem taxes on such real property in the district who collect the lodging tax,  
4 organized pursuant to sections 67.1170 to 67.1180, is filed with the county  
5 commission of any county in which such district is situated, setting forth the  
6 name of the district and the number of acres owned by each signer of such  
7 petition and the whole number of acres in such district, the county commission  
8 may, if in its opinion the public good will be thereby advanced, dissolve such lake  
9 area business district. No such lake area business district shall be dissolved  
10 until notice is published [in a newspaper of general circulation in the county  
11 where the district is situated for four weeks successively] **on the front page of**  
12 **the district's website, if it has one, for at least four successive weeks**  
13 **prior to the hearing of the petition. If the district does not have a website,**  
14 **notice shall be sent at least four weeks before the hearing to the**  
15 **secretary of state who shall publish such notice on the legal notices**  
16 **website, established pursuant to section 493.077, until the date of the**  
17 **hearing has passed.**

18 2. No dissolution of such lake area business district shall invalidate or  
19 affect any right accruing to such lake area business district or to any person, or  
20 invalidate or affect any contract entered into or imposed on such lake area  
21 business district.

22 3. Whenever the county commission dissolves any such lake area business  
23 district, the county commission shall appoint a person to act as trustee for the  
24 district so dissolved, and such trustee, before entering upon the discharge of his  
25 **or her** duties, shall take and subscribe an oath that he **or she** will faithfully  
26 discharge the duties of his **or her** office, and shall give bond with sufficient

27 security to be approved by the county commission, to the use of such dissolved  
28 lake area business district, conditioned for the faithful discharge of his **or her**  
29 duty. The trustee may prosecute and defend to final judgment all suits instituted  
30 by or against the district, collect all moneys due the district, liquidate all lawful  
31 demands against the district, and for that purpose shall sell any property  
32 belonging to such district, or so much thereof as may be necessary, and generally  
33 to do all acts requisite to bring to a speedy close all the affairs of the district, and  
34 for that purpose, under the order and direction of the county commission, to  
35 exercise all the powers given by law to such district.

36 4. When the trustee has closed the affairs of the lake area business  
37 district, and has paid all debts due by such district, he **or she** shall pay over to  
38 the county treasurer all money remaining in his **or her** hands, and take receipt  
39 therefor, and deliver to the clerk of such county commission all books, papers,  
40 records and deeds belonging to the dissolved lake area business district.

67.1237. Upon the passage of the proposal in the county, the governing  
2 body of the county shall, by order, declare the agricultural commodity research  
3 district to be incorporated and, within thirty days after the district has been  
4 declared organized, shall call a meeting of the landowners of the county subject  
5 to the fee for the purpose of electing a board of supervisors for the district to  
6 consist of five members to be selected from among the landowners of the county  
7 subject to the fee. At the time of calling the meeting, the governing body of the  
8 county shall give notice thereof by publication [once a week for two consecutive  
9 weeks in a newspaper of general circulation within the county, the last  
10 publication to be] **on the front page of its website, if it has one**, at least ten  
11 days before the day of the meeting. **If the governing body does not have a**  
12 **website, notice shall be sent at least ten days before the day of the**  
13 **meeting to the secretary of state who shall publish such notice on the**  
14 **legal notices website, established pursuant to section 493.077, until the**  
15 **date of the meeting has passed.** The notice shall state the day, hour and  
16 place of the meeting. At the meeting, the landowners of the county subject to the  
17 fee shall elect a board of five supervisors, to be comprised of owners of real estate  
18 in the county subject to the fee. The landowners when assembled shall organize  
19 by the election of a chairperson and a secretary of the meeting who shall conduct  
20 the election. At the election, each and every acre of land in the county subject to  
21 the fee shall represent one vote and the five persons receiving the highest number  
22 of votes shall be declared elected as supervisors. Members of the board shall

23 serve for a term of four years, except that, the members of the board shall  
24 determine by lot the terms of office for the members of the first board so that two  
25 shall be elected for a term of one year, one shall be elected for a term of two  
26 years, one shall be elected for a term of three years, and one shall be elected for  
27 a term of four years. Members of the board shall receive no compensation for  
28 their services, but shall be reimbursed for their actual and necessary expenses  
29 incurred in the performance of their duties out of funds of the district. In the  
30 same month of each year after the election of the first board of supervisors, the  
31 board of supervisors shall call a meeting of the landowners of the county subject  
32 to the fee in the same manner as provided for the calling of the first meeting, and  
33 the landowners shall meet at the time and place set by the board of supervisors  
34 and elect a supervisor as a successor to those supervisors whose terms of office  
35 are expiring. In the case of a vacancy in any office of supervisor, the remaining  
36 supervisors may fill such vacancy until the next annual meeting, when a  
37 successor shall be elected for the unexpired term.

67.1421. 1. Upon receipt of a proper petition filed with its municipal  
2 clerk, the governing body of the municipality in which the proposed district is  
3 located shall hold a public hearing in accordance with section 67.1431 and may  
4 adopt an ordinance to establish the proposed district.

5 2. A petition is proper if, based on the tax records of the county clerk, or  
6 the collector of revenue if the district is located in a city not within a county, as  
7 of the time of filing the petition with the municipal clerk, it meets the following  
8 requirements:

9 (1) It has been signed by property owners collectively owning more than  
10 fifty percent by assessed value of the real property within the boundaries of the  
11 proposed district;

12 (2) It has been signed by more than fifty percent per capita of all owners  
13 of real property within the boundaries of the proposed district; and

14 (3) It contains the following information:

15 (a) The legal description of the proposed district, including a map  
16 illustrating the district boundaries;

17 (b) The name of the proposed district;

18 (c) A notice that the signatures of the signers may not be withdrawn later  
19 than seven days after the petition is filed with the municipal clerk;

20 (d) A five-year plan stating a description of the purposes of the proposed  
21 district, the services it will provide, the improvements it will make and an

22 estimate of costs of these services and improvements to be incurred;

23 (e) A statement as to whether the district will be a political subdivision  
24 or a not-for-profit corporation and if it is to be a not-for-profit corporation, the  
25 name of the not-for-profit corporation;

26 (f) If the district is to be a political subdivision, a statement as to whether  
27 the district will be governed by a board elected by the district or whether the  
28 board will be appointed by the municipality, and, if the board is to be elected by  
29 the district, the names and terms of the initial board may be stated;

30 (g) If the district is to be a political subdivision, the number of directors  
31 to serve on the board;

32 (h) The total assessed value of all real property within the proposed  
33 district;

34 (i) A statement as to whether the petitioners are seeking a determination  
35 that the proposed district, or any legally described portion thereof, is a blighted  
36 area;

37 (j) The proposed length of time for the existence of the district;

38 (k) The maximum rates of real property taxes, and, business license taxes  
39 in the county seat of a county of the first classification without a charter form of  
40 government containing a population of at least two hundred thousand, that may  
41 be submitted to the qualified voters for approval;

42 (l) The maximum rates of special assessments and respective methods of  
43 assessment that may be proposed by petition;

44 (m) The limitations, if any, on the borrowing capacity of the district;

45 (n) The limitations, if any, on the revenue generation of the district;

46 (o) Other limitations, if any, on the powers of the district;

47 (p) A request that the district be established; and

48 (q) Any other items the petitioners deem appropriate;

49 (4) The signature block for each real property owner signing the petition  
50 shall be in substantially the following form and contain the following information:

51 Name of owner: \_\_\_\_\_

52 Owner's telephone number and mailing address: \_\_\_\_\_

53 If signer is different from owner:

54 Name of signer: \_\_\_\_\_

55 State basis of legal authority to sign: \_\_\_\_\_

56 Signer's telephone number and mailing address: \_\_\_\_\_

57 If the owner is an individual, state if owner is single or married: \_\_\_\_\_

58 If owner is not an individual, state what type of entity: \_\_\_\_\_

59 Map and parcel number and assessed value of each tract of real  
60 property within the proposed district owned: \_\_\_\_\_

61 By executing this petition, the undersigned represents and  
62 warrants that he or she is authorized to execute this petition on  
63 behalf of the property owner named immediately above

64 \_\_\_\_\_

65 Signature of person

\_\_\_\_\_ Date

66 signing for owner

67 STATE OF MISSOURI )

68 ) ss.

69 COUNTY OF \_\_\_\_\_ )

70 Before me personally appeared \_\_\_\_\_, to me personally known to  
71 be the individual described in and who executed the foregoing  
72 instrument.

73 WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_  
74 (month), \_\_\_\_\_ (year).

75 \_\_\_\_\_

76 Notary Public

77 My Commission Expires: \_\_\_\_\_ ; and

78 (5) Alternatively, the governing body of any home rule city with more than  
79 four hundred thousand inhabitants and located in more than one county may file  
80 a petition to initiate the process to establish a district in the portion of the city  
81 located in any county of the first classification with more than two hundred  
82 thousand but fewer than two hundred sixty thousand inhabitants containing the  
83 information required in subdivision (3) of this subsection; provided that the only  
84 funding methods for the services and improvements will be a real property tax.

85 3. Upon receipt of a petition the municipal clerk shall, within a reasonable  
86 time not to exceed ninety days after receipt of the petition, review and determine  
87 whether the petition substantially complies with the requirements of subsection  
88 2 of this section. In the event the municipal clerk receives a petition which does  
89 not meet the requirements of subsection 2 of this section, the municipal clerk  
90 shall, within a reasonable time, return the petition to the submitting party by  
91 hand delivery, first class mail, postage prepaid or other efficient means of return  
92 and shall specify which requirements have not been met.

93 4. After the close of the public hearing required pursuant to subsection

94 1 of this section, the governing body of the municipality may adopt an ordinance  
95 approving the petition and establishing a district as set forth in the petition and  
96 may determine, if requested in the petition, whether the district, or any legally  
97 described portion thereof, constitutes a blighted area. If the petition was filed by  
98 the governing body of a municipality pursuant to subdivision (5) of subsection 2  
99 of this section, after the close of the public hearing required pursuant to  
100 subsection 1 of this section, the petition may be approved by the governing body  
101 and an election shall be called pursuant to section 67.1422.

102 5. Amendments to a petition may be made which do not change the  
103 proposed boundaries of the proposed district if an amended petition meeting the  
104 requirements of subsection 2 of this section is filed with the municipal clerk at  
105 the following times and the following requirements have been met:

106 (1) At any time prior to the close of the public hearing required pursuant  
107 to subsection 1 of this section[;], provided that[,] notice of the contents of the  
108 amended petition is given at the public hearing;

109 (2) At any time after the public hearing and prior to the adoption of an  
110 ordinance establishing the proposed district[;], provided that[,] notice of the  
111 amendments to the petition is given by publishing the notice [in a newspaper of  
112 general circulation within the municipality] **on the front page of the clerk's**  
113 **website, if it has one**, and by sending the notice via registered certified United  
114 States mail with a return receipt attached to the address of record of each owner  
115 of record of real property within the boundaries of the proposed district per the  
116 tax records of the county clerk, or the collector of revenue if the district is located  
117 in a city not within a county. **If the clerk does not have a website, the**  
118 **notice shall be sent to the secretary of state who shall publish such**  
119 **notice on the legal notices website, established pursuant to section**  
120 **493.077.** Such notice shall be published and mailed not less than ten days prior  
121 to the adoption of the ordinance establishing the district;

122 (3) At any time after the adoption of any ordinance establishing the  
123 district a public hearing on the amended petition is held and notice of the public  
124 hearing is given in the manner provided in section 67.1431 and the governing  
125 body of the municipality in which the district is located adopts an ordinance  
126 approving the amended petition after the public hearing is held.

127 6. Upon the creation of a district, the municipal clerk shall report in  
128 writing the creation of such district to the Missouri department of economic  
129 development.

67.1431. 1. Within a reasonable time, not to exceed forty-five days, after  
2 the receipt of the verified petition from the municipal clerk, the governing body  
3 shall hold or cause to be held a public hearing on the establishment of the  
4 proposed district and shall give notice of the public hearing in the manner  
5 provided in subsection 3 of this section. All reasonable protests, objections and  
6 endorsements shall be heard at the public hearing.

7 2. The public hearing may be continued to another date without further  
8 notice other than a motion to be entered on the minutes fixing the date, time and  
9 place of the continuance of the public hearing.

10 3. Notice of the public hearing shall be given by publication and  
11 mailing. Notice by publication shall be given by publication [in a newspaper of  
12 general circulation within the municipality once a week for two consecutive  
13 weeks] **on the front page of the governing body's website, if it has one,**  
14 **at least two weeks** prior to the week of the public hearing. **If the governing**  
15 **body does not have a website, notice shall be sent at least two weeks**  
16 **before the date of the hearing to the secretary of state who shall**  
17 **publish such notice on the legal notices website, established pursuant**  
18 **to section 493.077, until the date of the hearing has passed.** Notice by  
19 mail shall be given not less than fifteen days prior to the public hearing by  
20 sending the notice via registered or certified United States mail with a return  
21 receipt attached to the address of record of each owner of record of real property  
22 within the boundaries of the proposed district. The published and mailed notices  
23 shall include the following:

24 (1) The date, time and place of the public hearing;

25 (2) A statement that a petition for the establishment of a district has been  
26 filed with the municipal clerk;

27 (3) The boundaries of the proposed district by street location, or other  
28 readily identifiable means if no street location exists; and a map illustrating the  
29 proposed boundaries;

30 (4) A statement that a copy of the petition is available for review at the  
31 office of the municipal clerk during regular business hours; and

32 (5) A statement that all interested persons shall be given an opportunity  
33 to be heard at the public hearing.

67.1551. 1. Notwithstanding the provisions of chapter 115, an election for  
2 real estate tax pursuant to sections 67.1401 to 67.1571 shall be conducted in  
3 accordance with the provisions of this section.

4           2. After the board has passed a resolution for the levy of real property tax  
5 and a vote of the qualified voters is required, the board shall provide written  
6 notice of such resolution to the election authority. The board shall be entitled to  
7 rescind such resolution provided that written notice of such rescission is delivered  
8 to the election authority prior to the time the election authority mails the ballots  
9 to the qualified voters.

10           3. Upon receipt of written notice of a district's resolution for the levy of  
11 a real property tax the election authority shall:

12           (1) Specify a date upon which the election shall occur which date shall be  
13 a Tuesday, and shall be not earlier than the tenth Tuesday, and not later than  
14 the fifteenth Tuesday, after the date of the board's passage of the resolution and  
15 shall not be on the same day as an election conducted pursuant to the provisions  
16 of chapter 115;

17           (2) Publish notice of the election [in a newspaper of general circulation  
18 within the municipality two times. The first publication date shall be] **on the**  
19 **front page of its website, if it has one**, more than sixty days prior to the date  
20 of the election [and the second publication date shall be not more than thirty days  
21 and not less than ten days prior to the date of the election]. **If the election**  
22 **authority does not have a website, notice shall be sent at least sixty**  
23 **days before the date of the election to the secretary of state who shall**  
24 **publish such notice on the legal notices website, established pursuant**  
25 **to section 493.077, until the date of the election has passed.** The  
26 published notice shall include, but not be limited to, the following information:

- 27           (a) The name and general boundaries of the district;
- 28           (b) The type of tax proposed, its rate, purpose and duration;
- 29           (c) The date the ballots for the election shall be mailed to qualified voters;
- 30           (d) The date of the election;
- 31           (e) Qualified voters will consist of:
- 32           a. Such persons who reside within the district and who are registered  
33 voters pursuant to the records of the election authority as of the thirtieth day  
34 prior to the date of the election; or
- 35           b. If no such registered voters reside in the district, the owners of real  
36 property located within the district pursuant to the tax records of the county  
37 clerk, or the collector of revenue if the district is located in a city not within a  
38 county, for real property as of the thirtieth day prior to the date of the election;
- 39           (f) A statement that persons residing in the district shall register to vote

40 with the election authority on or before the thirtieth day prior to the date of the  
41 election in order to be a qualified voter for purposes of the election;

42 (g) A statement that the ballot must be returned to the election  
43 authority's office in person, or by depositing the ballot in the United States mail  
44 addressed to the election authority's office and postmarked, not later than the  
45 date of the election; and

46 (h) A statement that any qualified voter that did not receive a ballot in  
47 the mail or lost the ballot received in the mail may pick up a mail-in ballot at the  
48 election authority's office, specifying the dates and time such ballot will be  
49 available and the location of the election authority's office;

50 (3) The election authority shall mail to each qualified voter not more than  
51 fifteen days and not less than ten days prior to the date of the election together  
52 with a notice containing substantially the same information as the published  
53 notice and a return addressed envelope directed to the election authority's office  
54 with a sworn affidavit on the reverse side of such envelope for the qualified  
55 voter's signature. For purposes of mailing ballots to real property owners only  
56 one ballot shall be mailed per capita at the address shown on the records of the  
57 county clerk, or the collector of revenue if the district is located in a city not  
58 within a county. Such affidavit shall be in substantially the following form:

59 **FOR REGISTERED VOTERS:**

60 I hereby declare under penalties of perjury that I reside in the  
61 \_\_\_\_\_ (insert name) Community Improvement District and I am a  
62 registered voter and qualified to vote in this election.

63 \_\_\_\_\_  
64 Qualified Voter's Signature

65 \_\_\_\_\_  
66 Printed Name of Qualified Voter

67 **FOR REAL PROPERTY OWNERS:**

68 I hereby declare under penalty of perjury that I am the owner of  
69 real property in the \_\_\_\_\_ (insert name) Community Improvement  
70 District and qualified to vote in this election, or authorized to affix  
71 my signature on behalf of the owner (named below) of real property  
72 in the \_\_\_\_\_ (insert name) Community Improvement District  
73 which is qualified to vote in this election.

74 \_\_\_\_\_  
75 Signature

76 \_\_\_\_\_

77 Print Name of Real Property Owner

78 If Signer is Different from Owner:

79 Name of Signer: \_\_\_\_\_

80 State Basis of Legal Authority to Sign: \_\_\_\_\_

81 All persons or entities having a fee ownership in the property shall sign the  
82 ballot. Additional signature pages may be affixed to this ballot to accommodate  
83 all required signatures.

84 4. Each qualified voter shall have one vote. Each voted ballot shall be  
85 signed with the authorized signature.

86 5. Mail-in ballots shall be returned to the election authority's office in  
87 person, or by depositing the ballot in the United States mail addressed to the  
88 election authority's office and postmarked, no later than the date of the  
89 election. The election authority shall transmit all voted ballots to a team of  
90 judges of not less than four, with an equal number from each of the two major  
91 political parties. The judges shall be selected by the municipal clerk from lists  
92 compiled by the election authority. Upon receipt of the voted ballots, the judges  
93 shall verify the authenticity of the ballots, canvass the votes, and certify the  
94 results. Certification by the election judges shall be final and shall be  
95 immediately transmitted to the election authority. Any qualified voter who voted  
96 in such election may contest the result in the same manner as provided in  
97 chapter 115.

98 6. The results of the election shall be entered upon the records of the  
99 election authority and a certified copy of the election results shall be filed with  
100 the municipal clerk, who shall cause the same to be entered upon the records of  
101 the municipal clerk.

102 7. The district shall reimburse the election authority for the costs it incurs  
103 to conduct an election under this section.

67.1812. Following the appointment of the commissioners, the regional  
2 taxicab commission shall meet for the purpose of establishing and adopting a  
3 districtwide taxicab code. In promulgating the taxicab code, the commission shall  
4 seek, to the extent reasonably practical, to preserve within the code provisions  
5 similar to those contained in chapter 8.98 of the city's municipal ordinance and  
6 chapter 806 of the county ordinances, both relating to taxicab issues such as  
7 licensing, regulation, inspection, and enforcement while avoiding unnecessary  
8 overlaps or inconsistencies between the ordinances. The commission shall

9 present a draft of its districtwide taxicab code at public hearings, one of which  
10 will be held in the city and another in the county, following prior public notice of  
11 same. Notice of the public hearing shall be given by publication [at least twice,  
12 the first publication to be] **on the front page of the commission's website,**  
13 **if it has one,** not more than thirty days [and the second publication to be not  
14 more than ten days] prior to each hearing [in a newspaper of general circulation  
15 in the city and county]. **If the commission does not have a website, notice**  
16 **shall be sent not more than thirty days prior to each hearing to the**  
17 **secretary of state who shall publish such notice on the legal notices**  
18 **website, established pursuant to section 493.077, until the date of the**  
19 **hearing has passed.** The commission shall adopt its taxicab code no later than  
20 one hundred eighty days after the appointment of the initial commission  
21 members. The commission shall have the power to amend the taxicab code from  
22 time to time following the initial adoption without the requirement of public  
23 notice or hearings.

67.1866. 1. Whenever the creation of a district is desired, ten percent of  
2 the registered voters within the proposed district may file a petition requesting  
3 the creation of a district. The petition shall be filed in the circuit court of the  
4 county in which the proposed district is located.

5 2. The proposed district area shall be contiguous and may contain any  
6 portion of one or more municipalities.

7 3. The petition shall set forth:

8 (1) The name and address of each owner of real property located within  
9 the proposed district or who is a registered voter resident within the proposed  
10 district;

11 (2) A specific description of the proposed district boundaries including a  
12 map illustrating such boundaries;

13 (3) A general description of the purpose or purposes for which the district  
14 is being formed; and

15 (4) The name of the proposed district.

16 4. The circuit clerk of the county in which the petition is filed pursuant  
17 to this section shall present the petition to the judge, who shall thereupon set the  
18 petition for hearing not less than thirty days nor more than forty days after the  
19 filing. The judge shall cause notice of the time and place of the hearing to be  
20 given, by publication [on three separate days in one or more newspapers having  
21 a general circulation within the county, with the third and final publication to

22 occur] **on the front page of the court's website, if it has one**, not less than  
23 twenty days prior to the date set for the hearing. **If the court does not have**  
24 **a website, notice of such hearing shall be sent at least twenty days**  
25 **prior to the hearing to the secretary of state who shall publish such**  
26 **notice on the legal notices website, established pursuant to section**  
27 **493.077, until the date of the hearing has passed.** The notice shall recite  
28 the information required pursuant to subsection 3 of this section. The costs of  
29 printing and publication of the notice shall be paid as required pursuant to  
30 section 67.1870.

67.1874. 1. Within thirty days after the order declaring the district  
2 organized has become final, the circuit clerk of the county in which the petition  
3 was filed shall give notice by causing publication to be made [once a week for two  
4 consecutive weeks in a newspaper of general circulation in the county, the last  
5 publication of which shall be] **on the front page of the clerk's website, if it**  
6 **has one**, at least ten days before the day of the meeting required by this section,  
7 to call a meeting of the owners of real property and registered voters resident  
8 within the district at a day and hour specified in a public place in the county in  
9 which the petition was filed for the purpose of electing a board of five directors,  
10 two to serve one year, two to serve two years, and one to serve three years, to be  
11 composed of residents of the district. **If the clerk does not have a website,**  
12 **notice shall be sent the secretary of state who shall publish such notice**  
13 **on the legal notices website, established pursuant to section 493.077,**  
14 **until the date of the hearing has passed.**

15 2. The attendees, when assembled, shall organize by the election of a  
16 chairman and secretary of the meeting who shall conduct the election.

17 3. Each director shall serve for a term of three years and until such  
18 director's successor is duly elected and qualified. Successor directors shall be  
19 elected in the same manner as the initial directors at a meeting of the residents  
20 called by the board. Each successor director shall serve a three-year term. The  
21 remaining directors shall have the authority to elect an interim director to  
22 complete any unexpired term of a director caused by resignation or  
23 disqualification.

24 4. Directors shall be at least twenty-one years of age.

67.1953. 1. The governing body of any county containing any part of a  
2 Corps of Engineers lake with a shoreline of at least seven hundred miles and not  
3 exceeding a shoreline of nine hundred miles or any city, town or village located

4 in a county containing any part of a Corps of Engineers lake with a shoreline of  
5 at least seven hundred miles and not exceeding a shoreline of nine hundred miles  
6 may create a tourism community enhancement district in the manner provided  
7 in this section and, upon establishment, each such district shall be a body  
8 corporate and politic of the state. If such district is established, it shall consist  
9 of the boundaries delineated in the petition filed with the governing body of a  
10 county, city, town or village pursuant to this section, and such boundaries may  
11 extend beyond the boundaries of the county, city, town or village creating such  
12 district, but shall not overlap with the boundaries of any previously incorporated  
13 tourism community enhancement district.

14 2. The governing body of a county, city, town or village may create a  
15 district when a proper petition has been signed by at least two percent of the  
16 registered voters of a county, city, town or village within such proposed  
17 district. The petition, in order to become effective, shall be filed with the clerk  
18 of the county, city, town or village that includes a majority of the area within the  
19 proposed district. A proper petition for the creation of a district shall set forth  
20 the boundaries of the proposed district and the maximum proposed sales tax rate  
21 up to one percent.

22 3. The boundaries of the proposed district shall be described by metes and  
23 bounds, streets or other sufficiently specific description.

24 4. The plans and specifications for the district shall be filed with the  
25 clerk, as applicable, and shall be open for public inspection. Such clerk shall  
26 thereupon, at the direction of the governing body, publish notice that the  
27 governing body will conduct a hearing to consider the proposed district. Such  
28 notice shall be published [in a newspaper of general circulation at least twice] **on**  
29 **the front page of the governing body's website, if it has one**, not more  
30 than thirty days and not less than seven days before the hearing and shall state  
31 the name for the district, the date, time and place of such hearing, the boundaries  
32 of the district, and that written or oral objections will be considered at the  
33 hearing. **If the governing body does not have a website, notice shall be**  
34 **sent not more than thirty days and not less than seven days before the**  
35 **hearing to the secretary of state who shall publish such notice on the**  
36 **legal notices website, established pursuant to section 493.077, until the**  
37 **date of the hearing has passed.**

38 5. If the governing body, following the hearing, decides to establish the  
39 proposed district, it shall adopt an order or ordinance to that effect. The order

40 or ordinance shall contain the following:

- 41 (1) The name of the district;
- 42 (2) A statement that a tourism community enhancement district has been  
43 established; and
- 44 (3) The creation of a board of directors and enumeration of its duties and  
45 responsibilities, as provided by section 67.1956.

67.2000. 1. This section shall be known as the "Exhibition Center and  
2 Recreational Facility District Act".

3 2. An exhibition center and recreational facility district may be created  
4 under this section in the following counties:

5 (1) Any county of the first classification with more than seventy-one  
6 thousand three hundred but less than seventy-one thousand four hundred  
7 inhabitants;

8 (2) Any county of the first classification with more than one hundred  
9 ninety-eight thousand but less than one hundred ninety-nine thousand two  
10 hundred inhabitants;

11 (3) Any county of the first classification with more than eighty-five  
12 thousand nine hundred but less than eighty-six thousand inhabitants;

13 (4) Any county of the second classification with more than fifty-two  
14 thousand six hundred but less than fifty-two thousand seven hundred  
15 inhabitants;

16 (5) Any county of the first classification with more than one hundred four  
17 thousand six hundred but less than one hundred four thousand seven hundred  
18 inhabitants;

19 (6) Any county of the third classification without a township form of  
20 government and with more than seventeen thousand nine hundred but less than  
21 eighteen thousand inhabitants;

22 (7) Any county of the first classification with more than thirty-seven  
23 thousand but less than thirty-seven thousand one hundred inhabitants;

24 (8) Any county of the third classification without a township form of  
25 government and with more than twenty-three thousand five hundred but less  
26 than twenty-three thousand six hundred inhabitants;

27 (9) Any county of the third classification without a township form of  
28 government and with more than nineteen thousand three hundred but less than  
29 nineteen thousand four hundred inhabitants;

30 (10) Any county of the first classification with more than two hundred

31 forty thousand three hundred but less than two hundred forty thousand four  
32 hundred inhabitants;

33 (11) Any county of the third classification with a township form of  
34 government and with more than eight thousand nine hundred but fewer than  
35 nine thousand inhabitants;

36 (12) Any county of the third classification without a township form of  
37 government and with more than eighteen thousand nine hundred but fewer than  
38 nineteen thousand inhabitants;

39 (13) Any county of the third classification with a township form of  
40 government and with more than eight thousand but fewer than eight thousand  
41 one hundred inhabitants;

42 (14) Any county of the third classification with a township form of  
43 government and with more than eleven thousand five hundred but fewer than  
44 eleven thousand six hundred inhabitants.

45 3. Whenever not less than fifty owners of real property located within any  
46 county listed in subsection 2 of this section desire to create an exhibition center  
47 and recreational facility district, the property owners shall file a petition with the  
48 governing body of each county located within the boundaries of the proposed  
49 district requesting the creation of the district. The district boundaries may  
50 include all or part of the counties described in this section. The petition shall  
51 contain the following information:

52 (1) The name and residence of each petitioner and the location of the real  
53 property owned by the petitioner;

54 (2) A specific description of the proposed district boundaries, including a  
55 map illustrating the boundaries; and

56 (3) The name of the proposed district.

57 4. Upon the filing of a petition pursuant to this section, the governing  
58 body of any county described in this section may, by resolution, approve the  
59 creation of a district. Any resolution to establish such a district shall be adopted  
60 by the governing body of each county located within the proposed district, and  
61 shall contain the following information:

62 (1) A description of the boundaries of the proposed district;

63 (2) The time and place of a hearing to be held to consider establishment  
64 of the proposed district;

65 (3) The proposed sales tax rate to be voted on within the proposed district;

66 and

67 (4) The proposed uses for the revenue generated by the new sales tax.

68 5. Whenever a hearing is held as provided by this section, the governing  
69 body of each county located within the proposed district shall:

70 (1) Publish notice of the hearing [on two separate occasions in at least one  
71 newspaper of general circulation in each county located within the proposed  
72 district, with the first publication to occur] **on the front page of its website,**  
73 **if it has one,** not more than thirty days [before the hearing, and the second  
74 publication to occur not more than fifteen days] or less than ten days before the  
75 hearing. **If the governing body does not have a website, notice shall be**  
76 **sent, not more than thirty days or less than ten days before the hearing,**  
77 **to the secretary of state who shall publish such notice on the legal**  
78 **notices website, established pursuant to section 493.077, until the date**  
79 **of the hearing has passed;**

80 (2) Hear all protests and receive evidence for or against the establishment  
81 of the proposed district; and

82 (3) Rule upon all protests, which determinations shall be final.

83 6. Following the hearing, if the governing body of each county located  
84 within the proposed district decides to establish the proposed district, it shall  
85 adopt an order to that effect; if the governing body of any county located within  
86 the proposed district decides to not establish the proposed district, the boundaries  
87 of the proposed district shall not include that county. The order shall contain the  
88 following:

89 (1) The description of the boundaries of the district;

90 (2) A statement that an exhibition center and recreational facility district  
91 has been established;

92 (3) The name of the district;

93 (4) The uses for any revenue generated by a sales tax imposed pursuant  
94 to this section; and

95 (5) A declaration that the district is a political subdivision of the state.

96 7. A district established pursuant to this section may, at a general,  
97 primary, or special election, submit to the qualified voters within the district  
98 boundaries a sales tax of one-fourth of one percent, for a period not to exceed  
99 twenty-five years, on all retail sales within the district, which are subject to  
100 taxation pursuant to sections 144.010 to 144.525, to fund the acquisition,  
101 construction, maintenance, operation, improvement, and promotion of an  
102 exhibition center and recreational facilities. The ballot of submission shall be in

103 substantially the following form:

104           Shall the \_\_\_\_\_ (name of district) impose a sales tax of one-fourth  
105           of one percent to fund the acquisition, construction, maintenance,  
106           operation, improvement, and promotion of an exhibition center and  
107           recreational facilities, for a period of \_\_\_\_\_ (insert number of  
108           years)?

109                                    YES                                    NO

110           If you are in favor of the question, place an "X" in the box opposite  
111           "YES". If you are opposed to the question, place an "X" in the box  
112           opposite "NO".

113 If a majority of the votes cast in the portion of any county that is part of the  
114 proposed district favor the proposal, then the sales tax shall become effective in  
115 that portion of the county that is part of the proposed district on the first day of  
116 the first calendar quarter immediately following the election. If a majority of the  
117 votes cast in the portion of a county that is a part of the proposed district oppose  
118 the proposal, then that portion of such county shall not impose the sales tax  
119 authorized in this section until after the county governing body has submitted  
120 another such sales tax proposal and the proposal is approved by a majority of the  
121 qualified voters voting thereon. However, if a sales tax proposal is not approved,  
122 the governing body of the county shall not resubmit a proposal to the voters  
123 pursuant to this section sooner than twelve months from the date of the last  
124 proposal submitted pursuant to this section. If the qualified voters in two or  
125 more counties that have contiguous districts approve the sales tax proposal, the  
126 districts shall combine to become one district.

127           8. There is hereby created a board of trustees to administer any district  
128 created and the expenditure of revenue generated pursuant to this section  
129 consisting of four individuals to represent each county approving the district, as  
130 provided in this subsection. The governing body of each county located within the  
131 district, upon approval of that county's sales tax proposal, shall appoint four  
132 members to the board of trustees; at least one shall be an owner of a nonlodging  
133 business located within the taxing district, or their designee, at least one shall  
134 be an owner of a lodging facility located within the district, or their designee, and  
135 all members shall reside in the district except that one nonlodging business  
136 owner, or their designee, and one lodging facility owner, or their designee, may  
137 reside outside the district. Each trustee shall be at least twenty-five years of age  
138 and a resident of this state. Of the initial trustees appointed from each county,

139 two shall hold office for two years, and two shall hold office for four  
140 years. Trustees appointed after expiration of the initial terms shall be appointed  
141 to a four-year term by the governing body of the county the trustee represents,  
142 with the initially appointed trustee to remain in office until a successor is  
143 appointed, and shall take office upon being appointed. Each trustee may be  
144 reappointed. Vacancies shall be filled in the same manner in which the trustee  
145 vacating the office was originally appointed. The trustees shall not receive  
146 compensation for their services, but may be reimbursed for their actual and  
147 necessary expenses. The board shall elect a chair and other officers necessary for  
148 its membership. Trustees may be removed if:

149 (1) By a two-thirds vote, the board moves for the member's removal and  
150 submits such motion to the governing body of the county from which the trustee  
151 was appointed; and

152 (2) The governing body of the county from which the trustee was  
153 appointed, by a majority vote, adopts the motion for removal.

154 9. The board of trustees shall have the following powers, authority, and  
155 privileges:

156 (1) To have and use a corporate seal;

157 (2) To sue and be sued, and be a party to suits, actions, and proceedings;

158 (3) To enter into contracts, franchises, and agreements with any person  
159 or entity, public or private, affecting the affairs of the district, including contracts  
160 with any municipality, district, or state, or the United States, and any of their  
161 agencies, political subdivisions, or instrumentalities, for the funding, including  
162 without limitation interest rate exchange or swap agreements, planning,  
163 development, construction, acquisition, maintenance, or operation of a single  
164 exhibition center and recreational facilities or to assist in such  
165 activity. "Recreational facilities" means locations explicitly designated for public  
166 use where the primary use of the facility involves participation in hobbies or  
167 athletic activities;

168 (4) To borrow money and incur indebtedness and evidence the same by  
169 certificates, notes, or debentures, to issue bonds and use any one or more lawful  
170 funding methods the district may obtain for its purposes at such rates of interest  
171 as the district may determine. Any bonds, notes, and other obligations issued or  
172 delivered by the district may be secured by mortgage, pledge, or deed of trust of  
173 any or all of the property and income of the district. Every issue of such bonds,  
174 notes, or other obligations shall be payable out of property and revenues of the

175 district and may be further secured by other property of the district, which may  
176 be pledged, assigned, mortgaged, or a security interest granted for such payment,  
177 without preference or priority of the first bonds issued, subject to any agreement  
178 with the holders of any other bonds pledging any specified property or  
179 revenues. Such bonds, notes, or other obligations shall be authorized by  
180 resolution of the district board, and shall bear such date or dates, and shall  
181 mature at such time or times, but not in excess of thirty years, as the resolution  
182 shall specify. Such bonds, notes, or other obligations shall be in such  
183 denomination, bear interest at such rate or rates, be in such form, either coupon  
184 or registered, be issued as current interest bonds, compound interest bonds,  
185 variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such  
186 manner, be payable in such place or places, and be subject to redemption as such  
187 resolution may provide, notwithstanding section 108.170. The bonds, notes, or  
188 other obligations may be sold at either public or private sale, at such interest  
189 rates, and at such price or prices as the district shall determine;

190 (5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber  
191 real and personal property in furtherance of district purposes;

192 (6) To refund any bonds, notes, or other obligations of the district without  
193 an election. The terms and conditions of refunding obligations shall be  
194 substantially the same as those of the original issue, and the board shall provide  
195 for the payment of interest at not to exceed the legal rate, and the principal of  
196 such refunding obligations in the same manner as is provided for the payment of  
197 interest and principal of obligations refunded;

198 (7) To have the management, control, and supervision of all the business  
199 and affairs of the district, and the construction, installation, operation, and  
200 maintenance of district improvements therein; to collect rentals, fees, and other  
201 charges in connection with its services or for the use of any of its facilities;

202 (8) To hire and retain agents, employees, engineers, and attorneys;

203 (9) To receive and accept by bequest, gift, or donation any kind of  
204 property;

205 (10) To adopt and amend bylaws and any other rules and regulations not  
206 in conflict with the constitution and laws of this state, necessary for the carrying  
207 on of the business, objects, and affairs of the board and of the district; and

208 (11) To have and exercise all rights and powers necessary or incidental  
209 to or implied from the specific powers granted by this section.

210 10. There is hereby created the "Exhibition Center and Recreational

211 Facility District Sales Tax Trust Fund", which shall consist of all sales tax  
212 revenue collected pursuant to this section. The director of revenue shall be  
213 custodian of the trust fund, and moneys in the trust fund shall be used solely for  
214 the purposes authorized in this section. Moneys in the trust fund shall be  
215 considered nonstate funds pursuant to Section 15, Article IV, Constitution of  
216 Missouri. The director of revenue shall invest moneys in the trust fund in the  
217 same manner as other funds are invested. Any interest and moneys earned on  
218 such investments shall be credited to the trust fund. All sales taxes collected by  
219 the director of revenue pursuant to this section on behalf of the district, less one  
220 percent for the cost of collection which shall be deposited in the state's general  
221 revenue fund after payment of premiums for surety bonds as provided in section  
222 32.087, shall be deposited in the trust fund. The director of revenue shall keep  
223 accurate records of the amount of moneys in the trust fund which was collected  
224 in the district imposing a sales tax pursuant to this section, and the records shall  
225 be open to the inspection of the officers of each district and the general  
226 public. Not later than the tenth day of each month, the director of revenue shall  
227 distribute all moneys deposited in the trust fund during the preceding month to  
228 the district. The director of revenue may authorize refunds from the amounts in  
229 the trust fund and credited to the district for erroneous payments and  
230 overpayments made, and may redeem dishonored checks and drafts deposited to  
231 the credit of the district.

232         11. The sales tax authorized by this section is in addition to all other  
233 sales taxes allowed by law. Except as modified in this section, all provisions of  
234 sections 32.085 and 32.087 apply to the sales tax imposed pursuant to this  
235 section.

236         12. Any sales tax imposed pursuant to this section shall not extend past  
237 the initial term approved by the voters unless an extension of the sales tax is  
238 submitted to and approved by the qualified voters in each county in the manner  
239 provided in this section. Each extension of the sales tax shall be for a period not  
240 to exceed twenty years. The ballot of submission for the extension shall be in  
241 substantially the following form:

242         Shall the \_\_\_\_\_ (name of district) extend the sales tax of  
243         one-fourth of one percent for a period of \_\_\_\_\_ (insert number of  
244         years) years to fund the acquisition, construction, maintenance,  
245         operation, improvement, and promotion of an exhibition center and  
246         recreational facilities?

247

 YES NO

248

If you are in favor of the question, place an "X" in the box opposite

249

"YES". If you are opposed to the question, place an "X" in the box

250

opposite "NO".

251

If a majority of the votes cast favor the extension, then the sales tax shall remain

252

in effect at the rate and for the time period approved by the voters. If a sales tax

253

extension is not approved, the district may submit another sales tax proposal as

254

authorized in this section, but the district shall not submit such a proposal to the

255

voters sooner than twelve months from the date of the last extension submitted.

256

13. Once the sales tax authorized by this section is abolished or

257

terminated by any means, all funds remaining in the trust fund shall be used

258

solely for the purposes approved in the ballot question authorizing the sales

259

tax. The sales tax shall not be abolished or terminated while the district has any

260

financing or other obligations outstanding; provided that any new financing, debt,

261

or other obligation or any restructuring or refinancing of an existing debt or

262

obligation incurred more than ten years after voter approval of the sales tax

263

provided in this section or more than ten years after any voter-approved

264

extension thereof shall not cause the extension of the sales tax provided in this

265

section or cause the final maturity of any financing or other obligations

266

outstanding to be extended. Any funds in the trust fund which are not needed

267

for current expenditures may be invested by the district in the securities

268

described in subdivisions (1) to (12) of subsection 1 of section 30.270 or

269

repurchase agreements secured by such securities. If the district abolishes the

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sales tax, the district shall notify the director of revenue of the action at least

271

ninety days before the effective date of the repeal, and the director of revenue

272

may order retention in the trust fund, for a period of one year, of two percent of

273

the amount collected after receipt of such notice to cover possible refunds or

274

overpayment of the sales tax and to redeem dishonored checks and drafts

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deposited to the credit of such accounts. After one year has elapsed after the

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effective date of abolition of the sales tax in the district, the director of revenue

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shall remit the balance in the account to the district and close the account of the

278

district. The director of revenue shall notify the district of each instance of any

279

amount refunded or any check redeemed from receipts due the district.

280

14. In the event that the district is dissolved or terminated by any means,

281

the governing bodies of the counties in the district shall appoint a person to act

282

as trustee for the district so dissolved or terminated. Before beginning the

283 discharge of duties, the trustee shall take and subscribe an oath to faithfully  
284 discharge the duties of the office, and shall give bond with sufficient security,  
285 approved by the governing bodies of the counties, to the use of the dissolved or  
286 terminated district, for the faithful discharge of duties. The trustee shall have  
287 and exercise all powers necessary to liquidate the district, and upon satisfaction  
288 of all remaining obligations of the district, shall pay over to the county treasurer  
289 of each county in the district and take receipt for all remaining moneys in  
290 amounts based on the ratio the levy of each county bears to the total levy for the  
291 district in the previous three years or since the establishment of the district,  
292 whichever time period is shorter. Upon payment to the county treasurers, the  
293 trustee shall deliver to the clerk of the governing body of any county in the  
294 district all books, papers, records, and deeds belonging to the dissolved district.

67.2505. 1. A district may be created to fund, promote, and provide  
2 educational, civic, musical, theatrical, cultural, concerts, lecture series, and  
3 related or similar entertainment events or activities, and to fund, promote, plan,  
4 design, construct, improve, maintain, and operate public improvements,  
5 infrastructure, transportation projects, and related facilities in the district.

6 2. A district is a political subdivision of the state.

7 3. The name of a district shall consist of a name chosen by the original  
8 petitioners, preceding the words "theater, cultural arts, and entertainment  
9 district".

10 4. The district shall include a minimum of twenty-five contiguous acres.

11 5. Subdistricts shall be formed for the purpose of voting upon proposals  
12 for the creation of the district or subsequent proposed subdistrict, voting upon the  
13 question of imposing a proposed sales tax, and for representation on the board of  
14 directors, and for no other purpose.

15 6. Whenever the creation of a district is desired, one or more registered  
16 voters from each subdistrict of the proposed district, or one or more property  
17 owners who collectively own one or more parcels of real estate comprising at least  
18 a majority of the land situated in the proposed subdistricts within the proposed  
19 district, may file a petition requesting the creation of a district with the  
20 governing body of the city, town, or village within which the proposed district is  
21 to be established. The petition shall contain the following information:

22 (1) The name, address, and phone number of each petitioner and the  
23 location of the real property owned by the petitioner;

24 (2) The name of the proposed district;

25 (3) A legal description of the proposed district, including a map  
26 illustrating the district boundaries, which shall be contiguous, and the division  
27 of the district into at least five, but not more than fifteen, subdistricts that shall  
28 contain, or are projected to contain upon full development of the subdistricts,  
29 approximately equal populations;

30 (4) A statement indicating the number of directors to serve on the board,  
31 which shall be not less than five or more than fifteen;

32 (5) A request that the district be established;

33 (6) A general description of the activities that are planned for the district;

34 (7) A proposal for a sales tax to fund the district initially, pursuant to the  
35 authority granted in sections 67.2500 to 67.2530, together with a request that the  
36 imposition of the sales tax be submitted to the qualified voters within the district;

37 (8) A statement that the proposed district shall not be an undue burden  
38 on any owner of property within the district and is not unjust or unreasonable;

39 (9) A request that the question of the establishment of the district be  
40 submitted to the qualified voters of the district;

41 (10) A signed statement that the petitioners are authorized to submit the  
42 petition to the governing body; and

43 (11) Any other items the petitioners deem appropriate.

44 7. Upon the filing and approval of a petition pursuant to this section, the  
45 governing body of any city, town, or village described in this section shall pass a  
46 resolution containing the following information:

47 (1) A description of the boundaries of the proposed district and each  
48 subdistrict;

49 (2) The time and place of a hearing to be held to consider establishment  
50 of the proposed district;

51 (3) The time frame and manner for the filing of protests;

52 (4) The proposed sales tax rate to be voted upon within the subdistricts  
53 of the proposed district;

54 (5) The proposed uses for the revenue to be generated by the new sales  
55 tax; and

56 (6) Such other matters as the governing body may deem appropriate.

57 8. Prior to the governing body certifying the question of the district's  
58 creation and imposing a sales tax for approval by the qualified electors, a hearing  
59 shall be held as provided by this subsection. The governing body of the  
60 municipality approving a resolution as set forth in subsection 7 of this section

61 shall:

62 (1) Publish notice of the hearing, which shall include the information  
63 contained in the resolution cited in subsection 7 of this section, [on two separate  
64 occasions in at least one newspaper of general circulation in the county where the  
65 proposed district is located, with the first publication to occur] **on the front  
66 page of its website, if it has one**, not more than thirty days [before the  
67 hearing, and the second publication to occur not more than fifteen days] or less  
68 than ten days before the hearing. **If the governing body does not have a  
69 website, notice shall be sent, not more than thirty days or less than ten  
70 days before the hearing, to the secretary of state who shall publish such  
71 notice on the legal notices website, established pursuant to section  
72 493.077, until the date of the hearing has passed;**

73 (2) Hear all protests and receive evidence for or against the establishment  
74 of the proposed district; and

75 (3) Consider all protests, which determinations shall be final.

76 The costs of printing and publication of the notice shall be paid by the petitioners.  
77 If the district is organized pursuant to sections 67.2500 to 67.2530, the  
78 petitioners may be reimbursed for such costs out of the revenues received by the  
79 district.

80 9. Following the hearing, the governing body of any city, town, or village  
81 within which the proposed district will be located may order an election on the  
82 questions of the district creation and sales tax funding for voter approval and  
83 certify the questions to the municipal clerk. The election order shall include the  
84 date on which the ballots will be mailed to qualified electors, which shall be not  
85 sooner than the eighth Tuesday from the issuance of the order. The election  
86 regarding the incorporation of the district and the imposing of the sales tax shall  
87 follow the procedure set forth in section 67.2520, and shall be held pursuant to  
88 the order and certification by the governing body. Only those subdistricts  
89 approving the question of creating the district and imposing the sales tax shall  
90 become part of the district.

91 10. If the results of the election conducted in accordance with section  
92 67.2520 show that a majority of the votes cast were in favor of organizing the  
93 district and imposing the sales tax, the governing body may establish the  
94 proposed district in those subdistricts approving the question of creating the  
95 district and imposing the sales tax by adopting an ordinance to that effect. The  
96 ordinance establishing the district shall contain the following:

- 97 (1) The description of the boundaries of the district and each subdistrict;  
98 (2) A statement that a theater, cultural arts, and entertainment district  
99 has been established;  
100 (3) A declaration that the district is a political subdivision of the state;  
101 (4) The name of the district;  
102 (5) The date on which the sales tax election in the subdistricts was held,  
103 and the result of the election;  
104 (6) The uses for any revenue generated by a sales tax imposed pursuant  
105 to this section;  
106 (7) A certification to the newly created district of the election results,  
107 including the election concerning the sales tax; and  
108 (8) Such other matters as the governing body deems appropriate.

109 11. Any subdistrict that does not approve the creation of the district and  
110 imposing the sales tax shall not be a part of the district and the sales tax shall  
111 not be imposed until after the district board of directors has submitted another  
112 proposal for the inclusion of the area into the district and such proposal and the  
113 sales tax proposal are approved by a majority of the qualified voters in the  
114 subdistrict voting thereon. Such subsequent elections shall be conducted in  
115 accordance with section 67.2520; provided, however, that the district board of  
116 directors may place the question of the inclusion of a subdistrict within a district  
117 and the question of imposing a sales tax before the voters of a proposed  
118 subdistrict, and the municipal clerk, or circuit clerk if the district is formed by  
119 the circuit court, shall conduct the election. In subsequent elections, the election  
120 judges shall certify the election results to the district board of directors.

67.2515. 1. Whenever the creation of a theater, cultural arts, and  
2 entertainment district is desired, one or more registered voters from each  
3 subdistrict of the proposed district, or if there are no registered voters in a  
4 subdistrict, one or more property owners who collectively own one or more parcels  
5 of real estate comprising at least a majority of the land situated in the proposed  
6 subdistricts within the proposed district may file a petition with the circuit court  
7 requesting the creation of a theater, cultural arts, and entertainment  
8 district. The petition shall contain the following information:

- 9 (1) The name, address, and phone number of each petitioner and the  
10 location of the real property owned by the petitioner;  
11 (2) The name of the proposed district;  
12 (3) A legal description of the proposed district, including a map

13 illustrating the district boundaries, which shall be contiguous, and the division  
14 of the district into at least five, but not more than fifteen, subdistricts that shall  
15 contain, or are projected to contain upon full development of the subdistricts,  
16 approximately equal populations;

17 (4) A statement indicating the number of directors to serve on the board,  
18 which shall be not less than five or more than fifteen;

19 (5) A request that the district be established;

20 (6) A general description of the activities that are planned for the district;

21 (7) A proposal for a sales tax to fund the district initially, pursuant to the  
22 authority granted in sections 67.2500 to 67.2530, together with a request that the  
23 imposing of the sales tax be submitted to the qualified voters within the district;

24 (8) A statement that the proposed district shall not be an undue burden  
25 on any owner of property within the district and is not unjust or unreasonable;

26 (9) A request that the question of the establishment of the district be  
27 submitted to the qualified voters of the district;

28 (10) A signed statement that the petitioners are authorized to submit the  
29 petition to the circuit court; and

30 (11) Any other items the petitioners deem appropriate.

31 2. The circuit clerk of the county in which the petition is filed pursuant  
32 to this section shall present the petition to the judge, who shall thereupon set the  
33 petition for hearing not less than thirty days nor more than forty days after the  
34 filing. The judge shall cause publication of the notice of the hearing on [two  
35 separate occasions in at least one newspaper of general circulation in the county  
36 where the proposed district is located, with the first publication to occur] **on the**  
37 **front page of the court's website, if it has one**, not more than thirty days  
38 [before the hearing, and the second publication to occur not more than fifteen  
39 days] or less than ten days before the hearing. **If the court does not have a**  
40 **website, notice shall be sent, not more than thirty days or less than ten**  
41 **days before the hearing, to the secretary of state who shall publish such**  
42 **notice on the legal notices website, established pursuant to section**  
43 **493.077, until the date of the hearing has passed.** The notice shall recite  
44 the following information:

45 (1) A description of the boundaries of the proposed district and each  
46 subdistrict;

47 (2) The time and place of a hearing to be held to consider establishment  
48 of the proposed district;

49           (3) The time frame and manner for the filing of the petitions or answers  
50 in the case;

51           (4) The proposed sales tax rate to be voted on within the subdistricts of  
52 the proposed district;

53           (5) The proposed uses for the revenue generated by the new sales tax; and

54           (6) Such other matters as the circuit court may deem appropriate.

55 The costs of printing and publication of the notice shall be paid by the petitioners.  
56 If the district is organized pursuant to sections 67.2500 to 67.2530, the  
57 petitioners may be reimbursed for such costs out of the revenues received by the  
58 district.

59           3. Any registered voter or owner of real property within the proposed  
60 district may join in or file a petition supporting or answer opposing the creation  
61 of the district and seeking a judgment respecting these same issues; provided,  
62 however, that all pleadings must be filed with the court no later than five days  
63 before the case is heard.

64           4. The court shall hear the case without a jury. If the court determines  
65 the petition is defective or the proposed district or its plan of operation is  
66 unconstitutional, it shall enter its judgment to that effect and shall refuse to  
67 incorporate the district as requested in the pleadings. If the court determines the  
68 petition is not legally defective and the proposed district and plan of operation  
69 are not unconstitutional, the court shall order an election on the questions of the  
70 district creation and sales tax funding for voter approval and certify the questions  
71 to the circuit clerk. The election order shall include the date on which the ballots  
72 will be mailed to qualified electors, which shall be not sooner than the eighth  
73 Tuesday from the issuance of the order. The election regarding the incorporation  
74 of the district and imposing the sales tax shall follow the procedure set forth in  
75 section 67.2520, and shall be held pursuant to the order and certification by the  
76 circuit judge. Only those subdistricts approving the question of creating the  
77 district and imposing the sales tax shall become part of the district.

78           5. If the results of the election conducted in accordance with section  
79 67.2520 show that a majority of the votes cast were in favor of organizing the  
80 district and imposing the sales tax, the circuit judge shall establish the proposed  
81 district in those subdistricts approving the question of creating the district and  
82 imposing the sales tax by issuing an order to that effect. The court shall  
83 determine and declare the district organized and incorporated and issue an order  
84 that includes the following:

- 85 (1) The description of the boundaries of the district and each subdistrict;  
86 (2) A statement that a theater, cultural arts, and entertainment district  
87 has been established;  
88 (3) A declaration that the district is a political subdivision of the state;  
89 (4) The name of the district;  
90 (5) The date on which the sales tax election in the subdistricts was held,  
91 and the result of the election;  
92 (6) The uses for any revenue generated by a sales tax imposed pursuant  
93 to this section;  
94 (7) A certification to the newly created district of the election results,  
95 including the election concerning the sales tax; and  
96 (8) Such other matters as the circuit court deems appropriate.

97 6. Any subdistrict that does not approve the creation of the district and  
98 imposing the sales tax shall not be a part of the district and the sales tax shall  
99 not be imposed until after the district board of directors has submitted another  
100 proposal for the inclusion of the area into the district and such proposal and the  
101 sales tax proposal are approved by a majority of the qualified voters in the  
102 subdistrict voting thereon. Such subsequent elections shall be conducted in  
103 accordance with section 67.2520; provided, however, that the district board of  
104 directors may place the question of the inclusion of a subdistrict within a district  
105 and the question of imposing a sales tax in the proposed subdistrict before the  
106 voters of a proposed subdistrict, and the circuit clerk shall conduct the  
107 subsequent election. In subsequent elections, the election judges shall certify the  
108 election results to the district board of directors.

109 7. Any party having filed a petition or answer to a petition may appeal  
110 the circuit court's order or judgment in the same manner as provided for other  
111 appeals. Any order either refusing to incorporate the district or incorporating the  
112 district shall be a final judgment for purposes of appeal.

67.2520. 1. If a governing body or circuit court judge has certified the  
2 question regarding the district creation and sales tax funding for voter approval,  
3 the municipal clerk in which the district is located, or the circuit clerk if the  
4 order and certification has been by a circuit judge, shall conduct the election. The  
5 questions shall be submitted to the qualified voters of each subdistrict within the  
6 district boundaries who have filed an application pursuant to this section. The  
7 municipal clerk, or the circuit clerk if the district is being formed by the circuit  
8 court, shall publish notice of the election [in at least one newspaper of general

9 circulation in the county where the proposed district is located, with the  
10 publication to occur] **on the front page of its website, if it has one**, not more  
11 than fifteen days but not less than ten days before the date when applications for  
12 ballots will be accepted. **If the clerk does not have a website, the notice**  
13 **shall be sent, not more than fifteen days but not less than ten days**  
14 **prior to the election, to the secretary of state who shall publish such**  
15 **notice on the legal notices website, established pursuant to section**  
16 **493.077, until the date of the election has passed.** The notice shall include  
17 a description of the district boundaries, the time frame and manner of applying  
18 for a ballot, the questions to be voted upon, and where and when applications for  
19 ballots will be accepted. The municipal clerk, or circuit clerk if the district is  
20 being formed by the circuit court, shall also send a notice of the election to all  
21 registered voters in the proposed district, which shall include the information in  
22 the published notice. The costs of printing and publication of the notice, and  
23 mailing of the notices to registered voters, shall be paid by the petitioners. If the  
24 district is organized pursuant to sections 67.2500 to 67.2530, the petitioners may  
25 be reimbursed for such costs out of the revenues received by the district.

26         2. For elections held in subdistricts pursuant to this section, if all the  
27 owners of property in a subdistrict joined in the petition for formation of the  
28 district, such owners may cast their ballot by unanimous petition approving any  
29 measure submitted to them as subdistrict voters pursuant to this section. Each  
30 owner shall receive one vote per acre owned. Fractional votes shall be  
31 allowed. The petition shall be submitted to the municipal clerk, or the circuit  
32 court clerk if the district is being formed by the circuit court, who shall verify the  
33 authenticity of all signatures thereon. The filing of a unanimous petition shall  
34 constitute an election in the subdistrict under this section and the results of said  
35 election shall be entered pursuant to this section.

36         3. The sales tax shall be not more than one-half of one percent on all  
37 retail sales within the district, which are subject to taxation pursuant to section  
38 67.2530, to fund, promote, and provide educational, civic, musical, theatrical,  
39 cultural, concerts, lecture series, and related or similar entertainment events or  
40 activities, and to fund, promote, plan, design, construct, improve, maintain, and  
41 operate public improvements, transportation projects, and related facilities in the  
42 district.

43         4. Application for a ballot shall be made as provided in this subsection:

44         (1) Persons entitled to apply for a ballot in an election shall be:

45 (a) A resident registered voter of the district; or

46 (b) If there are no registered voters in a subdistrict, a person, including  
47 a corporation or other entity, which owns real property within the  
48 subdistrict. Each voter which is not an individual shall determine how to cast its  
49 vote as provided for in its articles of incorporation, articles of organization,  
50 articles of partnership, bylaws, or other document which sets forth an appropriate  
51 mechanism for the determination of the entity's vote. If a voter has no such  
52 mechanism, then its vote shall be cast as determined by a majority of the persons  
53 who run the day-to-day affairs of the voter. Each property owner shall receive  
54 one vote;

55 (2) Only persons entitled to apply for a ballot in elections pursuant to this  
56 subsection shall apply. Such persons shall apply with the municipal clerk, or the  
57 circuit clerk if the district is formed by the circuit court. Each person applying  
58 shall provide:

59 (a) Such person's name, address, mailing address, and phone number;

60 (b) An authorized signature; and

61 (c) Evidence that such person is entitled to vote. Such evidence shall be  
62 a copy of:

63 a. For resident individuals, proof of registration from the election  
64 authority;

65 b. For owners of real property, a tax receipt or deed or other document  
66 which evidences an equitable ownership, and identifies the real property by  
67 location;

68 (3) Applications for ballot applications shall be made not later than the  
69 fourth Tuesday before the ballots are mailed to qualified electors. The ballot of  
70 submission shall be in substantially the following form:

71 Shall there be organized in \_\_\_\_\_ (here specifically describe the  
72 proposed district boundaries), within the state of Missouri, a  
73 district, to be known as the "\_\_\_\_\_ Theater, Cultural Arts, and  
74 Entertainment District" for the purpose of funding, promoting, and  
75 providing educational, civic, musical, theatrical, cultural, concerts,  
76 lecture series, and related or similar entertainment events or  
77 activities, and funding, promoting, planning, designing,  
78 constructing, improving, maintaining, and operating public  
79 improvements, transportation projects, and related facilities in the  
80 district?

81  YES  NO

82 If you are in favor of the question, place an "X" in the box opposite  
83 "YES". If you are opposed to the question, place an "X" in the box  
84 opposite "NO".

85 Shall the \_\_\_\_\_ (name of district) impose a sales tax of \_\_\_\_\_  
86 (insert rate) to fund, promote, and provide educational, civic,  
87 musical, theatrical, cultural, concerts, lecture series, and related or  
88 similar entertainment events or activities, and to fund, promote,  
89 plan, design, construct, improve, maintain, and operate public  
90 improvements, transportation projects, and related facilities in the  
91 district?

92  YES  NO

93 If you are in favor of the question, place an "X" in the box opposite  
94 "YES". If you are opposed to the question, place an "X" in the box  
95 opposite "NO";

96 (4) Not sooner than the fourth Tuesday after the deadline for applying for  
97 ballots, the municipal clerk, or the circuit clerk if the district is being formed by  
98 the circuit court, shall mail a ballot to each qualified voter who applied for a  
99 ballot pursuant to this subsection along with a return addressed envelope  
100 directed to the municipal clerk or the circuit clerk's office, with a sworn affidavit  
101 on the reverse side of such envelope for the voter's signature. Such affidavit shall  
102 be in the following form:

103 "I hereby declare under penalties of perjury that I am qualified to  
104 vote, or to affix my authorized signature in the name of an entity  
105 which is entitled to vote, in this election.

106 Authorized signature

107 \_\_\_\_\_

108 Printed name of voter Signature of notary or other officer  
109 authorized to administer oaths.

110 \_\_\_\_\_ Mailing address of voter (if different)

111 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,

112 20\_\_\_\_ ";

113 (5) Each qualified voter shall have one vote, except as provided for in this  
114 section. Each voted ballot shall be signed with the authorized signature as  
115 provided for in this subsection;

116 (6) Voted ballots shall be returned to the municipal clerk, or the clerk of

117 the circuit court if the district is being formed by the circuit court, by mail or  
118 hand delivery no later than 5:00 p.m. on the fourth Tuesday after the date for  
119 mailing the ballots. The municipal clerk, or circuit clerk if the district is being  
120 formed by the circuit court, shall transmit all voted ballots to a team of judges of  
121 not less than four, with an equal number from each of the two major political  
122 parties. The judges shall be selected by the city, town, or village, or the circuit  
123 clerk, from lists compiled by the county election authority. Upon receipt of the  
124 voted ballots the judges shall verify the authenticity of the ballots, canvass the  
125 votes, and certify the results. Certification by the election judges shall be final  
126 and shall be immediately transmitted to the governing body of the city, town, or  
127 village for further action, or the circuit judge for further action if the district is  
128 being formed by the circuit court. Any voter who applied for such election may  
129 contest the result in the same manner as provided in chapter 115.

67.2525. 1. Each member of the board of directors shall have the  
2 following qualifications:

3 (1) As to those subdistricts in which there are registered voters, a resident  
4 registered voter in the subdistrict that he or she represents, or be a property  
5 owner or, as to those subdistricts in which there are not registered voters who are  
6 residents, a property owner or representative of a property owner in the  
7 subdistrict he or she represents;

8 (2) Be at least twenty-one years of age and a registered voter in the  
9 district.

10 2. The district shall be subdivided into at least five but not more than  
11 fifteen subdistricts, which shall be represented by one representative on the  
12 district board of directors. All board members shall have terms of four years,  
13 including the initial board of directors. All members shall take office upon being  
14 appointed and shall remain in office until a successor is appointed by the mayor  
15 or chairman of the municipality in which the district is located, or elected by the  
16 property owners in those subdistricts without registered voters.

17 3. For those subdistricts which contain one or more registered voters, the  
18 mayor or chairman of the city, town, or village shall, with the consent of the  
19 governing body, appoint a registered voter residing in the subdistrict to the board  
20 of directors.

21 4. For those subdistricts which contain no registered voters, the property  
22 owners who collectively own one or more parcels of real estate comprising more  
23 than half of the land situated in each subdistrict shall meet and shall elect a

24 representative to serve upon the board of directors. The clerk of the city, town,  
25 or village in which the petition was filed shall, unless waived in writing by all  
26 property owners in the subdistrict, give notice by causing publication to be made  
27 [once a week for two consecutive weeks in a newspaper of general circulation in  
28 the county, the last publication of which shall be] **on the front page of the**  
29 **clerk's website, if it has one**, at least ten days before the day of the meeting  
30 required by this section, to call a meeting of the owners of real property within  
31 the subdistrict at a day and hour specified in a public place in the city, town, or  
32 village in which the petition was filed for the purpose of electing members of the  
33 board of directors. **If the clerk does not have a website, notice shall be**  
34 **sent at least ten days before the day of the meeting to the secretary of**  
35 **state who shall publish such notice on the legal notices website,**  
36 **established pursuant to section 493.077, until the day of the meeting has**  
37 **passed.**

38         5. The property owners, when assembled, shall organize by the election  
39 of a temporary chairman and secretary of the meeting who shall conduct the  
40 election. An election shall be conducted for each subdistrict, with the eligible  
41 property owners voting in that subdistrict. At the election, each acre of real  
42 property within the subdistrict shall represent one share, and each owner,  
43 including corporations and other entities, may have one vote in person or for  
44 every acre of real property owned by such person within the subdistrict. Each  
45 voter which is not an individual shall determine how to cast its vote as provided  
46 for in its articles of incorporation, articles of organization, articles of partnership,  
47 bylaws, or other document which sets forth an appropriate mechanism for the  
48 determination of the entity's vote. If a voter has no such mechanism, then its  
49 vote shall be cast as determined by a majority of the persons who run the  
50 day-to-day affairs of the voter. The results of the meeting shall be certified by the  
51 temporary chairman and secretary to the municipal clerk if the district is  
52 established by a municipality described in this section, or to the circuit clerk if  
53 the district is established by a circuit court.

54         6. Successor boards shall be appointed or elected, depending upon the  
55 presence or absence of resident registered voters, by the mayor or chairman of a  
56 city, town, or village described in this section, or the property owners as set forth  
57 above; provided, however, that elections held by the property owners after the  
58 initial board is elected shall be certified to the municipal clerk of the city, town,  
59 or village where the district is located and the board of directors of the district.

60           7. Should a vacancy occur on the board of directors, the mayor or  
61 chairman of the city, town, or village if there are registered voters within the  
62 subdistrict, or a majority of the owners of real property in a subdistrict if there  
63 are not registered voters in the subdistrict, shall have the authority to appoint  
64 or elect, as set forth in this section, an interim director to complete any unexpired  
65 term of a director caused by resignation or disqualification.

66           8. The board shall possess and exercise all of the district's legislative and  
67 executive powers, including:

68           (1) The power to fund, promote and provide educational, civic, musical,  
69 theatrical, cultural, concerts, lecture series, and related or similar entertainment  
70 events or activities, and fund, promote, plan, design, construct, improve,  
71 maintain, and operate public improvements, transportation projects, and related  
72 facilities within the district;

73           (2) The power to accept and disburse tax or other revenue collected in the  
74 district; and

75           (3) The power to receive property by gift or otherwise.

76           9. Within thirty days after the selection of the initial directors, the board  
77 shall meet. At its first meeting and annually thereafter the board shall elect a  
78 chairman from its members.

79           10. The board shall appoint an executive director, district secretary,  
80 treasurer, and such other officers or employees as it deems necessary.

81           11. At the first meeting, the board, by resolution, shall define the first and  
82 subsequent fiscal years of the district, and shall adopt a corporate seal.

83           12. A simple majority of the board shall constitute a quorum. If a quorum  
84 exists, a majority of those voting shall have the authority to act in the name of  
85 the board, and approve any board resolution.

86           13. At the first meeting, the board, by resolution, shall receive the  
87 certification of the election regarding the sales tax, and may impose the sales tax  
88 in all subdistricts approving the imposing sales tax. In those subdistricts that  
89 approve the sales tax, the sales tax shall become effective on the first day of the  
90 first calendar quarter immediately following the action by the district board of  
91 directors imposing the tax.

92           14. Each director shall devote such time to the duties of the office as the  
93 faithful discharge thereof may require and be reimbursed for his or her actual  
94 expenditures in the performance of his or her duties on behalf of the  
95 district. Directors may be compensated, but such compensation shall not exceed

96 one hundred dollars per month.

97 15. In addition to all other powers granted by sections 67.2500 to 67.2530,  
98 the district shall have the following general powers:

99 (1) To sue and be sued in its own name, and to receive service of process,  
100 which shall be served upon the district secretary;

101 (2) To fix compensation of its employees and contractors;

102 (3) To enter into contracts, franchises, and agreements with any person  
103 or entity, public or private, affecting the affairs of the district, including contracts  
104 with any municipality, district, or state, or the United States, and any of their  
105 agencies, political subdivisions, or instrumentalities, for the funding, including  
106 without limitation, interest rate exchange or swap agreements, planning,  
107 development, construction, acquisition, maintenance, or operation of a district  
108 facility or to assist in such activity;

109 (4) To acquire, develop, construct, equip, transfer, donate, lease, exchange,  
110 mortgage, and encumber real and personal property in furtherance of district  
111 purposes;

112 (5) To collect and disburse funds for its activities;

113 (6) To collect taxes and other revenues;

114 (7) To borrow money and incur indebtedness and evidence the same by  
115 certificates, notes, bonds, debentures, or refunding of any such obligations for the  
116 purpose of paying all or any part of the cost of land, construction, development,  
117 or equipping of any facilities or operations of the district;

118 (8) To own or lease real or personal property for use in connection with  
119 the exercise of powers pursuant to this subsection;

120 (9) To provide for the election or appointment of officers, including a  
121 chairman, treasurer, and secretary. Officers shall not be required to be residents  
122 of the district, and one officer may hold more than one office;

123 (10) To hire and retain agents, employees, engineers, and attorneys;

124 (11) To enter into entertainment contracts binding the district and artists,  
125 agencies, or performers, management contracts, contracts relating to the booking  
126 of entertainment and the sale of tickets, and all other contracts which relate to  
127 the purposes of the district;

128 (12) To contract with a local government, a corporation, partnership, or  
129 individual regarding funding, promotion, planning, designing, constructing,  
130 improving, maintaining, or operating a project or to assist in such activity;

131 (13) To contract for transfer to a city, town, or village such district

132 facilities and improvements free of cost or encumbrance on such terms set forth  
133 by contract;

134 (14) To exercise such other powers necessary or convenient for the district  
135 to accomplish its purposes which are not inconsistent with its express powers.

136 16. A district may at any time authorize or issue notes, bonds, or other  
137 obligations for any of its powers or purposes. Such notes, bonds, or other  
138 obligations:

139 (1) Shall be in such amounts as deemed necessary by the district,  
140 including costs of issuance thereof;

141 (2) Shall be payable out of all or any portion of the revenues or other  
142 assets of the district;

143 (3) May be secured by any property of the district which may be pledged,  
144 assigned, mortgaged, or otherwise encumbered for payment;

145 (4) Shall be authorized by resolution of the district, and if issued by the  
146 district, shall bear such date or dates, and shall mature at such time or times,  
147 but not in excess of forty years, as the resolution shall specify;

148 (5) Shall be in such denomination, bear interest at such rates, be in such  
149 form, be issued as current interest bonds, compound interest bonds, variable rate  
150 bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be  
151 payable in such place or places and subject to redemption as such resolution may  
152 provide; and

153 (6) May be sold at either public or private sale, at such interest rates, and  
154 at such price or prices as the district shall determine.

155 The provisions of this subsection are applicable to the district notwithstanding  
156 the provisions of section 108.170.

67.5050. 1. As used in this section, the following terms mean:

2 (1) "Construction manager", the legal entity that proposes to enter into a  
3 construction management-at-risk contract under this section;

4 (2) "Construction manager-at-risk", a sole proprietorship, partnership,  
5 corporation, or other legal entity that assumes the risk for the construction,  
6 rehabilitation, alteration, or repair of a project at the contracted price as a  
7 general contractor and provides consultation to a political subdivision regarding  
8 construction during and after the design of the project.

9 2. Any political subdivision may use the construction manager-at-risk  
10 method for: civil works projects such as roads, streets, bridges, utilities, water  
11 supply projects, water plants, wastewater plants, water distribution and

12 wastewater conveyance facilities, airport runways and taxiways, storm drainage  
13 and flood control projects, or transit projects commonly designed by professional  
14 engineers in excess of two million dollars; and noncivil works projects such as  
15 buildings, site improvements, and other structures, habitable or not, commonly  
16 designed by architects in excess of three million dollars. In using that method  
17 and in entering into a contract for the services of a construction manager-at-risk,  
18 the political subdivision shall follow the procedures prescribed by this section.

19         3. The political subdivision shall publicly disclose at a regular meeting its  
20 intent to utilize the construction management at-risk method and its selection  
21 criteria at least one week prior to publishing the request for  
22 qualifications. Before or concurrently with selecting a construction  
23 manager-at-risk, the political subdivision shall select or designate an engineer or  
24 architect who shall prepare the construction documents for the project and who  
25 shall comply with all state laws, as applicable. If the engineer or architect is not  
26 a full-time employee of the political subdivision, the political subdivision shall  
27 select the engineer or architect on the basis of demonstrated competence and  
28 qualifications as provided by sections 8.285 to 8.291. The political subdivision's  
29 engineer or architect for a project may not serve, alone or in combination with  
30 another, as the construction manager-at-risk. This subsection does not prohibit  
31 a political subdivision's engineer or architect from providing customary  
32 construction phase services under the engineer's or architect's original  
33 professional service agreement in accordance with applicable licensing laws.

34         4. The political subdivision may provide or contract for, independently of  
35 the construction manager-at-risk, inspection services, testing of construction  
36 materials, engineering, and verification of testing services necessary for  
37 acceptance of the project by the political subdivision.

38         5. The political subdivision shall select the construction manager-at-risk  
39 in a two-step process. The political subdivision shall prepare a request for  
40 qualifications, for the case of the first step of the two-step process, that includes  
41 general information on the project site, project scope, schedule, selection criteria,  
42 and the time and place for receipt of proposals or qualifications, as applicable,  
43 and other information that may assist the political subdivision in its selection of  
44 a construction manager-at-risk. The political subdivision shall state the selection  
45 criteria in the request for proposals or qualifications, as applicable. The selection  
46 criteria may include the construction manager's experience, past performance,  
47 safety record, proposed personnel and methodology, and other appropriate factors

48 that demonstrate the capability of the construction manager-at-risk. The political  
49 subdivision shall not request fees or prices in step one. In step two, the political  
50 subdivision may request that five or fewer construction managers, selected solely  
51 on the basis of qualifications, provide additional information, including the  
52 construction manager-at-risk's proposed fee and its price for fulfilling the general  
53 conditions. Qualifications shall account for a minimum of forty percent of the  
54 evaluation. Cost shall account for a maximum of sixty percent of the evaluation.

55 6. The political subdivision shall publish the request for proposals or  
56 qualifications [by publication in a newspaper of general circulation published in  
57 the county where the political subdivision is located once a week for two  
58 consecutive] **on the front page of the political subdivision's website, if it**  
59 **has one, at least two** weeks prior to opening the proposals or qualifications  
60 submissions or by a virtual notice procedure that notifies interested parties for  
61 at least twenty various purchases, design contracts, construction contracts, or  
62 other contracts each year for the political subdivision. **If the political**  
63 **subdivision does not have a website, the request for proposals shall be**  
64 **sent at least two weeks prior to opening the proposals or qualifications**  
65 **submissions to the secretary of state who shall publish such request on**  
66 **the legal notices website, established pursuant to section 493.077, for**  
67 **a period of two weeks.**

68 7. For each step, the political subdivision shall receive, publicly open, and  
69 read aloud the names of the construction managers. Within forty-five days after  
70 the date of opening the proposals or qualification submissions, the political  
71 subdivision or its representative shall evaluate and rank each proposal or  
72 qualification submission submitted in relation to the criteria set forth in the  
73 request for proposals or request for qualifications. The political subdivision shall  
74 interview at least two of the top qualified offerors as part of the final selection.

75 8. The political subdivision or its representative shall select the  
76 construction manager that submits the proposal that offers the best value for the  
77 political subdivision based on the published selection criteria and on its ranking  
78 evaluation. The political subdivision or its representative shall first attempt to  
79 negotiate a contract with the selected construction manager. If the political  
80 subdivision or its representative is unable to negotiate a satisfactory contract  
81 with the selected construction manager, the political subdivision or its  
82 representative shall, formally and in writing, end negotiations with that  
83 construction manager and proceed to negotiate with the next construction

84 manager in the order of the selection ranking until a contract is reached or  
85 negotiations with all ranked construction managers end.

86 9. A construction manager-at-risk shall publicly advertise, in the manner  
87 prescribed by chapter 50, and receive bids or proposals from trade contractors or  
88 subcontractors for the performance of all major elements of the work other than  
89 the minor work that may be included in the general conditions. A construction  
90 manager-at-risk may seek to perform portions of the work itself if the  
91 construction manager-at-risk submits its sealed bid or sealed proposal for those  
92 portions of the work in the same manner as all other trade contractors or  
93 subcontractors. All sealed bids or proposals shall be submitted at the time and  
94 location as specified in the advertisement for bids or proposals and shall be  
95 publicly opened and the identity of each bidder and their bid amount shall be  
96 read aloud. The political subdivision shall have the authority to restrict the  
97 construction manager-at-risk from submitting bids to perform portions of the  
98 work.

99 10. The construction manager-at-risk and the political subdivision or its  
100 representative shall review all trade contractor, subcontractor, or construction  
101 manager-at-risk bids or proposals in a manner that does not disclose the contents  
102 of the bid or proposal during the selection process to a person not employed by  
103 the construction manager-at-risk, engineer, architect, or political subdivision  
104 involved with the project. If the construction manager-at-risk submitted bids or  
105 proposals, the political subdivision shall determine if the construction  
106 manager-at-risk's bid or proposal offers the best value for the political  
107 subdivision. After all proposals have been evaluated and clarified, the award of  
108 all subcontracts shall be made public.

109 11. If the construction manager-at-risk reviews, evaluates, and  
110 recommends to the political subdivision a bid or proposal from a trade contractor  
111 or subcontractor but the political subdivision requires another bid or proposal to  
112 be accepted, the political subdivision shall compensate the construction  
113 manager-at-risk by a change in price, time, or guaranteed maximum cost for any  
114 additional cost and risk that the construction manager-at-risk may incur because  
115 of the political subdivision's requirement that another bid or proposal be  
116 accepted.

117 12. If a selected trade contractor or subcontractor materially defaults in  
118 the performance of its work or fails to execute a subcontract after being selected  
119 in accordance with this section, the construction manager-at-risk may itself,

120 without advertising, fulfill the contract requirements or select a replacement  
121 trade contractor or subcontractor to fulfill the contract requirements. The penal  
122 sums of the performance and payment bonds delivered to the political subdivision  
123 shall each be in an amount equal to the fixed contract amount or guaranteed  
124 maximum price. The construction manager-at-risk shall deliver the bonds not  
125 later than the tenth day after the date the fixed contract amount or guaranteed  
126 maximum price is established.

127 13. Any political subdivision engaged in a project under this section,  
128 which impacts a railroad regulated by the Federal Railroad Administration, shall  
129 consult with the affected railroad on required specifications relating to clearance,  
130 safety, insurance, and indemnification to be included in the construction  
131 documents for such project.

132 14. This section shall not apply to:

133 (1) Any metropolitan sewer district established under Article VI, Section  
134 30(a) of the Constitution of Missouri;

135 (2) Any special charter city, or any city or county governed by home rule  
136 under Article VI, Section 18 or 19 of the Constitution of Missouri that has  
137 adopted a construction manager-at-risk method via ordinance, rule or regulation.

138 15. Notwithstanding the provisions of section 23.253 to the contrary, the  
139 provisions of this section shall expire September 1, 2026.

67.5060. 1. As used in this section, the following terms mean:

2 (1) "Design-build", a project delivery method subject to a three-stage  
3 qualifications-based selection for which the design and construction services are  
4 furnished under one contract;

5 (2) "Design-build contract", a contract which is subject to a three-stage  
6 qualifications-based selection process similar to that described in sections 8.285  
7 to 8.291 between a political subdivision and a design-builder to furnish the  
8 architectural, engineering, and related design services and the labor, materials,  
9 supplies, equipment, and other construction services required for a design-build  
10 project;

11 (3) "Design-build project", the design, construction, alteration, addition,  
12 remodeling, or improvement of any buildings or facilities under contract with a  
13 political subdivision. Such design-build projects include, but are not limited to:

14 (a) Civil works projects, such as roads, streets, bridges, utilities, airport  
15 runways and taxiways, storm drainage and flood control projects, or transit  
16 projects; and

17 (b) Noncivil works projects, such as buildings, site improvements, and  
18 other structures, habitable or not, commonly designed by architects in excess of  
19 seven million dollars;

20 (4) "Design-builder", any individual, partnership, joint venture, or  
21 corporation subject to a qualification-based selection that offers to provide or  
22 provides design services and general contracting services through a design-build  
23 contract in which services within the scope of the practice of professional  
24 architecture or engineering are performed respectively by a licensed architect or  
25 licensed engineer and in which services within the scope of general contracting  
26 are performed by a general contractor or other legal entity that furnishes  
27 architecture or engineering services and construction services either directly or  
28 through subcontracts or joint ventures;

29 (5) "Design criteria consultant", a person, corporation, partnership, or  
30 other legal entity duly licensed and authorized to practice architecture or  
31 professional engineering in this state under chapter 327 who is employed by or  
32 contracted by the political subdivision to assist the political subdivision in the  
33 development of project design criteria, requests for proposals, evaluation of  
34 proposals, the evaluation of the construction under a design-build contract to  
35 determine adherence to the design criteria, and any additional services requested  
36 by the political subdivisions to represent its interests in relation to a project. The  
37 design criteria consultant may not submit a proposal or furnish design or  
38 construction services for the design-build contract for which its services were  
39 sought;

40 (6) "Design criteria package", performance-oriented program, scope, and  
41 specifications for the design-build project sufficient to permit a design-builder to  
42 prepare a response to a political subdivision's request for proposals for a  
43 design-build project, which may include capacity, durability, standards, ingress  
44 and egress requirements, performance requirements, description of the site,  
45 surveys, soil and environmental information concerning the site, interior space  
46 requirements, material quality standards, design and construction schedules, site  
47 development requirements, provisions for utilities, storm water retention and  
48 disposal, parking requirements, applicable governmental code requirements,  
49 preliminary designs for the project or portions thereof, and other criteria for the  
50 intended use of the project;

51 (7) "Design professional services", services that are:

52 (a) Within the practice of architecture as defined in section 327.091, or

53 within the practice of professional engineering as defined in section 327.181; or  
54 (b) Performed by a licensed or authorized architect or professional  
55 engineer in connection with the architect's or professional engineer's employment  
56 or practice;

57 (8) "Proposal", an offer in response to a request for proposals by a  
58 design-builder to enter into a design-build contract for a design-build project  
59 under this section;

60 (9) "Request for proposal", the document by which the political subdivision  
61 solicits proposals for a design-build contract;

62 (10) "Stipend", an amount paid to the unsuccessful but responsive,  
63 short-listed design-builders to defray the cost of participating in phase II of the  
64 selection process described in this section.

65 2. In using a design-build contract, the political subdivision shall  
66 determine the scope and level of detail required to permit qualified persons to  
67 submit proposals in accordance with the request for proposals given the nature  
68 of the project.

69 3. A design criteria consultant shall be employed or retained by the  
70 political subdivision to assist in preparation of the design criteria package and  
71 request for proposal, perform periodic site visits to observe adherence to the  
72 design criteria, prepare progress reports, review and approve progress and final  
73 pay applications of the design-builder, review shop drawings and submissions,  
74 provide input in disputes, help interpret the construction documents, perform  
75 inspections upon substantial and final completion, assist in warranty inspections,  
76 and provide any other professional service assisting with the project  
77 administration. The design criteria consultant may also evaluate construction as  
78 to the adherence of the design criteria. The consultant shall be selected and its  
79 contract negotiated in compliance with sections 8.285 to 8.291 unless the  
80 consultant is a direct employee of the political subdivision.

81 4. The political subdivision shall publicly disclose at a regular meeting its  
82 intent to utilize the design-build method and its project design criteria at least  
83 one week prior to publishing the request for proposals. Notice of requests for  
84 proposals shall be advertised by publication [in a newspaper of general  
85 circulation published in the county where the political subdivision is located once  
86 a week for two consecutive weeks] **on the front page of the political**  
87 **subdivision's website, if it has one, two weeks** prior to opening the  
88 proposals, or by a virtual notice procedure that notifies interested parties for at

89 least twenty various purchases, design contracts, construction contracts, or other  
90 contracts each year for the political subdivision. **If the political subdivision**  
91 **does not have a website, the request for proposals shall be sent two**  
92 **weeks prior to opening the proposals to the secretary of state who shall**  
93 **publish such notice on the legal notices website, established pursuant**  
94 **to section 493.077, for a period of two weeks.** The political subdivision  
95 shall publish a notice of a request for proposal with a description of the project,  
96 the procedures for submission, and the selection criteria to be used.

97 5. The political subdivision shall establish in the request for proposal a  
98 time, place, and other specific instructions for the receipt of proposals. Proposals  
99 not submitted in strict accordance with the instructions shall be subject to  
100 rejection.

101 6. A request for proposal shall be prepared for each design-build contract  
102 containing at minimum the following elements:

103 (1) The procedures to be followed for submitting proposals, the criteria for  
104 evaluating proposals and their relative weight, and the procedures for making  
105 awards;

106 (2) The proposed terms and conditions for the design-build contract, if  
107 available;

108 (3) The design criteria package;

109 (4) A description of the drawings, specifications, or other information to  
110 be submitted with the proposal, with guidance as to the form and level of  
111 completeness of the drawings, specifications, or other information that will be  
112 acceptable;

113 (5) A schedule for planned commencement and completion of the  
114 design-build contract, if any;

115 (6) Budget limits for the design-build contract, if any;

116 (7) Requirements including any available ratings for performance bonds,  
117 payment bonds, and insurance, if any;

118 (8) The amount of the stipend which will be available; and

119 (9) Any other information that the political subdivision in its discretion  
120 chooses to supply including, but not limited to, surveys, soil reports, drawings of  
121 existing structures, environmental studies, photographs, references to public  
122 records, or affirmative action and minority business enterprise requirements  
123 consistent with state and federal law.

124 7. The political subdivision shall solicit proposals in a three-stage

125 process. Phase I shall be the solicitation of qualifications of the design-build  
126 team. Phase II shall be the solicitation of a technical proposal including  
127 conceptual design for the project. Phase III shall be the proposal of the  
128 construction cost.

129 8. The political subdivision shall review the submissions of the proposals  
130 and assign points to each proposal in accordance with this section and as set out  
131 in the instructions of the request for proposal.

132 9. Phase I shall require all design-builders to submit a statement of  
133 qualification that shall include, but not be limited to:

134 (1) Demonstrated ability to perform projects comparable in design, scope,  
135 and complexity;

136 (2) References of owners for whom design-build projects, construction  
137 projects, or design projects have been performed;

138 (3) Qualifications of personnel who will manage the design and  
139 construction aspects of the project; and

140 (4) The names and qualifications of the primary design consultants and  
141 the primary trade contractors with whom the design-builder proposes to  
142 subcontract or joint venture. The design-builder may not replace an identified  
143 contractor, subcontractor, design consultant, or subconsultant without the written  
144 approval of the political subdivision.

145 10. The political subdivision shall evaluate the qualifications of all the  
146 design-builders who submitted proposals in accordance with the instructions of  
147 the request for proposal. Architectural and engineering services on the project  
148 shall be evaluated in accordance with the requirements of sections 8.285 and  
149 8.291. Qualified design-builders selected by the evaluation team may proceed to  
150 phase II of the selection process. Design-builders lacking the necessary  
151 qualifications to perform the work shall be disqualified and shall not proceed to  
152 phase II of the process. This process of short listing shall narrow the number of  
153 qualified design-builders to not more than five nor fewer than two. Under no  
154 circumstances shall price or fees be a part of the prequalification  
155 criteria. Design-builders may be interviewed in either phase I or phase II of the  
156 process. Points assigned in phase I of the evaluation process shall not carry  
157 forward to phase II of the process. All qualified design-builders shall be ranked  
158 on points given in phases II and III only.

159 11. The political subdivision shall have discretion to disqualify any  
160 design-builder who, in the political subdivision's opinion, lacks the minimum

161 qualifications required to perform the work.

162           12. Once a sufficient number of no more than five and no fewer than two  
163 qualified design-builders have been selected, the design-builders shall have a  
164 specified amount of time in which to assemble phase II and phase III proposals.

165           13. Phase II of the process shall be conducted as follows:

166           (1) The political subdivision shall invite the top qualified design-builders  
167 to participate in phase II of the process;

168           (2) A design-builder shall submit its design for the project to the level of  
169 detail required in the request for proposal. The design proposal shall  
170 demonstrate compliance with the requirements set out in the request for proposal;

171           (3) The ability of the design-builder to meet the schedule for completing  
172 a project as specified by the political subdivision may be considered as an element  
173 of evaluation in phase II;

174           (4) Up to twenty percent of the points awarded to each design-builder in  
175 phase II may be based on each design-builder's qualifications and ability to  
176 design, contract, and deliver the project on time and within the budget of the  
177 political subdivision;

178           (5) Under no circumstances shall the design proposal contain any  
179 reference to the cost of the proposal; and

180           (6) The submitted designs shall be evaluated and assigned points in  
181 accordance with the requirements of the request for proposal. Phase II shall  
182 account for not less than forty percent of the total point score as specified in the  
183 request for proposal.

184           14. Phase III shall be conducted as follows:

185           (1) The phase III proposal shall provide a firm, fixed cost of design and  
186 construction. The proposal shall be accompanied by bid security and any other  
187 items, such as statements of minority participation as required by the request for  
188 proposal;

189           (2) Cost proposals shall be submitted in accordance with the instructions  
190 of the request for proposal. The political subdivision shall reject any proposal  
191 that is not submitted on time. Phase III shall account for not less than forty  
192 percent of the total point score as specified in the request for proposal;

193           (3) Proposals for phase II and phase III shall be submitted concurrently  
194 at the time and place specified in the request for proposal, but in separate  
195 envelopes or other means of submission. The phase III cost proposals shall be  
196 opened only after the phase II design proposals have been evaluated and assigned

197 points, ranked in order, and posted;

198 (4) Cost proposals shall be opened and read aloud at the time and place  
199 specified in the request for proposal. At the same time and place, the evaluation  
200 team shall make public its scoring of phase II. Cost proposals shall be evaluated  
201 in accordance with the requirements of the request for proposal. In evaluating  
202 the cost proposals, the lowest responsive bidder shall be awarded the total  
203 number of points assigned to be awarded in phase III. For all other bidders, cost  
204 points shall be calculated by reducing the maximum points available in phase III  
205 by at least one percent for each percentage point by which the bidder exceeds the  
206 lowest bid and the points assigned shall be added to the points assigned for phase  
207 II for each design-builder;

208 (5) If the political subdivision determines that it is not in the best interest  
209 of the political subdivision to proceed with the project pursuant to the proposal  
210 offered by the design-builder with the highest total number of points, the political  
211 subdivision shall reject all proposals. In this event, all qualified and responsive  
212 design-builders with lower point totals shall receive a stipend and the responsive  
213 design-builder with the highest total number of points shall receive an amount  
214 equal to two times the stipend. If the political subdivision decides to award the  
215 project, the responsive design-builder with the highest number of points shall be  
216 awarded the contract; and

217 (6) If all proposals are rejected, the political subdivision may solicit new  
218 proposals using different design criteria, budget constraints, or qualifications.

219 15. As an inducement to qualified design-builders, the political  
220 subdivision shall pay a reasonable stipend, the amount of which shall be  
221 established in the request for proposal, to each prequalified design-builder whose  
222 proposal is responsive but not accepted. Such stipend shall be no less than  
223 one-half of one percent of the total project budget. Upon payment of the stipend  
224 to any unsuccessful design-builder, the political subdivision shall acquire a  
225 nonexclusive right to use the design submitted by the design-builder, and the  
226 design-builder shall have no further liability for the use of the design by the  
227 political subdivision in any manner. If the design-builder desires to retain all  
228 rights and interest in the design proposed, the design-builder shall forfeit the  
229 stipend.

230 16. (1) As used in this subsection, "wastewater or water contract" means  
231 any design-build contract that involves the provision of engineering and  
232 construction services either directly by a party to the contract or through

233 subcontractors retained by a party to the contract for a wastewater or water  
234 storage, conveyance, or treatment facility project.

235 (2) Any political subdivision may enter into a wastewater or water  
236 contract for design-build of a wastewater or water project.

237 (3) In disbursing community development block grants under 42 U.S.C.  
238 Sections 5301 to 5321, the department of economic development shall not reject  
239 wastewater or water projects solely for utilizing wastewater or water contracts.

240 (4) The department of natural resources shall not preclude wastewater or  
241 water contracts from consideration for funding provided by the water and  
242 wastewater loan fund under section 644.122.

243 (5) A political subdivision planning a wastewater or water design-build  
244 project shall retain an engineer duly licensed in this state to assist in preparing  
245 any necessary documents and specifications and evaluations of design-build  
246 proposals.

247 17. The payment bond requirements of section 107.170 shall apply to the  
248 design-build project. All persons furnishing design services shall be deemed to  
249 be covered by the payment bond the same as any person furnishing labor and  
250 materials. The performance bond for the design-builder shall not cover any  
251 damages of the type specified to be covered by the professional liability insurance  
252 established by the political subdivision in the request for proposals.

253 18. Any person or firm performing architectural, engineering, landscape  
254 architecture, or land-surveying services for the design-builder on the design-build  
255 project shall be duly licensed or authorized in this state to provide such services  
256 as required by chapter 327.

257 19. Any political subdivision engaged in a project under this section which  
258 impacts a railroad regulated by the Federal Railroad Administration shall consult  
259 with the affected railroad on required specifications relating to clearance, safety,  
260 insurance, and indemnification to be included in the construction documents for  
261 such project.

262 20. Under section 327.465, any design-builder that enters into a  
263 design-build contract with a political subdivision is exempt from the requirement  
264 that such person or entity hold a license or that such corporation hold a  
265 certificate of authority if the architectural, engineering, or land-surveying  
266 services to be performed under the design-build contract are performed through  
267 subcontracts or joint ventures with properly licensed or authorized persons or  
268 entities, and not performed by the design-builder or its own employees.

269 21. This section shall not apply to:

270 (1) Any metropolitan sewer district established under Article VI, Section  
271 30(a) of the Constitution of Missouri; or

272 (2) Any special charter city, or any city or county governed by home rule  
273 under Article VI, Section 18 or 19 of the Constitution of Missouri that has  
274 adopted a design-build process via ordinance, rule, or regulation.

275 22. The authority to use design-build and design-build contracts provided  
276 under this section shall expire September 1, 2026.

68.055. 1. Every port authority shall let contracts for all work to be done  
2 and for equipment, supplies or materials to be purchased. Excepting as otherwise  
3 provided herein, such contracts shall be given to the lowest responsible bidder  
4 therefor, upon not less than twenty days' notice of the letting, given by  
5 publication [in a newspaper of general circulation in the city or county creating  
6 the port authority; and in the discretion of the commissioners, in one or more  
7 newspapers of general circulation among contractors] **on the front page of the**  
8 **port authority's website, if it has one. If the port authority does not**  
9 **have a website, notice shall be sent to the secretary of state who shall**  
10 **publish such notice on the legal notices website, established pursuant**  
11 **to section 493.077, for a period of twenty days.** The port authority shall  
12 have the power and authority to reject any and all bids and to readvertise the  
13 work or proposed purchase.

14 2. Notwithstanding the provisions of subsection 1 of this section, every  
15 port authority may let contracts in a manner consistent with the procedures set  
16 forth in 24 CFR Section 85.36, "Uniform Administrative Requirements for Grants  
17 and Cooperative Agreements to State and Local Government", as may be revised  
18 from time to time, regardless of the source of funds for the procurement, except  
19 that if a funding source mandates specific procedures for letting contracts as a  
20 condition to receipt of funds which are inconsistent with the procedures  
21 authorized in this section for letting contracts, a port authority may use such  
22 procedures required by the funding source.

23 3. Notwithstanding the provisions of subsection 2 of this section, the  
24 dollar limit of procurements which may, pursuant to subsection 2 of this section,  
25 be accomplished using "small purchase procedures", shall, for the purposes of  
26 procurements to be paid for with funds other than federal funds, adjust annually  
27 based on the rate of inflation according to the Consumer Price Index, commencing  
28 in 1995.

68.215. 1. Not more than sixty days prior to the submission of the  
2 petition to the circuit court, the port authority shall hold or cause to be held a  
3 public hearing on the proposed project or projects, proposed real property tax or  
4 sales and use tax, or both, as applicable, and the establishment of the proposed  
5 district and shall give notice of the public hearing in the manner provided in  
6 subsection 3 of this section. All reasonable protests, objections, and endorsements  
7 shall be heard at the public hearing.

8         2. The public hearing may be continued to another date without further  
9 notice other than a motion to be entered on the official port authority meeting  
10 minutes fixing the date, time, and place of the continuance of the public hearing.

11         3. Notice shall be provided by both publication and mailing, provided that  
12 no notice by mailing is required where the port authority is the owner of all of the  
13 real property within the proposed district. Notice by publication shall be given  
14 by publication [in a newspaper of general circulation within the municipality or  
15 county in which the port authority is located at least once] **on the front page**  
16 **of the port authority's website, if it has one**, not more than fifteen, but not  
17 less than ten, days prior to the date of the public hearing. **If the port**  
18 **authority does not have a website, notice shall be sent not more than**  
19 **fifteen, but not less than ten days prior to the date of the public**  
20 **hearing, to the secretary of state who shall publish such notice on the**  
21 **legal notices website, established pursuant to section 493.077, until the**  
22 **date of the public hearing has passed.** Notice by mail shall be given not  
23 more than thirty, but not less than twenty, days prior to the date of the public  
24 hearing by sending the notice via registered or certified United States mail with  
25 a return receipt attached to the address of record of each owner within the  
26 boundaries of the proposed district. The published and mailed notices shall  
27 include the following:

- 28         (1) The date, time, and place of the public hearing;
- 29         (2) A statement that a petition for the establishment of a district has been  
30 drafted for public hearing by the board;
- 31         (3) The boundaries of the proposed district by street location, or other  
32 readily identifiable means if no street location exists, and a map illustrating the  
33 proposed boundaries;
- 34         (4) A brief description of the projects proposed to be undertaken, the  
35 estimated cost thereof, and the proposed method of financing such costs by a real  
36 property tax or sales and use tax, or both, as applicable;

37 (5) A statement that a copy of the petition is available for review at the  
 38 office of the port authority during regular business hours;

39 (6) The address of the port authority's office; and

40 (7) A statement that all interested persons shall be given an opportunity  
 41 to be heard at the public hearing.

68.225. 1. Upon the receipt of the filed petition, the circuit court clerk in  
 2 whose office the petition was filed shall give notice to the public by [causing one  
 3 or more newspapers of general circulation serving the counties or portions thereof  
 4 contained in the proposed district to publish once a week] **publication on the**  
 5 **front page of the court's website, if it has one, for a period of four**  
 6 consecutive weeks [a notice substantially] in **substantially** the following form:

7 NOTICE OF PETITION TO

8 CREATE A PORT IMPROVEMENT DISTRICT

9 Notice is hereby given to all persons residing or owning property  
 10 in \_\_\_\_\_ (here specifically describe the proposed district  
 11 boundaries), within the state of Missouri, that a petition has been  
 12 filed asking that a port improvement district by the name of  
 13 "\_\_\_\_\_ Port District No. \_\_\_\_\_" be formed for the purpose of  
 14 developing the following projects: (here summarize the proposed  
 15 project or projects). A copy of this petition is on file and available  
 16 at the office of the clerk of the circuit court of \_\_\_\_\_ County,  
 17 located at \_\_\_\_\_, Missouri. You are notified to join in or file your  
 18 own petition supporting or answer opposing the creation of the port  
 19 improvement district and requesting a declaratory judgment, as  
 20 required by law, no later than the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
 21 You may show cause, if any, why such petition is defective or  
 22 proposed port improvement district or its funding method, as set  
 23 forth in the petition, is illegal or unconstitutional and should not  
 24 be approved as directed by this court.

25 \_\_\_\_\_  
 26 Clerk of the Circuit Court of \_\_\_\_\_ County

27 **2. If the court does not have a website, notice shall be sent to the**  
 28 **secretary of state who shall publish such notice on the legal notices**  
 29 **website, established pursuant to section 493.077, for a period of four**  
 30 **consecutive weeks.**

68.250. 1. Notwithstanding the provisions of chapter 115 except the

2 provisions of section 115.125, when applicable, an election for any proposed real  
3 property tax or proposed sales and use tax, or both, within a district pursuant to  
4 this act shall be conducted in accordance with the provisions of this section.

5         2. After the board has passed a resolution approving the levy of a real  
6 property tax or a sales and use tax, or both, the board shall provide written notice  
7 of such resolution, along with the circuit court's certified question regarding the  
8 real property tax or the sales and use tax, or both, as applicable, to the election  
9 authority. The board shall be entitled to repeal or amend such resolution  
10 provided that written notice of such repeal or amendment is delivered to the  
11 election authority prior to the date that the election authority mails the ballots  
12 to the qualified voters.

13         3. Upon receipt of written notice of a port authority's resolution, along  
14 with the circuit court's certified question, for the levy of a real property tax or a  
15 sales and use tax, or both, the election authority shall:

16             (1) Specify a date upon which the election shall occur, which date shall be  
17 a Tuesday and shall be, unless otherwise approved by the board and election  
18 authority and applicable circuit court pursuant to section 115.125, not earlier  
19 than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date  
20 the board passes the resolution and shall not be on the same day as an election  
21 conducted pursuant to the provisions of chapter 115;

22             (2) Publish notice of the election [in a newspaper of general circulation  
23 within the municipality two times. The first publication date shall be] **on the**  
24 **front page of its website, if it has one**, not more than forty-five, but not less  
25 than thirty-five, days prior to the date of the election [and the second publication  
26 date shall be not more than twenty, and not less than ten, days prior to the date  
27 of the election]. **If the election authority does not have a website, notice**  
28 **shall be sent not more than forty-five, but not less than thirty-five days**  
29 **prior to the date of the election, to the secretary of state who shall**  
30 **publish such notice on the legal notices website, established pursuant**  
31 **to section 493.077, until the date of the election has passed.** The  
32 published notice shall include, but not be limited to, the following information:

33             (a) The name and general boundaries of the district;

34             (b) The type of tax proposed (real property tax or sales and use tax or  
35 both), its rate or rates, and its purpose or purposes;

36             (c) The date the ballots for the election shall be mailed to qualified voters;

37             (d) The date of the election;

38 (e) The applicable definition of qualified voters;

39 (f) A statement that persons residing in the district shall register to vote  
40 with the election authority on or before the thirtieth day prior to the date of the  
41 election in order to be a qualified voter for purposes of the election;

42 (g) A statement that the ballot shall be returned to the election  
43 authority's office in person, or by depositing the ballot in the United States mail  
44 addressed to the election authority's office and postmarked not later than the  
45 date of the election; and

46 (h) A statement that any qualified voter that did not receive a ballot in  
47 the mail or lost the ballot received in the mail may pick up a mail-in ballot at the  
48 election authority's office, specifying the dates and time such ballot will be  
49 available and the location of the election authority's office;

50 (3) The election authority shall mail the ballot, a notice containing  
51 substantially the same information as the published notice and a return  
52 addressed envelope directed to the election authority's office with a sworn  
53 affidavit on the reverse side of such envelope for the qualified voter's signature,  
54 to each qualified voter not more than fifteen days and not less than ten days prior  
55 to the date of the election. For purposes of mailing ballots to real property  
56 owners, only one ballot shall be mailed per capita at the address shown on the  
57 official, or recorded, real estate records of the county recorder, or the city recorder  
58 of deeds if the district is located in a city not within a county, as of the thirtieth  
59 day prior to the date of the election. Such affidavit shall be in substantially the  
60 following form:

61 FOR REGISTERED VOTERS:

62 I hereby declare under penalties of perjury that I reside in the  
63 \_\_\_\_\_ Port Improvement District No. \_\_\_\_\_ (insert name of  
64 district) and I am a registered voter and qualified to vote in this  
65 election.

66 \_\_\_\_\_

67 Qualified Voter's Signature

68 \_\_\_\_\_

69 Printed Name of Qualified Voter

70 FOR REAL PROPERTY OWNERS:

71 I hereby declare under penalty of perjury that I am the owner of  
72 real property in the \_\_\_\_\_ Port Improvement District No.  
73 \_\_\_\_\_ (insert name of district) and qualified to vote in this

74 election, or authorized to affix my signature on behalf of the owner  
75 (named below) of real property in the \_\_\_\_\_ Port Improvement  
76 District No. \_\_\_\_\_ (insert name of district) which is qualified  
77 to vote in this election.

78 \_\_\_\_\_  
79 Signature

80 \_\_\_\_\_  
81 Print Name of Real Property Owner

82 If Signer is Different from Owner:

83 Name of Signer: \_\_\_\_\_

84 State Basis of Legal Authority to Sign: \_\_\_\_\_

85 All persons or entities having a fee ownership in the property shall sign the  
86 ballot. Additional signature pages may be affixed to this ballot to accommodate  
87 all required signatures.

88 4. Each qualified voter shall have one vote. Each voted ballot shall be  
89 signed with the authorized signature.

90 5. Mail-in ballots shall be returned to the election authority's office in  
91 person, or by depositing the ballot in the United States mail addressed to the  
92 election authority's office and postmarked no later than the date of the  
93 election. The election authority shall transmit all voted ballots to a team of  
94 judges of not less than four. The judges shall be selected by the election  
95 authority from lists it has compiled prior to the date by which the mail-in ballots  
96 must be returned. Upon receipt of the voted ballots, the judges shall verify the  
97 authenticity of the ballots, canvass the votes, and certify the  
98 results. Certification by the election judges shall be final and shall be  
99 immediately transmitted to the election authority. Any qualified voter who voted  
100 in such election may contest the result in the same manner as provided in  
101 chapter 115.

102 6. The results of the election shall be entered upon the records of the  
103 election authority and two certified copies of the election results shall be filed  
104 with the port authority and entered upon the records of the port authority.

105 7. The port authority shall reimburse the election authority for the costs  
106 it incurs to conduct an election under this section.

107 8. Notwithstanding anything to the contrary, nothing in this act shall  
108 prevent a port authority from proposing both a real property tax levy question  
109 and a sales and use tax levy question to the district's qualified voters in the same

110 election.

111 9. Notwithstanding anything to the contrary, this section shall not apply  
112 when the port authority is the owner of all of the real property within the  
113 proposed district.

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860  
2 to 71.920, the governing body of any city, town or village may annex  
3 unincorporated areas which are contiguous and compact to the existing corporate  
4 limits of the city, town or village pursuant to this section. The term "contiguous  
5 and compact" does not include a situation whereby the unincorporated area  
6 proposed to be annexed is contiguous to the annexing city, town or village only  
7 by a railroad line, trail, pipeline or other strip of real property less than  
8 one-quarter mile in width within the city, town or village so that the boundaries  
9 of the city, town or village after annexation would leave unincorporated areas  
10 between the annexed area and the prior boundaries of the city, town or village  
11 connected only by such railroad line, trail, pipeline or other such strip of real  
12 property. The term contiguous and compact shall include a situation whereby the  
13 unincorporated area proposed to be annexed would be contiguous and compact to  
14 the existing corporate limits of the city, town, or village but for an intervening  
15 state highway or interstate highway as defined in section 304.001, or railroad  
16 right-of-way, regardless of whether any other city, town, or village has annexed  
17 such state or interstate highway or railroad right-of-way or otherwise has an  
18 easement in such state or interstate highway or railroad right-of-way. The term  
19 contiguous and compact does not prohibit voluntary annexations pursuant to this  
20 section merely because such voluntary annexation would create an island of  
21 unincorporated area within the city, town or village, so long as the owners of the  
22 unincorporated island were also given the opportunity to voluntarily annex into  
23 the city, town or village. Notwithstanding the provisions of this section, the  
24 governing body of any city, town or village in any county of the third classification  
25 which borders a county of the fourth classification, a county of the second  
26 classification and the Mississippi River may annex areas along a road or highway  
27 up to two miles from existing boundaries of the city, town or village or the  
28 governing body in any city, town or village in any county of the third  
29 classification without a township form of government with a population of at least  
30 twenty-four thousand inhabitants but not more than thirty thousand inhabitants  
31 and such county contains a state correctional center may voluntarily annex such  
32 correctional center pursuant to the provisions of this section if the correctional

33 center is along a road or highway within two miles from the existing boundaries  
34 of the city, town or village.

35 2. (1) When a notarized petition, requesting annexation and signed by the  
36 owners of all fee interests of record in all tracts of real property located within  
37 the area proposed to be annexed, or a request for annexation signed under the  
38 authority of the governing body of any common interest community and approved  
39 by a majority vote of unit owners located within the area proposed to be annexed  
40 is presented to the governing body of the city, town or village, the governing body  
41 shall hold a public hearing concerning the matter not less than fourteen nor more  
42 than sixty days after the petition is received[, and]. The hearing shall be held  
43 not less than seven days after notice of the hearing is published [in a newspaper  
44 of general circulation qualified to publish legal matters and located within the  
45 boundary of the petitioned city, town or village. If no such newspaper exists  
46 within the boundary of such city, town or village, then the notice shall be  
47 published in the qualified newspaper nearest the petitioned city, town or village]  
48 **on the front page of the governing body's website, if it has one. If the**  
49 **governing body does not have a website, notice shall be sent at least**  
50 **seven days prior to the date of the hearing to the secretary of state who**  
51 **shall publish such notice on the legal notices website, established**  
52 **pursuant to section 493.077, until the date of the hearing has**  
53 **passed.** For the purposes of this subdivision, the term "common-interest  
54 community" shall mean a condominium as said term is used in chapter 448, or a  
55 common-interest community, a cooperative, or a planned community.

56 (a) A "common-interest community" shall be defined as real property with  
57 respect to which a person, by virtue of such person's ownership of a unit, is  
58 obliged to pay for real property taxes, insurance premiums, maintenance or  
59 improvement of other real property described in a declaration. "Ownership of a  
60 unit" does not include a leasehold interest of less than twenty years in a unit,  
61 including renewal options;

62 (b) A "cooperative" shall be defined as a common-interest community in  
63 which the real property is owned by an association, each of whose members is  
64 entitled by virtue of such member's ownership interest in the association to  
65 exclusive possession of a unit;

66 (c) A "planned community" shall be defined as a common-interest  
67 community that is not a condominium or a cooperative. A condominium or  
68 cooperative may be part of a planned community.

69 (2) At the public hearing any interested person, corporation or political  
70 subdivision may present evidence regarding the proposed annexation. If, after  
71 holding the hearing, the governing body of the city, town or village determines  
72 that the annexation is reasonable and necessary to the proper development of the  
73 city, town or village, and the city, town or village has the ability to furnish  
74 normal municipal services to the area to be annexed within a reasonable time, it  
75 may, subject to the provisions of subdivision (3) of this subsection, annex the  
76 territory by ordinance without further action.

77 (3) If a written objection to the proposed annexation is filed with the  
78 governing body of the city, town or village not later than fourteen days after the  
79 public hearing by at least five percent of the qualified voters of the city, town or  
80 village, or two qualified voters of the area sought to be annexed if the same  
81 contains two qualified voters, the provisions of sections 71.015 and 71.860 to  
82 71.920, shall be followed.

83 3. If no objection is filed, the city, town or village shall extend its limits  
84 by ordinance to include such territory, specifying with accuracy the new boundary  
85 lines to which the city's, town's or village's limits are extended. Upon duly  
86 enacting such annexation ordinance, the city, town or village shall cause three  
87 certified copies of the same to be filed with the county assessor and the clerk of  
88 the county wherein the city, town or village is located, and one certified copy to  
89 be filed with the election authority, if different from the clerk of the county which  
90 has jurisdiction over the area being annexed, whereupon the annexation shall be  
91 complete and final and thereafter all courts of this state shall take judicial notice  
92 of the limits of that city, town or village as so extended.

93 4. That a petition requesting annexation is not or was not verified or  
94 notarized shall not affect the validity of an annexation heretofore or hereafter  
95 undertaken in accordance with this section.

96 5. Any action of any kind seeking to deannex from any city, town, or  
97 village any area annexed under this section, or seeking in any way to reverse,  
98 invalidate, set aside, or otherwise challenge such annexation or oust such city,  
99 town, or village from jurisdiction over such annexed area shall be brought within  
100 five years of the date of adoption of the annexation ordinance.

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:

8 (a) The land to be annexed is contiguous to the existing city, town, or  
9 village limits and that the length of the contiguous boundary common to the  
10 existing city, town, or village limit and the proposed area to be annexed is at least  
11 fifteen percent of the length of the perimeter of the area proposed for annexation;  
12 or

13 (b) The land to be annexed would be contiguous and compact to the  
14 existing city, town, or village limits but for an intervening state highway or  
15 interstate highway as defined in section 304.001, or railroad right-of-way, and the  
16 shared border of the land to be annexed and existing city, town, or village  
17 composes at least fifteen percent of the total perimeter of the land to be  
18 annexed. For purposes of calculating the length of such border under this  
19 paragraph, the border between the land to be annexed and the existing city, town,  
20 or village shall be deemed to be:

21 a. If an intervening state highway or interstate highway, the centerline;  
22 or

23 b. If a railroad right-of-way, the midpoint between the outermost rails if  
24 there are rails or the best estimate of the middle of the right-of-way if there are  
25 no rails;

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

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

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

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

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

36 (e) When the annexation is proposed to be effective, the effective date  
37 being up to thirty-six months from the date of any election held in conjunction  
38 thereto;

39 (3) The city, town, or village shall fix a date for a public hearing on the  
40 ordinance and make a good faith effort to notify all fee owners of record within

41 the area proposed to be annexed by certified mail, not less than thirty nor more  
42 than sixty days before the hearing, and notify all residents of the area by  
43 publication of notice [in a newspaper of general circulation qualified to publish  
44 legal matters in the county or counties where the proposed area is located, at  
45 least once a week for three consecutive weeks prior to the hearing, with at least  
46 one such notice being] **on the front page of its website, if it has one**, not  
47 more than twenty days and not less than ten days before the hearing. **If the**  
48 **city, town, or village does not have a website, notice shall be sent, not**  
49 **more than twenty days and not less than ten days before the hearing,**  
50 **to the secretary of state who shall publish such notice on the legal**  
51 **notices website, established pursuant to section 493.077, until the date**  
52 **of the hearing has passed;**

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

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

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

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

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

65 (e) When the proposed annexation shall become effective;

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

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

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

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

82 (6) Except as provided in subsection 3 of this section, if the court  
83 authorizes the city, town, or village to make an annexation, the legislative body  
84 of such city, town, or village shall not have the power to extend the limits of the  
85 city, town, or village by such annexation until an election is held at which the  
86 proposition for annexation is approved by a majority of the total votes cast in the  
87 city, town, or village and by a separate majority of the total votes cast in the  
88 unincorporated territory sought to be annexed. However, should less than a  
89 majority of the total votes cast in the area proposed to be annexed vote in favor  
90 of the proposal, but at least a majority of the total votes cast in the city, town, or  
91 village vote in favor of the proposal, then the proposal shall again be voted upon  
92 in not more than one hundred twenty days by both the registered voters of the  
93 city, town, or village and the registered voters of the area proposed to be annexed.  
94 If at least two-thirds of the qualified electors voting thereon are in favor of the  
95 annexation, then the city, town, or village may proceed to annex the territory. If  
96 the proposal fails to receive the necessary majority, no part of the area sought to  
97 be annexed may be the subject of another proposal to annex for a period of two  
98 years from the date of the election, except that, during the two-year period, the  
99 owners of all fee interests of record in the area or any portion of the area may  
100 petition the city, town, or village for the annexation of the land owned by them  
101 pursuant to the procedures in section 71.012. The elections shall if authorized  
102 be held, except as herein otherwise provided, in accordance with the general state  
103 law governing special elections, and the entire cost of the election or elections  
104 shall be paid by the city, town, or village proposing to annex the territory;

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

111 (8) No city, town, or village which has filed an action under this section  
112 as this section read prior to May 13, 1980, which action is part of an annexation

113 proceeding pending on May 13, 1980, shall be required to comply with subdivision  
114 (5) of this subsection in regard to such annexation proceeding;

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

120 2. Notwithstanding any provision of subsection 1 of this section, for any  
121 annexation by any city with a population of three hundred fifty thousand or more  
122 inhabitants which is located in more than one county that becomes effective after  
123 August 28, 1994, if such city has not provided water and sewer service to such  
124 annexed area within three years of the effective date of the annexation, a cause  
125 of action shall lie for deannexation, unless the failure to provide such water and  
126 sewer service to the annexed area is made unreasonable by an act of God. The  
127 cause of action for deannexation may be filed in the circuit court by any resident  
128 of the annexed area who is presently residing in the area at the time of the filing  
129 of the suit and was a resident of the annexed area at the time the annexation  
130 became effective. If the suit for deannexation is successful, the city shall be liable  
131 for all court costs and attorney fees.

132 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this  
133 section, all cities, towns, and villages located in any county of the first  
134 classification with a charter form of government with a population of two hundred  
135 thousand or more inhabitants which adjoins a county with a population of nine  
136 hundred thousand or more inhabitants shall comply with the provisions of this  
137 subsection. If the court authorizes any city, town, or village subject to this  
138 subsection to make an annexation, the legislative body of such city, town or  
139 village shall not have the power to extend the limits of such city, town, or village  
140 by such annexation until an election is held at which the proposition for  
141 annexation is approved by a majority of the total votes cast in such city, town, or  
142 village and by a separate majority of the total votes cast in the unincorporated  
143 territory sought to be annexed; except that:

144 (1) In the case of a proposed annexation in any area which is contiguous  
145 to the existing city, town or village and which is within an area designated as  
146 flood plain by the Federal Emergency Management Agency and which is  
147 inhabited by no more than thirty registered voters and for which a final  
148 declaratory judgment has been granted prior to January 1, 1993, approving such

149 annexation and where notarized affidavits expressing approval of the proposed  
150 annexation are obtained from a majority of the registered voters residing in the  
151 area to be annexed, the area may be annexed by an ordinance duly enacted by the  
152 governing body and no elections shall be required; and

153         (2) In the case of a proposed annexation of unincorporated territory in  
154 which no qualified electors reside, if at least a majority of the qualified electors  
155 voting on the proposition are in favor of the annexation, the city, town or village  
156 may proceed to annex the territory and no subsequent election shall be required.  
157 If the proposal fails to receive the necessary separate majorities, no part of the  
158 area sought to be annexed may be the subject of any other proposal to annex for  
159 a period of two years from the date of such election, except that, during the  
160 two-year period, the owners of all fee interests of record in the area or any portion  
161 of the area may petition the city, town, or village for the annexation of the land  
162 owned by them pursuant to the procedures in section 71.012 or 71.014. The  
163 election shall, if authorized, be held, except as otherwise provided in this section,  
164 in accordance with the general state laws governing special elections, and the  
165 entire cost of the election or elections shall be paid by the city, town, or village  
166 proposing to annex the territory. Failure of the city, town or village to comply in  
167 providing services to the area or to zone in compliance with the plan of intent  
168 within three years after the effective date of the annexation, unless compliance  
169 is made unreasonable by an act of God, shall give rise to a cause of action for  
170 deannexation which may be filed in the circuit court not later than four years  
171 after the effective date of the annexation by any resident of the area who was  
172 residing in such area at the time the annexation became effective or by any  
173 nonresident owner of real property in such area.

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

71.050. 1. At any meeting of the corporate authorities of any city,  
2 incorporated town or incorporated village, after the presentation of the petition  
3 herein provided, such corporate authorities shall fix the time when such petition  
4 shall be considered, and order notice of the presentation thereof to be given by  
5 publishing such notice [for three consecutive weeks in some newspaper having a

6 general circulation in such city, town or village; such] **on the front page of the**  
7 **corporate authorities' website, if it has one, three weeks prior to the**  
8 **date of the presentation. If the corporate authorities do not have a**  
9 **website, notice shall be sent at least three weeks prior to the date of**  
10 **the presentation to the secretary of state who shall publish such notice**  
11 **on the legal notices website, established pursuant to section 493.077,**  
12 **until the date of the presentation has passed.**

13         **2. The notice required by subsection 1 of this section** shall state  
14 that a change of name of such city, town or village has been prayed for, and the  
15 time when action on said petition shall be had, at which time remonstrances, if  
16 any, will be heard.

71.070. If said change of name is made, said corporate authorities shall  
2 cause a copy of the order making such change to be filed in the office of the  
3 secretary of state, who shall thereupon make known the facts of such change by  
4 publication [in some newspaper of the county in which such city, town or village  
5 is situated, and also in some newspaper in the City of St. Louis;] **on the legal**  
6 **notices website, established pursuant to section 493.077,** and all the  
7 courts of this state shall take judicial notice of the change there made.

71.590. 1. Before taking or damaging any property in the construction of  
2 a railroad under such franchise, the corporation shall cause to be ascertained and  
3 determined the damages that will be done by the building and operation of such  
4 railroad, to the real and personal property situated on the route fixed by the  
5 ordinance defining the franchise, and shall pay to the owner or owners of the real  
6 and personal property so affected, or into court for them, the amount of their  
7 respective damages.

8         2. In case the corporation fails to agree with the owners thereof for the  
9 proper compensation for the damages done or likely to be done or sustained by  
10 reason of the construction and operation of the railroad, or if, by reason of the  
11 legal incapacity of any such owner, no compensation can be agreed upon, the  
12 circuit court having jurisdiction over the town or city granting such franchise on  
13 application of the corporation shall appoint three disinterested residents of such  
14 town or city, who shall give personal notice to all owners or their agents of  
15 property affected, if they can be found, as well as ten days' notice by  
16 advertisement [in the newspapers doing the printing of such town or city,] **on**  
17 **the front page of the circuit court's website, if it has one,** of their time  
18 and place of meeting[; and]. **If the court does not have a website, notice**

19 **shall be sent to the secretary of state who shall publish such notice on**  
20 **the legal notices website, established pursuant to section 493.077.** The  
21 commissioners having been first duly sworn to perform their duties justly and  
22 impartially and a true report to make, shall fully examine into the construction  
23 and operation of the railroad and its effects upon the real and personal property  
24 damaged thereby, making just allowances for the advantages which may have  
25 resulted or which may result to the owner or owners of property for which  
26 damages may be claimed or allowed, and after such comparison, shall estimate  
27 and determine how much damages, if any, such property may have sustained or  
28 seems likely to sustain by reason thereof, and make report of the same, and if no  
29 exceptions be filed within ten days thereafter, or in the event exceptions are filed  
30 and overruled, the court shall confirm the report and enter judgment thereon;  
31 from which judgment either or any party shall be entitled to an appeal or writ of  
32 error as in other cases. If the proceeding seeks to affect the property of persons  
33 under conservatorship, the conservators must be made parties, and if the  
34 property of married persons, their spouses must be made parties.

35 3. The petition shall set forth the general nature of the franchise granted,  
36 the nature of the railroad to be constructed and operated, causing or likely to  
37 cause damage to private property for public use, together with all facts necessary  
38 to give the court jurisdiction in the premises, the names of owners of the several  
39 parcels of land and personal property to be affected thereby, if known, or, if  
40 unknown, a correct description of the property or interest whose owners are  
41 unknown. The petition may be presented to the circuit court. Upon filing the  
42 petition, a summons shall be issued giving the defendants at least ten days'  
43 notice of the time when the petition will be heard, which summons shall be served  
44 in the same manner as writs of summons are or may be by law required to be  
45 served. If the name or residence of any defendant be unknown, or if any  
46 defendant does not reside within this state, notice of the time of hearing the  
47 petition, reciting the substance of the petition, and the day fixed for the hearing  
48 thereof, shall be given by publication for four consecutive weeks prior to the  
49 hearing of the petition, in the paper doing the town or city printing, and the  
50 court, being satisfied that due notice of the pending of the petition has been  
51 given, shall make the appointment of the commissioners.

52 4. The report of the commissioners to the circuit court shall be in writing  
53 and under oath, and filed with the clerk thereof, and the damages allowed to each  
54 owner of property affected shall be separately stated. The report of the

55 commissioners may be reviewed by the circuit court on written exceptions filed  
56 by any party in the clerk's office within ten days after filing of such report, and  
57 the court shall make such order therein as right and justice may require, and  
58 may order a new appraisal on good cause shown, but the hearing of such  
59 exceptions shall be summary, and the court shall fix a day therefor without  
60 delay. The costs of the proceedings up to and including the filing of the  
61 commissioners' report shall be paid by the corporation, but all costs caused by any  
62 subsequent litigation shall be paid by the losing party. All damage found by the  
63 commissioners shall, within thirty days after filing their report, be paid to the  
64 owners of the property damaged, or into court for them, by the corporation, and  
65 if the same is not so paid, the railroad shall not be constructed.

71.794. A special business district may be established, enlarged or  
2 decreased in area as provided herein in the following manner:

3 (1) Upon petition by one or more owners of real property on which is paid  
4 the ad valorem real property taxes within the proposed district, the governing  
5 body of the city may adopt a resolution of intention to establish, enlarge or  
6 decrease in area a special business district. The resolution shall contain the  
7 following information:

8 (a) Description of the boundaries of the proposed area;

9 (b) The time and place of a hearing to be held by the governing body  
10 considering establishment of the district;

11 (c) The proposed uses to which the additional revenue shall be put and  
12 the initial tax rate to be levied.

13 (2) Whenever a hearing is held as provided hereunder, the governing body  
14 of the city shall publish notice of the hearing on [two separate occasions in at  
15 least one newspaper of general circulation] **the front page of its website, if**  
16 **it has one**, not more than fifteen days nor less than ten days before the hearing[;  
17 and]. **If the governing body of the city does not have a website, notice**  
18 **shall be sent not more than fifteen nor less than ten days before the**  
19 **hearing to the secretary of state who shall publish such notice on the**  
20 **legal notices website, established pursuant to section 493.077, until the**  
21 **date of the hearing has passed. The governing body of the city shall**  
22 mail a notice by United States mail of the hearing to all owners of record of real  
23 property and licensed businesses located in the proposed district[;] and shall hear  
24 all protests [and], receive evidence for or against the proposed action[;], rule upon  
25 all protests, which determination shall be final[;], and continue the hearing from

26 time to time.

27 (3) If the governing body decides to change the boundaries of the proposed  
28 area, the hearing shall be continued to a time at least fifteen days after the  
29 decision. Notice shall be given in at least one newspaper of general circulation  
30 at least ten days prior to the time of said hearing showing the boundary  
31 amendments.

32 (4) If the governing body following the hearing decides to establish the  
33 proposed district, it shall adopt an ordinance to that effect. The ordinance shall  
34 contain the following:

35 (a) The number, date and time of the resolution of intention pursuant to  
36 which it was adopted;

37 (b) The time and place the hearing was held concerning the formation of  
38 the area;

39 (c) The description of the boundaries of the district;

40 (d) A statement that the property in the area established by the ordinance  
41 shall be subject to the provisions of additional tax as provided herein;

42 (e) The initial rate of levy to be imposed upon the property lying within  
43 the boundaries of the district;

44 (f) A statement that a special business district has been established;

45 (g) The uses to which the additional revenue shall be put;

46 (h) In any city with a population of less than three hundred fifty  
47 thousand, the creation of an advisory board or commission and enumeration of its  
48 duties and responsibilities;

49 (i) In any city with a population of three hundred fifty thousand or more,  
50 provisions for a board of commissioners to administer the special business  
51 district, which board shall consist of seven members who shall be appointed by  
52 the mayor with the advice and consent of the governing body of the city. Five  
53 members shall be owners of real property within the district or their  
54 representatives and two members shall be renters of real property within the  
55 district or their representatives. The terms of the members shall be structured  
56 so that not more than two members' terms shall expire in any one year. Subject  
57 to the foregoing, the governing body of the city shall provide in such ordinance for  
58 the method of appointment, the qualifications, and terms of the members.

72.402. The commission shall enact and adopt all rules, regulations and  
2 procedures that are reasonably necessary to achieve the objectives of sections  
3 72.400 to 72.423 no sooner than twenty-seven calendar days after notifying all

4 municipalities and the county of the proposed rule, regulation or procedure  
5 enactment or change. Notice may be given by ordinary mail or by [publishing in  
6 at least one newspaper of general circulation qualified to publish legal notices]  
7 **publication on the front page of the commission's website, if it has one.**  
8 No new or amended rule, regulation or procedure shall apply retroactively to any  
9 boundary change or unincorporated area proposal pending before the commission.

72.403. 1. The commission shall review all proposed boundary changes  
2 of any area wholly or partially within the county. After June 27, 2000, no  
3 boundary change or unincorporated area proposal shall be submitted to or  
4 considered by the commission until April 15, 2001, except for consolidations. Any  
5 boundary change or unincorporated area proposal pending before the commission  
6 on June 27, 2000, shall be suspended on June 27, 2000, and shall be further  
7 considered after April 15, 2001, only if such proposal is reflected in a map plan  
8 submitted to the commission pursuant to section 72.423, except an annexation  
9 proposal by a village with a population under three thousand five hundred where  
10 the initial public hearing will occur prior to July 1, 1999, such proposal shall  
11 continue notwithstanding other provisions of law to the contrary. Review shall  
12 begin no later than thirty days after the plan of intent for the boundary change  
13 has been submitted to the commission by the proposing agent or thirty days after  
14 April 15, 2001, for boundary changes or unincorporated area proposals which are  
15 pending on June 27, 2000. The plan of intent shall address the criteria set forth  
16 in subsection 3 of this section. For the purposes of this subsection, the term  
17 "pending" means any proposal submitted to the commission which has not yet  
18 been approved by the commission as a simplified annexation or approved for  
19 submission to the qualified voters of the voting jurisdictions. No simplified  
20 boundary change involving territory already described in an annexation  
21 resolution or incorporation petition filed with the commission shall occur unless  
22 the annexation or incorporation proposal has been disapproved by the commission  
23 or defeated by voters. If more than one proposed change is received from the  
24 same proposing agency, the review of each additional proposed change shall begin  
25 not later than thirty days after the date that review was commenced for the next  
26 preceding proposed change or thirty days after receipt of the proposed changes  
27 were received by the commission; except that, if more than one proposed change  
28 is received by the commission from the same proposing agency on the same date,  
29 the commission may establish the order of review.

30 2. When a boundary change proposal has been submitted to the

31 commission, the commission shall, within twenty-one days of receipt of such  
32 proposal, publish notice of such proposal and the date of the public hearing  
33 thereon [in at least one newspaper of general circulation qualified to publish legal  
34 notices] **on the front page of the commission's website, if it has one. If**  
35 **the commission does not have a website, notice shall be sent within**  
36 **twenty-one days of receipt of the proposal to the secretary of state who**  
37 **shall publish such notice on the legal notices website, established**  
38 **pursuant to section 493.077.** Within twenty-one days of receipt of such  
39 proposal, the commission shall also mail written notification of such proposal and  
40 public hearing date to the county clerk, and to the city or village clerk of each  
41 municipality or village, and to any other political subdivision which, in the  
42 opinion of the commission, is materially affected by the proposal. The costs of  
43 publication and notification shall be borne by the proposing agent. The  
44 commission shall hold such public hearing concerning the proposal not less than  
45 fourteen nor more than sixty days after such publication and notification are  
46 complete. At such public hearing, the county, the proposing agent and affected  
47 municipalities shall be parties, and any other interested person, corporation, or  
48 political subdivision may also present evidence regarding the proposed boundary  
49 change. A boundary change proposal which has been disapproved by the  
50 commission and which is resubmitted with changes to the commission shall be  
51 subject to the public hearing requirement of this section, unless the commission  
52 determines that a public hearing on the resubmitted proposal is not necessary to  
53 achieve the objectives of sections 72.400 to 72.423.

54         3. In reviewing any proposed boundary change, the commission shall  
55 approve such proposal if it finds that the boundary change will be in the best  
56 interest of the municipality or municipalities and unincorporated territories  
57 affected by the proposal and the areas of the county next to such proposed  
58 boundary. In making its determination, the commission shall consider the  
59 following factors:

60             (1) The impact, including but not limited to the impact on the tax base or  
61 on the ability to raise revenue, of such proposal on:

62             (a) The area subject to the proposed boundary change and its residents;

63             (b) The existing municipality or municipalities, if any, proposing the  
64 boundary change and the residents thereof;

65             (c) Adjoining areas not involved in the boundary change and the residents  
66 thereof; and

- 67 (d) The entire geographic area of the county and its residents;
- 68 (2) A legal description of the area to be annexed, incorporated,  
69 consolidated, or subject to the transfer of jurisdiction;
- 70 (3) The creation of logical and reasonable municipal boundaries in the  
71 county, and for such purpose the commission shall have the ability to make  
72 additions, deletions and modifications which address legal boundaries, technical  
73 or service delivery problems or boundaries which overlap those of other proposals;  
74 however, such additions, deletions and modifications shall not make substantial  
75 changes to any proposed boundary petition;
- 76 (4) The present level of major services provided by the municipality or  
77 other provider, provided to the unincorporated area by the county, and proposed  
78 to be provided by the annexing municipality or municipality to be incorporated  
79 or consolidated, including, but not limited to, police protection, fire protection,  
80 water and sewer systems, street maintenance, utility agreements, parks,  
81 recreation, and refuse collections;
- 82 (5) A proposed time schedule whereby the municipality or proposed  
83 municipality plans to provide such services to the residents of the area to be  
84 annexed, incorporated or consolidated within three years from the date the  
85 municipal boundary change is to become effective;
- 86 (6) The current tax rates of the areas subject to the proposal;
- 87 (7) What sources of revenue other than property tax are collected or are  
88 proposed to be collected by the municipality or proposed municipality;
- 89 (8) The extraordinary effect the boundary change will have on the  
90 distribution of tax resources in the county;
- 91 (9) How the municipality or proposed municipality proposes to zone any  
92 area not presently incorporated;
- 93 (10) The compactness of the area subject to such proposal;
- 94 (11) When the proposed boundary change shall become effective.
- 95 4. The provisions of section 71.910 shall not apply to a proposing agent  
96 proceeding before the commission.
- 97 5. Nothing in sections 72.400 to 72.423 shall be construed to prevent the  
98 boundary commission or its staff from advising proposing agents on issues related  
99 to proposals. The commission may meet informally, subject to the requirements  
100 of chapter 610, with the representatives of municipalities, other government  
101 entities or county residents with regard to future boundary changes.

72.405. 1. For any proposed boundary change submitted after August 28,

2 1995, the commission shall issue a finding approving or disapproving such  
3 proposals within nine months after such submittal, except that final action may  
4 be deferred on part or all of a boundary change proposal when necessary to  
5 accommodate an overlapping boundary change or unincorporated area proposal  
6 as more particularly provided in subsection 10 of this section. If the commission  
7 finds in favor of a proposed boundary change, it shall submit the question to the  
8 voters residing within the areas subject to the proposed boundary change, except  
9 as provided in subsection 6 of this section.

10         2. If a boundary change is proposed by a municipality or the county and  
11 if the commission finds against the proposed boundary change submitted by a  
12 municipality or the county, it shall disapprove the boundary change proposal. In  
13 disapproving any boundary change proposal, the commission shall issue a  
14 document indicating the reasons such proposal was disapproved. No election  
15 shall be held on any such proposal not approved by the commission.

16         3. If the boundary change is an incorporation proposed pursuant to a  
17 petition, the commission may make such changes in the proposal as it finds would  
18 result in an acceptable proposal, such changes to include but not be limited to  
19 additions, deletions or the modification of a proposal which contains boundaries  
20 which overlap those boundaries contained in any other proposal. After submittal,  
21 the commission may allow the proposing agent to make minor additions, deletions  
22 or modifications which do not substantially alter the proposal. When reviewing  
23 more than one boundary change proposal made by petition, the commission may  
24 consolidate two or more unincorporated areas into one proposed boundary  
25 change. Any changes made by the commission shall meet the criteria established  
26 pursuant to section 72.403.

27         4. Where a proposal submitted by a municipality, the county or by a  
28 petition, contains more than two voting jurisdictions, the commission may provide  
29 for approval of a boundary change comprising only those municipalities and  
30 unincorporated area where a majority of voters approve the boundary change if  
31 the resulting municipality would meet the criteria established pursuant to section  
32 72.403.

33         5. If a boundary change is proposed by a municipality or the county and  
34 the commission determines that there is a minor error or discrepancy in the legal  
35 descriptions of the areas subject to the proposal as submitted by the municipality  
36 or county, then the commission with the concurrence of the proposing agent may  
37 make such changes to the proposal as are necessary to rectify the error in the

38 legal description.

39 6. A simplified boundary change may be proposed by:

40 (1) A verified petition signed by seventy-five percent of the registered  
41 voters within the area proposed to be annexed which is predominately residential  
42 in character and has an average residential density of not less than one dwelling  
43 per three acres which is filed by the annexing municipality; or

44 (2) Two municipalities for a transfer of jurisdiction between them or a  
45 municipality and the county for a transfer of jurisdiction between a municipality  
46 and the county.

47 Within twenty-one days of receipt of a proposal pursuant to this subsection, the  
48 commission shall publish notice of such proposal and the date of the public  
49 hearing thereon [in at least one newspaper of general circulation qualified to  
50 publish legal notices] **on the front page of the commission's website, if it**  
51 **has one. If the commission does not have a website, notice shall be**  
52 **within twenty-one days of receipt of the proposal to the secretary of**  
53 **state who shall publish such notice on the legal notices website,**  
54 **established pursuant to section 493.077.** The commission shall, within  
55 twenty-one days of receipt of such proposal, mail written notification of such  
56 proposal and the date of the public hearing thereon to the county clerk, and to the  
57 city or village clerk of each municipality or village, and to any other political  
58 subdivision which, in the opinion of the commission, is materially affected by such  
59 proposal. The commission shall hold a public hearing concerning the matter not  
60 less than fourteen nor more than sixty days after such publication and  
61 notification is complete. At the public hearing any interested person, corporation  
62 or political subdivision may present evidence regarding the proposed boundary  
63 change. Within four months of receipt of the proposal, the commission shall  
64 determine whether to disapprove the proposal, or to approve the proposal and  
65 allow it to proceed as an approved boundary change to be adopted or rejected by  
66 the voters pursuant to section 72.407, or to approve the proposal as a simplified  
67 boundary change, for which no vote shall be required, except that final action may  
68 be deferred on part or all of a simplified boundary change proposal when  
69 necessary to accommodate an overlapping boundary change or unincorporated  
70 area proposal as more particularly provided in subsection 10 of this section. In  
71 making its determination, the commission shall consider the factors set forth in  
72 subsection 3 of section 72.403. If the commission determines that the proposal  
73 should be approved as a simplified boundary change, such proposal shall become

74 effective upon the date set forth in the commission's written report of approval.

75           7. A municipality which wishes to propose a boundary change containing  
76 two or more unincorporated areas that are noncontiguous to each other shall  
77 submit separate proposals for the unincorporated areas that are noncontiguous  
78 to each other, in which case there shall be a separate vote for each proposal  
79 approved by the commission. The municipality may:

80           (1) Adopt and submit separate ordinances for each such separate proposal;  
81 or

82           (2) Adopt and submit one ordinance containing said separate proposals,  
83 which ordinance shall clearly state that the municipality is making multiple,  
84 separate proposals, and is desirous of separate votes for each separate  
85 proposal. The ordinance shall also clearly identify each separate proposal that  
86 the municipality is making.

87           8. The commission shall not approve any boundary change proposal in  
88 which more than fifty percent of the combined land subject to the proposal is  
89 unincorporated territory or territories unless the area subject to the proposal has  
90 a population of more than ten thousand persons.

91           9. A proposing agent may modify its proposal and submit additional  
92 information during the review period.

93           10. The commission may defer final action on part or all of a boundary  
94 change proposal or proposal for an established unincorporated area beyond the  
95 periods provided for their consideration in order to allow an election with respect  
96 to an overlapping boundary change or unincorporated area proposal in order to  
97 maximize the ability of voters to determine their own status. Such deferral may  
98 be ordered only when the proposal granted such priority is filed with the  
99 commission no later than sixty days after the proposal on which action will be  
100 deferred and only when the commission determines that the population of the  
101 overlapping area is a greater proportion of the proposal given priority than of the  
102 proposal on which action is deferred. The commission shall take final action on  
103 the deferred proposal within forty-five days of the election at which the proposal  
104 granted priority is decided. The proposing agent may modify the proposal in  
105 accordance with the results of the election.

72.422. 1. Notwithstanding any other provision of sections 72.400 to  
2 72.420 to the contrary, residents of an unincorporated area of a county may  
3 remain unincorporated and not subject to any boundary change pursuant to  
4 sections 72.400 to 72.420 if the following are satisfied:

5 (1) The county petitions the boundary commission;

6 (2) A legal description of the unincorporated area accompanies the  
7 petition. If there is a minor error or discrepancy in the legal description of the  
8 unincorporated area, the commission, with the concurrence of the county, may  
9 make such changes to the proposal as are necessary to rectify the error in the  
10 legal description;

11 (3) The unincorporated area either contains a population of not less than  
12 two thousand five hundred or is contiguous with an existing established  
13 unincorporated area;

14 (4) A plan of intent accompanies the petition addressing the issues to be  
15 considered by the commission.

16 2. When an unincorporated area proposal has been submitted to the  
17 commission, the commission shall, within twenty-one days of receipt of such  
18 proposal, publish notice of such proposal and the date of the public hearing  
19 thereon [in at least one newspaper of general circulation qualified to publish legal  
20 notices] **on the front page of the commission's website, if it has one. If**  
21 **the commission does not have a website, notice shall be sent within**  
22 **twenty-one days of receipt of the proposal to the secretary of state who**  
23 **shall publish such notice on the legal notices website, established**  
24 **pursuant to section 493.077.** Within twenty-one days of receipt of such  
25 proposal, the commission shall also mail written notification of such proposal and  
26 public hearing date to the county clerk, and to the city or village clerk of each  
27 neighboring municipality or village, and to any other political subdivision which,  
28 in the opinion of the commission, is materially affected by the proposal. The costs  
29 of publication and notification shall be borne by the county. The commission  
30 shall hold such public hearing concerning the proposal not less than fourteen nor  
31 more than sixty days after such publication and notification are complete. At  
32 such public hearing, the county and any municipality with an overlapping map  
33 plan shall be parties, and any other interested person, corporation, or political  
34 subdivision may also present evidence regarding the unincorporated area  
35 proposal. An unincorporated area proposal which has been disapproved by the  
36 commission and which is resubmitted with changes to the commission shall be  
37 subject to the public hearing requirement of this section, unless the commission  
38 determines that a public hearing on the resubmitted proposal is not necessary to  
39 achieve the objectives of this section. The commission shall issue findings  
40 approving or disapproving such proposal within nine months after submittal,

41 except that final action may be deferred on part or all of an unincorporated  
42 proposal when necessary to accommodate an overlapping boundary change  
43 proposal as more particularly provided in subsection 10 of section 72.405. The  
44 proposal shall be submitted at the next general or special election in accordance  
45 with the provisions of chapter 115. The cost of the election shall be paid by the  
46 county. If the proposal is approved by the voters then the area shall be an  
47 established unincorporated area and shall remain unincorporated territory for a  
48 period of five years from the date of the vote and shall not be subject to any  
49 boundary change pursuant to sections 72.400 to 72.420.

50 3. In reviewing any proposed unincorporated area proposal, the  
51 commission shall approve such proposal if it finds that continued provision of  
52 local services to the area by the county will not impose an unreasonable burden  
53 on county government and that such designation is in the best interest of the  
54 unincorporated territories affected by the proposal and the areas of the county  
55 next to such area. In making its determination, the commission shall consider  
56 the following factors:

57 (1) The impact, including but not limited to the impact on the tax base or  
58 on the ability to raise revenue, of such proposal on:

59 (a) The area subject to the proposed established unincorporated area and  
60 its residents;

61 (b) Adjoining areas not involved in the proposed established area and the  
62 residents thereof; and

63 (c) The entire geographic area of the county and its residents;

64 (2) A legal description of the unincorporated area;

65 (3) The creation of logical and reasonable municipal boundaries in the  
66 county, and for such purpose the commission shall have the ability to make  
67 additions, deletions and modifications which address legal boundaries, technical  
68 or service delivery problems or boundaries which overlap those of other proposals;  
69 however, such additions, deletions and modifications shall not make substantial  
70 changes to any proposed unincorporated area proposal;

71 (4) Whether approval of the unincorporated area proposal will result in  
72 unreasonable difficulty in provision of services by the county;

73 (5) The effect approval of the established unincorporated area will have  
74 on the distribution of tax resources in the county;

75 (6) The compactness of the area subject to such proposal.

76 4. After approval by the voters of an unincorporated area proposal, no

77 boundary change affecting any part of such area shall be proposed to the  
78 commission until expiration of the area's status as an established unincorporated  
79 area, but map plans affecting the area may be filed during the planning period  
80 pursuant to section 72.423. If no map plan of a boundary change proposal with  
81 respect to an established unincorporated area has been submitted during the  
82 most recent planning period pursuant to section 72.423, the commission shall  
83 commence review of the circumstances of such established unincorporated area  
84 six months prior to its expiration, and shall submit reauthorization of such  
85 unincorporated area to the voters if the commission determines that its  
86 circumstances have not materially changed since it was approved.

77.110. The council shall publish a full and detailed statement of the  
2 receipts and expenditures and indebtedness of the city at the end of each fiscal  
3 year and six months after the end of each fiscal year [in a newspaper of general  
4 circulation in the city] **on its website, if it has one. If the council does not**  
5 **have a website, the statement shall be sent at the end of each fiscal**  
6 **year and six months after the end of each fiscal year to the secretary**  
7 **of state who shall publish such statement on the legal notices website,**  
8 **established pursuant to section 493.077.** Each such statement shall be for  
9 the six-month period preceding the date of the statement.

77.220. Whenever it is deemed necessary by the council to change the  
2 name of any street or avenue, the council shall, by resolution, declare such  
3 proposed change of name necessary to be made, and shall cause such resolution  
4 to be published at least one week [in some newspaper published in the city; and]  
5 **on the front page of the council's website, if it has one. If the council**  
6 **does not have a website, notice shall be sent to the secretary of state**  
7 **who shall publish such resolution on the legal notices website,**  
8 **established pursuant to section 493.077, for a period of one week.** If,  
9 within four weeks after such publication, a majority of the resident property  
10 owners along the line of such street or avenue do not file with the city clerk their  
11 written protest against such proposed change of name, then the council shall have  
12 power by ordinance to change the name of such street or avenue in accordance  
13 with the terms of such resolution; and upon the passage and approval of such  
14 ordinance, the city clerk shall file with the recorder of deeds of the proper county  
15 a certified copy of such ordinance, and such recorder shall enter the same upon  
16 the records of such county.

77.700. 1. The county governing body of any county in which a city of the

2 third classification is located shall disincorporate the city as provided in sections  
3 77.700 to 77.715.

4 2. The county governing body shall order an election upon the question  
5 of disincorporation of a city of the third classification upon petition of twenty-five  
6 percent of the voters of the city.

7 3. The county governing body shall give notice of the election by  
8 publication [in a newspaper of general circulation published in the city or, if  
9 there is no such newspaper in the city, then in the newspaper in the county  
10 published nearest the city] **on its website, if it has one. If the governing**  
11 **body does not have a website, notice shall be sent to the secretary of**  
12 **state who shall publish such notice on the legal notices website,**  
13 **established pursuant to section 493.077.** The notice shall contain a copy of  
14 the petition and the names of the petitioners. No election on the question of  
15 disincorporation shall be held until the notice has been published for four weeks  
16 successively.

17 4. The question shall be submitted in substantially the following form:

18 Shall the city of \_\_\_\_\_ be dissolved?

19 5. Upon the affirmative vote of a majority of those persons voting on the  
20 question, the county governing body shall disincorporate the city.

78.300. All officers and employees in any such city shall be elected or  
2 appointed with reference to their qualifications and fitness and for the good of the  
3 public service, and without reference to their political faith or party affiliationsIt  
4 shall be unlawful for any candidate for office or any officer in any such city  
5 directly or indirectly to give or promise any person or persons any office, position,  
6 employment, benefit, or any thing of value, for the purpose of influencing or  
7 obtaining the political support, aid or vote of any person or persons. Every  
8 elective officer in any such city shall, within thirty days after qualifying, file with  
9 the city clerk, and publish [at least once in a daily newspaper of general  
10 circulation] **on the city clerk's website, if it has one, his or her sworn**  
11 **statement of all [his] election and campaign expenses of such officer, and by**  
12 **whom such funds were contributed. If the city clerk does not have a**  
13 **website, such statement shall be sent to the secretary of state who shall**  
14 **publish such statement on the legal notices website, established**  
15 **pursuant to section 493.077.** Any violations of the provisions of this section  
16 shall be a misdemeanor and be ground for removal from office.

78.630. 1. No initial ordinance granting any franchise, lease, right or

2 privilege in or under the streets, public thoroughfares or public places of a city  
3 operating under sections 78.430 to 78.640 shall go into effect or become operative  
4 or vest any right in the grantee or grantees, unless such grant shall first be  
5 approved by a majority of the voters voting at a municipal election at which the  
6 proposed grant is properly submitted. Any renewal or extension thereof shall be  
7 subject to voter approval of the majority of the voters voting on the question,  
8 pursuant to the provisions of section 88.251.

9         2. No ordinance or amendment or modification thereof granting any  
10 nonexclusive franchise, lease, right or privilege for not to exceed twenty years in  
11 or under the streets, public thoroughfares or public places of a city operating  
12 under sections 78.430 to 78.640 shall go into effect or become operative or vest  
13 any right in the grantee or grantees, except upon prior compliance with the  
14 following conditions:

15         (1) Before final passage of the ordinance, or amendment or modification  
16 of ordinance, by the council, the city clerk shall prepare a notice of a public  
17 hearing thereupon and cause it, along with a true copy of the ordinance, including  
18 the full text of the franchise under consideration, to be published [once a week  
19 for four consecutive weeks in a daily newspaper or for four consecutive weeks in  
20 a weekly newspaper if no daily newspaper is published in the city, the first  
21 publication to be] **on the front page of the council's website, if it has one,**  
22 at least thirty days before[, and the last publication within ten days of,] the date  
23 fixed by the city council for the public hearing. **If the council does not have**  
24 **a website, notice shall be sent at least thirty days before the date fixed**  
25 **by the city council for the public hearing to the secretary of state who**  
26 **shall publish such notice on the legal notices website, established**  
27 **pursuant to section 493.077, until the date of the hearing has passed;**

28         (2) The notice shall give the date, time and place of the public hearing,  
29 and shall contain a statement of the substance and effect of the proposed  
30 ordinance, and a further statement that the ordinance, or amendment or  
31 modification of ordinance, as introduced, or a true copy thereof, may be inspected  
32 and copied at the office of the city clerk during regular business hours;

33         (3) The public hearing shall be at a regular, adjourned or called meeting  
34 of the city council at which all interested persons will be heard in person or by  
35 attorney;

36         (4) The city council may at any time, before or after the public hearing,  
37 submit the proposed franchise, lease, right or privilege to an election by the

38 voters for their approval;

39 (5) The provisions of this subsection shall not apply in the granting of any  
40 franchise, lease, right or privilege to any utility regulated by the public service  
41 commission of the state of Missouri.

42 3. Any ordinance, however, may be amended or modified by the council of  
43 any city as to streets, alleys, or public places already occupied and used by any  
44 person, persons or corporation by and under a franchise then in existence and  
45 only as to such streets, alleys or public places used and occupied by such person,  
46 persons or corporation under a franchise then in existence, when such  
47 modifications or amendment is necessary to enable such person or corporation to  
48 enlarge, better or improve its facilities, equipment, material or structure above,  
49 upon or beneath such streets, alleys, public thoroughfares or public places then  
50 used and occupied by such person or corporation by and under a franchise then  
51 in existence, for the purpose of removing or overcoming hindrances to public  
52 service. The city council shall have the right to grant to any railroad company  
53 the right to construct switches or spur tracks to industrial plants or warehouses.

79.160. The board of aldermen shall semiannually each year, at times to  
2 be set by the board of aldermen, make out and spread upon their records a full  
3 and detailed account and statement of the receipts and expenditures and  
4 indebtedness of the city for the half year ending with the last day of the month  
5 immediately preceding the date of such report, which account and statement shall  
6 be published [in some newspaper in the city] **on the front page of the board  
7 of alderman's website, if it has one. If the board of alderman does not  
8 have a website, such account and statement shall be sent to the  
9 secretary of state who shall publish such account and statement on the  
10 legal notices website, established pursuant to section 493.077.**

79.490. 1. The county governing body of any county in which a city of the  
2 fourth class is located shall disincorporate such city as provided in this section.

3 2. The county governing body shall order an election upon the question  
4 of disincorporation of a fourth class city upon petition of twenty-five percent of  
5 the voters of the city.

6 3. The county governing body shall give notice of the election by  
7 publication [in a newspaper of general circulation published in the city or, if  
8 there is no such newspaper in the city, then in the newspaper in the county  
9 published nearest the city] **on its website, if it has one. If the governing  
10 body does not have a website, notice shall be sent to the secretary of**

11 **state who shall publish such notice on the legal notices website,**  
 12 **established pursuant to section 493.077, until the date of the election**  
 13 **has passed.** The notice shall contain a copy of the petition and the names of the  
 14 petitioners. No election on the question of disincorporation shall be held until the  
 15 notice has been published for four weeks successively.

16 4. The question shall be submitted in substantially the following form:

17 Shall the city of \_\_\_\_\_ be dissolved?

18 5. Upon the affirmative vote of a majority of those persons voting on the  
 19 question, the county governing body shall disincorporate the city.

80.200. If the notice in writing cannot be personally served in the state  
 2 as provided herein, or if the owner or owners are unknown and cannot be  
 3 personally served, the board of trustees shall cause four weeks' notice to be  
 4 published in the English language[, in some daily or weekly newspaper published  
 5 in the county in which the property or lot is situated,] **on the front page of the**  
 6 **board's website, if it has one,** setting forth all the facts required in the  
 7 written notice in section 80.190. **If the board does not have a website,**  
 8 **notice shall be sent to the secretary of state who shall publish such**  
 9 **notice on the legal notice's website, established pursuant to section**  
 10 **493.077.**

80.210. The chairman of each board of trustees shall, semiannually, make  
 2 out a correct statement of all moneys received and expended on account of their  
 3 respective towns during the six months next preceding[;] and shall cause such  
 4 statement, within ten days thereafter, to be published[, either in some newspaper  
 5 printed in the same town, or by causing copies of such statement to be put up in  
 6 six of the most public places in such town] **on the front page of the board of**  
 7 **trustee's website, if it has one. If the board of trustees does not have**  
 8 **a website, the statement shall be sent to the secretary of state who shall**  
 9 **publish such statement on the legal notices website, established**  
 10 **pursuant to section 493.077.**

80.570. 1. The county governing body of each county shall  
 2 have power to disincorporate any town or village which they may have  
 3 incorporated as provided in this section.

4 2. The county governing body shall order an election upon the question  
 5 of disincorporation of a town or village upon petition of twenty-five percent of the  
 6 voters of the town or village.

7 3. The county governing body shall give notice of the election by

8 publication [in a newspaper of general circulation published in the town or village  
9 or, if there is no such newspaper in the town or village, then in the newspaper in  
10 the county published nearest the town or village] **on the front page of its**  
11 **website, if it has one. If the county governing body does not have a**  
12 **website, notice shall be sent to the secretary of state who shall publish**  
13 **such statement on the legal notices website, established pursuant to**  
14 **section 493.077, until the date of the election has passed.** The notice shall  
15 contain a copy of the petition and the names of the petitioners. No election on the  
16 question of disincorporation shall be held until the notice has been published for  
17 eight weeks successively.

18 4. The question shall be submitted in substantially the following form as  
19 the case may be:

20 Shall the town of \_\_\_\_\_ be dissolved?; or

21 Shall the village of \_\_\_\_\_ be dissolved?

22 5. Upon the affirmative vote of a majority of those persons voting on the  
23 question, the county governing body shall disincorporate the town or village.

24 6. Any county governing body may, in its discretion, on the application of  
25 any person or persons owning a tract of land containing five acres or more in a  
26 town or village, used only for agricultural purposes, to diminish the limits of such  
27 town or village by excluding any such tract of land from said corporate limits;  
28 provided, that such application shall be accompanied by a petition asking such  
29 change and signed by a majority of the voters in such town or village. And  
30 thereafter such tract of land so excluded shall not be deemed or held to be any  
31 part of such town or village.

80.580. If the trustees appointed by the county commission under section  
2 80.040 shall fail to qualify and assume the duties of such trustees, within one  
3 year after their appointment, or if the voters of such village shall fail for one year  
4 to elect such trustees, then such village shall be disincorporated by the county  
5 commission of the county where the village is located, upon the petition of any  
6 citizen residing in such village, after the publication of notice of the presentation  
7 of such petition published **on the front page of the county commission's**  
8 **website, if it has one**, for two weeks successively prior to such application [in  
9 some newspaper in this state nearest the village]. **If the county commission**  
10 **does not have a website, notice of the presentation of the petition shall**  
11 **be sent two weeks prior to the presentation to the secretary of state**  
12 **who shall publish such notice on the legal notices website, established**

13 **pursuant to section 493.077, until the date of presentation has passed.**

81.220. Upon any ordinance [for such purpose] being introduced  
2 **pursuant to section 81.210** into the common council, the latter shall, before the  
3 passage thereof, by resolution, require the city clerk to publish a copy of the  
4 ordinance [in at least one daily newspaper published in the city, to be designated  
5 in the resolution,] **on the front page of the council's website, if it has one,**  
6 **for a period of** at least three weeks within the four weeks next after the passage  
7 of said resolution. **If the common council does not have a website, notice**  
8 **shall be sent to the secretary of state who shall publish such notice on**  
9 **the legal notices website, established pursuant to section 493.077, for**  
10 **a period of at least three weeks within the four weeks next after the**  
11 **passage of said resolution.** After such publication, proof thereof shall be made  
12 and filed with the city clerk, and, if the common council shall be satisfied that  
13 such publication has been made, it shall, by vote, so find, and the city clerk shall  
14 make a record of such finding in the book for record of the current proceedings  
15 of the common council, which record shall be conclusive evidence of the truth of  
16 the facts so found. If such ordinance be passed by the common council at the first  
17 or second regular meeting after such publication and finding, and not later, and  
18 duly approved by the mayor, the same shall thereafter be in force until repealed  
19 or altered. Any such ordinance shall be subject to amendment before such  
20 publication, but not after.

82.120. Before [such] **an** ordinance shall be passed **pursuant to section**  
2 **82.110**, the same shall be published for at least three weeks [in at least one daily  
3 newspaper published in such city, to be designated by the lawmaking authorities  
4 of such city, but the] **on the front page of the city's website, if it has one**  
5 **If the city does not have a website, the ordinance shall be sent to the**  
6 **secretary of state who shall publish such ordinance on the legal notices**  
7 **website, established pursuant to section 493.077, for at least three**  
8 **weeks.** Failure to make such publication shall in no way affect the validity of  
9 such ordinance.

82.133. 1. The county governing body of any county in which a  
2 constitutional charter or home rule city is located shall disincorporate the city as  
3 provided in sections 82.133 to [82.145] **82.148.**

2. The county governing body shall order an election upon the question  
5 of disincorporation of a constitutional charter or home rule city upon petition of  
6 twenty-five percent of the voters of the city.

7           3. The county governing body shall give notice of the election by  
8 publication [in a newspaper of general circulation published in the city or, if  
9 there is no such newspaper in the city, then in the newspaper in the county  
10 published nearest the city] **on the front page of its website, if it has one.**  
11 **If the county governing body does not have a website, notice of the**  
12 **election shall be sent to the secretary of state who shall publish such**  
13 **notice on the legal notices website, established pursuant to section**  
14 **493.077, until the date of the election has passed.** The notice shall contain  
15 a copy of the petition and the names of the petitioners. No election on the  
16 question of disincorporation shall be held until the notice has been published for  
17 four weeks successively.

18           4. The question shall be submitted in substantially the following form:  
19           Shall the city of \_\_\_\_\_ be dissolved?

20           5. Upon the affirmative vote of a majority of those persons voting on the  
21 question, the county governing body shall disincorporate the city.

84.570. 1. No person shall be appointed policeman or officer of police who  
2 shall have been convicted of any offense, the punishment of which may be  
3 confinement in the state penitentiary; nor shall any person be appointed who is  
4 not proven to be of good character, or who is not proven to be a bona fide citizen  
5 of the United States, or who cannot read and write the English language and who  
6 does not possess ordinary physical strength and courage, nor shall any person be  
7 originally appointed to said police force who is less than twenty-one years of  
8 age. Notwithstanding any other provision of law, the board shall have the sole  
9 authority to determine conditions of employment for police officers pursuant to  
10 section 84.460.

11           2. The board shall from time to time require open competitive  
12 examinations or tests for determining the qualifications and fitness of all  
13 applicants for appointment to positions on the police force. Such examinations  
14 and tests shall be practical and shall relate to matters which fairly measure the  
15 relative fitness of the candidates to discharge the duties of the positions to which  
16 they seek to be appointed. Notice of such examinations and tests shall be given  
17 not less than ten days in advance thereof by public advertisement [in at least one  
18 newspaper of general circulation in such city,] **on the front page of the**  
19 **board's website, if it has one,** and by posting notice in the police headquarters  
20 building. **If the board does not have a website, notice of the examination**  
21 **shall be sent no less than ten days in advance of the examination to the**

22 **secretary of state who shall publish such notice on the legal notices**  
23 **website, established pursuant to section 493.077, until the date of the**  
24 **examination has passed.** A list of those qualifying in such examinations shall  
25 be established, listing those qualified in order of rank. When an appointment is  
26 to be made, the appointment shall be made from such eligible list.

27 3. The board shall also establish rules for:

28 (1) Temporary employment for not exceeding sixty days in the absence of  
29 any eligible list;

30 (2) Hours of work of police employees and officers subject to the provisions  
31 of section 84.510; and

32 (3) Attendance regulations and leaves of absence.

88.027. 1. The commissioners so appointed shall give notice to all parties  
2 interested of the time and place when and where they will hear all parties  
3 interested who may appear before them, which notice need not be directed to any  
4 particular defendant or party interested, but may be general in its form, giving  
5 the number, title and date of approval of the ordinance initiating the proceedings  
6 and a description of the benefitted district by boundaries as defined in the  
7 ordinance. Such notice shall be published [in some newspaper in said city,  
8 selected by the commissioners, once each week for two consecutive weeks, the last  
9 insertion to be] **on the front page of the circuit court's website, if it has**  
10 **one, at least [one day] two weeks** before the day set for such hearing. **If the**  
11 **circuit court does not have a website, notice shall be sent at least two**  
12 **weeks prior to the date of the hearing to the secretary of state who**  
13 **shall publish such notice on the legal notices website, established**  
14 **pursuant to section 493.077, until the date of the hearing has passed.**

15 2. It shall be the duty of the commissioners to first determine the value  
16 of the property to be appropriated, and all damages caused by said appropriation;  
17 then they shall apportion the total sum to be paid for the property condemned  
18 and damages so determined among the various lots, tracts and parcels of land  
19 within the benefitted district, and the city, according to the actual benefits which  
20 they find will accrue to the various lots, tracts and parcels of land within said  
21 benefitted district and to the city at large. They shall not be required to assess  
22 any sum against any lot, tract or parcel of land within the benefitted district  
23 which they may find will not be benefitted, nor shall they be required to assess  
24 any sum against the city unless they find that the city at large will be  
25 benefitted. Any action taken by a majority of the commissioners shall be deemed

26 the act of all.

88.080. 1. In all cases where the proper authorities in any city in this  
2 state have graded or regraded, or may hereafter grade or change the grade or  
3 lines of any street or alley, or in any way alter or enlarge the same, or construct  
4 any public improvement, thereby causing damage to private property for public  
5 use, within the meaning of Section 26 of Article I of the State Constitution,  
6 without the consent of the owner of such property, or in case they fail to agree  
7 with the owner thereof for the proper compensation for the damages so done, or  
8 likely to be done or sustained by reason thereof, or if by reason of the legal  
9 incapacity of such owner, no such compensation can be agreed upon, the circuit  
10 court having jurisdiction over the territory embraced in such city on application  
11 by petition, either by the city authorities or the owner of the property for which  
12 damage is claimed, or any one on behalf of either, shall appoint three  
13 disinterested residents of such city, who shall meet upon the premises at a time  
14 by them to be appointed, of which they shall give personal notice to the owners,  
15 or their agents, of the land affected, if they can be found, as well as five days'  
16 notice by [advertisement in the newspaper doing the city printing; and]  
17 **publication on the front page of the city's website, if it has one.** The  
18 commissioners, having first been duly sworn to perform their duties justly and  
19 impartially, and a true report to make, shall view the street or alley or  
20 improvement and premises affected by the change or enlargement or construction  
21 thereof, having due regard to and making just allowances for the advantages  
22 which have resulted or which may seem likely to result to the owner or owners  
23 of property for which damages may be allowed or claimed, and after such  
24 comparison shall estimate and determine whether any, and if any, how much  
25 damages such property may have sustained, or seems likely to sustain by reason  
26 thereof, and make report of the same, and if no exceptions be filed within ten  
27 days thereafter, or in the event exceptions are filed and overruled, the court shall  
28 confirm the report and enter judgment thereon with costs, from which judgment  
29 either or any party shall be entitled to an appeal or writ of error, as in other  
30 cases.

31 **2. If the city does not have a website, notice required to be sent**  
32 **pursuant to subsection 1 of this section shall be sent at least five days**  
33 **prior to the meeting to the secretary of state who shall publish such**  
34 **notice on the legal notices website established pursuant to section**  
35 **493.077, until the date of the meeting has passed.**

36           **3.** If the proceedings seek to affect the lands of persons under  
37 conservatorship, the conservators must be made parties; if the lands of married  
38 persons, their spouses must be made parties; if the possessor of lands to be  
39 affected has an estate less than a fee, the person having the next vested estate  
40 in remainder or reversion must, if known, be made a party. It shall not be  
41 necessary to make any persons parties in respect to their ownership unless they  
42 are in actual possession of the premises to be affected, or have a title to the  
43 premises appearing of record.

44           **[3.] 4.** The petition shall set forth the general nature of the work or  
45 improvement causing damage to private property for public use as aforesaid,  
46 together with all the facts necessary to give the court jurisdiction in the premises,  
47 the names of the owners of the several lots or parcels of land to be affected  
48 thereby, if known, or if unknown, a correct description of the parcels whose  
49 owners are unknown. The petition may be presented to the circuit court.

50           **[4.] 5.** Upon filing the petition a summons shall be issued, giving the  
51 defendants at least ten days' notice of the time when the petition will be heard,  
52 which summons shall be served in the same manner as writs of summons are or  
53 may be by law required to be served. If the name or residence of the defendants,  
54 or any of them, be unknown, or if they, or any of them, do not reside within the  
55 state, notice of the time of hearing the petition, reciting the substance of the  
56 petition, and the day fixed for the hearing thereof, shall be given by publication  
57 for four weeks consecutively prior to the time of the hearing of the petition, in the  
58 papers doing the city printing, and the court on being satisfied that due notice of  
59 the pending of the petition has been given, shall make the above appointment of  
60 commissioners.

61           **[5.] 6.** The city authorities shall, before the filing of such petition, define  
62 by ordinance the limits within which private property is deemed benefitted by the  
63 change, enlargement, grading, regrading or improvement aforesaid, and the  
64 owners of the private property within such limits shall be made parties  
65 defendants, as provided in this section, and served with notice and process as  
66 provided in this section.

          88.110. Before any ordinance making provision for such reassessment, or  
2 the creation of such assessment district, shall be put upon its passage, the board  
3 of aldermen, or other local legislative body before which it is pending, shall  
4 appoint a day upon which it will hear and consider any and all objections to such  
5 ordinance and shall give public notice of the time and place and matter thus to

6 be considered, which said notice shall be addressed to all persons interested; shall  
7 set forth in full the pending ordinance; shall state that at the appointed time and  
8 place all landowners within the assessment district defined by said ordinance,  
9 and all other persons interested, may appear before said legislative body and be  
10 heard upon all matters pertinent to said ordinance; and shall be published [once  
11 a week for two weeks, the last publication to be] at least [one week] **two weeks**  
12 before such day of hearing, [in some newspaper of general circulation published  
13 in the city wherein said ordinance is pending, or if there be no newspaper  
14 published in said city, then in the county wherein said city is situated] **on the**  
15 **front page of the board of alderman or legislative body's website, if it**  
16 **has one. If the board or legislative body does not have a website, notice**  
17 **shall be sent at least two weeks before the day of hearing to the**  
18 **secretary of state who shall publish such notice on the legal notices**  
19 **website, established pursuant to section 493.077, until the day of**  
20 **hearing has passed.** After said hearing has been had, said ordinance may be  
21 passed, rejected or amended as justice may require.

88.520. 1. Before the city council shall be authorized, under the  
2 provisions of sections 88.507 and 88.510, to grade or pave any alley, or to grade,  
3 pave or gutter the roadway part of any street, when the improvement is to be  
4 paid for with special tax bills, they shall, by resolution, declare that they deem  
5 such improvement necessary to be made, and shall cause such resolution to be  
6 published [in some newspaper printed and published in the city, for two  
7 consecutive insertions in a weekly paper, or seven consecutive insertions in a  
8 daily paper, and] **on the front page of the city council's website, if it has**  
9 **one, for a period of two weeks. If the city council does not have a**  
10 **website, the resolution shall be sent to the secretary of state who shall**  
11 **publish such resolution on the legal notices website, established**  
12 **pursuant to section 493.077, for a period of two weeks.** If a majority of the  
13 resident owners of the lands that would be liable for the cost of the improvement,  
14 at the date of the passage of the resolution, who shall own a majority of the front  
15 feet owned by residents of the city, abutting on the street or part of street  
16 proposed to be improved, shall not within ten days after the date of the [last]  
17 publication file with the city clerk their protest against such improvement, then  
18 the council shall have the power to cause the improvement to be made; and if the  
19 council shall find and declare by ordinance that no such majority have so filed  
20 such protest, such finding and declaration shall be conclusive, after the execution

21 of the contract for the making of the improvement, and thereafter no special tax  
22 bill shall be held invalid for the reason that a protest sufficiently signed was filed  
23 with the clerk.

24         2. The council shall have full power to make all provisions deemed  
25 necessary for the making of contracts by the city, for the doing of all the work  
26 necessary in making the improvements herein specified, but all such contracts  
27 shall be let to the lowest and best bidder, upon advertisement for bids, published  
28 [by two consecutive insertions in a weekly paper or seven consecutive insertions  
29 in a daily paper in some newspaper published in the city] **on the front page of**  
30 **the council's website, if it has one, for a period of two weeks. If the**  
31 **council does not have a website, the advertisement for bids shall be**  
32 **sent to the secretary of state who shall publish such advertisement on**  
33 **the legal notices website, established pursuant to section 493.077, for**  
34 **a period of two weeks.**

35         3. But before the city shall make any contract for any of said  
36 improvements excepting repairs, an estimate of the cost thereof shall be made by  
37 the city engineer, and in case there be no city engineer, such estimate shall be  
38 made by some other person designated by ordinance. Such estimate shall be filed  
39 with the city clerk and no contract shall be made for a price exceeding such  
40 estimate.

41         4. The council shall have the power to require any contractor doing work  
42 to guarantee that an improvement will last for a specified term of years, and  
43 during such term will be kept in repair, and to require the contractor to give to  
44 the city approved bonds for the faithful performance of any obligation.

45         5. The council shall have the power to repair any sidewalk, curbing,  
46 guttering or paving without letting any contract for such work, but can have such  
47 work done in such manner as may be provided for by ordinance. When such work  
48 is done by the city, not through a contractor, the tax bills shall be issued to the  
49 city and the city shall have the same power to collect such tax bills as other  
50 owners of tax bills.

88.640. The council may provide by ordinance for sprinkling and cleaning,  
2 or either or both, the streets and avenues, or any part thereof of the city, and may  
3 assess the cost and expense thereof as a special tax upon all real estate abutting  
4 upon the street or avenue, or part thereof, sprinkled or cleaned, in proportion to  
5 the front foot, and may issue, or cause to be issued, special tax bills therefor,  
6 which shall be a lien on such real estate until paid; provided, that before any

7 such assessment shall be made, the council shall pass a resolution declaring such  
8 street sprinkling or cleaning necessary to be done, and shall cause such resolution  
9 to be published at least one week [in some newspaper published in the city, and]  
10 **on the front page of the council's website, if it has one. If the council**  
11 **does not have a website the resolution shall be sent to the secretary of**  
12 **state who shall publish such resolution on the legal notices website,**  
13 **established pursuant to section 493.077, for a period of at least one**  
14 **week.** If a majority of the resident owners of the property abutting upon such  
15 street or avenue, or part thereof, proposed to be sprinkled or cleaned, shall not,  
16 within ten days thereafter, file with the clerk of said city their protest against  
17 such sprinkling or cleaning, then the council shall have power to contract therefor  
18 and cause the same to be done; provided further, however, that in no case shall  
19 the cost of such sprinkling or cleaning exceed five cents each per front foot per  
20 month upon the property abutting upon such street or avenue, or part  
21 thereof. The method of making said assessments and collecting the same shall  
22 be provided by ordinance.

88.653. Whenever the council or other legislative body of such city shall  
2 deem such improvement necessary to be done, whether on petition or otherwise,  
3 it shall by ordinance declare such improvement necessary to be done together  
4 with the reason therefor and shall cause plans and specifications for such work  
5 and improvement together with an estimate of the cost thereof, to be prepared by  
6 the city engineer or other proper officer and filed with the city clerk of such city  
7 subject to inspection of public, [which]. Said ordinance shall also set out in detail  
8 the course along which the water main pipes are to be laid, the depth, the  
9 dimensions of the pipe, the source and the termination thereof, together with the  
10 necessary valves and other equipment and appurtenances in connection with the  
11 said pipe [and cause said]. **The ordinance [to] shall be published [in some**  
12 **newspaper printed in the city] on the front page of the council's website,**  
13 **if it has one. If the council does not have a website, the ordinance shall**  
14 **be sent to the secretary of state who shall publish such ordinance on**  
15 **the legal notices website, established pursuant to section 493.077.**

88.657. The ordinance shall provide that after the publication thereof, the  
2 owners of the property affected by the improvement shall have thirty days from  
3 the date of the publication to make and complete the improvement provided for  
4 in the ordinance under direction of the city engineer and in conformity with the  
5 plans and specifications filed as provided for in section 88.653. At the end of said

6 thirty days the owners of the land affected by the improvement shall cease to  
7 have a right to make the improvement by private contract and the council or  
8 other legislative body shall have power to cause a contract for said work to be let  
9 to the lowest and best bidder, on the plans and specifications filed as aforesaid  
10 with the city clerk by the city engineer or other proper officer, not less than one  
11 week's advertisement for bids thereon being made [in some newspaper published  
12 in the city] **on the front page of the council or other legislative body's**  
13 **website, if it has one. If the council or other legislative body does not**  
14 **have a website, the advertisement for bids shall be sent to the secretary**  
15 **of state who shall publish such advertisement on the legal notices**  
16 **website, established pursuant to section 493.077, for a period of at least**  
17 **one week.** Where the bids for said work are above the estimates, or no bids are  
18 presented, or where bids presented are for any reason rejected, or where the  
19 contractor to whom the contract is awarded fails to enter into a written contract  
20 for the performance of said contract, or to execute the bonds required by  
21 ordinance within the time provided therefor, the council or other legislative body  
22 shall direct the clerk to readvertise for bids. All county or other public property,  
23 cemeteries or railroad rights-of-way shall be subject to assessments as provided  
24 for by sections 88.787 and 88.790, relating to such lands.

88.700. When the board of aldermen shall deem it necessary to pave,  
2 macadamize, gutter, curb (when such is set out in the street beyond the sidewalk)  
3 or otherwise improve any street, avenue, alley or other highway, or any part  
4 thereof, within the limits of the city for which a special tax is to be levied as  
5 herein provided, the board of aldermen shall, by resolution, declare the work or  
6 improvements necessary to be done, and cause the resolutions to be published [in  
7 some newspaper published in the city for seven consecutive insertions in a daily  
8 paper or two consecutive insertions in a weekly paper] **on the front page of the**  
9 **board's website, if it has one, for a period of two weeks. If the board**  
10 **does not have a website, the resolution shall be sent to the secretary of**  
11 **state who shall publish such resolution on the legal notices website,**  
12 **established pursuant to section 493.077, for a period of two weeks.** If a  
13 majority of the owners of the property liable to taxation therefor, residing in the  
14 city at the date of the passage of such resolution, shall not, within ten days from  
15 the date of the [last insertion] **publication** of the resolution, file with the city  
16 clerk their protest against, then the board of aldermen may cause the  
17 improvements to be made, and to contract therefor, and to levy the tax as herein

18 provided. The findings of the board that a majority of such owners have not filed  
19 protest shall be conclusive and final. No publication shall be necessary for the  
20 making of any sidewalks, but upon the petition of any ten citizens of the city the  
21 board of aldermen may make contracts for the construction of sidewalks,  
22 including grading therefor, with or without curbing, along any street, avenue or  
23 other public highway, or any part thereof whatever. The contract shall be let to  
24 the lowest and best bidder, upon plans and specifications filed therefor by the city  
25 engineer or other officer designated by the board of aldermen, with the city clerk,  
26 not less than one week's advertisement for bids thereupon being made [in some  
27 newspaper published in the city] **on the front page of the board's website,**  
28 **if it has one. If the board does not have a website, the advertisement**  
29 **for bids shall be sent to the secretary of state who shall publish such**  
30 **advertisement on the legal notices website, established pursuant to**  
31 **section 493.077, for a period of at least one week.** When upon proper  
32 advertisement no bid is received, the board of aldermen may proceed as provided  
33 in section 88.826.

88.787. When the council of any city having less than thirty thousand  
2 inhabitants and having a special charter shall deem it necessary to pave,  
3 macadamize, gutter, curb, grade or otherwise improve the roadway of any street,  
4 avenue or alley, or other highway, or any part thereof, within the limits of the  
5 city, for which a special tax is to be levied as provided in section 88.777, the  
6 council shall, by resolution, declare such work or improvements necessary to be  
7 done, and shall cause plans and specifications for such work and improvements,  
8 together with an estimate of the cost thereof, to be prepared by the city engineer  
9 or other proper officer, and filed with the city clerk of such city, subject to the  
10 inspection of the public, and shall cause such resolution to be published [in some  
11 newspaper printed in the city for two consecutive insertions in a weekly paper or  
12 seven consecutive insertions in a daily paper and] **on the front page of the**  
13 **council's website, if it has one, for a period of two weeks. If the council**  
14 **does not have a website, the ordinance shall be sent to the secretary of**  
15 **state who shall publish such ordinance on the legal notices website,**  
16 **established pursuant to section 493.077, for a period of two weeks.** If a  
17 majority of the resident owners of the property liable to taxation therefor, at the  
18 date of the passage of such resolution, who shall own a majority of the front feet  
19 owned by residents of the city abutting on the street, avenue or alley proposed to  
20 be improved, shall not, within ten days thereafter, file with the clerk of the city,

21 their protest against such improvements, then the council shall have power to  
22 cause a contract for said work to be let to the lowest and best bidder, on the plans  
23 and specifications filed as aforesaid with the city clerk by the city engineer or  
24 other proper officer[, not less than one week's advertisement for bids thereon  
25 being made in some newspaper published in the city]. **Advertisement of bids**  
26 **shall be published on the front page of the council's website, if it has**  
27 **one, for a period of at least one week. If the council does not have a**  
28 **website, the advertisement shall be sent to the secretary of state who**  
29 **shall publish such advertisement on the legal notices website,**  
30 **established pursuant to section 493.077, for a period of at least one**  
31 **week.** Where the bids for said work are above the estimates, or no bids are  
32 presented, or where the bids presented are for any reason rejected, or where the  
33 contractor to whom the contract is awarded fails to enter into a written contract  
34 for the performance of said contract, or to execute the bonds required by  
35 ordinance within the time provided therefor, the council may readvertise for  
36 bids. When the council shall by ordinance find and declare that a majority of the  
37 resident owners of the property liable to taxation therefor, who shall also own a  
38 majority of the front feet owned by residents of the city abutting on the street or  
39 alley, proposed to be improved, have not filed with the city clerk a protest against  
40 such improvement, such finding and declaration shall be conclusive after the  
41 execution of the contract for said improvement, and no special tax bill shall be  
42 held invalid for the reason that a protest sufficiently signed was filed with the  
43 city clerk.

88.808. If the notice in writing cannot be personally served in the state  
2 as provided in section 88.806, or if the owner or owners are unknown and cannot  
3 be personally served, the council shall cause four weeks' notice to be published  
4 in the English language[, in some daily or weekly newspaper published in the  
5 county in which the property or lot is situated,] **on the front page of its**  
6 **website, if it has one, setting forth all the facts required in the written notice**  
7 **in section 88.806. If the council does not have a website, notice shall be**  
8 **sent to the secretary of state who shall publish such notice on the legal**  
9 **notices website, established pursuant to section 493.077, for a period of**  
10 **four weeks.**

88.812. In all third class cities, fourth class cities, towns and villages, and  
2 all cities having a constitutional charter or a special charter, the assessments  
3 made for constructing and repairing sidewalks and sidewalk curbing, and for

4 sewers, and for grading, paving, excavating, macadamizing, curbing and guttering  
5 of any street, avenue, alley, square, or other highway, or part thereof, and  
6 repairing the same, or for any other improvement authorized by sections 88.497  
7 to 88.663, and sections 88.667 to 88.773, and sections 80.090 to 80.560, and  
8 sections 88.777 to 88.797, and sections 88.811 to 88.861, shall be known as  
9 "special assessments for improvements", and shall be levied and collected as a  
10 special tax, and a special tax bill shall issue therefor and be paid in the manner  
11 provided by ordinance. The legislative body of such city, town or village shall  
12 cause plans and specifications for all projects, together with an estimate of the  
13 total cost for the projects, including construction, construction contingency and  
14 fees and other expenses, and an estimate of the portion of the total cost to be  
15 assessed against each property to be benefitted by the project, to be prepared by  
16 the city engineer or other proper officer, and filed with the clerk of such city, town  
17 or village, subject to the inspection of the public, and shall cause notice thereof  
18 to be published [in some newspaper printed in the county for two consecutive  
19 insertions in a weekly paper, and for seven consecutive insertions in a daily  
20 paper] **on the front page of the legislative body's website, if it has one,**  
21 **for a period of two weeks. If the legislative body does not have a**  
22 **website, notice shall be sent to the secretary of state who shall publish**  
23 **such notice on the legal notices website, established pursuant to section**  
24 **493.077, for a period of two weeks.** A public hearing shall be had before such  
25 legislative body upon the request of three or more citizens of such city, town or  
26 village, at which hearing citizens may express their assent or objection to such  
27 project. These special tax bills may include a reasonable construction contingency  
28 and an amount not to exceed twenty percent of the total cost of the improvement  
29 to be used for payment of fees and other expenses, and tax bills may bear interest  
30 not to exceed the rate on ten-year United States treasury notes as established at  
31 the most recent auction; all the tax bills shall become due and payable sixty days  
32 after the date of issue thereof, except in the case of tax bills payable in  
33 installments as herein provided; and, every special tax bill shall be a lien against  
34 the lot or tract or parcel of land described in said special tax bill for a period of  
35 ten years after date of issue, unless sooner paid, except in the case of special tax  
36 bills payable in installments, the lien of which shall not expire until one year  
37 after the date of maturity of the last installment, and except in any case where  
38 it becomes necessary to bring a suit to enforce the lien of any special tax bill, the  
39 lien of which shall continue until the expiration of the litigation. Notwithstanding

40 the provisions of this section, a constitutional charter city may provide for special  
41 assessments for constructing and repairing sidewalks and sidewalk curbing, and  
42 for sewers, and for grading, paving, excavating, macadamizing, curbing and  
43 guttering of any street, avenue, alley, square or other highway, or part thereof,  
44 and repairing the same, upon such terms, conditions and procedures as are set  
45 forth in its own charter or ordinances.

88.815. 1. Any city authorized to make assessments and issue special tax  
2 bills under section 88.812 may issue assessment notes secured by a special fund  
3 into which the city has deposited the special tax bills, and the proceeds of any  
4 assessment notes issued to fund a reserve, and other funds to provide additional  
5 security for the noteholders as shall be available for such purposes. A city  
6 issuing such assessment notes shall assign to the special fund for the benefit of  
7 the holders or registered owners of the assessment notes, or to a trustee for the  
8 holders or registered owners of such notes, the special tax bills evidencing the tax  
9 liens provided for in section 88.103. Proceeds from the special tax bills so  
10 deposited shall be used only for the payment of the assessment notes issued for  
11 the particular improvement.

12 2. Assessment notes issued under authority of sections 88.811 to 88.815  
13 shall be payable solely from the assessments derived or to be derived from the  
14 special tax bills issued for the particular improvement and from such other funds  
15 as deposited in the special fund. No assessment notes issued pursuant to sections  
16 88.811 to 88.815 shall constitute an indebtedness of the city, town or village  
17 within the meaning of any constitutional, statutory or charter restriction,  
18 limitation or provision. The face of each assessment note shall state in substance  
19 that the note has been issued under the provisions of sections 88.811 to 88.815,  
20 that the general taxing power of the city, town or village issuing the note is not  
21 pledged to the payment thereof either as to principal or interest and that the note  
22 and the interest thereon are payable solely from the special fund as established  
23 pursuant to subsection 1 of this section.

24 3. Any city, town or village issuing assessment notes is authorized to  
25 covenant with the holders of such notes that it will diligently and faithfully  
26 enforce and collect all the special assessments and interest and penalties thereon  
27 arising from the special tax bills and tax liens deposited into the special fund for  
28 the particular improvement; to foreclose such tax liens so assigned to such special  
29 fund or represented by the special tax bills deposited in the special fund, after  
30 such tax liens have become delinquent, and deposit the proceeds derived from

31 such foreclosure, including interest and penalties, in such special funds; and to  
32 make any other covenants deemed necessary or advisable in order to properly  
33 secure the holders of such assessment notes.

34 4. (1) Notwithstanding the provisions of section 108.170, all such  
35 assessment notes shall be sold at public sale as provided in subdivision (2) of this  
36 [section] **subsection** or shall be sold at negotiated sale if the governing body of  
37 the issuer shall determine a negotiated sale is in the best interest of the issuer.If  
38 the governing body determines it is in the best interest of the issuer to sell such  
39 assessment notes at negotiated sale, the specific reasons for concluding a  
40 negotiated sale is in the best interest of the issuer shall be recited in the  
41 ordinance or resolution authorizing the negotiated sale.

42 (2) Notice of the public sale of assessment notes shall contain the  
43 following:

44 (a) The name of the issuer;

45 (b) The issue date, maturity dates, amounts to mature on each maturity  
46 date, and interest payment dates;

47 (c) The time, date and place where bids will be received;

48 (d) The name, address and telephone number of a person from whom  
49 additional information may be obtained; and may contain additional information.

50 (3) Notice of the public sale of assessment notes shall be given by  
51 publication [in at least one newspaper of general circulation within the bounds  
52 of the issuer of the assessment notes] **on the front page of the city's website,**  
53 **if it has one. If the city does not have a website, notice of the public**  
54 **sale of assessment shall be sent to the secretary of state who shall**  
55 **publish such notice on the legal notices website, established pursuant**  
56 **to section 493.077.** Such notice shall be published not more than twenty-five  
57 days nor less than ten days prior to the date of assessment note sale. The issuer  
58 may provide such additional notice of the assessment note sale as it deems  
59 desirable.

60 (4) The governing body of an issuer may reject any and all bids received  
61 for assessment notes offered at public sale. If the governing body rejects such  
62 bids, the assessment notes offered may be sold at negotiated sale at any time  
63 within thirty days after the date advertised for the receipt of bids provided the  
64 negotiated sale results in a lower net interest cost in dollars over the life of the  
65 issue to the issuer than the best bid received at the public sale.

88.880. 1. The city council may, by ordinance, provide for the building of

2 any sidewalk or for the rebuilding and reconstruction of the same, including  
3 grading and filling therefor, and including the removal of any obstructions, and  
4 including approaches (as defined in section 88.867) at corner lots, and including  
5 the grading or parking of that portion of the street lying between the property  
6 line and the street curb line, by contract, and levy a special assessment against  
7 each lot or tract along which such work is done, for the cost thereof, as provided  
8 in section 88.890; provided, however, that no such contract shall be let until the  
9 plans and specifications for said work have been adopted by ordinance (provided  
10 that such adoption may be by reference to general plans and specifications, which  
11 have already been adopted by ordinance by said city).

12 2. [And] No contract shall be let until an advertisement for bids for the  
13 doing of said work has been published [in at least one issue of a weekly  
14 newspaper or at least two consecutive issues of a daily newspaper, published in  
15 said city, or if there be no paper published in said city, in some newspaper  
16 published in the county in which said city is located, and] **on the front page of**  
17 **the city council's website, if it has one, for a period of at least one**  
18 **week. If the city council does not have a website, notice shall be sent**  
19 **to the secretary of state who shall publish such notice on the legal**  
20 **notices website, established pursuant to section 493.077, for a period of**  
21 **at least one week.** The date for the opening of said bids shall be at least ten  
22 days after the date of the [first] publication of said advertisement for bids[; and  
23 provided further, that]. Before the [said] bids are opened, the city engineer, or  
24 other proper person designated by ordinance by the city council, shall prepare  
25 and file an estimate showing the estimated quantities of grading, filling and of  
26 the various materials required for the sidewalk in front of each separate lot, tract  
27 or parcel of ground, and an estimate of the cost of said work per cubic yard or per  
28 square yard, as the case may be, and an estimate of the cost of the removal of any  
29 obstruction; and no contract shall be let for a price in excess of the said estimate  
30 of the cost.

31 3. After the bids are opened by the city council, the said city council shall  
32 let the contract for said work to the lowest and best responsible bidder, and in  
33 case there are no bids received, or that all bids are rejected for any reason, the  
34 city council may readvertise for bids for said work, or may, by ordinance, order  
35 and require the city engineer or other proper person to build and construct said  
36 sidewalk or do the other work as herein contemplated, according to the  
37 specifications adopted therefor (provided, however, that the cost of said work

38 shall not exceed the estimate of the city engineer previously filed), keeping an  
39 accurate account of the cost of the separate items thereof, and the city council  
40 shall pay for the labor and material and all other costs of said work out of any  
41 funds which they may have on hand available for such purpose; and at the  
42 completion of said work (either by contract or by the city, as last provided) shall  
43 levy the cost thereof as a special assessment against the lot, tract or parcel of  
44 ground along which each of said sidewalks or other improvements is made in the  
45 manner as provided in section 88.890.

88.887. 1. The city council of any city coming within the purview of  
2 sections 88.863 to 88.913 may, when deemed necessary or expedient, divide said  
3 city or any portion thereof into sidewalk districts, by ordinance, and may adopt  
4 plans and specifications for the building of all sidewalks within said district or  
5 districts, and may advertise for bids and award a contract to the lowest and best  
6 responsible bidder for the building and construction of all sidewalks which may  
7 be ordered built by the city council within said district for the next ensuing  
8 year. [Said] Advertisement for bids shall be published [in at least one issue of  
9 a weekly newspaper or at least two consecutive issues of a daily newspaper  
10 published in said city, or if there be no newspaper published in said city, may be  
11 published in any newspaper within such county in which said city is located] **on**  
12 **the front page of the city council's website, if it has one, for a period of**  
13 **at least one week. If the city council does not have a website, the**  
14 **advertisement for bids shall be sent to the secretary of state who shall**  
15 **publish such advertisement on the legal notices website, established**  
16 **pursuant to section 493.077, for a period of at least one week.**

17 2. And before the bids are opened or any contract let, the city engineer,  
18 or other proper person designated by the city council, by ordinance, shall prepare  
19 and submit to the city council an estimate of the cost of said sidewalk, including  
20 approaches, grading and parking, material, etc., which estimate shall be the price  
21 per cubic yard or square yard, as the case may be, for the finished improvement;  
22 and no contract shall be let for a price in excess of said estimate. And the cost  
23 of all sidewalks, approaches, parking or other improvement herein contemplated  
24 shall be, on their completion, levied as a special assessment against the lot, tract  
25 or parcel of ground along and in front of which said improvement is made, as  
26 provided in section 88.890.

88.917. Every city now having or which may at any time hereafter have  
2 a population of three hundred thousand inhabitants or over shall have at all

3 times the power to establish the grade and change the grade already established  
4 of any street, alley, avenue, public highway or public place, or any part thereof,  
5 as often as it may be deemed best for the public interest, and to cause the same  
6 or any part thereof to be graded to the established grade or to any change  
7 thereof. [Provided, however, that] When a change is proposed to be made in the  
8 grade of any street, alley, avenue, public highway or public place, or any part  
9 thereof, which has once been established, the city shall by ordinance declare the  
10 work of improvement to be necessary, and cause such ordinance, or the substance  
11 thereof, to be published [in the newspaper doing the city printing,] **on the front**  
12 **page of the city's website, if it has one,** for ten days, Sundays included. **If**  
13 **the city does not have a website, the ordinance shall be sent to the**  
14 **secretary of state who shall publish such ordinance on the legal notices**  
15 **website, established pursuant to section 493.077, for a period of at least**  
16 **ten days, Sundays included.** Unless the resident owners of the city who shall  
17 own the majority in front feet of all the lands belonging to such residents fronting  
18 on the street, alley, avenue, public highway, public place, or part thereof to be  
19 improved, within thirty days after the [first day of the] publication of such  
20 ordinance, file with the city register their remonstrance against the proposed  
21 change, then the ordinance to cause the proposed change to be made shall become  
22 effective. [Provided further, however, that] When the charter of any such city  
23 shall require that such ordinance shall, before being passed, be recommended by  
24 a board of public improvements, or other authority of such city, then the same  
25 shall, before being passed, be recommended as therein required. If the  
26 remonstrance of the resident property owners above mentioned shall be filed with  
27 the city register, as herein provided, the ordinance to make the proposed change  
28 in the grade of such street, alley, avenue, public highway or public place, or any  
29 part thereof, shall not become effective until a sufficient number of the persons  
30 so remonstrating or their grantees shall, in writing, withdraw their names or the  
31 property represented by them from such remonstrance, so that said remonstrance  
32 shall cease to represent a majority of the resident owners as above provided.

89.145. 1. Any constitutional charter city having a population of more  
2 than thirty-five thousand inhabitants, located in any county of the first class not  
3 having a charter form of government or in any county of the second class, may,  
4 by ordinance, adopt and enforce any and all regulations governing zoning,  
5 planning, subdivision and building within all unincorporated area extending up  
6 to two miles outward from the corporate limits of the city if the city has a zoning

7 commission and a board of adjustment established pursuant to sections 89.010  
8 to 89.140. When authorized by ordinance, the zoning commission and the board  
9 of adjustment of the city shall have the same powers within the above county as  
10 they have within the corporate limits of the city.

11 2. The ordinances, before passage, must be approved by order of a  
12 majority of the county commission of the county in which the city is located and  
13 the ordinances shall not be more, but may be less, restrictive than the ordinances  
14 governing zoning, planning, subdivision and building within the corporate limits  
15 of the city. Before the approval of the ordinance, the county commission shall  
16 hold at least one public hearing thereon[, fourteen days' notice of the time and  
17 place of which shall be published in at least one newspaper having general  
18 circulation within the county; the notice of such hearing shall also be posted at  
19 least fourteen days in advance thereof in one or more public areas of the  
20 courthouse of the county]. **Notice of such hearing shall be published on**  
21 **the front page of the city's website, if it has one, at least fourteen days**  
22 **prior to the hearing. If the city does not have a website, notice shall be**  
23 **sent at least fourteen days prior to the hearing to the secretary of state**  
24 **who shall publish such notice on the legal notices website, established**  
25 **pursuant to section 493.077, until the date of the hearing has**  
26 **passed.** Such hearing may be adjourned from time to time.

27 3. In the event the county in which such city is located creates a county  
28 planning commission and the planning commission adopts an official master plan  
29 for the unincorporated areas of the county in accordance with the authority  
30 granted by sections 64.211 to 64.295 or by sections 64.510 to 64.690, the authority  
31 granted such constitutional charter city under the terms of this section shall  
32 terminate.

89.360. The commission may adopt the plan as a whole by a single  
2 resolution, or, as the work of making the whole city plan progresses, may from  
3 time to time adopt a part or parts thereof, any part to correspond generally with  
4 one or more of the functional subdivisions of the subject matter of the  
5 plan. Before the adoption, amendment or extension of the plan or portion thereof  
6 the commission shall hold at least one public hearing thereon. Fifteen days'  
7 notice of the time and place of such hearing shall be published [in at least one  
8 newspaper having general circulation within the municipality] **on the front**  
9 **page of the commission's website, if it has one. If the commission does**  
10 **not have a website, notice shall be sent fifteen days prior to the hearing**

11 **to the secretary of state who shall publish such notice on the legal**  
12 **notices website, established pursuant to section 493.077, until the date**  
13 **of the hearing has passed.** The hearing may be adjourned from time to  
14 time. The adoption of the plan requires a majority vote of the full membership  
15 of the planning commission. The resolution shall refer expressly to the maps,  
16 descriptive matter and other matters intended by the commission to form the  
17 whole or part of the plan and the action taken shall be recorded on the adopted  
18 plan or part thereof by the identifying signature of the secretary of the  
19 commission and filed in the office of the commission, identified properly by file  
20 number, and a copy of the plan or part thereof shall be certified to the council and  
21 the municipal clerk, and a copy shall be available in the office of the county  
22 recorder of deeds and shall be available at the municipal clerk's office for public  
23 inspection during normal office hours.

91.130. 1. The proposition so submitted by the said person, firm or  
2 corporation shall be in writing, and shall state the price at which the city may  
3 acquire the property, and shall contain an agreement to accept in payment of  
4 such price the bonds provided for by sections 91.090 to 91.300, which bonds shall  
5 not create any personal or general liability on the part of the city, or the persons  
6 signing the same, for the payment of the bonds, nor shall the city be liable to pay  
7 for the city waterworks system other than by the execution and delivery of bonds  
8 as provided in said sections. In case the waterworks system is owned by a  
9 corporation, the proposition submitted by it to the city shall be authorized by the  
10 board of directors of the corporation, and also shall have the consent of a majority  
11 of the stockholders of the corporation owning the waterworks system and a  
12 majority of the bondholders thereof, which consent shall be obtained at a meeting  
13 of the stockholders of the corporation in pursuance to notice published for three  
14 weeks [in a newspaper published in the city where the corporation is located,] **on**  
15 **the front page of the city's website, if it has one,** signed by the president  
16 or the secretary of the corporation, stating the object of the meeting[; and by a].  
17 **If the city does not have a website, notice shall be sent three weeks**  
18 **prior to the meeting to the secretary of state who shall publish such**  
19 **notice on the legal notices website, established pursuant to section**  
20 **493.077, until the date of the meeting has passed.** Written notice shall  
21 **additionally be** addressed to each stockholder at his **or her** usual place of  
22 residence, postage prepaid and deposited in the United States post office, ten  
23 days before the meeting.

24           2. The deed to said waterworks property shall be placed in escrow when  
25 the proposition is made to the city, and the person, firm or corporation submitting  
26 such proposition shall, at the time of submitting the same, deposit with the city  
27 clerk a sum sufficient to defray the expenses of the election held to vote on such  
28 proposition. The city shall be the grantee in said deed, which deed shall convey  
29 to it the title to said property, subject to the payment of the bonds provided for  
30 in said sections, given for the purchase price thereof, and the deed may contain  
31 the following reservation, to wit:

32           The power is reserved in the members of the board of waterworks  
33 commissioners and their successors in office to convey the property  
34 hereby conveyed — in case of default in the payment of the bonds  
35 or interest coupons provided for in sections 91.090 to 91.300, RSMo,  
36 authorizing the city to purchase a waterworks system and issue  
37 bonds in payment therefor, as is provided in said sections; that is  
38 to say: That in case of default in the payment of said bonds and  
39 interest coupons, the property hereby conveyed shall be conveyed  
40 by said board of waterworks commissioners by deed of conveyance  
41 to the bondholders, to be held by them in the relative proportion  
42 that the bonds held by each shall bear to the entire bond issue;  
43 provided, that said property may be conveyed to a trustee  
44 designated by a majority of the bondholders to be held for the use  
45 of all the bondholders in the proportion aforesaid. The power  
46 hereby reserved in said board of waterworks commissioners is to be  
47 irrevocable, and the city, by the acceptance of this deed, hereby  
48 recognizes such irrevocable power in said board of waterworks  
49 commissioners for the purpose of securing the payment of said  
50 bonds and coupons.

51           3. At the time of the delivery of the deed, the delivery thereof shall be  
52 accompanied with at least a majority of the bonds of the corporation, if there are  
53 any outstanding bonds; and in case all of the bonds are not delivered, the person,  
54 firm or corporation so making the deed to the city shall deposit sufficient money  
55 in the depositary selected for the waterworks system, as herein provided in said  
56 sections, to pay off any such outstanding bonds as are not delivered at the time  
57 of the delivery of the deed, so that the city will receive the property free and clear  
58 of all liens, and subject to no lien except the lien of the bonds given by the city,  
59 as provided in said sections for the purchase price thereof.

91.670. Revenue bonds issued under sections 91.620 to 91.770 shall bear  
2 interest at such rate or rates not exceeding six percent per annum, payable  
3 semiannually, may be in one or more series, may bear such date or dates, may  
4 mature at such time or times not exceeding forty years from their respective  
5 dates, may be payable in such medium of payment, at such place or places, may  
6 carry such registration privileges, may be subject to such terms of redemption,  
7 may be executed in such manner, may contain such terms, covenants and  
8 conditions, and may be in such form, either coupon or registered, as such  
9 ordinance or resolution or subsequent ordinances or resolutions may  
10 provide. Such bonds shall be deemed valid and negotiable without being  
11 presented to the state auditor for registration and certification. Sections 108.240  
12 and 108.250 shall not apply to bonds issued hereunder, and said bonds shall be  
13 sold at not less than par. Said bonds may be sold at private sale to the United  
14 States of America or any agency, instrumentality or corporation thereof. Unless  
15 sold to the United States of America or any agency, instrumentality or  
16 corporation thereof, said bonds shall be sold at public sale after notice of such  
17 sale published [once] at least five days prior to such sale [in a newspaper  
18 circulating in the municipality and in a financial newspaper published in the city  
19 of St. Louis, Missouri, or Kansas City, Missouri] **on the front page of the**  
20 **municipality's website, if it has one. If the municipality does not have**  
21 **a website, notice shall be sent to the secretary of state who shall**  
22 **publish such notice on the legal notices website, established pursuant**  
23 **to section 493.077, for a period of five days.** Pending the preparation of the  
24 definitive bonds, interim receipts or certificates in such form and with such  
25 provisions as the governing body may determine may be issued to the purchaser  
26 or purchasers of bonds sold pursuant to sections 91.620 to 91.770. Said bonds  
27 and interim receipts or certificates shall be fully negotiable for all the purposes.

92.755. 1. Within thirty days after the filing of such suits with the circuit  
2 clerk, the collector shall forthwith cause a notice of foreclosure to be published  
3 [four times, once a week, during successive weeks, and on the same day of each  
4 week, in a daily newspaper of general circulation regularly published in such city,  
5 qualified according to law for the publication of public notices and  
6 advertisements] **on the front page of the circuit clerk's website, if it has**  
7 **one, for a period of four weeks. If the circuit clerk does not have a**  
8 **website, notice shall be sent to the secretary of state who shall publish**  
9 **such notice on the legal notices website, established pursuant to section**

10 **493.077, for a period of four weeks.**

11 2. Such notice shall be in substantially the following form:

12 NOTICE OF FORECLOSURE OF LIENS FOR DELINQUENT  
13 LAND TAXES, BY ACTION IN REM

14 Public notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_,  
15 20\_\_\_\_\_, the Collector of Revenue of \_\_\_\_\_, Missouri, filed a  
16 petition, being suit No. \_\_\_\_\_, in the Circuit Court of \_\_\_\_\_  
17 Missouri, at \_\_\_\_\_ (stating the city), for the foreclosure of liens for  
18 delinquent land taxes (except liens in favor of the United States of  
19 America, if any) against the real estate situated in such city, all as  
20 described in said petition.

21 The object of said suit is to obtain from the court a judgment  
22 foreclosing the tax liens against such real estate and ordering the  
23 sale of such real estate for the satisfaction of said tax liens thereon  
24 (except liens in favor of the United States of America, if any),  
25 including principal, interest, penalties, attorney's fees and costs.  
26 Such action is brought against the real estate only and no personal  
27 judgment shall be entered therein.

28 The serial number assigned by the collector to each parcel of real  
29 estate, a description of each such parcel, a statement of the total  
30 principal amount of all delinquent tax bills against each such  
31 parcel of real estate, all of which, as to each parcel, is more fully  
32 set out and itemized in the aforesaid petition, and the name of the  
33 last known person appearing on the records of the collector in  
34 whose name said tax bills were listed or charged for the year  
35 preceding the calendar year in which the list described in said  
36 petition was filed with the collector, are, respectively, as follows:

37 (Here set out the respective serial numbers, descriptions, names  
38 and statements of total principal amounts of tax bills, next above  
39 referred to.)

40 The total principal amounts of delinquent taxes set out in this  
41 notice do not include the lawful interest, penalties, attorney's fees  
42 and costs which have accrued against the respective parcels of real  
43 estate, all of which in each case is set out and itemized in the  
44 aforesaid petition.

45 Any person or taxing authority owning or holding any tax bill or

46 claiming any right, title or interest in or to, or lien upon, any such  
 47 parcel of real estate must file an answer to such suit in the office  
 48 of the circuit clerk of the aforesaid city, and a copy of such answer  
 49 with the collector of revenue at the office of the collector of revenue  
 50 of said city, on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in  
 51 such answer shall set forth in detail the nature and amount of such  
 52 interest and any defense or objection to the foreclosure of the tax  
 53 liens, or any affirmative relief he and it may be entitled to assert  
 54 with respect thereto.

55 Any person having any right, title or interest in or to, or lien upon,  
 56 any parcel of such real estate may redeem such parcel of real estate  
 57 by paying all of the sums mentioned therein, to the undersigned  
 58 Collector of Revenue, including principal, interest, penalties,  
 59 attorney's fees and costs then due, at any time prior to the time of  
 60 the foreclosure sale of such real estate by the sheriff.

61 In the event of failure to answer or redeem on or before the date  
 62 herein fixed as the last day for filing answer in the suit, by any  
 63 person having the right to answer or redeem, such person shall be  
 64 forever barred and foreclosed as to any defense or objection he  
 65 might have to the foreclosure of such liens for delinquent taxes and  
 66 a judgment of foreclosure may be taken by default. Redemption  
 67 may be made, however, up to the time fixed for the holding of  
 68 sheriff's foreclosure sale, and thereafter there shall be no equity of  
 69 redemption and each such person having any right, title or interest  
 70 in or to, or any lien upon, any such parcel of real estate described  
 71 in the petition so failing to answer or redeem, as aforesaid, shall be  
 72 forever barred and foreclosed of any right, title, or interest in, or  
 73 lien upon, any equity of redemption in said real estate.

74 \_\_\_\_\_  
 75 Collector of Revenue  
 76 \_\_\_\_\_, Missouri  
 77 (Name of City)  
 78 Address \_\_\_\_\_

79 \_\_\_\_\_  
 80 Attorney  
 81 \_\_\_\_\_

82 Address

83 \_\_\_\_\_

84 First Publication

95.280. 1. Subject to the provisions of section 110.030, the city council,  
2 at its regular meetings in July of each year, may receive sealed proposals for the  
3 deposit of the city funds from banking institutions doing business within the city  
4 that desire to be selected as the depository of the funds of the city. Notice that  
5 bids will be received shall be published by the city clerk not less than one nor  
6 more than four weeks before the meeting[, in some newspaper published in the  
7 city] **on the front page of the city's website, if it has one. If the city does**  
8 **not have a website, notice shall be sent, not less than one nor more**  
9 **than four weeks before the meeting, to the secretary of state who shall**  
10 **publish such notice on the legal notices website, established pursuant**  
11 **to section 493.077, until the date of the meeting has passed.** Any banking  
12 institution doing business in the city, desiring to bid, shall deliver to the city  
13 clerk, on or before the day of the meeting, a sealed proposal stating the rate  
14 percent upon daily balances that the banking institution offers to pay to the city  
15 for the privilege of being the depository of the funds of the city for the year next  
16 ensuing the date of the meeting; or, in the event that the selection is made for a  
17 less term than one year, as herein provided, then for the time between the date  
18 of the bid and the next regular time for the selection of a depository. It is a  
19 misdemeanor for the city clerk or other person to disclose directly or indirectly  
20 the amount of any bid to any person before the selection of the depository.

21 2. Notwithstanding the provisions of subsection 1 of this section to the  
22 contrary, the city council of any third class city with a population of more than  
23 fifteen thousand and less than nineteen thousand that is located in any county  
24 of the fourth classification with a population of more than forty thousand and less  
25 than forty-eight thousand three hundred, or of any city of the third classification  
26 with more than ten thousand five hundred but less than ten thousand six  
27 hundred inhabitants may receive sealed proposals for the deposit of city funds  
28 from banking institutions doing business within the city at any of the regular  
29 meetings of such city. The city shall send notice of bids to each banking  
30 institution in the city by regular mail at the time the notice is published [in the  
31 newspaper in] **pursuant to** subsection 1 of this section. The banking institution  
32 selected as the depository shall be offered a depository contract for a maximum  
33 of two years. Any such city shall follow the bid procedure established in

34 subsection 1 of this section, except as otherwise provided in this subsection.

99.150. 1. Bonds of an authority shall be authorized by its resolution and  
2 may be issued in one or more series and shall bear such date or dates, mature at  
3 such time or times, bear interest at such rate or rates, be in such denomination  
4 or denominations, be in such form, either coupon or registered, carry such  
5 conversion or registration privileges, have such rank or priority, be executed in  
6 such manner, be payable in such medium of payment, at such place or places, and  
7 be subject to such terms of redemption (with or without premium) as such  
8 resolution, its trust indenture or mortgage may provide.

9 2. The bonds shall be sold at not less than par at public sale held after  
10 notice published [once] at least five days prior to such sale [in a newspaper  
11 having a general circulation in the area of operation and in a financial newspaper  
12 published in Kansas City or in the city of St. Louis; provided, that] **on the front  
13 page of the authority's website, if it has one. If the authority does not  
14 have a website, notice shall be sent at least five days prior to the sale  
15 to the secretary of state who shall publish such notice on the legal  
16 notices website, established pursuant to section 493.077, until the date  
17 of the sale has passed.** Such bonds may be sold to the federal government at  
18 private sale at not less than par and, in the event less than all of the bonds  
19 authorized in connection with any project or projects are sold to the federal  
20 government, the balance of such bonds may be sold at private sale at not less  
21 than par at an interest cost to the authority of not to exceed the interest cost to  
22 the authority of the portion of the bonds sold to the federal government.

23 3. In case any of the commissioners or officers of the authority whose  
24 signatures appear on any bonds or coupons shall cease to be such commissioners  
25 or officers before the delivery of such bonds, such signatures shall, nevertheless,  
26 be valid and sufficient for all purposes, the same as if they had remained in office  
27 until such delivery. Any provision of any law to the contrary notwithstanding,  
28 any bonds issued pursuant to sections 99.010 to 99.230 shall be fully negotiable.

29 4. In any suit, action or proceedings involving the validity or  
30 enforceability of any bond of an authority or the security therefor, any such bond  
31 reciting in substance that it has been issued by the authority to aid in financing  
32 a housing project to provide dwelling accommodations for persons of low income  
33 shall be conclusively deemed to have been issued for a housing project of such  
34 character and said project shall be conclusively deemed to have been planned,  
35 located and constructed in accordance with the purposes and provisions of

36 sections 99.010 to 99.230.

99.430. 1. Preparation and approval of redevelopment and urban renewal  
2 plans shall be carried out within the following regulations:

3 (1) An authority shall not acquire real property for a land clearance or  
4 urban renewal project unless the governing body of the community in which the  
5 land clearance project area or urban renewal project area is located has approved  
6 the redevelopment or urban renewal plan, as prescribed in subdivision (9) of this  
7 section.

8 (2) An authority shall not prepare a redevelopment or an urban renewal  
9 plan for a land clearance or urban renewal project area unless the governing body  
10 of the community in which the area is located has declared, by resolution or  
11 ordinance, the area to be a blighted, or insanitary area in need of redevelopment  
12 or in need of rehabilitation.

13 (3) An authority shall not recommend a redevelopment or urban renewal  
14 plan to the governing body of the community in which the land clearance or urban  
15 renewal project area is located until a general plan for the development of the  
16 community has been prepared.

17 (4) The authority itself may prepare or cause to be prepared a  
18 redevelopment or urban renewal plan or any person or agency, public or private,  
19 may submit such a plan to an authority. A redevelopment or urban renewal plan  
20 shall be sufficiently complete to indicate its relationship to definite local  
21 objectives as to appropriate land uses, improved traffic, public transportation,  
22 public utilities, recreational and community facilities and other public  
23 improvements and the proposed land uses and building requirements in the land  
24 clearance or urban renewal project area, and shall include without being limited  
25 to:

26 (a) The boundaries of the land clearance or urban renewal project area,  
27 with a map showing the existing uses and condition of the real property therein;

28 (b) A land use plan showing proposed uses of the area;

29 (c) Information showing the standards of population densities, land  
30 coverage and building intensities in the area after redevelopment or urban  
31 renewal;

32 (d) A statement of the proposed changes, if any, in zoning ordinances or  
33 maps, street layouts, street levels or grades, building codes and ordinances;

34 (e) A statement as to the kind and number of additional public facilities  
35 or utilities which will be required in the area after redevelopment or urban

36 renewal; and

37 (f) A schedule indicating the estimated length of time needed for  
38 completion of each phase of the plan.

39 (5) Prior to recommending a redevelopment or urban renewal plan to the  
40 governing body for approval, an authority shall submit the plan to the planning  
41 agency, if any, of the community in which the land clearance or urban renewal  
42 project area is located for review and recommendations as to its conformity with  
43 the general plan for the development of the community as a whole. The planning  
44 agency shall submit its written recommendations with respect to the proposed  
45 redevelopment or urban renewal plan to the authority within thirty days after  
46 receipt of the plan for review. Upon receipt of the recommendations of the  
47 planning agency, or, if no recommendations are received within the thirty days,  
48 then without the recommendations, an authority may recommend the  
49 redevelopment or urban renewal plan to the governing body of the community for  
50 approval.

51 (6) Prior to recommending a redevelopment or urban renewal plan to the  
52 governing body for approval, an authority shall consider whether the proposed  
53 land uses and building requirements in the land clearance or urban renewal  
54 project area are designed with the general purpose of accomplishing, in  
55 conformance with the general plan, a coordinated, adjusted and harmonious  
56 development of the community and its environs which, in accordance with present  
57 and future needs, will promote health, safety, morals, order, convenience,  
58 prosperity and the general welfare, as well as efficiency and economy in the  
59 process of development; including, among other things, adequate provision for  
60 traffic, vehicular parking, the promotion of safety from fire, panic and other  
61 dangers, adequate provision for light and air, the promotion of the healthful and  
62 convenient distribution of population, the provision of adequate transportation,  
63 water, sewerage, and other public utilities, schools, parks, recreational and  
64 community facilities and other public requirements, the promotion of sound  
65 design and arrangement, the wise and efficient expenditure of public funds, the  
66 prevention of the recurrence of insanitary or unsafe dwelling accommodations, or  
67 insanitary areas, or conditions of blight or deterioration, and the provision of  
68 adequate, safe and sanitary dwelling accommodations.

69 (7) The recommendation of a redevelopment or urban renewal plan by an  
70 authority to the governing body shall be accompanied by the recommendations,  
71 if any, of the planning commission concerning the redevelopment or urban

72 renewal plan; a statement of the proposed method and estimated cost of the  
73 acquisition and preparation for redevelopment or urban renewal of the land  
74 clearance or urban renewal project area and the estimated proceeds or revenues  
75 from its disposal to redevelopers; a statement of the proposed method of financing  
76 the project; a statement of a feasible method proposed for the relocation of  
77 families to be displaced from the land clearance or urban renewal project area;  
78 and a schedule indicating the estimated length of time needed for completion of  
79 each phase of the plan.

80 (8) The governing body of the community shall hold a public hearing on  
81 any redevelopment or urban renewal plan or substantial modification thereof  
82 recommended by the authority, after public notice thereof by publication [in a  
83 newspaper of general circulation in the community once each week for two  
84 consecutive weeks, the last publication to be] at least [ten days] **two weeks** prior  
85 to the date set for **the hearing on the front page of the governing body's**  
86 **website, if it has one. If the governing body does not have a website,**  
87 **public notice shall be sent at least two weeks prior to the date set for**  
88 **the hearing to the secretary of state who shall publish such notice on**  
89 **the legal notices website, established pursuant to section 493.077, until**  
90 **the date of the hearing has passed.** The notice shall describe the time, date,  
91 place and purpose of the hearing and shall also generally identify the area to be  
92 covered by the plan. All interested parties shall be afforded at the public hearing  
93 a reasonable opportunity to express their views respecting the proposed  
94 redevelopment or urban renewal plan.

95 (9) Following the hearing, the governing body may approve a  
96 redevelopment or urban renewal plan if it finds that the plan is feasible and in  
97 conformity with the general plan for the development of the community as a  
98 whole. A redevelopment or urban renewal which has not been approved by  
99 the governing body when recommended by the authority may be recommended  
100 again to it with any modifications deemed advisable.

101 (10) A redevelopment or urban renewal plan may be modified at any time  
102 by the authority, provided that, if modified after the lease or sale of real property  
103 in the land clearance or urban renewal project area, the modification must be  
104 consented to by the redeveloper of the real property or his **or her** successor, or  
105 their successors in interest affected by the proposed modification. Where the  
106 proposed modification will substantially change the redevelopment or urban  
107 renewal plan as previously approved by the governing body, the modification

108 must similarly be approved by the governing body.

109           2. As an alternative to the procedures prescribed in subdivisions (2) and  
110 (5) of subsection 1, an authority may find an area to be a blighted, insanitary or  
111 undeveloped area in need of redevelopment or rehabilitation, and simultaneously  
112 prepare a plan, or adopt a plan presented to the authority, and the authority may  
113 simultaneously recommend its finding of a blighted, insanitary or undeveloped  
114 area and the approval of a plan to the governing body of the community, and the  
115 governing body may make its finding that the area is blighted, insanitary or  
116 undeveloped and approve the plan simultaneously. Simultaneously with such  
117 recommendation of a finding of a blighted or insanitary or undeveloped industrial  
118 area and recommendation of a plan to the governing body for approval, an  
119 authority shall submit the finding of a blighted or insanitary or undeveloped area  
120 and the plan to the planning agency, if any, of the community in which the  
121 project area is located for review and recommendation as to the conformity of the  
122 plan to the general plan for the development of the community as a whole. The  
123 planning agency shall submit its written recommendations with respect to the  
124 finding of a blighted or insanitary or undeveloped industrial area and the plan  
125 to the authority and the local governing body within thirty days after receipt of  
126 the findings and the plan for review. Upon receipt of the recommendations of the  
127 planning agency, or, if no recommendations are received within the thirty days,  
128 then without the recommendations, the governing body may simultaneously  
129 approve the finding of a blighted or insanitary or undeveloped area and approve  
130 the plan in the manner prescribed in subdivisions (8) and (9) of subsection 1.

99.450. Property in a land clearance project may be disposed of as follows:

2           (1) An authority may sell, lease, exchange or otherwise transfer real  
3 property or any interest therein in a land clearance project area to any  
4 redeveloper for residential, recreational, commercial, industrial or other uses or  
5 for public use in accordance with the redevelopment plan, subject to such  
6 covenants, conditions and restrictions as may be deemed to be in the public  
7 interest or to carry out the purposes of this law; provided that such sale, lease,  
8 exchange or other transfer, and any agreement relating thereto, may be made  
9 only after, or subject to, the approval of the redevelopment plan by the governing  
10 body of the community. Such real property shall be sold, leased or transferred  
11 at its fair value for uses in accordance with the redevelopment plan  
12 notwithstanding such value may be less than the cost of acquiring and preparing  
13 such property for redevelopment. In determining the fair value of real property

14 for uses in accordance with the redevelopment plan, an authority shall take into  
15 account and give consideration to the uses and purposes required by such plan;  
16 the restrictions upon, and the covenants, conditions and obligations assumed by  
17 the redeveloper of such property; the objectives of the redevelopment plan for the  
18 prevention of the recurrence of blighted, or insanitary areas; and such other  
19 matters as the authority shall specify as being appropriate. In fixing rentals and  
20 selling prices, an authority shall give consideration to appraisals of the property  
21 for such uses made by land experts employed by the authority.

22 (2) An authority shall, by public notice published [at least two times in  
23 a newspaper having a general circulation in its area of operation, prior to the  
24 consideration of any redevelopment contract proposal,] **on the front page of**  
25 **the authority's website, if it has one, and for a period of at least two**  
26 **weeks**, invite proposals from, and make available all pertinent information to  
27 private redevelopers or any persons interested in undertaking the redevelopment  
28 of an area, or any part thereof, which the governing body has declared to be in  
29 need of redevelopment. **If the authority does not have a website, public**  
30 **notice shall be sent to the secretary of state who shall publish such**  
31 **notice on the legal notices website, established pursuant to section**  
32 **493.077, for a period of at least two weeks.** Such notice shall identify the  
33 area, and shall state that such further information as is available may be  
34 obtained at the office of the authority. The authority shall consider all  
35 redevelopment proposals and the financial and legal ability of the prospective  
36 redevelopers to carry out their proposals and may negotiate with any redevelopers  
37 for proposals for the purchase or lease of any real property in the land clearance  
38 project area. The authority may accept such redevelopment contract proposal as  
39 it deems to be in the public interest and in furtherance of the purposes of this  
40 law, provided that the authority has, not less than thirty days prior thereto,  
41 notified the governing body in writing of its intention to accept such  
42 redevelopment contract proposal. Thereafter, the authority may execute such  
43 redevelopment contract in accordance with the provisions of subdivision (1) of this  
44 section and deliver deeds, leases and other instruments and take all steps  
45 necessary to effectuate such redevelopment contract. In its discretion, the  
46 authority may, with regard to the foregoing provisions of this subdivision, dispose  
47 of real property in a land clearance project area to private redevelopers for  
48 redevelopment under such reasonable competitive bidding procedures as it shall  
49 prescribe, subject to the provisions of subdivision (1).

50 (3) In carrying out a land clearance project, an authority may:

51 (a) Convey to the community in which the project is located, such real  
52 property as, in accordance with the redevelopment plan, is to be laid out into  
53 streets, alleys and public ways, this power being additional to and not limiting  
54 any and all other powers of conveyance of property to communities expressed  
55 herein generally or otherwise;

56 (b) Grant servitudes, easements and rights-of-way for public utilities,  
57 sewers, streets and other similar facilities, in accordance with the redevelopment  
58 plan; and

59 (c) Convey to the municipality, county or other appropriate public body,  
60 such real property as, in accordance with the redevelopment plan, is to be used  
61 for parks, schools, public buildings, facilities or other public purposes.

62 (4) An authority may temporarily operate and maintain real property in  
63 a land clearance project area pending the disposition of the property for  
64 redevelopment, without regard to the provisions of subdivisions (1) and (2) above,  
65 for such uses and purposes as may be deemed desirable even though not in  
66 conformity with the redevelopment plan.

99.490. 1. Bonds of an authority shall be authorized by its resolution and  
2 may be issued in one or more series and shall bear such date or dates, be payable  
3 upon demand or mature at such time or times, bear interest at such rate or rates,  
4 not in excess of the maximum rate, if any, applicable to general and business  
5 corporations, be in such denomination or denominations, be in such form either  
6 coupon or registered, carry such conversion or registration privileges, have such  
7 rank or priority, be executed in such manner, be payable in such medium of  
8 payment, at such place or places, and be subject to such terms of redemption  
9 (with or without premium) as such resolution, its trust indenture or mortgage  
10 may provide.

11 2. The bonds shall be sold at not less than ninety-five percent of par at  
12 public or, if the authority determines it is in the best interest of the authority to  
13 sell such bonds at private sale, notwithstanding the provisions of section  
14 108.070. The reason or reasons why private sale is in the best interest of the  
15 authority shall be set forth in the order or resolution authorizing the private sale;  
16 provided, however, that any issue in excess of ten million dollars shall be sold  
17 only at public sale[; provided, further, that]. Notice of such public or private sale  
18 shall be published [in a newspaper having a general circulation in the area of  
19 operation and such medium of publication as the authority may deem] at least

20 [once and not later than] ten days prior to such public or private sale **on the**  
21 **front page of the authority's website, if it has one. If the authority does**  
22 **not have a website, notice shall be sent, at least ten days prior to the**  
23 **public or private sale, to the secretary of state who shall publish such**  
24 **notice on the legal notices website, established pursuant to section**  
25 **493.077, until the date of the public or private sale has passed.** The  
26 decision of the authority shall be conclusive.

99.620. 1. At least once a year, an authority shall file with the clerk a  
2 report of its activities for the preceding year, and shall make recommendations  
3 with reference to such additional legislation or other action as it deems necessary  
4 in order to carry out the purposes of this law.

5 2. Within sixty days after August 13, 1982, and every five years  
6 thereafter, the governing body shall hold a public hearing regarding those land  
7 clearances and urban renewal projects under the jurisdiction of the  
8 authority. The purpose of the hearing shall be to determine if the authority is  
9 making satisfactory progress under the proposed time schedule contained within  
10 the approved plans for completion of such projects. Notice of such public hearing  
11 shall be [given in a newspaper of general circulation in the area served by the  
12 authority once each week for] **published at least** four weeks immediately prior  
13 to the hearing **on the front page of the authority's website, if it has one.**  
14 **If the authority does not have a website, notice of the public hearing**  
15 **shall be sent at least four weeks immediately prior to the hearing to the**  
16 **secretary of state who publish such notice on the legal notices website,**  
17 **established pursuant to section 493.077, until the date of the hearing**  
18 **has passed.**

99.825. 1. Prior to the adoption of an ordinance proposing the designation  
2 of a redevelopment area, or approving a redevelopment plan or redevelopment  
3 project, the commission shall fix a time and place for a public hearing as required  
4 in subsection 4 of section 99.820 and notify each taxing district located wholly or  
5 partially within the boundaries of the proposed redevelopment area, plan or  
6 project. At the public hearing any interested person or affected taxing district  
7 may file with the commission written objections to, or comments on, and may be  
8 heard orally in respect to, any issues embodied in the notice. The commission  
9 shall hear and consider all protests, objections, comments and other evidence  
10 presented at the hearing. The hearing may be continued to another date without  
11 further notice other than a motion to be entered upon the minutes fixing the time

12 and place of the subsequent hearing; provided, if the commission is created under  
13 subsection 3 of section 99.820, the hearing shall not be continued for more than  
14 thirty days beyond the date on which it is originally opened unless such longer  
15 period is requested by the chief elected official of the municipality creating the  
16 commission and approved by a majority of the commission. Prior to the  
17 conclusion of the hearing, changes may be made in the redevelopment plan,  
18 redevelopment project, or redevelopment area, provided that each affected taxing  
19 district is given written notice of such changes at least seven days prior to the  
20 conclusion of the hearing. After the public hearing but prior to the adoption of  
21 an ordinance approving a redevelopment plan or redevelopment project, or  
22 designating a redevelopment area, changes may be made to the redevelopment  
23 plan, redevelopment projects or redevelopment areas without a further hearing,  
24 if such changes do not enlarge the exterior boundaries of the redevelopment area  
25 or areas, and do not substantially affect the general land uses established in the  
26 redevelopment plan or substantially change the nature of the redevelopment  
27 projects[, provided that]. Notice of such changes shall be given by mail to each  
28 affected taxing district and by publication [in a newspaper of general circulation  
29 in the area of the proposed redevelopment] not less than ten days prior to the  
30 adoption of the changes by ordinance **on the front page of the commission's**  
31 **website, if it has one. If the commission does not have a website, notice**  
32 **shall be sent at least ten days prior to the adoption of the changes by**  
33 **ordinance to the secretary of state who shall publish such notice on the**  
34 **legal notices website, established pursuant to section 493.077.** After the  
35 adoption of an ordinance approving a redevelopment plan or redevelopment  
36 project, or designating a redevelopment area, no ordinance shall be adopted  
37 altering the exterior boundaries, affecting the general land uses established  
38 pursuant to the redevelopment plan or changing the nature of the redevelopment  
39 project without complying with the procedures provided in this section pertaining  
40 to the initial approval of a redevelopment plan or redevelopment project and  
41 designation of a redevelopment area. Hearings with regard to a redevelopment  
42 project, redevelopment area, or redevelopment plan may be held simultaneously.  
43         2. If, after concluding the hearing required under this section, the  
44 commission makes a recommendation under section 99.820 in opposition to a  
45 proposed redevelopment plan, redevelopment project, or designation of a  
46 redevelopment area, or any amendments thereto, a municipality desiring to  
47 approve such project, plan, designation, or amendments shall do so only upon a

48 two-thirds majority vote of the governing body of such municipality. For plans,  
49 projects, designations, or amendments approved by a municipality over the  
50 recommendation in opposition by the commission formed under subsection 3 of  
51 section 99.820, the economic activity taxes and payments in lieu of taxes  
52 generated by such plan, project, designation, or amendment shall be restricted to  
53 paying only those redevelopment project costs contained in subparagraphs b. and  
54 c. of paragraph (c) of subdivision (15) of section 99.805 per redevelopment project.

55 3. Tax incremental financing projects within an economic development  
56 area shall apply to and fund only the following infrastructure projects: highways,  
57 roads, streets, bridges, sewers, traffic control systems and devices, water  
58 distribution and supply systems, curbing, sidewalks and any other similar public  
59 improvements, but in no case shall it include buildings.

99.830. 1. Notice of the public hearing required by section 99.825 shall  
2 be given by publication and mailing. Notice by publication shall be given [by  
3 publication at least twice, the first publication to be] not more than thirty days  
4 and [the second publication to be] not [more] less than ten days prior to the  
5 hearing[, in a newspaper of general circulation in the area of the proposed  
6 redevelopment] **on the front page of the commission's website, if it has**  
7 **one. If the commission does not have a website, notice shall be sent not**  
8 **more than thirty days and not less than ten days prior to the hearing**  
9 **to the secretary of state who shall publish such notice on the legal**  
10 **notices website, established pursuant to section 493.077, until the date**  
11 **of the hearing has passed.** Notice by mailing shall be given by depositing  
12 such notice in the United States mail by certified mail addressed to the person  
13 or persons in whose name the general taxes for the last preceding year were paid  
14 on each lot, block, tract, or parcel of land lying within the redevelopment project  
15 or redevelopment area which is to be subjected to the payment or payments in  
16 lieu of taxes and economic activity taxes pursuant to section 99.845. Such notice  
17 shall be mailed not less than ten days prior to the date set for the public hearing.  
18 In the event taxes for the last preceding year were not paid, the notice shall also  
19 be sent to the persons last listed on the tax rolls within the preceding three years  
20 as the owners of such property.

21 2. The notices issued pursuant to this section shall include the following:

22 (1) The time and place of the public hearing;

23 (2) The general boundaries of the proposed redevelopment area or  
24 redevelopment project by street location, where possible;

25 (3) A statement that all interested persons shall be given an opportunity  
26 to be heard at the public hearing;

27 (4) A description of the proposed redevelopment plan or redevelopment  
28 project and a location and time where the entire plan or project proposal may be  
29 reviewed by any interested party;

30 (5) Such other matters as the commission may deem appropriate.

31 3. Not less than forty-five days prior to the date set for the public hearing,  
32 the commission shall give notice by mail as provided in subsection 1 of this  
33 section to all taxing districts from which taxable property is included in the  
34 redevelopment area, redevelopment project or redevelopment plan, and in  
35 addition to the other requirements pursuant to subsection 2 of this section, the  
36 notice shall include an invitation to each taxing district to submit comments to  
37 the commission concerning the subject matter of the hearing prior to the date of  
38 the hearing.

39 4. A copy of any and all hearing notices required by section 99.825 shall  
40 be submitted by the commission to the director of the department of economic  
41 development. Such submission of the copy of the hearing notice shall comply with  
42 the prior notice requirements pursuant to subsection 3 of this section.

99.865. 1. No later than November fifteenth of each year, the governing  
2 body of the municipality, or its designee, shall prepare a report concerning the  
3 status of each redevelopment plan and redevelopment project existing as of  
4 December thirty-first of the preceding year, and shall submit a copy of such  
5 report to the director of the department of revenue. The report shall include the  
6 following:

7 (1) The amount and source of revenue in the special allocation fund;

8 (2) The amount and purpose of expenditures from the special allocation  
9 fund;

10 (3) The amount of any pledge of revenues, including principal and interest  
11 on any outstanding bonded indebtedness;

12 (4) The original assessed value of the redevelopment project;

13 (5) The assessed valuation added to the redevelopment project;

14 (6) Payments made in lieu of taxes received and expended;

15 (7) The economic activity taxes generated within the redevelopment area  
16 in the calendar year prior to the approval of the redevelopment plan, to include  
17 a separate entry for the state sales tax revenue base for the redevelopment area  
18 or the state income tax withheld by employers on behalf of existing employees in

19 the redevelopment area prior to the redevelopment plan;

20 (8) The economic activity taxes generated within the redevelopment area  
21 after the approval of the redevelopment plan, to include a separate entry for the  
22 increase in state sales tax revenues for the redevelopment area or the increase  
23 in state income tax withheld by employers on behalf of new employees who fill  
24 new jobs created in the redevelopment area;

25 (9) Reports on contracts made incident to the implementation and  
26 furtherance of a redevelopment plan or project;

27 (10) A copy of any redevelopment plan, which shall include the required  
28 findings and cost-benefit analysis pursuant to subdivisions (1) to (6) of section  
29 99.810;

30 (11) The cost of any property acquired, disposed of, rehabilitated,  
31 reconstructed, repaired or remodeled;

32 (12) The number of parcels acquired by or through initiation of eminent  
33 domain proceedings; and

34 (13) Any additional information the municipality deems necessary.

35 2. Data contained in the report mandated pursuant to the provisions of  
36 subsection 1 of this section shall be made available to the commissioner of  
37 administration, who shall publish such reports on the Missouri accountability  
38 portal pursuant to section 37.850. Any information regarding amounts disbursed  
39 to municipalities pursuant to the provisions of section 99.845 shall be deemed a  
40 public record, as defined in section 610.010. An annual statement showing the  
41 payments made in lieu of taxes received and expended in that year, the status of  
42 the redevelopment plan and projects therein, amount of outstanding bonded  
43 indebtedness and any additional information the municipality deems necessary  
44 shall be published [in a newspaper of general circulation in the municipality] **on**  
45 **the front page of the governing body of the municipality's website, if it**  
46 **has one. If the governing body does not have a website, the statement**  
47 **shall be sent to the secretary of state who shall publish such statement**  
48 **on the legal notices website, established pursuant to section 493.077.**

49 3. Five years after the establishment of a redevelopment plan and every  
50 five years thereafter the governing body shall hold a public hearing regarding  
51 those redevelopment plans and projects created pursuant to sections 99.800 to  
52 99.865. The purpose of the hearing shall be to determine if the redevelopment  
53 project is making satisfactory progress under the proposed time schedule  
54 contained within the approved plans for completion of such projects. Notice of

55 such public hearing shall be [given in a newspaper of general circulation in the  
56 area served by the commission once each week for four weeks immediately prior  
57 to the hearing] **published on the front page of the governing body's**  
58 **website, if it has one, for a period of four weeks immediately prior to**  
59 **the hearing. If the governing body does not have a website, notice shall**  
60 **be sent four weeks immediately prior to the hearing to the secretary of**  
61 **state who shall publish such notice on the legal notices website,**  
62 **established pursuant to section 493.077, until the date of the hearing**  
63 **has passed.**

64 4. The director of the department of revenue shall submit a report to the  
65 state auditor, the speaker of the house of representatives, and the president pro  
66 tem of the senate no later than February first of each year. The report shall  
67 contain a summary of all information received by the director pursuant to  
68 subsection 1 of this section.

69 5. For the purpose of coordinating all tax increment financing projects  
70 using new state revenues, the director of the department of economic development  
71 may promulgate rules and regulations to ensure compliance with this  
72 section. Such rules and regulations may include methods for enumerating all of  
73 the municipalities which have established commissions pursuant to section  
74 99.820. No rule or portion of a rule promulgated under the authority of sections  
75 99.800 to 99.865 shall become effective unless it has been promulgated pursuant  
76 to the provisions of chapter 536. All rulemaking authority delegated prior to  
77 June 27, 1997, is of no force and effect and repealed; however, nothing in this  
78 section shall be interpreted to repeal or affect the validity of any rule filed or  
79 adopted prior to June 27, 1997, if such rule complied with the provisions of  
80 chapter 536. The provisions of this section and chapter 536 are nonseverable and  
81 if any of the powers vested with the general assembly pursuant to chapter 536  
82 including the ability to review, to delay the effective date, or to disapprove and  
83 annul a rule or portion of a rule are subsequently held unconstitutional, then the  
84 purported grant of rulemaking authority and any rule so proposed and contained  
85 in the order of rulemaking shall be invalid and void.

86 6. The department of economic development shall provide information and  
87 technical assistance, as requested by any municipality, on the requirements of  
88 sections 99.800 to 99.865. Such information and technical assistance shall be  
89 provided in the form of a manual, written in an easy-to-follow manner, and  
90 through consultations with departmental staff.

91           7. The department of revenue shall provide notice of any failure to comply  
92 with the reporting requirements provided in subsection 1 of this section to the  
93 applicable municipality, specifying any required corrections, by certified mail  
94 addressed to the municipality's chief elected officer. If such municipality does not  
95 satisfy the reporting requirements for which it previously did not comply, as  
96 specified in the notice from the department of revenue, within sixty days of the  
97 receipt of the notice, the municipality shall be prohibited from adopting any new  
98 tax increment finance plan for a period of five years from the date of the  
99 department of revenue's notice. All reports filed pursuant to subsection 1 of this  
100 section or in response to a notice from the department of revenue pursuant to this  
101 subsection shall be deemed accepted by the department of revenue unless the  
102 department of revenue provides the applicable municipality with a written  
103 objection thereto, specifying any required corrections, by certified mail addressed  
104 to the chief elected officer of the municipality within sixty days of the  
105 municipality's submission of such report.

106           8. Based upon the information provided in the reports required under the  
107 provisions of this section, the state auditor shall make available for public  
108 inspection on the auditor's website a searchable electronic database of such  
109 municipal tax increment finance reports. All information contained within such  
110 database shall be maintained for a period of no less than ten years from initial  
111 posting.

99.879. 1. In any municipality adopting an ordinance pursuant to section  
2 99.877, the building official shall certify to the urban homesteading agency all  
3 properties which are abandoned, together with a statement as to which structures  
4 are suitable for rehabilitation, and all municipally owned properties which are  
5 vacant, together with a statement as to which properties are suitable for  
6 construction. At least quarterly thereafter the building official shall certify to the  
7 urban homesteading agency any changes in the number or condition of the  
8 abandoned properties or the vacant municipally owned properties.

9           2. Upon receipt of the list of the abandoned properties pursuant to  
10 subsection 1 of this section, the urban homesteading agency shall serve notice to  
11 each owner of such properties by mailing to the owner by certified mail to the last  
12 known address of such owner, or, in the case of the owner who cannot be  
13 identified or whose address is unknown, by publishing a copy of such notice [in  
14 a newspaper having general circulation in the municipality, stating] **on the**  
15 **front page of the agency's website, if it has one. If the agency does not**

16 **have a website, notice shall be sent to the secretary of state who shall**  
17 **publish such notice on the legal notices website, established pursuant**  
18 **to section 493.077. Such notice shall state that** such property has been  
19 determined to be abandoned and setting a date for a hearing before the urban  
20 homesteading agency, or any hearing examiner appointed by the urban  
21 homesteading agency, for the purpose of determining whether the owner is willing  
22 and able to rehabilitate or demolish the vacant structure on such abandoned  
23 property within a reasonable time. At such hearing the owner may contest the  
24 designation of such property as abandoned. A decision rendered by a hearing  
25 examiner after such hearing shall be in writing and shall be filed with the urban  
26 homesteading agency for its final decision. All decisions of the urban  
27 homesteading agency shall be in writing and shall be mailed, by certified mail,  
28 return receipt requested, to each owner and to all parties to the proceedings. A  
29 decision of the urban homesteading agency may be appealed by filing an action  
30 in circuit court within thirty days after notification of the decision is received.

31         3. In the event that an owner fails to appear, either personally or by an  
32 attorney, on the date set for the hearing or any adjourned date of such hearing,  
33 or in the event the urban homesteading agency, after holding the hearing  
34 pursuant to subsection 2 of this section, determines that the owner of such  
35 property is not willing or able to rehabilitate or demolish such property within  
36 a reasonable time, the urban homesteading agency may recommend to the  
37 governing body of the municipality that the urban homesteading agency be  
38 authorized to acquire the property, either by purchase of the property, free and  
39 clear of any liens, for an amount not in excess of fair market value of the land  
40 and any improvements thereon as determined by the urban homesteading agency,  
41 or by eminent domain, provided all eminent domain proceedings instituted under  
42 this section shall be undertaken by the urban homesteading agency in the same  
43 manner as provided by law for condemnation proceedings by the municipality,  
44 and title to all property acquired pursuant to this subsection shall be held in the  
45 name of the municipality; or the building official that he **or she** order the  
46 structure demolished; or the tax collector, if any liens for real property taxes are  
47 due to the municipality against the abandoned property, that he **or she** institute  
48 tax foreclosure proceedings as provided by law.

49         4. Notwithstanding any other provision of this section, an urban  
50 homesteading agency may, at any time, with the concurrence of the governing  
51 body of the city, accept free and clear title to an abandoned property upon which

52 exists a structure deemed rehabilitable by a building official for such  
53 consideration not in excess of fair market value of the land and any  
54 improvements on such land as determined by the urban homesteading agency.

99.881. 1. Upon acquisition of real property by the urban homesteading  
2 agency under section 99.879 or upon certification by the building official of vacant  
3 municipally owned property and approval of the governing body of the  
4 municipality, the urban homesteading agency shall publish [at least twice a  
5 notice in a newspaper having general circulation in the municipality] **notice** that  
6 such property is available **on the front page of the agency's website, if it**  
7 **has one. If the agency does not have a website, notice shall be sent to**  
8 **the secretary of state who shall publish such notice on the legal notices**  
9 **website, established pursuant to section 493.077.** Such notice shall include  
10 the estimated purchase price, the qualifications for applicants, procedures for  
11 bidding on the property and the closing date for such bidding. [The second notice  
12 shall be published not less than two weeks before such closing date.]

13 2. Within thirty days after the closing date for bidding, the urban  
14 homesteading agency shall recommend to the legislative body the transfer of such  
15 property to a qualified applicant under such terms and conditions as are  
16 determined by the agency, provided the applicant shall be selected in accordance  
17 with priorities established under section 99.891.

18 3. The governing body of the city may, by resolution, vote to transfer the  
19 urban homesteading property with or without compensation to the applicant  
20 selected pursuant to subsection 2 of this section. Such transfer shall be made  
21 pursuant to a contract of sale and rehabilitation or construction which shall  
22 provide among other things that, as consideration for the transfer:

23 (1) The property transferred be rehabilitated or constructed  
24 predominantly for residential use and be brought into and maintained in  
25 conformity with applicable health, housing and building code standards;

26 (2) The rehabilitation or construction shall commence and be completed  
27 within a period of time as determined by the urban homesteading agency.

99.899. Notwithstanding any other provision of sections 99.875 to 99.912,  
2 an urban homesteading agency may accept, on behalf of the municipality, any  
3 real property tendered to it without payment by the United States of America,  
4 acting by and through the Secretary of Housing and Urban Development,  
5 pursuant to the provisions of Section 810 of the Housing and Community  
6 Development Act of 1974 [(P.L. 93-383)]. Upon acquisition of real property by the

7 urban homesteading agency under this section, the urban homesteading agency  
8 shall publish [at least twice a] notice [in a newspaper having general circulation  
9 in the municipality that such property is available] **on the front page of the**  
10 **agency's website, if it has one. If the agency does not have a website,**  
11 **notice shall be sent to the secretary of state who shall publish such**  
12 **notice on the legal notices website, established pursuant to section**  
13 **493.077.** Such notice shall include the estimated purchase price, the  
14 qualifications of the applicant, procedures for bidding on the property and the  
15 closing date for such bidding. [The second notice shall be published not less than  
16 two weeks before such closing date.] In addition thereto, the governing body of a  
17 municipality may, upon recommendation of the urban homesteading agency,  
18 authorize conveyance of such real property to an urban homesteader meeting the  
19 requirements of Subsection (b)(3) of Section 810 of the Housing and Community  
20 Development Act of 1974 in accordance with the requirements and procedures set  
21 forth in Section 810 of the Housing and Community Development Act of 1974 and  
22 any regulations promulgated thereunder by the Secretary of Housing and Urban  
23 Development.

99.936. Real property which is acquired by a municipality or authority in  
2 a development project area may be disposed of as follows:

3 (1) Within a development project area, the authority may sell, lease,  
4 exchange, or otherwise transfer real property, including land, improvements, and  
5 fixtures, or any interest therein, to any developer selected for a development  
6 project, or any portion thereof, in accordance with the development plan, subject  
7 to such covenants, conditions, and restrictions as may be deemed to be in the  
8 public interest or to carry out the purposes of sections 99.915 to 99.980. Such  
9 real property shall be sold, leased, or transferred at its fair market value for uses  
10 in accordance with the development plan; provided that such fair market value  
11 may be less than the cost of such property to the municipality or authority. In  
12 determining the fair market value of real property for uses in accordance with a  
13 development plan, the municipality or authority shall take into account and give  
14 consideration to the uses and purposes required by the development plan; the  
15 restrictions upon, and the covenants, conditions, and obligations assumed by the  
16 developer of such property; the objectives of the development plan; and such other  
17 matters as the municipality or authority shall specify as being appropriate. In  
18 fixing rental and sale prices, a municipality or authority shall give consideration  
19 to appraisals of the property for such uses made by experts employed by the

20 municipality or authority;

21           (2) The municipality or authority shall, by public notice published [in a  
22 newspaper having a general circulation in a development area,] **on its website,**  
23 **if it has one,** prior to selecting one or more developers for any development  
24 project, or any portion thereof, invite proposals from, and make available all  
25 pertinent information to, private developers or any persons interested in  
26 undertaking the development of such development project, or any portion thereof.  
27 **If the municipality or authority does not have a website, notice shall be**  
28 **sent to the secretary of state who shall publish such notice on the legal**  
29 **notices website, established pursuant to section 493.077.** Such notice  
30 shall be published [at least once each week] during the two weeks preceding the  
31 selection of a developer, shall identify the area of the development project or  
32 development projects, or any portion thereof, for which one or more developers are  
33 to be selected, and shall state that such further information as it is available may  
34 be obtained at the office of the municipality or authority. The municipality or  
35 authority shall consider all proposals and the financial and legal ability of the  
36 prospective developers to carry out their proposals. The municipality or authority  
37 may negotiate and enter into one or more contracts with any developer selected  
38 for the development of any such area for the development of such area by such  
39 developer in accordance with a development plan or for the sale or lease of any  
40 real property to any such developer in any such area for the purpose of developing  
41 such property in accordance with the development plan. The municipality or  
42 authority may enter into any such contract as it deems to be in the public interest  
43 and in furtherance of the purposes of sections 99.915 to 99.980; provided that the  
44 municipality or authority has, not less than ten days prior thereto, notified the  
45 governing body in writing of its intention to enter into such contract. Thereafter,  
46 the municipality or authority may execute such contract in accordance with the  
47 provisions of subdivision (1) of this section and deliver deeds, leases, and other  
48 instruments and take all steps necessary to effectuate such contract. In its  
49 discretion, the municipality or authority may, in accordance with the provisions  
50 of this subdivision, dispose of any real property in an area selected for a  
51 development project, or any portion thereof, to private developers for development  
52 under such reasonable competitive bidding procedures as it shall prescribe,  
53 subject to the provisions of subdivision (1) of this section;

54           (3) In carrying out a development project, the authority may:

55           (a) Convey to the municipality such real property as, in accordance with

56 the development plan, is to be dedicated as public right-of-way for streets,  
57 sidewalks, alleys, or other public ways, this power being additional to and not  
58 limiting any and all other powers of conveyance of property to municipalities  
59 expressed, generally or otherwise, in sections 99.915 to 99.980;

60 (b) Grant servitudes, easements, and rights-of-way for public utilities,  
61 sewers, streets, and other similar facilities, in accordance with the development  
62 plan; and

63 (c) Convey to the municipality or other appropriate public body such real  
64 property as, in accordance with the development plan, is to be used for parks,  
65 schools, public buildings, facilities, or other public purposes;

66 (4) The municipality or authority may operate and maintain real property  
67 in the development area pending the disposition or development of the property  
68 in accordance with a development plan, without regard to the provisions of  
69 subdivisions (1) and (2) of this section, for such uses and purposes as may be  
70 deemed desirable even though not in conformity with the development plan.

99.951. 1. Prior to the adoption of the ordinance designating a  
2 development area, adopting a development plan, or approving a development  
3 project, the municipality or authority shall fix a time and place for a public  
4 hearing and notify each taxing district located wholly or partially within the  
5 boundaries of the proposed development area or development project area  
6 affected. Such notice shall comply with the provisions of subsection 2 of this  
7 section. At the public hearing any interested person or affected taxing district  
8 may file with the municipality or authority written objections to, or comments on,  
9 and may be heard orally in respect to, any issues regarding the plan or issues  
10 embodied in the notice. The municipality or authority shall hear and consider all  
11 protests, objections, comments, and other evidence presented at the hearing. The  
12 hearing may be continued to another date without further notice other than a  
13 motion to be entered upon the minutes fixing the time and place of the  
14 subsequent hearing. Prior to the conclusion of the hearing, changes may be made  
15 in the development plan, development project, development area or development  
16 project area, provided that written notice of such changes is available at the  
17 public hearing. After the public hearing but prior to the adoption of an ordinance  
18 designating a development area, adopting a development plan or approving a  
19 development project, changes may be made to any such proposed development  
20 plan, development project, development area, or development project area without  
21 a further hearing, if such changes do not enlarge the exterior boundaries of the

22 development area, and do not substantially affect the general land uses  
23 established in a development plan or development project[, provided that]. Notice  
24 of such changes shall be given by mail to each affected taxing district and by  
25 publication [in a newspaper of general circulation in the development area or  
26 development project area, as applicable,] not less than ten days prior to the  
27 adoption of the changes by ordinance **on the front page of the municipality**  
28 **or authority's website, if it has one. If the municipality or authority**  
29 **does not have a website, notice shall be sent, not less than ten days**  
30 **prior to the adoption of the changes by ordinance, to the secretary of**  
31 **state who shall publish such notice on the legal notices website,**  
32 **established pursuant to section 493.077.** After the adoption of an ordinance  
33 designating the development area, adopting a development plan, approving a  
34 development project, or designating a development project area, no ordinance  
35 shall be adopted altering the exterior boundaries of the development area or a  
36 development project area affecting the general land uses established pursuant to  
37 the development plan or the general nature of a development project without  
38 holding a public hearing in accordance with this section. One public hearing may  
39 be held for the simultaneous consideration of a development area, development  
40 plan, development project, or development project area.

41 2. Notice of the public hearing required by this section shall be given by  
42 publication and mailing. Notice by publication shall be given [by publication at  
43 least twice, the first publication to be not more than] thirty days [and the second  
44 publication to be not more than ten days] prior to the hearing[, in a newspaper  
45 of general circulation in the proposed development area or development project  
46 area, as applicable, and in two minority newspapers, if such newspapers are  
47 published in the municipality, of which one shall be published in the Spanish  
48 language, if such a newspaper is published in the municipality] **on the front**  
49 **page of the municipality or authority's website, if it has one. If the**  
50 **municipality or authority does not have a website, notice shall be sent**  
51 **thirty days prior to the hearing to the secretary of state who shall**  
52 **publish such notice on the legal notices website, established pursuant**  
53 **to section 493.077, until the date of the hearing has passed.** Notice by  
54 mailing shall be given by depositing such notice in the United States mail by  
55 certified mail addressed to the person or persons in whose name the general taxes  
56 for the last preceding year were paid on each lot, block, tract, or parcel of land  
57 lying within the proposed development area or development project area, as

58 applicable, which is to be subjected to the payment or payments in lieu of taxes  
59 and economic activity taxes pursuant to section 99.957. Such notice shall be  
60 mailed not less than ten working days prior to the date set for the public hearing.  
61 In the event taxes for the last preceding year were not paid, the notice shall also  
62 be sent to the persons last listed on the tax rolls within the preceding three years  
63 as the owners of such property.

64 3. The notices issued pursuant to this section shall include the following:

65 (1) The time and place of the public hearing;

66 (2) The general boundaries of the proposed development area or  
67 development project area, as applicable, by street location, where possible;

68 (3) A statement that all interested persons shall be given an opportunity  
69 to be heard at the public hearing;

70 (4) A description of the development plan and the proposed development  
71 projects and a location and time where the entire development plan or  
72 development projects proposed may be reviewed by any interested party;

73 (5) An estimate of other net new revenues;

74 (6) A statement that development financing involving tax revenues and  
75 payments in lieu of taxes is being sought for the project and an estimate of the  
76 amount of local development financing that will be requested, if applicable; and

77 (7) Such other matters as the municipality or authority may deem  
78 appropriate.

79 4. Not less than forty-five days prior to the date set for the public hearing,  
80 the municipality or authority shall give notice by mail as provided in subsection  
81 2 of this section to all taxing districts with jurisdiction over taxable property in  
82 the development area or development project area, as applicable, and in addition  
83 to the other requirements pursuant to subsection 3 of this section, the notice shall  
84 include an invitation to each taxing district to submit comments to the  
85 municipality or authority concerning the subject matter of the hearing prior to  
86 the date of the hearing.

87 5. A copy of any and all hearing notices required by this section shall be  
88 submitted by the municipality or authority to the director of the department of  
89 economic development and the date such notices were mailed or published, as  
90 applicable.

99.980. 1. By the last day of February each year, the municipality or  
2 authority shall report to the director of the department of economic development  
3 the name, address, phone number, and primary line of business of any business

4 which relocates to the development area.

5           2. Each year the governing body of the municipality, or its designee, shall  
6 prepare a report concerning the status of the development plan, the development  
7 area, and the included development projects, and shall submit a copy of such  
8 report to the director of the department of economic development. The report  
9 shall include the following:

10           (1) The name, street and mailing addresses, phone number, and chief  
11 officer of the granting body;

12           (2) The name, street and mailing addresses, phone number, and chief  
13 officer of any business benefitting from public expenditures in such development  
14 plans and projects;

15           (3) The amount and source of revenue in the special allocation fund;

16           (4) The amount and purpose of expenditures from the special allocation  
17 fund;

18           (5) The amount of any pledge of revenues, including principal and interest  
19 on any outstanding bonded indebtedness;

20           (6) The original equalized assessed value of the development area;

21           (7) The assessed valuation added to the development area;

22           (8) Payments made in lieu of taxes received and expended;

23           (9) The economic activity taxes generated within the development area in  
24 the baseline year;

25           (10) The economic activity taxes generated within the development area  
26 after the baseline year;

27           (11) Reports on contracts made incident to the implementation and  
28 furtherance of a development area, the development plan, and the included  
29 development projects;

30           (12) A copy of the development plan;

31           (13) The cost of any property acquired, disposed of, rehabilitated,  
32 reconstructed, repaired, or remodeled;

33           (14) The number of parcels acquired by or through initiation of eminent  
34 domain proceedings;

35           (15) For municipalities with more than four hundred thousand  
36 inhabitants and located in more than one county, any county with a charter form  
37 of government and with more than one million inhabitants, any city not within  
38 a county, and any county of the first classification with more than one hundred  
39 thirty-five thousand four hundred but less than one hundred thirty-five thousand

40 five hundred inhabitants and any municipality located therein, the number of  
41 development projects developed in connection with community development  
42 corporations and the amount of funds generated pursuant to section 99.957 which  
43 are expended in connection with such project;

44 (16) A summary of the number of net new jobs created, categorized by  
45 full-time, part-time, and temporary positions, and by wage groups;

46 (17) The comparison of the total employment in this state by any business,  
47 including any corporate parent, benefitting from public expenditures in the  
48 development area on the date of the application compared to such employment on  
49 the date of the report, categorized by full-time, part-time, and temporary  
50 positions;

51 (18) A statement as to whether public expenditures on any development  
52 project during the previous fiscal year have reduced employment at any other site  
53 controlled by any business benefitting from public expenditures in the  
54 development area or its corporate parent, within or without of this state as a  
55 result of automation, merger, acquisition, corporate restructuring, or other  
56 business activity;

57 (19) A summary of the other community and economic benefits resulting  
58 from the project, consistent with those identified in the application;

59 (20) A signed certification by the chief officer of the authority or  
60 municipality as to the accuracy of the progress report; and

61 (21) Any additional reasonable information the department of economic  
62 development deems necessary.

63 3. The report shall include an analysis of the distribution of state  
64 supplemental downtown development financing by municipality and by economic  
65 development region, as defined by the department of economic development.

66 4. The department shall compile and publish all data from the progress  
67 reports in both written and electronic form, including the department's internet  
68 website.

69 5. The department shall have access at all reasonable times to the project  
70 site and the records of any authority or municipality in order to monitor the  
71 development project or projects and to prepare progress reports.

72 6. Data contained in the report required pursuant to the provisions of  
73 subsection 1 of this section and any information regarding amounts disbursed to  
74 municipalities pursuant to the provisions of sections 99.957 and 99.963 shall be  
75 deemed a public record, as defined in section 610.010.

76           7. Any municipality failing to file an annual report as required pursuant  
77 to this section shall be ineligible to receive any disbursements from the state  
78 supplemental downtown development fund pursuant to section 99.963.

79           8. The Missouri development finance board and the department of  
80 economic development shall annually review the reports provided pursuant to this  
81 section.

82           9. The director of the department of economic development shall submit  
83 a report to the governor, the speaker of the house of representatives, and the  
84 president pro tempore of the senate no later than April thirtieth of each  
85 year. The report shall contain a summary of all information received by the  
86 director of economic development pursuant to subsection 2 of this section.

87           10. An annual statement showing the payments made in lieu of taxes  
88 received and expended in that year, the status of the development area, the  
89 development plan, the development projects in the development plan, the amount  
90 of outstanding obligations, and any additional information that the municipality  
91 deems necessary shall be published [in a newspaper of general circulation in the  
92 municipality] **on the front page of the municipality's website, if it has**  
93 **one. If the municipality does not have a website, the statement shall be**  
94 **sent to the secretary of state who shall publish such notice on the legal**  
95 **notices website, established pursuant to section 493.077.**

96           11. Five years after the establishment of the development area and the  
97 development plan and every five years thereafter the governing body of the  
98 municipality or authority shall hold a public hearing regarding the development  
99 area and the development plan and the development projects adopted pursuant  
100 to sections 99.915 to 99.980. The purpose of the hearing shall be to determine if  
101 the development area, development plan, and the included development projects  
102 are making satisfactory progress under the proposed time schedule contained  
103 within the approved development plan for completion of such development  
104 projects. Notice of such public hearing shall be [given in a newspaper of general  
105 circulation in the area served by the municipality or authority once each week  
106 for] **published** four weeks immediately prior to the hearing **on the front page**  
107 **of the municipality's website, if it has one. If the municipality does not**  
108 **have a website, the statement shall be sent four weeks immediately**  
109 **prior to the hearing to the secretary of state who shall publish such**  
110 **notice on the legal notices website, established pursuant to section**  
111 **493.077, until the date of the hearing has passed.**

99.1021. Real property which is acquired by a municipality or authority  
2 in a development project area may be disposed of as follows:

3 (1) Within a development project area, the authority may sell, lease,  
4 exchange, or otherwise transfer real property, including land, improvements, and  
5 fixtures, or any interest therein, to any developer selected for a development  
6 project, or any portion thereof, in accordance with the development plan, subject  
7 to such covenants, conditions, and restrictions as may be deemed to be in the  
8 public interest or to carry out the purposes of sections 99.1000 to 99.1060. Such  
9 real property shall be sold, leased, or transferred at its fair market value for uses  
10 in accordance with the development plan; provided that such fair market value  
11 may be less than the cost of such property to the municipality or authority. In  
12 determining the fair market value of real property for uses in accordance with a  
13 development plan, the municipality or authority shall take into account and give  
14 consideration to the uses and purposes required by the development plan; the  
15 restrictions upon, and the covenants, conditions, and obligations assumed by the  
16 developer of such property; the objectives of the development plan; and such other  
17 matters as the municipality or authority shall specify as being appropriate. In  
18 fixing rental and sale prices, a municipality or authority shall give consideration  
19 to appraisals of the property for such uses made by experts employed by the  
20 municipality or authority;

21 (2) The municipality or authority shall, by public notice published [in a  
22 newspaper having a general circulation in a development area,] **on its website,**  
23 **if it has one,** prior to selecting one or more developers for any development  
24 project, or any portion thereof, invite proposals from, and make available all  
25 pertinent information to, private developers or any persons interested in  
26 undertaking the development of such development project, or any portion thereof.  
27 **If the municipality or authority does not have a website, notice shall be**  
28 **sent to the secretary of state who shall publish such notice on the legal**  
29 **notices website, established pursuant to section 493.077.** Such notice  
30 shall be published [at least once each week] during the two weeks preceding the  
31 selection of a developer, shall identify the area of the development project or  
32 development projects, or any portion thereof, for which one or more developers are  
33 to be selected, and shall state that such further information as it is available may  
34 be obtained at the office of the municipality or authority. The municipality or  
35 authority shall consider all proposals and the financial and legal ability of the  
36 prospective developers to carry out their proposals. The municipality or authority

37 may negotiate and enter into one or more contracts with any developer selected  
38 for the development of any such area for the development of such area by such  
39 developer in accordance with a development plan or for the sale or lease of any  
40 real property to any such developer in any such area for the purpose of developing  
41 such property in accordance with the development plan. The municipality or  
42 authority may enter into any such contract as it deems to be in the public interest  
43 and in furtherance of the purposes of sections 99.1000 to 99.1060; provided that  
44 the municipality or authority has, not less than ten days prior thereto, notified  
45 the governing body in writing of its intention to enter into such  
46 contract. Thereafter, the municipality or authority may execute such contract in  
47 accordance with the provisions of subdivision (1) of this section and deliver deeds,  
48 leases, and other instruments and take all steps necessary to effectuate such  
49 contract. In its discretion, the municipality or authority may, in accordance with  
50 the provisions of this subdivision, dispose of any real property in an area selected  
51 for a development project, or any portion thereof, to private developers for  
52 development under such reasonable competitive bidding procedures as it shall  
53 prescribe, subject to the provisions of subdivision (1) of this section;

54 (3) In carrying out a development project, the authority may:

55 (a) Convey to the municipality such real property as, in accordance with  
56 the development plan, is to be dedicated as public right-of-way for streets,  
57 sidewalks, alleys, or other public ways, this power being additional to and not  
58 limiting any and all other powers of conveyance of property to municipalities  
59 expressed, generally or otherwise, in sections 99.1000 to 99.1060;

60 (b) Grant servitudes, easements, and rights-of-way for public utilities,  
61 sewers, streets, and other similar facilities, in accordance with the development  
62 plan; and

63 (c) Convey to the municipality or other appropriate public body such real  
64 property as, in accordance with the development plan, is to be used for parks,  
65 schools, public buildings, facilities, or other public purposes;

66 (4) The municipality or authority may operate and maintain real property  
67 in the development area pending the disposition or development of the property  
68 in accordance with a development plan, without regard to the provisions of  
69 subdivisions (1) and (2) of this section, for such uses and purposes as may be  
70 deemed desirable even though not in conformity with the development plan.

99.1036. 1. Prior to the adoption of the ordinance designating a  
2 development area, adopting a development plan, or approving a development

3 project, the municipality or authority shall fix a time and place for a public  
4 hearing and notify each taxing district located wholly or partially within the  
5 boundaries of the proposed development area or development project area  
6 affected. Such notice shall comply with the provisions of subsection 2 of this  
7 section. At the public hearing any interested person or affected taxing district  
8 may file with the municipality or authority written objections to, or comments on,  
9 and may be heard orally in respect to, any issues regarding the plan or issues  
10 embodied in the notice. The municipality or authority shall hear and consider all  
11 protests, objections, comments, and other evidence presented at the hearing. The  
12 hearing may be continued to another date without further notice other than a  
13 motion to be entered upon the minutes fixing the time and place of the  
14 subsequent hearing. Prior to the conclusion of the hearing, changes may be made  
15 in the development plan, development project, development area or development  
16 project area, provided that written notice of such changes is available at the  
17 public hearing. After the public hearing but prior to the adoption of an ordinance  
18 designating a development area, adopting a development plan or approving a  
19 development project, changes may be made to any such proposed development  
20 plan, development project, development area, or development project area without  
21 a further hearing, if such changes do not enlarge the exterior boundaries of the  
22 development area, and do not substantially affect the general land uses  
23 established in a development plan or development project[, provided that]. Notice  
24 of such changes shall be given by mail to each affected taxing district and by  
25 publication [in a newspaper of general circulation in the development area or  
26 development project area, as applicable,] not less than ten days prior to the  
27 adoption of the changes by ordinance **on the front page of the municipality**  
28 **or authority's website, if it has one. If the municipality or authority**  
29 **does not have a website, notice shall be sent not less than ten days**  
30 **prior to the adoption of the changes by ordinance to the secretary of**  
31 **state who shall publish such notice on the legal notices website,**  
32 **established pursuant to section 493.077.** After the adoption of an ordinance  
33 designating the development area, adopting a development plan, approving a  
34 development project, or designating a development project area, no ordinance  
35 shall be adopted altering the exterior boundaries of the development area or a  
36 development project area affecting the general land uses established pursuant to  
37 the development plan or the general nature of a development project without  
38 holding a public hearing in accordance with this section. One public hearing may

39 be held for the simultaneous consideration of a development area, development  
40 plan, development project, or development project area.

41         2. Notice of the public hearing required by this section shall be given by  
42 publication and mailing. Notice by publication shall be given [by publication at  
43 least twice, the first publication to be not more than] thirty days [and the second  
44 publication to be not more than ten days] prior to the hearing[, in a newspaper  
45 of general circulation in the proposed development area or development project  
46 area, as applicable] **on the front page of the municipality or authority's**  
47 **website, if it has one. If the municipality or authority does not have a**  
48 **website, notice shall be sent thirty days prior to the hearing to the**  
49 **secretary of state who shall publish such notice on the legal notices**  
50 **website, established pursuant to section 493.077, until the date of the**  
51 **hearing has passed.** Notice by mailing shall be given by depositing such notice  
52 in the United States mail by certified mail addressed to the person or persons in  
53 whose name the general taxes for the last preceding year were paid on each lot,  
54 block, tract, or parcel of land lying within the proposed development area or  
55 development project area, as applicable, which is to be subjected to the payment  
56 or payments in lieu of taxes and economic activity taxes pursuant to section  
57 99.1042. Such notice shall be mailed not less than ten working days prior to the  
58 date set for the public hearing. In the event taxes for the last preceding year  
59 were not paid, the notice shall also be sent to the persons last listed on the tax  
60 rolls within the preceding three years as the owners of such property.

61         3. The notices issued pursuant to this section shall include the following:

62             (1) The time and place of the public hearing;

63             (2) The general boundaries of the proposed development area or  
64 development project area, as applicable, by street location, where possible;

65             (3) A statement that all interested persons shall be given an opportunity  
66 to be heard at the public hearing;

67             (4) A description of the development plan and the proposed development  
68 projects and a location and time where the entire development plan or  
69 development projects proposed may be reviewed by any interested party;

70             (5) An estimate of other net new revenues;

71             (6) A statement that development financing involving tax revenues and  
72 payments in lieu of taxes is being sought for the project and an estimate of the  
73 amount of local development financing that will be requested, if applicable; and

74             (7) Such other matters as the municipality or authority may deem

75 appropriate.

76 4. Not less than forty-five days prior to the date set for the public hearing,  
77 the municipality or authority shall give notice by mail as provided in subsection  
78 2 of this section to all taxing districts with jurisdiction over taxable property in  
79 the development area or development project area, as applicable, and in addition  
80 to the other requirements pursuant to subsection 3 of this section, the notice shall  
81 include an invitation to each taxing district to submit comments to the  
82 municipality or authority concerning the subject matter of the hearing prior to  
83 the date of the hearing.

84 5. A copy of any and all hearing notices required by this section shall be  
85 submitted by the municipality or authority to the director of the department of  
86 economic development and the date such notices were mailed or published, as  
87 applicable.

99.1060. 1. By the last day of February each year, the municipality or  
2 authority shall report to the director of the department of economic development  
3 the name, address, phone number, and primary line of business of any business  
4 which relocates to the development area.

5 2. Each year the governing body of the municipality, or its designee, shall  
6 prepare a report concerning the status of the development plan, the development  
7 area, and the included development projects, and shall submit a copy of such  
8 report to the director of the department of economic development. The report  
9 shall include the following:

10 (1) The name, street and mailing addresses, phone number, and chief  
11 officer of the granting body;

12 (2) The name, street and mailing addresses, phone number, and chief  
13 officer of any business benefitting from public expenditures in such development  
14 plans and projects;

15 (3) The amount and source of revenue in the special allocation fund;

16 (4) The amount and purpose of expenditures from the special allocation  
17 fund;

18 (5) The amount of any pledge of revenues, including principal and interest  
19 on any outstanding bonded indebtedness;

20 (6) The original equalized assessed value of the development area;

21 (7) The assessed valuation added to the development area;

22 (8) Payments made in lieu of taxes received and expended;

23 (9) The economic activity taxes generated within the development area in

24 the baseline year;

25 (10) The economic activity taxes generated within the development area  
26 after the baseline year;

27 (11) Reports on contracts made incident to the implementation and  
28 furtherance of a development area, the development plan, and the included  
29 development projects;

30 (12) A copy of the development plan;

31 (13) The cost of any property acquired, disposed of, rehabilitated,  
32 reconstructed, repaired, or remodeled;

33 (14) The number of parcels acquired by or through initiation of eminent  
34 domain proceedings;

35 (15) A summary of the number of net new jobs created, categorized by  
36 full-time, part-time, and temporary positions, and by wage groups;

37 (16) The comparison of the total employment in this state by the any  
38 business, including any corporate parent, benefitting from public expenditures in  
39 the development area on the date of the application compared to such  
40 employment on the date of the report, categorized by full-time, part-time, and  
41 temporary positions;

42 (17) A statement as to whether public expenditures on any development  
43 project during the previous fiscal year have reduced employment at any other site  
44 controlled by any business benefitting from public expenditures in the  
45 development area or its corporate parent, within or without of this state as a  
46 result of automation, merger, acquisition, corporate restructuring, or other  
47 business activity;

48 (18) A summary of the other community and economic benefits resulting  
49 from the project, consistent with those identified in the application;

50 (19) A signed certification by the chief officer of the authority or  
51 municipality as to the accuracy of the progress report; and

52 (20) Any additional reasonable information the department of economic  
53 development deems necessary.

54 3. The department shall compile and publish all data from the progress  
55 reports in both written and electronic form, including the department's internet  
56 website.

57 4. The department shall have access at all reasonable times to the project  
58 site and the records of any authority or municipality in order to monitor the  
59 development project or projects and to prepare progress reports.

60           5. Data contained in the report required pursuant to the provisions of  
61 subsection 1 of this section and any information regarding amounts disbursed to  
62 municipalities pursuant to the provisions of sections 99.1042 and 99.1048 shall  
63 be deemed a public record, as defined in section 610.010.

64           6. Any municipality failing to file an annual report as required pursuant  
65 to this section shall be ineligible to receive any disbursements from the state  
66 supplemental rural development fund pursuant to section 99.1048.

67           7. The Missouri agricultural and small business development authority  
68 and the department of economic development shall annually review the reports  
69 provided pursuant to this section.

70           8. The director of the department of economic development shall submit  
71 a report to the governor, the speaker of the house of representatives, and the  
72 president pro tempore of the senate no later than April thirtieth of each  
73 year. The report shall contain a summary of all information received by the  
74 director of economic development pursuant to subsection 2 of this section.

75           9. An annual statement showing the payments made in lieu of taxes  
76 received and expended in that year, the status of the development area, the  
77 development plan, the development projects in the development plan, the amount  
78 of outstanding obligations, and any additional information that the municipality  
79 deems necessary shall be published [in a newspaper of general circulation in the  
80 municipality] **on the front page of the municipality's website, if it has**  
81 **one. If the municipality does not have a website, the statement shall be**  
82 **sent to the secretary of state who shall publish such notice on the legal**  
83 **notices website, established pursuant to section 493.077.**

84           10. Five years after the establishment of the development area and the  
85 development plan and every five years thereafter the governing body of the  
86 municipality or authority shall hold a public hearing regarding the development  
87 area and the development plan and the development projects adopted pursuant  
88 to sections 99.1000 to 99.1060. The purpose of the hearing shall be to determine  
89 if the development area, development plan, and the included development projects  
90 are making satisfactory progress under the proposed time schedule contained  
91 within the approved development plan for completion of such development  
92 projects. Notice of such public hearing shall be [given in a newspaper of general  
93 circulation in the area served by the municipality or authority once each week  
94 for] **published** four weeks immediately prior to the hearing **on the front page**  
95 **of the municipality's website, if it has one. If the municipality does not**

96 **have a website, the statement shall be sent four weeks immediately**  
97 **prior to the hearing to the secretary of state who shall publish such**  
98 **notice on the legal notices website, established pursuant to section**  
99 **493.077, until the date of the hearing has passed.**

99.1088. 1. Prior to the adoption of the ordinance designating a  
2 redevelopment area, adopting a redevelopment plan, or approving a  
3 redevelopment project, the municipality or authority shall fix a time and place for  
4 a public hearing and notify each taxing district located wholly or partially within  
5 the boundaries of the proposed redevelopment area or redevelopment project area  
6 affected. Such notice shall comply with the provisions of subsections 2 and 3 of  
7 this section. At the public hearing any interested person or affected taxing  
8 district may file with the municipality or authority written objections to, or  
9 comments on, and may be heard orally in respect to any issues regarding the plan  
10 or issues embodied in the notice. The municipality or authority shall hear and  
11 consider all protests, objections, comments, and other evidence presented at the  
12 hearing. The hearing may be continued to another date without further notice  
13 other than a motion to be entered upon the minutes fixing the time and place of  
14 the subsequent hearing. Prior to the conclusion of the hearing, changes may be  
15 made in the redevelopment plan, redevelopment project, redevelopment area or  
16 redevelopment project area, provided that written notice of such changes is  
17 available at the public hearing. After the public hearing but prior to the adoption  
18 of an ordinance designating a redevelopment area, adopting a redevelopment plan  
19 or approving a redevelopment project, changes may be made to any such proposed  
20 redevelopment plan, redevelopment project, redevelopment area, or  
21 redevelopment project area without a further hearing, if such changes do not  
22 enlarge the exterior boundaries of the redevelopment area, and do not  
23 substantially affect the general land uses established in a redevelopment plan or  
24 redevelopment project[, provided that]. Notice of such changes shall be given by  
25 mail to each affected taxing district and by publication [in a newspaper of general  
26 circulation in the redevelopment area or redevelopment project area, as  
27 applicable,] not less than ten days prior to the adoption of the changes by  
28 ordinance **on the front page of the municipality or authority's website,**  
29 **if it has one. If the municipality or authority does not have a website,**  
30 **notice shall be sent not less than ten days prior to the adoption of the**  
31 **changes by ordinance to the secretary of state who shall publish such**  
32 **notice on the legal notices website, established pursuant to section**

33 **493.077.** After the adoption of an ordinance designating the redevelopment area,  
34 adopting a redevelopment plan, approving a redevelopment project, or designating  
35 a redevelopment project area, no ordinance shall be adopted altering the exterior  
36 boundaries of the redevelopment area or a redevelopment project area affecting  
37 the general land uses established under the redevelopment plan or the general  
38 nature of a redevelopment project without holding a public hearing in accordance  
39 with this section. One public hearing may be held for the simultaneous  
40 consideration of a redevelopment area, redevelopment plan, redevelopment  
41 project, or redevelopment project area.

42         2. Notice of the public hearing required by this section shall be given by  
43 publication and mailing. Notice by publication shall be given [by publication at  
44 least twice, the first publication to be not more than] thirty days [and the second  
45 publication to be not more than ten days] prior to the hearing[, in a newspaper  
46 of general circulation in the proposed redevelopment area or redevelopment  
47 project area, as applicable] **on the front page of the municipality or**  
48 **authority's website, if it has one. If the municipality or authority does**  
49 **not have a website, notice shall be sent thirty days prior to the hearing**  
50 **to the secretary of state who shall publish such notice on the legal**  
51 **notices website, established pursuant to section 493.077, until the date**  
52 **of the hearing has passed.** Notice by mailing shall be given by depositing  
53 such notice in the United States mail by certified mail addressed to the person  
54 or persons in whose name the general taxes for the last preceding year were paid  
55 on each lot, block, tract, or parcel of land lying within the proposed  
56 redevelopment area or redevelopment project area, as applicable. Such notice  
57 shall be mailed not less than ten working days prior to the date set for the public  
58 hearing.

59         3. The notices issued under this section shall include the following:

- 60         (1) The time and place of the public hearing;
- 61         (2) The general boundaries of the proposed redevelopment area or  
62 redevelopment project area, as applicable, by street location, where possible;
- 63         (3) A statement that all interested persons shall be given an opportunity  
64 to be heard at the public hearing;
- 65         (4) A description of the redevelopment plan and the proposed  
66 redevelopment projects and a location and time where the entire redevelopment  
67 plan or redevelopment projects proposed may be reviewed by any interested party;
- 68         (5) A statement that redevelopment financing involving tax revenues is

69 being sought for the project and an estimate of the amount of local redevelopment  
70 financing that will be requested, if applicable; and

71 (6) Such other matters as the municipality or authority may deem  
72 appropriate.

73 4. Not less than forty-five days prior to the date set for the public hearing,  
74 the municipality or authority shall give notice by mail as provided in subsection  
75 2 of this section to all taxing districts whose taxes are affected in the  
76 redevelopment area or redevelopment project area, as applicable, and in addition  
77 to the other requirements under subsection 3 of this section, the notice shall  
78 include an invitation to each taxing district to submit comments to the  
79 municipality or authority concerning the subject matter of the hearing prior to  
80 the date of the hearing.

81 5. A copy of any and all hearing notices required by this section shall be  
82 submitted by the municipality or authority to the director of the department of  
83 economic development and the date such notices were mailed or published, as  
84 applicable.

100.400. 1. Preparation and approval of plans shall be carried out within  
2 the following regulations:

3 (1) An authority shall not acquire real property for a project unless the  
4 governing body of the city has approved the plan, as prescribed in subdivision (9)  
5 of this section.

6 (2) An authority shall not prepare a plan for a project area unless the  
7 governing body of the city has declared, by resolution or ordinance, the area to  
8 be blighted, insanitary or undeveloped industrial area in need of industrial  
9 development.

10 (3) An authority shall not recommend a plan to the governing body of the  
11 city until a general plan for the development of the city has been prepared.

12 (4) The authority itself may prepare or cause to be prepared a plan or any  
13 person or agency, public or private, may submit such a plan to an authority. A  
14 plan shall be sufficiently complete to indicate its relationship to definite local  
15 objectives as to appropriate land uses, improved traffic, foster employment, public  
16 transportation, public utilities, recreational and community facilities and other  
17 public improvements and the proposed land uses and building requirements in  
18 the project area, and shall include without being limited to:

19 (a) The boundaries of the project area, with a map showing the existing  
20 uses and condition of the real property therein;

21 (b) A land use plan showing proposed uses of the area;

22 (c) Information showing the standards of population densities,  
23 unemployment within area and adjacent areas, land coverage and building  
24 intensities in the area after completion of the plan;

25 (d) A statement of the proposed changes, if any, in zoning ordinances or  
26 maps, street layouts, street levels or grades, building codes and ordinances;

27 (e) A statement as to the kind and number of additional public facilities  
28 or utilities which will be required in the area after completion of the plan;

29 (f) A schedule indicating the estimated length of time needed for  
30 completion of each phase of the plan.

31 (5) Prior to recommending a plan to the governing body for approval, an  
32 authority shall submit the plan to the planning agency, if any, of the community  
33 in which the project area is located for review and recommendations as to its  
34 conformity with the general plan for the development of the city as a whole. The  
35 planning agency shall submit its written recommendations with respect to the  
36 proposed plan to the authority within thirty days after receipt of the plan for  
37 review. Upon receipt of the recommendations of the planning agency, or, if no  
38 recommendations are received within the thirty days, then without the  
39 recommendations, an authority may recommend the plan to the governing body  
40 of the city for approval.

41 (6) Prior to recommending a plan to the governing body for approval, an  
42 authority shall consider whether the proposed land uses and building  
43 requirements in the project area are designed with the general purpose of  
44 accomplishing, in conformance with the general plan, a coordinated, adjusted and  
45 harmonious development of the city and its environs which, in accordance with  
46 present and future needs, will promote health, safety, morals, order, convenience,  
47 prosperity and the general welfare, as well as efficiency and economy in the  
48 process of development; including, among other things, adequate provision for  
49 traffic, vehicular parking, the promotion of safety from fire, panic and other  
50 dangers, adequate provision for light and air, the promotion of the healthful and  
51 convenient distribution of population, employment opportunities, the provision  
52 of adequate transportation, water, sewerage and other public utilities, schools,  
53 parks, recreational and community facilities and other public requirements, the  
54 promotion of sound design and arrangement, the wise and efficient expenditure  
55 of public funds, the prevention of the recurrence of insanitary areas, conditions  
56 of blight or deterioration or undeveloped industrial or commercial use.

57 (7) The recommendation of a plan by an authority to the governing body  
58 shall be accompanied by the recommendations, if any, of the planning commission  
59 concerning the plan; a statement of the proposed method and estimated cost of  
60 the acquisition and preparation for the project area and the estimated proceeds  
61 or revenues from its disposal to industrial developers; a statement of the proposed  
62 method of financing the project; a statement of a feasible method proposed for the  
63 relocation of families to be displaced from the project area; and a schedule  
64 indicating the estimated length of time needed for completion of each phase of the  
65 plan.

66 (8) The governing body of the community may hold a public hearing on  
67 any plan or substantial modification thereof recommended by the authority, after  
68 public notice thereof by publication [in a newspaper of general circulation in the  
69 community once each week] for two consecutive weeks[, the last publication to be  
70 at least ten days] prior to the date set for hearing **on the front page of the**  
71 **governing body's website, if it has one. If the governing body does not**  
72 **have a website, notice shall be sent two weeks prior to the date set for**  
73 **hearing to the secretary of state who shall publish such notice on the**  
74 **legal notices website, established pursuant to section 493.077, until the**  
75 **date of the hearing has passed.** The notice shall describe the time, date,  
76 place and purpose of the hearing and shall also generally identify the area to be  
77 covered by the plan. All interested parties shall be afforded at the public hearing  
78 a reasonable opportunity to express their views respecting the proposed plan.

79 (9) Following the hearing, the governing body may approve a plan if it  
80 finds that the plan is feasible and in conformity with the general plan for the  
81 development of the community as a whole. A plan which has not been approved  
82 by the governing body when recommended by the authority may be recommended  
83 again to it with any modifications deemed advisable.

84 (10) A plan may be modified at any time by the authority, or by the  
85 governing body; provided that, if modified after the lease or sale of real property  
86 in the project area, the modification must be consented to by the industrial  
87 developer of the real property or his **or her** successor, or their successors in  
88 interest affected by the proposed modification. Where the proposed modification  
89 will substantially change the plan as previously approved by the governing body,  
90 the modification must similarly be approved by the governing body.

91 2. As an alternative to the procedures prescribed in subdivisions (2) and  
92 (5) of subsection 1 **of this section**, an authority may find an area to be a

93 blighted or insanitary or undeveloped industrial area and in need of industrial  
94 or commercial development and may simultaneously prepare a plan and  
95 recommend to the governing body of the community the approval of such finding  
96 of a blighted or insanitary or undeveloped industrial area and the approval of a  
97 plan, whether prepared by the authority or submitted to the authority, and the  
98 governing body may make its finding and approve the plan  
99 simultaneously. Simultaneously with such recommendation of a finding of a  
100 blighted or insanitary or undeveloped industrial area and recommendation of a  
101 plan to the governing body for approval, an authority shall submit the finding of  
102 a blighted or insanitary or undeveloped area and the plan to the planning agency,  
103 if any, of the community in which the project area is located for review and  
104 recommendation as to the conformity of the plan to the general plan for the  
105 development of the community as a whole. The planning agency shall submit its  
106 written recommendations with respect to the finding of a blighted or insanitary  
107 or undeveloped industrial area and the plan to the authority and the local  
108 governing body within thirty days after receipt of the findings and the plan for  
109 review. Upon receipt of the recommendations of the planning agency, or, if no  
110 recommendations are received within the thirty days, then without the  
111 recommendations, the governing body may approve the finding of a blighted or  
112 insanitary or undeveloped industrial area and may approve the plan in the  
113 manner prescribed in subdivisions (8) and (9) of subsection 1 **of this section.**

100.410. Property in a project may be disposed of as follows:

2 (1) An authority may sell, lease, exchange or otherwise transfer real  
3 property, including land and improvements as provided for in the project, or any  
4 interest therein in a project area to any developer for industrial and commercial  
5 or related uses or for public use in accordance with the plan, subject to such  
6 covenants, conditions and restrictions as may be deemed to be in the public  
7 interest or to carry out the purposes of this law; provided that such sale, lease,  
8 exchange or other transfer, and any agreement relating thereto, may be made  
9 only after, or subject to, the approval of the plan by the governing body of the  
10 city. Such real property shall be sold, leased or transferred at its fair value for  
11 uses in accordance with the plan notwithstanding such value may be less than  
12 the cost of such property to the authority. In determining the fair value of real  
13 property for uses in accordance with the plan, an authority shall take into  
14 account and give consideration to the uses and purposes required by such plan;  
15 the restrictions upon, and the covenants, conditions and obligations assumed by,

16 the developer of such property; the objectives of the plan for the prevention of the  
17 recurrence of blighted, insanitary or undeveloped industrial areas; and such other  
18 matters as the authority shall specify as being appropriate. In fixing rentals and  
19 selling prices, an authority shall give consideration to appraisals of the property  
20 for such uses made by experts employed by the authority.

21 (2) An authority shall, by public notice published [at least two times in  
22 a newspaper having a general circulation in its area of operation,] **on its**  
23 **website, if it has one**, prior to the consideration of any industrial development  
24 contract proposal, invite proposals from, and make available all pertinent  
25 information to, private industrial developers or any persons interested in  
26 undertaking the development of an area, or any part thereof, which the governing  
27 body has declared to be in need of industrial development. **If the authority**  
28 **does not have a website, public notice shall be sent to the secretary of**  
29 **state who shall publish such notice on the legal notices website,**  
30 **established pursuant to section 493.077.** Such notice shall identify the area  
31 and shall state that such further information as is available may be obtained at  
32 the office of the authority. The authority shall consider all proposals and the  
33 financial and legal ability of the prospective developers to carry out their  
34 proposals and may negotiate with any industrial developer for proposals for the  
35 purchase or lease of any real property in the industrial clearance project  
36 area. The authority may accept such industrial development contract proposal  
37 as it deems to be in the public interest and in furtherance of the purposes of this  
38 law; provided that the authority has, not less than thirty days prior thereto,  
39 notified the governing body in writing of its intention to accept such industrial  
40 development contract proposal. Thereafter, the authority may execute such  
41 industrial development contract in accordance with the provisions of subdivision  
42 (1) of this section and deliver deeds, leases and other instruments and take all  
43 steps necessary to effectuate such industrial development contract. In its  
44 discretion, the authority may, with regard to the foregoing provisions of this  
45 subdivision, dispose of real property in a project area to private developers for  
46 redevelopment under such reasonable competitive bidding procedures as it shall  
47 prescribe, subject to the provisions of subdivision (1).

48 (3) In carrying out a project, an authority may:

49 (a) Convey to the city such real property as, in accordance with the  
50 development plan, is to be laid out into streets, alleys and public ways, this power  
51 being additional to and not limiting any and all other powers of conveyance of

52 property to cities expressed herein generally or otherwise;

53 (b) Grant servitudes, easements and rights-of-way for public utilities,  
54 sewers, streets and other similar facilities, in accordance with the plan; and

55 (c) Convey to the municipality, county or other appropriate public body  
56 such real property as, in accordance with the plan, is to be used for parks,  
57 schools, public buildings, facilities or other public purposes.

58 (4) An authority may temporarily operate and maintain real property in  
59 a project area pending the disposition of the property for industrial development,  
60 without regard to the provisions of subdivisions (1) and (2) above, for such uses  
61 and purposes as may be deemed desirable even though not in conformity with the  
62 plan.

100.440. 1. Bonds of an authority shall be authorized by its resolution  
2 and may be issued in one or more series and shall bear such date or dates, be  
3 payable upon demand or mature at such time or times, bear interest at such rate  
4 or rates, not in excess of the maximum rate, if any, applicable to general and  
5 business corporations, be in such denomination or denominations, be in such form  
6 either coupon or registered, carry such conversion or registration privileges, have  
7 such rank or priority, be executed in such manner, be payable in such medium of  
8 payment, at such place or places, and be subject to such terms of redemption,  
9 with or without premium, as such resolution, its trust indenture or mortgage may  
10 provide.

11 2. The bonds shall be sold at not less than ninety-five percent of par at  
12 public or, if the authority determines it is in the best interest of the authority, at  
13 private sale, notwithstanding the provisions of section 108.170. The reason or  
14 reasons why private sale is in the best interest of the authority shall be set forth  
15 in the order or resolution authorizing the private sale; provided, however, that  
16 any issue in excess of ten million dollars shall be sold only at public sale[;  
17 provided, further, that]. Notice of such public or private sale shall be published  
18 [in a newspaper having a general circulation in the area of operation and such  
19 medium of publication as the authority may deem at least once and] not later  
20 than ten days prior to such public or private sale **on the front page of the**  
21 **authority's website, if it has one. If the authority does not have a**  
22 **website, notice shall be sent not later than ten days prior to the public**  
23 **or private sale to the secretary of state who shall publish such notice**  
24 **on the legal notices website, established pursuant to section 493.077,**  
25 **until the date of the sale has passed.** The decision of the authority shall be

26 conclusive.

100.580. 1. At least once a year, an authority shall file with the clerk a  
2 report of its activities for the preceding year, and shall make recommendations  
3 with reference to such additional legislation or other action as it deems necessary  
4 in order to carry out the purposes of this law.

5 2. Within sixty days after August 13, 1982, and every five years  
6 thereafter, the governing body shall hold a public hearing regarding those  
7 industrial development projects under the jurisdiction of the authority. The  
8 purpose of the hearing shall be to determine if the authority is making  
9 satisfactory progress under the proposed time schedule contained within the  
10 approved plans for completion of such projects. Notice of such public hearing  
11 shall be [given in a newspaper of general circulation in the area served by the  
12 authority once each week] **published** for four weeks immediately prior to the  
13 hearing **on the front page of the authority's website, if it has one. If the**  
14 **authority does not have a website, the notice shall be sent four weeks**  
15 **immediately prior to the hearing to the secretary of state who shall**  
16 **publish such notice on the legal notices website, established pursuant**  
17 **to section 493.077, until the date of the hearing has passed.**

108.320. 1. The state, county, township, school district or municipality,  
2 or the legal representative thereof, shall cause a notice to be published stating  
3 the time and place when said petition will be presented, which notice shall set  
4 forth the general objects and purposes of the petition and shall be published [in  
5 at least two [issues of some daily or weekly newspaper printed and published in  
6 the county where the suit is brought, the last insertion of which shall be not less  
7 than three nor more than seven days] **weeks** before the presentation of said  
8 petition **on the front page of the entity's website, if it has one. If the**  
9 **entity does not have a website, notice shall be sent, at least two weeks**  
10 **before the presentation, to the secretary of state who shall publish such**  
11 **notice on the legal notices website, established pursuant to section**  
12 **493.077, until the date of the presentation has passed.**

13 2. Any taxpaying citizen may in person or by legal representative file an  
14 intervening petition contesting the validity of such bonds, and in case an  
15 intervening petition is filed on or before the day set for the presentation of such  
16 petition, the court shall set a definite time for the hearing of said cause at which  
17 time the court shall hear and determine all the evidence and see all proofs offered  
18 concerning the legality or illegality of such issue.

110.070. 1. Subject to the provisions of section 110.030, all boards of  
2 managers, curators, trustees or other persons by whatever name called, who have  
3 the management of any state institution, that have the use or custody of any  
4 funds, on or before the first Monday of July for the year in which a bid is  
5 requested shall receive sealed proposals from banking corporations, associations,  
6 or trust companies in any city, town or county in which the institutions are  
7 located which desire to be selected as depositaries of the moneys and funds of the  
8 institution. The bids may be for a period of one to four years.

9         2. Notice that bids will be received shall be published by the secretary of  
10 the board at least twenty days before the meeting at which the depositary is to  
11 be selected [in some newspaper published in the city, town or county at least once  
12 in each week] **on the front page of the board's website, if it has one. If  
13 the board does not have a website, notice shall be sent at least twenty  
14 days before the meeting to the secretary of state who shall publish such  
15 notice on the legal notices website, established pursuant to section  
16 493.077, until the date of the meeting has passed.**

110.130. 1. Subject to the provisions of section 110.030 the county  
2 commission of each county in this state on or before the first Monday of July for  
3 the year in which a bid is requested and every fourth year thereafter, with an  
4 option to rebid in each odd-numbered year, shall receive proposals from banking  
5 corporations or associations at the county seat of the county which desire to be  
6 selected as the depositaries of the funds of the county.

7         2. Notice that such bids will be received shall be published by the clerk  
8 of the commission twenty days before the commencement of the term [in some  
9 newspaper published in the county, and if no newspaper is published therein,  
10 then the notice shall be published at the door of the courthouse of the county] **on  
11 the front page of the commission's website, if it has one. If the  
12 commission does not have a website, notice shall be sent at least twenty  
13 days prior to the commencement of the term to the secretary of state  
14 who shall publish such notice on the legal notices website, established  
15 pursuant to section 493.077, until the commencement of the term. In  
16 counties operating under the township organization law of this state, township  
17 boards shall exercise the same powers and privileges with reference to township  
18 funds as are conferred in sections 110.130 to 110.260 upon county commissions  
19 with reference to county funds at the same time and manner, except that  
20 township funds shall not be divided but let as an entirety; and except, also, that**

21 in all cases of the letting of township funds, three notices, posted in three public  
22 places by the township clerk, will be a sufficient notice of such letting.

115.023. 1. Except as provided in subsections 2 and 3 of this section, each  
2 election authority shall conduct all public elections within its jurisdiction.

3 2. When an election is to be conducted for a political subdivision or special  
4 district, and the political subdivision or special district is located within the  
5 jurisdiction of more than one election authority, the election authority of the  
6 jurisdiction with the greatest proportion of the political subdivision's or special  
7 district's registered voters shall be responsible for publishing any legal notice  
8 required in this chapter.

9 3. When an election is to be conducted for a political subdivision or special  
10 district, and the political subdivision or special district is located within the  
11 jurisdiction of more than one election authority, the affected election authorities  
12 may, by contract, authorize one of their number to conduct the election for all or  
13 any part of the political subdivision or special district. In any election conducted  
14 pursuant to this subsection, the election authority conducting part of an election  
15 in an area outside its jurisdiction may consolidate precincts across jurisdiction  
16 lines and shall have all powers and duties granted pursuant to this chapter,  
17 except the provisions of sections 115.133 to 115.221 and sections 115.279 and  
18 115.297, in the area outside its jurisdiction.

19 [4. Notwithstanding the provisions of sections 493.025 and 493.027 to the  
20 contrary, whenever the publication of a legal advertisement, legal notice, order  
21 of court or public notice of any kind is allowed or required pursuant to this  
22 chapter, a newspaper publishing such notice shall charge and receive not more  
23 than its regular local classified advertising rate. The regular local classified  
24 advertising rate is that rate shown by the newspaper's rate schedule as offered  
25 to the public, and shall have been in effect for at least thirty days preceding  
26 publication of the particular notice to which it is applied.]

115.113. 1. The basic election district shall be the precinct. In each  
2 jurisdiction, precinct boundaries shall be established by the election  
3 authority. Every effort shall be made by the election authority to establish  
4 precinct lines which do not cross political subdivision or special district  
5 boundaries. Upon mail notification of each voter affected by the change, or  
6 publication of the new boundaries [in a newspaper of general circulation in its  
7 jurisdiction] **on the election authority's website, if it has one**, the election  
8 authority may change precinct boundaries from time to time as convenience may

9 require. **If the election authority does not have a website, the new**  
10 **boundaries shall be sent to the secretary of state who shall publish**  
11 **such boundaries on the legal notices website, established pursuant to**  
12 **section 493.077.**

13           2. When a political subdivision is formed, the political subdivision shall  
14 assist the election authority in determining the identity of all registered voters  
15 residing in each precinct eligible to vote in elections affecting the district.

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 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 two  
6 thousand inhabitants, if the notice provided for in subsection 5 of section 115.127  
7 has been published [in at least one newspaper of general circulation as defined  
8 in section 493.050 in the district], and if the number of candidates for each office  
9 in a particular political subdivision, special district, or municipality is equal to  
10 the number of positions for each office within the political subdivision, special  
11 district, or municipality to be filled by the election and no ballot measure is  
12 placed on the ballot such that a particular political subdivision will owe no  
13 proportional elections costs if an election is not held, no election shall be held,  
14 and the candidates shall assume the responsibilities of their offices at the same  
15 time and in the same manner as if they had been elected. If no election is held  
16 for a particular political subdivision, special district, or municipality as provided  
17 in this section, the election authority shall publish a notice containing the names  
18 of the candidates that shall assume the responsibilities of office under this  
19 section. Such notice shall be published [in at least one newspaper of general  
20 circulation as defined in section 493.050 in such political subdivision or district]  
21 **on the front page of the election authority's website, if it has one,** by the  
22 first of the month in which the election would have occurred, had it been  
23 contested. Notwithstanding any other provision of law to the contrary, if at any  
24 election the number of candidates filing for a particular office exceeds the number  
25 of positions to be filled at such election, the election authority shall hold the  
26 election as scheduled, even if a sufficient number of candidates withdraw from  
27 such contest for that office so that the number of candidates remaining after the  
28 filing deadline is equal to the number of positions to be filled. **If an election**  
29 **authority does not have a website, any notice required to be published**

30 **by this section shall be sent to the secretary of state who shall publish**  
31 **such notice on the legal notices website, established pursuant to section**  
32 **493.077.**

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

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

115.127. 1. Except as provided in subsection 4 of this section, upon  
2 receipt of notice of a special election to fill a vacancy submitted pursuant to  
3 subsection 2 of section 115.125, the election authority shall cause legal notice of  
4 the special election to be published [in a newspaper of general circulation in its  
5 jurisdiction] **on the front page of its website, if it has one.** The notice shall  
6 include the name of the officer or agency calling the election, the date and time

7 of the election, the name of the office to be filled and the date by which  
8 candidates must be selected or filed for the office. Within one week prior to each  
9 special election to fill a vacancy held in its jurisdiction, the election authority  
10 shall cause legal notice of the election to be published [in two newspapers of  
11 different political faith and general circulation in the jurisdiction]. The legal  
12 notice shall include the date and time of the election, the name of the officer or  
13 agency calling the election and a sample ballot. [If there is only one newspaper  
14 of general circulation in the jurisdiction, the notice shall be published in the  
15 newspaper within one week prior to the election. If there are two or more  
16 newspapers of general circulation in the jurisdiction, but no two of opposite  
17 political faith, the notice shall be published in any two of the newspapers within  
18 one week prior to the election.]

19         2. Except as provided in subsections 1 and 4 of this section and in sections  
20 115.521, 115.549 and 115.593, the election authority shall cause legal notice of  
21 each election held in its jurisdiction to be published[. The notice shall be  
22 published in two newspapers of different political faith and qualified pursuant to  
23 chapter 493 which are published within the bounds of the area holding the  
24 election. If there is only one so-qualified newspaper, then notice shall be  
25 published in only one newspaper. If there is no newspaper published within the  
26 bounds of the election area, then the notice shall be published in two qualified  
27 newspapers of different political faith serving the area. Notice shall be published  
28 twice, the first publication occurring in the second week prior to the election, and  
29 the second publication occurring within one week prior to the election] **on the**  
30 **front page of its website, if it has one, at least two weeks prior to the**  
31 **election.** Each such legal notice shall include the date and time of the election,  
32 the name of the officer or agency calling the election [and], a sample ballot[;],  
33 and[, unless notice has been given as provided by section 115.129, the second  
34 publication of notice of the election shall include] the location of polling  
35 places. The election authority may provide any additional notice of the election  
36 it deems desirable.

37         3. The election authority shall print the official ballot as the same appears  
38 on the sample ballot, and no candidate's name or ballot issue which appears on  
39 the sample ballot or official printed ballot shall be stricken or removed from the  
40 ballot except on death of a candidate or by court order, but in no event shall a  
41 candidate or issue be stricken or removed from the ballot less than eight weeks  
42 before the date of the election.

43           4. In lieu of causing legal notice to be published in accordance with any  
44 of the provisions of this chapter, the election authority in jurisdictions which have  
45 less than seven hundred fifty registered voters [and in which no newspaper  
46 qualified pursuant to chapter 493 is published,] may cause legal notice to be  
47 mailed during the second week prior to the election, by first class mail, to each  
48 registered voter at the voter's voting address. All such legal notices shall include  
49 the date and time of the election, the location of the polling place, the name of the  
50 officer or agency calling the election and a sample ballot.

51           5. If the opening date for filing a declaration of candidacy for any office  
52 in a political subdivision or special district is not required by law or charter, the  
53 opening filing date shall be 8:00 a.m., the sixteenth Tuesday prior to the election,  
54 except that for any home rule city with more than four hundred thousand  
55 inhabitants and located in more than one county and any political subdivision or  
56 special district located in such city, the opening filing date shall be 8:00 a.m., the  
57 fifteenth Tuesday prior to the election. If the closing date for filing a declaration  
58 of candidacy for any office in a political subdivision or special district is not  
59 required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh  
60 Tuesday prior to the election. The political subdivision or special district calling  
61 an election shall, before the sixteenth Tuesday, or the fifteenth Tuesday for any  
62 home rule city with more than four hundred thousand inhabitants and located in  
63 more than one county or any political subdivision or special district located in  
64 such city, prior to any election at which offices are to be filled, notify the general  
65 public of the opening filing date, the office or offices to be filled, the proper place  
66 for filing and the closing filing date of the election. Such notification may be  
67 accomplished by [legal notice published in at least one newspaper of general  
68 circulation in the political subdivision or special district] **publication on the**  
69 **front page of the political subdivision's website, if it has one, or by**  
70 **sending notice to the secretary of state who shall publish such notice**  
71 **on the legal notices website, established pursuant to section 493.077.**

72           6. Except as provided for in sections 115.247 and 115.359, if there is no  
73 additional cost for the printing or reprinting of ballots or if the candidate agrees  
74 to pay any printing or reprinting costs, a candidate who has filed for an office or  
75 who has been duly nominated for an office may, at any time after the certification  
76 of the notice of election required in subsection 1 of section 115.125 but no later  
77 than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a candidate  
78 pursuant to a court order, which, except for good cause shown by the election

79 authority in opposition thereto, shall be freely given upon application by the  
80 candidate to the circuit court of the area of such candidate's residence.

81 **7. If the election authority does not have a website, any notice**  
82 **of election required by this section shall be sent to the secretary of**  
83 **state who shall publish such notice on the legal notices website,**  
84 **established pursuant to section 493.077.**

115.345. 1. Not later than the third Monday in December immediately  
2 preceding the primary election, the secretary of state shall prepare and transmit  
3 to each election authority a notice, in writing, designating the offices for which  
4 candidates are to be nominated at the primary election.

5 2. Upon receipt of notice, the election authority shall publish the notice  
6 and the date by which candidates [must] **shall** file for such offices [in a  
7 newspaper of general circulation in its jurisdiction] **on the front page of its**  
8 **website, if it has one. If the election authority does not have a website,**  
9 **the notice shall be sent to the secretary of state who shall publish such**  
10 **notice on the legal notices website, established pursuant to section**  
11 **493.077.**

115.389. Upon receipt of the certified list from the secretary of state, each  
2 election authority shall publish, under the proper party designations, the title of  
3 each office, the name and address of each candidate for each office to be voted on  
4 within its jurisdiction, the date of the primary election and the hours the polls  
5 will be open. The notice shall be published [in a newspaper of general circulation  
6 within the jurisdiction of the election authority] **on the front page of its**  
7 **website, if it has one. If the election authority does not have a website,**  
8 **the notice shall be sent to the secretary of state who shall publish such**  
9 **notice on the legal notices website, established pursuant to section**  
10 **493.077.** The election authority shall include in the notice the names and  
11 addresses of all candidates for political party committees who will be elected  
12 pursuant to the provisions of subsection 4 of section 115.613.

115.521. Except as provided in subsection 2 of section 115.023, each  
2 election authority receiving a proclamation ordering a special election to decide  
3 a tie vote shall cause legal notice of the election to be published once in the  
4 fourteen days prior to the election. The notice shall be published [in a newspaper  
5 of general circulation in the election authority's jurisdiction and] **on the front**  
6 **page of the election authority's website, if it has one. If the election**  
7 **authority does not have a website, the notice shall be sent to the**

8 **secretary of state who shall publish such notice on the legal notices**  
9 **website, established pursuant to section 493.077. The notice** shall include  
10 the date and time of the election, the name of the officer or agency calling the  
11 election and a sample ballot. The election authority may provide any additional  
12 notice of the election it deems desirable.

116.290. 1. The secretary of state shall distribute copies of each statewide  
2 ballot measure[, except proposed constitutions as published in newspapers for  
3 legal notice of the election].

4 2. The secretary of state shall print copies of each proposed constitution  
5 in pamphlet form.

6 3. From copies delivered by the secretary of state, each election authority  
7 shall post at least two copies of each notice and pamphlet at each polling place  
8 during the time the polls are open.

9 4. The secretary of state shall print any new language being proposed for  
10 adoption or rejection in boldface type.

128.030. It shall be the duty of the governor, whenever he **or she** shall  
2 exercise the power hereby vested in him **or her**, to give notice of the division  
3 made by him **or her**, by proclamation, to be published [in not to exceed two  
4 newspapers in each of said districts in this state, sixty days at least before the  
5 first election under such arrangement] **on the legal notices website,**  
6 **established pursuant to section 493.077, for a period of at least sixty**  
7 **days before the first election under such arrangement.**

135.210. 1. Any governing authority which desires to have any portion  
2 of a city or unincorporated area of a county under its control designated as an  
3 enterprise zone shall hold a public hearing for the purpose of obtaining the  
4 opinion and suggestions of those persons who will be affected by such  
5 designation. The governing authority shall notify the director of such hearing at  
6 least thirty days prior thereto and shall publish notice of such hearing [in a  
7 newspaper of general circulation in the area to be affected by such designation]  
8 **on the front page of its website, if it has one,** at least twenty days prior to  
9 the date of the hearing but not more than thirty days prior to such hearing. **If**  
10 **the governing authority does not have a website, the notice shall be**  
11 **sent, at least twenty days but not more than thirty days prior to the**  
12 **hearing, to the secretary of state who shall publish such notice on the**  
13 **legal notices website, established pursuant to section 493.077, until the**  
14 **date of the hearing has passed.** Such notice shall state the time, location,

15 date and purpose of the hearing. The director, or the director's designee, shall  
16 attend such hearing.

17 2. After a public hearing is held as required in subsection 1 of this  
18 section, the governing authority may file a petition with the department  
19 requesting the designation of a specific area as an enterprise zone. Such petition  
20 shall include, in addition to a description of the physical, social, and economic  
21 characteristics of the area:

22 (1) A plan to provide adequate police protection within the area;

23 (2) A specific and practical process for individual businesses to obtain  
24 waivers from burdensome local regulations, ordinances, and orders which serve  
25 to discourage economic development within the area to be designated an  
26 enterprise zone; except that, such waivers shall not substantially endanger the  
27 health or safety of the employees of any such business or the residents of the  
28 area;

29 (3) A description of what other specific actions will be taken to support  
30 and encourage private investment within the area;

31 (4) A plan to ensure that resources are available to assist area residents  
32 to participate in increased development through self-help efforts and in  
33 ameliorating any negative effects of designation of the area as an enterprise zone;

34 (5) A statement describing the projected positive and negative effects of  
35 designation of the area as an enterprise zone; and

36 (6) A specific plan to provide assistance to any person or business  
37 dislocated as a result of activities within the zone. Such plan shall determine the  
38 need of dislocated persons for relocation assistance; provide, prior to  
39 displacement, information about the type, location and price of comparable  
40 housing or commercial property; provide information concerning state and federal  
41 programs for relocation assistance and provide other advisory services to  
42 displaced persons. Public agencies may choose to provide assistance under the  
43 Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601,  
44 et seq. to meet the requirements of this subdivision.

45 3. No more than fifty such areas may be designated by the director as an  
46 enterprise zone under the provisions of this subsection, except that any enterprise  
47 zones authorized apart from this subsection by specific legislative enactment, on  
48 or after August 28, 1991, shall not be counted toward the limitation set forth in  
49 this subsection. After fifty enterprise zones, plus any others authorized apart  
50 from this subsection by specific legislative enactment first designated on or after

51 August 28, 1991, have been designated by the director, additional enterprise  
52 zones may be authorized apart from this subsection by specific legislative  
53 enactment, except that if an enterprise zone designation is cancelled under the  
54 provision of subsection 4 of this section, the director may designate one area as  
55 an enterprise zone for each enterprise zone designation which is cancelled.

56 4. Each designated enterprise zone or satellite zone must report to the  
57 director on an annual basis regarding the status of the zone and business activity  
58 within the zone. On the fifth anniversary of the designation of each zone after  
59 August 8, 1989, and each five years thereafter, the director shall evaluate the  
60 activity which has occurred within the zone during the previous five-year period,  
61 including business investments and the creation of new jobs. If the director finds  
62 that the plan outlined in the application for designation was not implemented in  
63 good faith, or if such zone no longer qualifies under the original criteria, or if the  
64 director finds that the zone is not being effectively promoted or developed, the  
65 director may recommend that the designation of that area as an enterprise zone  
66 be cancelled. All agreements negotiated under the benefits of such zone shall  
67 remain in effect for the originally agreed upon duration. The director shall  
68 schedule a hearing on such recommendation for not later than sixty days after the  
69 recommendation is filed with it. At the hearing, interested parties, including the  
70 director, may present witnesses and evidence as to why the enterprise zone  
71 designation for that particular area should be continued or cancelled. Within  
72 thirty days after the hearing, the director shall determine whether or not the  
73 designation should be continued. If it is not continued, the director shall remove  
74 the designation from the area and, following the procedures outlined in this  
75 section, award the designation of an enterprise zone to another applicant. If an  
76 area has requested a designated enterprise zone, and met all existing statutory  
77 requirements, but has not been designated such, then the applicant may appeal  
78 for a hearing to determine its eligibility for such a designation.

135.215. 1. Improvements made to "real property" as such term is defined  
2 in section 137.010, which are made in an enterprise zone subsequent to the date  
3 such zone or expansion thereto was designated, may upon approval of an  
4 authorizing resolution by the governing authority having jurisdiction of the area  
5 in which the improvements are made, be exempt, in whole or in part, from  
6 assessment and payment of ad valorem taxes of one or more affected political  
7 subdivisions, provided that, except as to the exemption allowed under subsection  
8 3 of this section, at least fifty new jobs that provide an average of at least

9 thirty-five hours of employment per week per job are created and maintained at  
10 the new or expanded facility. Such authorizing resolution shall specify the  
11 percent of the exemption to be granted, the duration of the exemption to be  
12 granted, and the political subdivisions to which such exemption is to apply and  
13 any other terms, conditions or stipulations otherwise required. A copy of the  
14 resolution shall be provided the director within thirty calendar days following  
15 adoption of the resolution by the governing authority.

16 2. No exemption shall be granted until the governing authority holds a  
17 public hearing for the purpose of obtaining the opinions and suggestions of  
18 residents of political subdivisions to be affected by the exemption from property  
19 taxes. The governing authority shall send, by certified mail, a notice of such  
20 hearing to each political subdivision in the area to be affected and shall publish  
21 notice of such hearing [in a newspaper of general circulation in the area to be  
22 affected by the exemption] **on the front page of its website, if it has one, at**  
23 **least twenty days prior to the hearing but not more than thirty days prior to the**  
24 **hearing. Such notice shall state the time, location, date and purpose of the**  
25 **hearing. If the governing authority does not have a website, the notice**  
26 **shall be sent, at least twenty days but not more than thirty days prior**  
27 **to the hearing, to the secretary of state who shall publish such notice**  
28 **on the legal notices website, established pursuant to section 493.077,**  
29 **until the date of the hearing has passed.**

30 3. Notwithstanding subsection 1 of this section, at least one-half of the ad  
31 valorem taxes otherwise imposed on subsequent improvements to real property  
32 located in an enterprise zone shall become and remain exempt from assessment  
33 and payment of ad valorem taxes of any political subdivision of this state or  
34 municipality thereof, if said political subdivision or municipality levies ad  
35 valorem taxes, for a period of not less than ten years following the date such  
36 improvements were assessed, provided the improved properties are used for  
37 assembling, fabricating, processing, manufacturing, mining, warehousing or  
38 distributing properties.

39 4. No exemption shall be granted for a period more than twenty-five years  
40 following the date on which the original enterprise zone was designated by the  
41 department except for any enterprise zone within any home rule city with more  
42 than one hundred fifty-one thousand five hundred but less than one hundred  
43 fifty-one thousand six hundred inhabitants provided in any instance the  
44 exemption shall not be granted for a period longer than twenty-five years from

45 the date on which the exemption was granted.

46           5. The provisions of subsection 1 of this section shall not apply to  
47 improvements made to real property which have been started prior to August 28,  
48 1991.

49           6. The mandatory abatement referred to in this section shall not relieve  
50 the assessor or other responsible official from ascertaining the amount of the  
51 equalized assessed value of all taxable property annually as required by section  
52 99.855 and shall not have the effect of reducing the payments in lieu of taxes  
53 referred to in subdivision (2) of section 99.845 unless such reduction is set forth  
54 in the plan approved by the governing body of the municipality pursuant to  
55 subdivision (1) of section 99.820.

56           7. Effective August 28, 2004, any abatement or exemption provided for in  
57 this section on an individual parcel of real property shall cease after a period of  
58 thirty days of business closure, work stoppage, major reduction in force, or a  
59 significant change in the type of business conducted at that location. For the  
60 purposes of this subsection, "work stoppage" shall not include strike or lockout  
61 or time necessary to retool a plant, and "major reduction in force" is defined as  
62 a seventy-five percent or greater reduction. Any owner or new owner may  
63 reapply, but cannot receive the abatement or exemption for any period of time  
64 beyond the original life of the enterprise zone.

135.963. 1. Improvements made to real property as such term is defined  
2 in section 137.010 which are made in an enhanced enterprise zone subsequent to  
3 the date such zone or expansion thereto was designated may, upon approval of  
4 an authorizing resolution or ordinance by the governing authority having  
5 jurisdiction of the area in which the improvements are made, be exempt, in whole  
6 or in part, from assessment and payment of ad valorem taxes of one or more  
7 affected political subdivisions. Improvements made to real property, as such term  
8 is defined in section 137.010, which are locally assessed and in a renewable  
9 energy generation zone designated as an enhanced enterprise zone, subsequent  
10 to the date such enhanced enterprise zone or expansion thereto was designated,  
11 may, upon approval of an authorizing resolution or ordinance by the governing  
12 authority having jurisdiction of the area in which the improvements are made,  
13 be exempt, in whole or in part, from assessment and payment of ad valorem taxes  
14 of one or more affected political subdivisions. In addition to enhanced business  
15 enterprises, a speculative industrial or warehouse building constructed by a  
16 public entity or a private entity if the land is leased by a public entity may be

17 subject to such exemption.

18           2. Such authorizing resolution shall specify the percent of the exemption  
19 to be granted, the duration of the exemption to be granted, and the political  
20 subdivisions to which such exemption is to apply and any other terms, conditions,  
21 or stipulations otherwise required. A copy of the resolution shall be provided to  
22 the director within thirty calendar days following adoption of the resolution by  
23 the governing authority.

24           3. No exemption shall be granted until the governing authority holds a  
25 public hearing for the purpose of obtaining the opinions and suggestions of  
26 residents of political subdivisions to be affected by the exemption from property  
27 taxes. The governing authority shall send, by certified mail, a notice of such  
28 hearing to each political subdivision in the area to be affected and shall publish  
29 notice of such hearing [in a newspaper of general circulation in the area to be  
30 affected by the exemption] **on the front page of its website, if it has one, at**  
31 **least twenty days prior to the hearing but not more than thirty days prior to the**  
32 **hearing. If the governing authority does not have a website, the notice**  
33 **shall be sent, at least twenty days but not more than thirty days prior**  
34 **to the hearing, to the secretary of state who shall publish such notice**  
35 **on the legal notices website, established pursuant to section 493.077,**  
36 **until the date of the hearing has passed.** Such notice shall state the time,  
37 location, date, and purpose of the hearing.

38           4. Notwithstanding subsection 1 of this section, at least one-half of the ad  
39 valorem taxes otherwise imposed on subsequent improvements to real property  
40 located in an enhanced enterprise zone of enhanced business enterprises or  
41 speculative industrial or warehouse buildings as indicated in subsection 1 of this  
42 section shall become and remain exempt from assessment and payment of ad  
43 valorem taxes of any political subdivision of this state or municipality thereof, if  
44 said political subdivision or municipality levies ad valorem taxes, for a period of  
45 not less than ten years following the date such improvements were assessed,  
46 provided the improved properties are used for enhanced business  
47 enterprises. The exemption for speculative buildings is subject to the approval  
48 of the governing authority for a period not to exceed two years if the building is  
49 owned by a private entity and five years if the building is owned or ground leased  
50 by a public entity. This shall not preclude the building receiving an exemption  
51 for the remaining time period established by the governing authority if it was  
52 occupied by an enhanced business enterprise. The two- and five-year time

53 periods indicated for speculative buildings shall not be an addition to the local  
54 abatement time period for such facility.

55         5. No exemption shall be granted for a period more than twenty-five  
56 years, provided, however, that during the ten years prior to the expiration of an  
57 enhanced enterprise zone no exemption shall be granted for a period of more than  
58 ten years.

59         6. The provisions of subsection 1 of this section shall not apply to  
60 improvements made to real property begun prior to August 28, 2004.

61         7. The abatement referred to in this section shall not relieve the assessor  
62 or other responsible official from ascertaining the amount of the equalized  
63 assessed value of all taxable property annually as required by section 99.855,  
64 99.957, or 99.1042 and shall not have the effect of reducing the payments in lieu  
65 of taxes referred to in subdivision (2) of subsection 1 of section 99.845, subdivision  
66 (2) of subsection 3 of section 99.957, or subdivision (2) of subsection 3 of section  
67 99.1042 unless such reduction is set forth in the plan approved by the governing  
68 body of the municipality pursuant to subdivision (1) of subsection 1 of section  
69 99.820, section 99.942, or section 99.1027.

137.055. 1. After the assessor's book of each county, except in any city not  
2 within a county or any county with a charter form of government, shall be  
3 corrected and adjusted according to law, but not later than September twentieth,  
4 of each year, the county governing body shall ascertain the sum necessary to be  
5 raised for county purposes, and fix the rate of taxes on the several subjects of  
6 taxation so as to raise the required sum, and the same to be entered in the proper  
7 columns in the tax book. Any city not within a county and any county with a  
8 charter form of government shall set the tax rate by October first of each year for  
9 each calendar year after December 31, 2008.

10         2. Prior to fixing the rate of taxes, as provided in this section, the county  
11 governing body shall hold a public hearing on the proposed rate of taxes at which  
12 citizens shall be heard. A notice stating the time and place for the hearing shall  
13 be published [in at least one newspaper qualified under the laws of Missouri of  
14 general circulation in the county] **on the front page of the commission's**  
15 **website, if it has one**, at least seven days prior to the date of the hearing. **If**  
16 **the commission does not have a website, the notice shall be sent at least**  
17 **seven days prior to the hearing to the secretary of state who shall**  
18 **publish such notice on the legal notices website, established pursuant**  
19 **to section 493.077, until the date of the hearing has passed.** The notice

20 shall include the aggregate assessed valuation by category of real, total personal  
21 and other tangible property in the county as entered in the tax book for the fiscal  
22 year for which the tax is to be levied, the aggregate assessed valuation by  
23 category of real, total personal and other tangible property in the county for the  
24 preceding taxable year, the required sums to be raised from the property tax for  
25 each purpose for which the county levies taxes as approved in the budget adopted  
26 under chapter 50, the proposed rate of taxes which will produce substantially the  
27 same revenues as required by the budget, and the increase in tax revenue  
28 realized due to an increase in assessed value as a result of new construction and  
29 improvement, and the increase, both in dollar value and percentage, in tax  
30 revenue as a result of reassessment if the proposed tax rate is adopted. Failure  
31 of any taxpayer to appear at said hearing shall not prevent the taxpayer from  
32 pursuit of any other legal remedy otherwise available to the taxpayer. Nothing  
33 in this subsection absolves county governing bodies of responsibilities under  
34 section 137.073 nor to adjust tax rates in event changes in assessed valuation  
35 occur that would alter the tax rate calculations.

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

- 2 (1) "General reassessment", changes in value, entered in the assessor's  
3 books, of a substantial portion of the parcels of real property within a county  
4 resulting wholly or partly from reappraisal of value or other actions of the  
5 assessor or county equalization body or ordered by the state tax commission or  
6 any court;
- 7 (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax  
8 rate for each purpose of taxation of property a taxing authority is authorized to  
9 levy without a vote and any tax rate authorized by election, including bond  
10 interest and sinking fund;
- 11 (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to  
12 comply with the provisions of this section or when a court has determined the tax  
13 rate; except that, other provisions of law to the contrary notwithstanding, a school  
14 district may levy the operating levy for school purposes required for the current  
15 year pursuant to subsection 2 of section 163.021, less all adjustments required  
16 pursuant to Article X, Section 22 of the Missouri Constitution, if such tax rate  
17 does not exceed the highest tax rate in effect subsequent to the 1980 tax  
18 year. This is the maximum tax rate that may be levied, unless a higher tax rate  
19 ceiling is approved by voters of the political subdivision as provided in this  
20 section;

21 (4) "Tax revenue", when referring to the previous year, means the actual  
22 receipts from ad valorem levies on all classes of property, including state-assessed  
23 property, in the immediately preceding fiscal year of the political subdivision,  
24 plus an allowance for taxes billed but not collected in the fiscal year and plus an  
25 additional allowance for the revenue which would have been collected from  
26 property which was annexed by such political subdivision but which was not  
27 previously used in determining tax revenue pursuant to this section. The term  
28 "tax revenue" shall not include any receipts from ad valorem levies on any  
29 property of a railroad corporation or a public utility, as these terms are defined  
30 in section 386.020, which were assessed by the assessor of a county or city in the  
31 previous year but are assessed by the state tax commission in the current year. All  
32 school districts and those counties levying sales taxes pursuant to chapter 67  
33 shall include in the calculation of tax revenue an amount equivalent to that by  
34 which they reduced property tax levies as a result of sales tax pursuant to section  
35 67.505 and section 164.013 or as excess home dock city or county fees as provided  
36 in subsection 4 of section 313.820 in the immediately preceding fiscal year but not  
37 including any amount calculated to adjust for prior years. For purposes of  
38 political subdivisions which were authorized to levy a tax in the prior year but  
39 which did not levy such tax or levied a reduced rate, the term "tax revenue", as  
40 used in relation to the revision of tax levies mandated by law, shall mean the  
41 revenues equal to the amount that would have been available if the voluntary  
42 rate reduction had not been made.

43 2. Whenever changes in assessed valuation are entered in the assessor's  
44 books for any personal property, in the aggregate, or for any subclass of real  
45 property as such subclasses are established in Section 4(b) of Article X of the  
46 Missouri Constitution and defined in section 137.016, the county clerk in all  
47 counties and the assessor of St. Louis City shall notify each political subdivision  
48 wholly or partially within the county or St. Louis City of the change in valuation  
49 of each subclass of real property, individually, and personal property, in the  
50 aggregate, exclusive of new construction and improvements. All political  
51 subdivisions shall immediately revise the applicable rates of levy for each purpose  
52 for each subclass of real property, individually, and personal property, in the  
53 aggregate, for which taxes are levied to the extent necessary to produce from all  
54 taxable property, exclusive of new construction and improvements, substantially  
55 the same amount of tax revenue as was produced in the previous year for each  
56 subclass of real property, individually, and personal property, in the aggregate,

57 except that the rate shall not exceed the greater of the most recent  
58 voter-approved rate or the most recent voter-approved rate as adjusted under  
59 subdivision (2) of subsection 5 of this section. Any political subdivision that has  
60 received approval from voters for a tax increase after August 27, 2008, may levy  
61 a rate to collect substantially the same amount of tax revenue as the amount of  
62 revenue that would have been derived by applying the voter-approved increased  
63 tax rate ceiling to the total assessed valuation of the political subdivision as most  
64 recently certified by the city or county clerk on or before the date of the election  
65 in which such increase is approved, increased by the percentage increase in the  
66 consumer price index, as provided by law, except that the rate shall not exceed  
67 the greater of the most recent voter-approved rate or the most recent  
68 voter-approved rate as adjusted under subdivision (2) of subsection 5 of this  
69 section. Such tax revenue shall not include any receipts from ad valorem levies  
70 on any real property which was assessed by the assessor of a county or city in  
71 such previous year but is assessed by the assessor of a county or city in the  
72 current year in a different subclass of real property. Where the taxing authority  
73 is a school district for the purposes of revising the applicable rates of levy for  
74 each subclass of real property, the tax revenues from state-assessed railroad and  
75 utility property shall be apportioned and attributed to each subclass of real  
76 property based on the percentage of the total assessed valuation of the county  
77 that each subclass of real property represents in the current taxable year. As  
78 provided in Section 22 of Article X of the constitution, a political subdivision may  
79 also revise each levy to allow for inflationary assessment growth occurring within  
80 the political subdivision. The inflationary growth factor for any such subclass of  
81 real property or personal property shall be limited to the actual assessment  
82 growth in such subclass or class, exclusive of new construction and improvements,  
83 and exclusive of the assessed value on any real property which was assessed by  
84 the assessor of a county or city in the current year in a different subclass of real  
85 property, but not to exceed the consumer price index or five percent, whichever  
86 is lower. Should the tax revenue of a political subdivision from the various tax  
87 rates determined in this subsection be different than the tax revenue that would  
88 have been determined from a single tax rate as calculated pursuant to the method  
89 of calculation in this subsection prior to January 1, 2003, then the political  
90 subdivision shall revise the tax rates of those subclasses of real property,  
91 individually, and/or personal property, in the aggregate, in which there is a tax  
92 rate reduction, pursuant to the provisions of this subsection. Such revision shall

93 yield an amount equal to such difference and shall be apportioned among such  
94 subclasses of real property, individually, and/or personal property, in the  
95 aggregate, based on the relative assessed valuation of the class or subclasses of  
96 property experiencing a tax rate reduction. Such revision in the tax rates of each  
97 class or subclass shall be made by computing the percentage of current year  
98 adjusted assessed valuation of each class or subclass with a tax rate reduction to  
99 the total current year adjusted assessed valuation of the class or subclasses with  
100 a tax rate reduction, multiplying the resulting percentages by the revenue  
101 difference between the single rate calculation and the calculations pursuant to  
102 this subsection and dividing by the respective adjusted current year assessed  
103 valuation of each class or subclass to determine the adjustment to the rate to be  
104 levied upon each class or subclass of property. The adjustment computed herein  
105 shall be multiplied by one hundred, rounded to four decimals in the manner  
106 provided in this subsection, and added to the initial rate computed for each class  
107 or subclass of property. For school districts that levy separate tax rates on each  
108 subclass of real property and personal property in the aggregate, if voters  
109 approved a ballot before January 1, 2011, that presented separate stated tax  
110 rates to be applied to the different subclasses of real property and personal  
111 property in the aggregate, or increases the separate rates that may be levied on  
112 the different subclasses of real property and personal property in the aggregate  
113 by different amounts, the tax rate that shall be used for the single tax rate  
114 calculation shall be a blended rate, calculated in the manner provided under  
115 subdivision (1) of subsection 6 of this section. Notwithstanding any provision of  
116 this subsection to the contrary, no revision to the rate of levy for personal  
117 property shall cause such levy to increase over the levy for personal property from  
118 the prior year.

119       3. (1) Where the taxing authority is a school district, it shall be required  
120 to revise the rates of levy to the extent necessary to produce from all taxable  
121 property, including state-assessed railroad and utility property, which shall be  
122 separately estimated in addition to other data required in complying with section  
123 164.011, substantially the amount of tax revenue permitted in this section. In  
124 the year following tax rate reduction, the tax rate ceiling may be adjusted to  
125 offset such district's reduction in the apportionment of state school moneys due  
126 to its reduced tax rate. However, in the event any school district, in calculating  
127 a tax rate ceiling pursuant to this section, requiring the estimating of effects of  
128 state-assessed railroad and utility valuation or loss of state aid, discovers that the

129 estimates used result in receipt of excess revenues, which would have required  
130 a lower rate if the actual information had been known, the school district shall  
131 reduce the tax rate ceiling in the following year to compensate for the excess  
132 receipts, and the recalculated rate shall become the tax rate ceiling for purposes  
133 of this section.

134 (2) For any political subdivision which experiences a reduction in the  
135 amount of assessed valuation relating to a prior year, due to decisions of the state  
136 tax commission or a court pursuant to sections 138.430 to 138.433, or due to  
137 clerical errors or corrections in the calculation or recordation of any assessed  
138 valuation:

139 (a) Such political subdivision may revise the tax rate ceiling for each  
140 purpose it levies taxes to compensate for the reduction in assessed value  
141 occurring after the political subdivision calculated the tax rate ceiling for the  
142 particular subclass of real property or for personal property, in the aggregate, in  
143 a prior year. Such revision by the political subdivision shall be made at the time  
144 of the next calculation of the tax rate for the particular subclass of real property  
145 or for personal property, in the aggregate, after the reduction in assessed  
146 valuation has been determined and shall be calculated in a manner that results  
147 in the revised tax rate ceiling being the same as it would have been had the  
148 corrected or finalized assessment been available at the time of the prior  
149 calculation;

150 (b) In addition, for up to three years following the determination of the  
151 reduction in assessed valuation as a result of circumstances defined in this  
152 subdivision, such political subdivision may levy a tax rate for each purpose it  
153 levies taxes above the revised tax rate ceiling provided in paragraph (a) of this  
154 subdivision to recoup any revenues it was entitled to receive had the corrected or  
155 finalized assessment been available at the time of the prior calculation.

156 4. (1) In order to implement the provisions of this section and Section 22  
157 of Article X of the Constitution of Missouri, the term improvements shall apply  
158 to both real and personal property. In order to determine the value of new  
159 construction and improvements, each county assessor shall maintain a record of  
160 real property valuations in such a manner as to identify each year the increase  
161 in valuation for each political subdivision in the county as a result of new  
162 construction and improvements. The value of new construction and  
163 improvements shall include the additional assessed value of all improvements or  
164 additions to real property which were begun after and were not part of the prior

165 year's assessment, except that the additional assessed value of all improvements  
166 or additions to real property which had been totally or partially exempt from ad  
167 valorem taxes pursuant to sections 99.800 to 99.865, sections 135.200 to 135.255,  
168 and section 353.110 shall be included in the value of new construction and  
169 improvements when the property becomes totally or partially subject to  
170 assessment and payment of all ad valorem taxes. The aggregate increase in  
171 valuation of personal property for the current year over that of the previous year  
172 is the equivalent of the new construction and improvements factor for personal  
173 property. Notwithstanding any opt-out implemented pursuant to subsection 15  
174 of section 137.115, the assessor shall certify the amount of new construction and  
175 improvements and the amount of assessed value on any real property which was  
176 assessed by the assessor of a county or city in such previous year but is assessed  
177 by the assessor of a county or city in the current year in a different subclass of  
178 real property separately for each of the three subclasses of real property for each  
179 political subdivision to the county clerk in order that political subdivisions shall  
180 have this information for the purpose of calculating tax rates pursuant to this  
181 section and Section 22, Article X, Constitution of Missouri. In addition, the state  
182 tax commission shall certify each year to each county clerk the increase in the  
183 general price level as measured by the Consumer Price Index for All Urban  
184 Consumers for the United States, or its successor publications, as defined and  
185 officially reported by the United States Department of Labor, or its successor  
186 agency. The state tax commission shall certify the increase in such index on the  
187 latest twelve-month basis available on February first of each year over the  
188 immediately preceding prior twelve-month period in order that political  
189 subdivisions shall have this information available in setting their tax rates  
190 according to law and Section 22 of Article X of the Constitution of Missouri. For  
191 purposes of implementing the provisions of this section and Section 22 of Article  
192 X of the Missouri Constitution, the term "property" means all taxable property,  
193 including state-assessed property.

194 (2) Each political subdivision required to revise rates of levy pursuant to  
195 this section or Section 22 of Article X of the Constitution of Missouri shall  
196 calculate each tax rate it is authorized to levy and, in establishing each tax rate,  
197 shall consider each provision for tax rate revision provided in this section and  
198 Section 22 of Article X of the Constitution of Missouri, separately and without  
199 regard to annual tax rate reductions provided in section 67.505 and section  
200 164.013. Each political subdivision shall set each tax rate it is authorized to levy

201 using the calculation that produces the lowest tax rate ceiling. It is further the  
202 intent of the general assembly, pursuant to the authority of Section 10(c) of  
203 Article X of the Constitution of Missouri, that the provisions of such section be  
204 applicable to tax rate revisions mandated pursuant to Section 22 of Article X of  
205 the Constitution of Missouri as to reestablishing tax rates as revised in  
206 subsequent years, enforcement provisions, and other provisions not in conflict  
207 with Section 22 of Article X of the Constitution of Missouri. Annual tax rate  
208 reductions provided in section 67.505 and section 164.013 shall be applied to the  
209 tax rate as established pursuant to this section and Section 22 of Article X of the  
210 Constitution of Missouri, unless otherwise provided by law.

211           5. (1) In all political subdivisions, the tax rate ceiling established  
212 pursuant to this section shall not be increased unless approved by a vote of the  
213 people. Approval of the higher tax rate shall be by at least a majority of votes  
214 cast. When a proposed higher tax rate requires approval by more than a simple  
215 majority pursuant to any provision of law or the constitution, the tax rate  
216 increase must receive approval by at least the majority required.

217           (2) When voters approve an increase in the tax rate, the amount of the  
218 increase shall be added to the tax rate ceiling as calculated pursuant to this  
219 section to the extent the total rate does not exceed any maximum rate prescribed  
220 by law. If a ballot question presents a stated tax rate for approval rather than  
221 describing the amount of increase in the question, the stated tax rate approved  
222 shall be adjusted as provided in this section and, so adjusted, shall be the current  
223 tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted  
224 such that when applied to the current total assessed valuation of the political  
225 subdivision, excluding new construction and improvements since the date of the  
226 election approving such increase, the revenue derived from the adjusted tax rate  
227 ceiling is equal to the sum of: the amount of revenue which would have been  
228 derived by applying the voter-approved increased tax rate ceiling to total assessed  
229 valuation of the political subdivision, as most recently certified by the city or  
230 county clerk on or before the date of the election in which such increase is  
231 approved, increased by the percentage increase in the consumer price index, as  
232 provided by law. Such adjusted tax rate ceiling may be applied to the total  
233 assessed valuation of the political subdivision at the setting of the next tax rate.  
234 If a ballot question presents a phased-in tax rate increase, upon voter approval,  
235 each tax rate increase shall be adjusted in the manner prescribed in this section  
236 to yield the sum of: the amount of revenue that would be derived by applying

237 such voter-approved increased rate to the total assessed valuation, as most  
238 recently certified by the city or county clerk on or before the date of the election  
239 in which such increase was approved, increased by the percentage increase in the  
240 consumer price index, as provided by law, from the date of the election to the time  
241 of such increase and, so adjusted, shall be the current tax rate ceiling.

242 (3) The governing body of any political subdivision may levy a tax rate  
243 lower than its tax rate ceiling and may, in a nonreassessment year, increase that  
244 lowered tax rate to a level not exceeding the tax rate ceiling without voter  
245 approval in the manner provided under subdivision (4) of this  
246 subsection. Nothing in this section shall be construed as prohibiting a political  
247 subdivision from voluntarily levying a tax rate lower than that which is required  
248 under the provisions of this section or from seeking voter approval of a reduction  
249 to such political subdivision's tax rate ceiling.

250 (4) In a year of general reassessment, a governing body whose tax rate is  
251 lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions  
252 of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a  
253 year following general reassessment, if such governing body intends to increase  
254 its tax rate, the governing body shall conduct a public hearing, and in a public  
255 meeting it shall adopt an ordinance, resolution, or policy statement justifying its  
256 action prior to setting and certifying its tax rate. The provisions of this  
257 subdivision shall not apply to any political subdivision which levies a tax rate  
258 lower than its tax rate ceiling solely due to a reduction required by law resulting  
259 from sales tax collections. The provisions of this subdivision shall not apply to  
260 any political subdivision which has received voter approval for an increase to its  
261 tax rate ceiling subsequent to setting its most recent tax rate.

262 6. (1) For the purposes of calculating state aid for public schools pursuant  
263 to section 163.031, each taxing authority which is a school district shall  
264 determine its proposed tax rate as a blended rate of the classes or subclasses of  
265 property. Such blended rate shall be calculated by first determining the total tax  
266 revenue of the property within the jurisdiction of the taxing authority, which  
267 amount shall be equal to the sum of the products of multiplying the assessed  
268 valuation of each class and subclass of property by the corresponding tax rate for  
269 such class or subclass, then dividing the total tax revenue by the total assessed  
270 valuation of the same jurisdiction, and then multiplying the resulting quotient  
271 by a factor of one hundred. Where the taxing authority is a school district, such  
272 blended rate shall also be used by such school district for calculating revenue

273 from state-assessed railroad and utility property as defined in chapter 151 and  
274 for apportioning the tax rate by purpose.

275 (2) Each taxing authority proposing to levy a tax rate in any year shall  
276 notify the clerk of the county commission in the county or counties where the tax  
277 rate applies of its tax rate ceiling and its proposed tax rate. Each taxing  
278 authority shall express its proposed tax rate in a fraction equal to the nearest  
279 one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then  
280 one/one-hundredth of a cent. If a taxing authority shall round to  
281 one/one-hundredth of a cent, it shall round up a fraction greater than or equal to  
282 five/one-thousandth of one cent to the next higher one/one-hundredth of a cent;  
283 if a taxing authority shall round to one-tenth of a cent, it shall round up a  
284 fraction greater than or equal to five/one-hundredths of a cent to the next higher  
285 one-tenth of a cent. Any taxing authority levying a property tax rate shall  
286 provide data, in such form as shall be prescribed by the state auditor by rule,  
287 substantiating such tax rate complies with Missouri law. All forms for the  
288 calculation of rates pursuant to this section shall be promulgated as a rule and  
289 shall not be incorporated by reference. The state auditor shall promulgate rules  
290 for any and all forms for the calculation of rates pursuant to this section which  
291 do not currently exist in rule form or that have been incorporated by reference. In  
292 addition, each taxing authority proposing to levy a tax rate for debt service shall  
293 provide data, in such form as shall be prescribed by the state auditor by rule,  
294 substantiating the tax rate for debt service complies with Missouri law. A tax rate  
295 proposed for annual debt service requirements will be prima facie valid if, after  
296 making the payment for which the tax was levied, bonds remain outstanding and  
297 the debt fund reserves do not exceed the following year's payments. The county  
298 clerk shall keep on file and available for public inspection all such information  
299 for a period of three years. The clerk shall, within three days of receipt, forward  
300 a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate  
301 and any substantiating data to the state auditor. The state auditor shall, within  
302 fifteen days of the date of receipt, examine such information and return to the  
303 county clerk his or her findings as to compliance of the tax rate ceiling with this  
304 section and as to compliance of any proposed tax rate for debt service with  
305 Missouri law. If the state auditor believes that a taxing authority's proposed tax  
306 rate does not comply with Missouri law, then the state auditor's findings shall  
307 include a recalculated tax rate, and the state auditor may request a taxing  
308 authority to submit documentation supporting such taxing authority's proposed

309 tax rate. The county clerk shall immediately forward a copy of the auditor's  
310 findings to the taxing authority and shall file a copy of the findings with the  
311 information received from the taxing authority. The taxing authority shall have  
312 fifteen days from the date of receipt from the county clerk of the state auditor's  
313 findings and any request for supporting documentation to accept or reject in  
314 writing the rate change certified by the state auditor and to submit all requested  
315 information to the state auditor. A copy of the taxing authority's acceptance or  
316 rejection and any information submitted to the state auditor shall also be mailed  
317 to the county clerk. If a taxing authority rejects a rate change certified by the  
318 state auditor and the state auditor does not receive supporting information which  
319 justifies the taxing authority's original or any subsequent proposed tax rate, then  
320 the state auditor shall refer the perceived violations of such taxing authority to  
321 the attorney general's office and the attorney general is authorized to obtain  
322 injunctive relief to prevent the taxing authority from levying a violative tax rate.

323 (3) In the event that the taxing authority incorrectly completes the forms  
324 created and promulgated under subdivision (2) of this subsection, or makes a  
325 clerical error, the taxing authority may submit amended forms with an  
326 explanation for the needed changes. If such amended forms are filed under  
327 regulations prescribed by the state auditor, the state auditor shall take into  
328 consideration such amended forms for the purposes of this subsection.

329 7. No tax rate shall be extended on the tax rolls by the county clerk unless  
330 the political subdivision has complied with the foregoing provisions of this  
331 section.

332 8. Whenever a taxpayer has cause to believe that a taxing authority has  
333 not complied with the provisions of this section, the taxpayer may make a formal  
334 complaint with the prosecuting attorney of the county. Where the prosecuting  
335 attorney fails to bring an action within ten days of the filing of the complaint, the  
336 taxpayer may bring a civil action pursuant to this section and institute an action  
337 as representative of a class of all taxpayers within a taxing authority if the class  
338 is so numerous that joinder of all members is impracticable, if there are questions  
339 of law or fact common to the class, if the claims or defenses of the representative  
340 parties are typical of the claims or defenses of the class, and if the representative  
341 parties will fairly and adequately protect the interests of the class. In any class  
342 action maintained pursuant to this section, the court may direct to the members  
343 of the class a notice to be published [at least once each week] **on the front page**  
344 **of the court's website, if it has one, for a period of** four consecutive weeks

345 [in a newspaper of general circulation published in the county where the civil  
346 action is commenced and in other counties within the jurisdiction of a taxing  
347 authority]. **If the court does not have a website, notice shall be sent to**  
348 **the secretary of state who shall publish such notice on the legal notices**  
349 **website, established pursuant to section 493.077, for a period of four**  
350 **consecutive weeks.** The notice shall advise each member that the court will  
351 exclude him or her from the class if he or she so requests by a specified date, that  
352 the judgment, whether favorable or not, will include all members who do not  
353 request exclusion, and that any member who does not request exclusion may, if  
354 he or she desires, enter an appearance. In any class action brought pursuant to  
355 this section, the court, in addition to the relief requested, shall assess against the  
356 taxing authority found to be in violation of this section the reasonable costs of  
357 bringing the action, including reasonable attorney's fees, provided no attorney's  
358 fees shall be awarded any attorney or association of attorneys who receive public  
359 funds from any source for their services. Any action brought pursuant to this  
360 section shall be set for hearing as soon as practicable after the cause is at issue.

361 9. If in any action, including a class action, the court issues an order  
362 requiring a taxing authority to revise the tax rates as provided in this section or  
363 enjoins a taxing authority from the collection of a tax because of its failure to  
364 revise the rate of levy as provided in this section, any taxpayer paying his or her  
365 taxes when an improper rate is applied has erroneously paid his or her taxes in  
366 part, whether or not the taxes are paid under protest as provided in section  
367 139.031 or otherwise contested. The part of the taxes paid erroneously is the  
368 difference in the amount produced by the original levy and the amount produced  
369 by the revised levy. The township or county collector of taxes or the collector of  
370 taxes in any city shall refund the amount of the tax erroneously paid. The taxing  
371 authority refusing to revise the rate of levy as provided in this section shall make  
372 available to the collector all funds necessary to make refunds pursuant to this  
373 subsection. No taxpayer shall receive any interest on any money erroneously paid  
374 by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing  
375 in this section shall be construed to require a taxing authority to refund any tax  
376 erroneously paid prior to or during the third tax year preceding the current tax  
377 year.

378 10. Any rule or portion of a rule, as that term is defined in section  
379 536.010, that is created under the authority delegated in this section shall  
380 become effective only if it complies with and is subject to all of the provisions of

381 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
382 nonseverable and if any of the powers vested with the general assembly pursuant  
383 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
384 a rule are subsequently held unconstitutional, then the grant of rulemaking  
385 authority and any rule proposed or adopted after August 28, 2004, shall be  
386 invalid and void.

137.177. 1. The term "building" as used in this section means an edifice  
2 composed of brick, marble, wood or some other proper substance, erected or  
3 constructed, designed to stand more or less permanently, and covering a space of  
4 land for use as a dwelling, storehouse, factory, shelter for beasts or some other  
5 useful purpose.

6 2. (1) The county commission in counties of class two with a population  
7 of less than seventy-five thousand adjoining a county of the first class may by  
8 order duly made of record require that before any person shall erect or construct  
9 any building, the cost of which exceeds six hundred dollars, upon any lands lying  
10 and situate outside the corporate limits of any incorporated city in such counties  
11 he **or she** shall first file an application for a building permit with the county  
12 clerk of such county, which said application shall describe by metes and bounds  
13 the lands upon which the erection or construction of a building or buildings  
14 proposed and a general description of the building or buildings to be constructed  
15 or erected thereon;

16 (2) Before any such order shall become effective, it shall be published  
17 **[once each week] on the front page of the county commission's website,**  
18 **if it has one,** for three consecutive weeks. **If the county commission does**  
19 **not have a website, notice shall be sent to the secretary of state who**  
20 **shall publish such notice on the legal notices website, established**  
21 **pursuant to section 493.077, for three consecutive weeks [in at least one**  
22 **newspaper of general circulation in the county].**

23 3. Upon receipt of such application the county clerk of such county shall  
24 immediately prepare a building permit in the customary form and shall issue the  
25 same to the applicant upon the payment by the applicant of the building permit  
26 fee of five dollars.

27 4. The county clerk of such counties shall keep a true and accurate record  
28 of the building permits so issued and shall, on the first day of January and the  
29 first day of July of each year, deliver to the county assessor a list of all building  
30 permits issued for the previous six-month period.

31           5. Any person who shall construct or erect or attempt to construct or erect  
32 any building in such county without first securing a building permit as provided  
33 in this section shall be guilty of a misdemeanor.

34           6. The provisions herein shall not apply to those counties which have  
35 adopted a planning and zoning commission under chapter 64 and shall become  
36 inoperative and of no effect in those counties which may hereafter adopt a  
37 planning and zoning commission under chapter 64.

137.355. 1. If an assessor increases the valuation of any tangible personal  
2 property as estimated in the itemized list furnished to the assessor, and if an  
3 assessor increases the valuation of any real property, he **or she** shall forthwith  
4 notify the record owner of the increase either in person or by mail directed to the  
5 last known address, and if the address of the owner is unknown notice shall be  
6 given by publication [in two newspapers published in the county] **on the front**  
7 **page of the assessor's website, if there is one. If the assessor does not**  
8 **have a website, notice shall be sent to the secretary of state who shall**  
9 **publish such notice on the legal notices website, established pursuant**  
10 **to section 493.077.**

11           2. For all calendar years prior to the first day of January of the year  
12 following receipt of software necessary for the implementation of the  
13 requirements provided under subsections 3 and 4 of this section from the state  
14 tax commission, whenever any assessor shall increase the valuation of any real  
15 property, he or she shall forthwith notify the record owner on or before June  
16 fifteenth of the previous assessed value and such increase either in person, or by  
17 mail directed to the last known address and include on the face of such notice, in  
18 no less than twelve-point font, the following statement:

19           NOTICE TO TAXPAYER: IF YOUR ASSESSED VALUE HAS  
20           INCREASED, IT MAY INCREASE YOUR REAL PROPERTY  
21           TAXES WHICH ARE DUE DECEMBER THIRTY-FIRST. IF YOU  
22           DO NOT AGREE THAT THE VALUE OF YOUR PROPERTY HAS  
23           INCREASED, YOU MUST CHALLENGE THE VALUE ON OR  
24           BEFORE \_\_\_\_\_ (INSERT DATE BY WHICH APPEAL MUST BE  
25           FILED) BY CONTACTING YOUR COUNTY ASSESSOR.

26           3. Effective January first of the year following receipt of software  
27 necessary for the implementation of the requirements provided under this  
28 subsection and subsection 4 of this section from the state tax commission, if an  
29 assessor increases the valuation of any real property, the assessor, on or before

30 June fifteenth, shall notify the record owner of the increase and, in a year of  
31 general reassessment, the county shall notify the record owner of the projected  
32 tax liability likely to result from such an increase either in person or by mail  
33 directed to the last known address, and, if the address of the owner is unknown,  
34 notice shall be given by publication [in two newspapers published in the county]  
35 **on the front page of the assessor's website, if there is one. If the**  
36 **assessor does not have a website, notice shall be sent to the secretary**  
37 **of state who shall publish such notice on the legal notices website,**  
38 **established pursuant to section 493.077.** Notice of the projected tax liability  
39 from the county shall accompany the notice of increased valuation from the  
40 assessor.

41 4. The notice of projected tax liability, required under subsection 3 of this  
42 section, from the county shall include:

43 (1) Record owner's name, address, and the parcel number of the property;

44 (2) A list of all political subdivisions levying a tax upon the property of  
45 the record owner;

46 (3) The projected tax rate for each political subdivision levying a tax upon  
47 the property of the record owner, and the purpose for each levy of such political  
48 subdivisions;

49 (4) The previous year's tax rates for each individual tax levy imposed by  
50 each political subdivision levying a tax upon the property of the record owner;

51 (5) The tax rate ceiling for each levy imposed by each political subdivision  
52 levying a tax upon the property of the record owner;

53 (6) The contact information for each political subdivision levying a tax  
54 upon the property of the record owner;

55 (7) A statement identifying any projected tax rates for political  
56 subdivisions levying a tax upon the property of the record owner, which were not  
57 calculated and provided by the political subdivision levying the tax; and

58 (8) The total projected property tax liability of the taxpayer.

137.512. When the assessment plat books or records are completed, the  
2 assessor shall give two weeks' notice [in at least two daily newspapers published  
3 within the city] that the books are open for inspection, and stating when and  
4 where the board of equalization will be in session. **Such notice shall be**  
5 **published on the front page of the assessor's website, if there is one. If**  
6 **the assessor does not have a website, notice shall be sent to the**  
7 **secretary of state who shall publish such notice on the legal notices**

8 **website, established pursuant to section 493.077.**

138.050. 1. The following rules shall be observed by county boards of  
2 equalization:

3 (1) They shall raise the valuation of all tracts or parcels of land and all  
4 tangible personal property as in their opinion have been returned below their real  
5 value; but, after the board has raised the valuation of such property, it shall give  
6 notice of the fact, specifying the property and the amount raised, to the persons  
7 owning or controlling the same, by personal notice, or through the mail if address  
8 is known, or if address is unknown, by notice [in one issue of any newspaper  
9 published within the county at least once a week] **on the board's website, if**  
10 **it has one, for a period of at least one week**, and that said board shall meet  
11 on the third Monday in July, to hear reasons, if any be given, why such increase  
12 should not be made; the board shall meet on the third Monday in July in each  
13 year to hear any person relating to any such increase in valuation. In any county  
14 with a charter form of government or any city not within a county, the board shall  
15 complete all business by the fourth Saturday in August. Any county of the first,  
16 second, third, or fourth classification shall complete all business by July  
17 thirty-first;

18 (2) They shall reduce the valuation of such tracts or parcels of land or any  
19 tangible personal property which, in their opinion, has been returned above its  
20 true value as compared with the average valuation of all the real and tangible  
21 personal property of the county.

22 **2. If any county boards of equalization do not have a website,**  
23 **notice otherwise required to be published on such board's website**  
24 **pursuant to subsection 1 of this section shall be sent to the secretary**  
25 **of state who shall publish such notice on the legal notices website,**  
26 **established pursuant to section 493.077, for a period of one week.**

138.070. 1. The county board of equalization, in regular session, shall  
2 have authority to assess and equalize the value of any property that may have  
3 been omitted from the assessor's books then under examination by said board,  
4 and in case the board shall add any property to the assessor's books, it shall  
5 cause notice in writing to be served upon the owner of such property, stating the  
6 kind and class of property and the value fixed thereon by said board, and naming  
7 the time and place, not less than five days thereafter, when and where such  
8 owner may appear before the board and show cause why said assessment should  
9 not be made.

10           2. At the time fixed, said board shall again meet and give opportunity to  
11 the taxpayer to be heard in regard to his **or her** assessment, and may change or  
12 alter the same upon being shown by the owner that the assessment was erroneous  
13 or improperly made; otherwise, the property and the valuation, as fixed by the  
14 board, shall be extended upon the assessor's books, as in case of other property.

15           3. The notice shall be signed by the clerk of the county commission, and  
16 shall be served by mail and it shall be the duty of the prosecuting attorney, or  
17 county counselor, if any, when called upon by the board of equalization, to  
18 represent the county in any such proceedings.

19           4. In case of the assessment of real estate belonging to nonresidents a  
20 notice containing the action of the board of equalization shall be mailed to the  
21 owner, administrator or executor to the last known address.

22           5. This notice shall state the kind and class of property and the value  
23 fixed thereon by said board, and naming the time and place, not less than five  
24 days thereafter when and where such owner, administrator, or executor may  
25 appear before the board and show cause why such assessment should not be  
26 made[; provided, that]. In any case where the residence of the owner,  
27 administrator or executor is unknown, publication shall be made of the additional  
28 assessment [in one issue of a newspaper of general circulation which is published  
29 at least once a week within the county] **on the front page of the board's**  
30 **website, if it has one, for a period of at least one week. If the board**  
31 **does not have a website, notice shall be sent to the secretary of state**  
32 **who shall publish such notice on the legal notices website, established**  
33 **pursuant to section 493.077, for a period of at least one week.**

138.100. 1. The following rules shall be observed by such county boards  
2 of equalization:

3           (1) They shall raise the valuation of all tracts or parcels of land and all  
4 tangible personal property as in their opinion have been returned below their real  
5 value; but, after the board has raised the valuation of such property, notice shall  
6 be given that said valuation of such property has been increased and a hearing  
7 shall be granted[;]. Such notice shall be in writing and shall be directed to the  
8 owner of the property or the person controlling the same, at his **or her** last  
9 address as shown by the records in the assessor's office, and shall describe the  
10 property and the value thereof as increased[;]. Such notice may be by personal  
11 service or by mail and if the address of such person or persons is unknown, notice  
12 may be given by publication [in two newspapers published within the county;] **on**

13 **the front page of the board's website, if it has one. If the board does**  
14 **not have a website, notice shall be sent to the secretary of state who**  
15 **shall publish such notice on the legal notices website, established**  
16 **pursuant to section 493.077.** Such notice shall be served, mailed or published  
17 at least five days prior to the date on which said hearing shall be held at which  
18 objections, if any, may be made against said increased assessment;

19 (2) They shall reduce the valuation of such tracts or parcels of land or of  
20 any tangible personal property which, in their opinion, has been returned above  
21 its true value as compared with the average valuation of all the real and tangible  
22 personal property of the county.

23 2. Such hearings shall end on the thirty-first day of July of each year,  
24 except in any city not within a county or any county with a charter form of  
25 government, in which such hearings shall end by the fourth Saturday in August;  
26 provided, that the estimated true value of personal property as shown on any  
27 itemized personal property return shall not be conclusive on the assessor or  
28 prevent the assessor from increasing such valuation. Provided further that said  
29 board of equalization may meet thereafter at least once a month for the purpose  
30 of hearing allegations of erroneous assessments, double assessments and clerical  
31 errors, and upon satisfactory proof thereof shall correct such errors and certify  
32 the same to the county clerk and county collector.

33 3. The board of equalization in all counties with a charter form of  
34 government shall provide the taxpayer with written findings of fact and a written  
35 basis for the board's decision regarding any parcel of real property which is the  
36 subject of a hearing before any board of equalization.

37 4. The provisions of subsection 3 of this section shall only apply in any  
38 county with a charter form of government with more than one million  
39 inhabitants.

138.150. 1. The board shall hear complaints and appeals, and adjust,  
2 correct, and equalize the valuations and assessments of any real or tangible  
3 personal property taxable by the city and assess and equalize the value of any  
4 real or tangible personal property taxable by the city omitted from the assessment  
5 plat books or records then under examination by them, and adjust and correct the  
6 assessment plat books or records accordingly. If the board proposes to increase  
7 any assessment or to assess any omitted property, it shall give notice of the fact  
8 to the person owning or controlling the property affected, his **or her** agent or  
9 representative, by personal notice, by mail, or if the address of the person, agent

10 or representative is unknown, then by publication [in one issue of at least two  
11 daily newspapers published within the city] **on the front page of the board's**  
12 **website, if it has one. If the board does not have a website, notice shall**  
13 **be sent to the secretary of state who shall publish such notice on the**  
14 **legal notices website, established pursuant to section 493.077.**

15 2. The notice as to omitted property shall state the kind and class of  
16 property and the value fixed thereon by the board and shall name the time and  
17 place, not less than five days thereafter, when and where the person may appear  
18 before the board and show cause, if any, why the assessment should not be made.

19 3. A like notice shall be given if the board proposes to increase any  
20 assessment, and in addition thereto shall state the amount of the increase.

21 4. For cause shown, if any, that the assessment was erroneously or  
22 improperly made, the board may change, alter or cancel the assessment.

138.460. 1. After the various assessment rolls required to be made by law  
2 shall have been passed upon by the several boards of equalization and prior to  
3 the making and delivery of the tax rolls to the proper officers for collection of the  
4 taxes, the several assessment rolls shall be subject to inspection by the  
5 commission, or by any member or duly authorized agent or representative thereof.

6 2. In case it shall appear to the commission after such investigation, or  
7 be made to appear to said commission by written complaint of any taxpayer, who  
8 has previously appealed to the local board of equalization, that property subject  
9 to taxation has been omitted from said roll, or individual assessments have not  
10 been made in compliance with law, the said commission may issue an order  
11 directing the assessing officer whose assessments are to be reviewed to appear  
12 with his **or her** assessment roll and the sworn statements of the person or  
13 persons whose property or whose assessments are to be considered, at a time and  
14 place to be stated in said order, said time to be not less than five days from the  
15 date of the issuance of said order, and the place to be at the office of the county  
16 commission at the county seat, or at such other place in said county in which said  
17 roll was made as the commission shall deem most convenient for the hearing  
18 herein provided. All complaints shall be filed with the commission not later than  
19 September thirtieth.

20 3. A copy of above order shall be published [in at least one newspaper  
21 published in the county] **on the front page of the commission's website, if**  
22 **it has one**, at least five days before the time at which said assessor is required  
23 to appear[; or,]. **If the commission does not have a website, a copy of the**

24 **order shall be sent to the secretary of state at least five days before the**  
25 **time at which said assessor is required to appear and the secretary**  
26 **shall publish such order on the legal notices website, established**  
27 **pursuant to section 493.077, until the date of the hearing has**  
28 **passed.** Where practicable, notice by mail may be given prior to said hearing to  
29 all persons whose assessments are to be considered. A copy of said order shall  
30 be served on the assessing officer at least three days before he **or she** is required  
31 to appear with said roll.

140.170. 1. Except for lands described in subsection [7] 5 of this section,  
2 the county collector shall cause a copy of the list of delinquent lands and lots to  
3 be [printed in some newspaper of general circulation] published [in the county]  
4 for three consecutive weeks[, one insertion weekly, before the sale, the last  
5 insertion to be at least fifteen days] prior to the fourth Monday in August **on the**  
6 **front page of the collector's website, if it has one. If the collector does**  
7 **not have a website, a copy of the list shall be sent three weeks prior to**  
8 **the fourth Monday in August to the secretary of state who shall publish**  
9 **such list on the legal notices website, established pursuant to section**  
10 **493.077, until the date of the sale has passed.**

11 2. In addition to the names of all record owners or the names of all owners  
12 appearing on the land tax book it is only necessary in the printed and published  
13 list to state in the aggregate the amount of taxes, penalty, interest and cost due  
14 thereon, each year separately stated.

15 3. To the list shall be attached and in like manner printed and published  
16 a notice of said lands and lots stating that said land and lots will be sold at  
17 public auction to discharge the taxes, penalty, interest, and costs due thereon at  
18 the time of sale in or adjacent to the courthouse of such county, on the fourth  
19 Monday in August next thereafter, commencing at ten o'clock of said day and  
20 continuing from day to day thereafter until all are offered.

21 4. [The county collector, on or before the day of sale, shall insert at the  
22 foot of the list on his or her record a copy of the notice and certify on his or her  
23 record immediately following the notice the name of the newspaper of the county  
24 in which the notice was printed and published and the dates of insertions thereof  
25 in the newspaper.

26 5.] The expense of such printing shall be paid out of the county treasury  
27 and shall not exceed the rate provided for in chapter 493, relating to legal  
28 publications, notices and advertisements, and the cost of printing at the rate paid

29 by the county shall be taxed as part of the costs of the sale of any land or lot  
30 contained in the list.

31 [6. The county collector shall cause the affidavit of the printer, editor or  
32 publisher of the newspaper in which the list of delinquent lands and notice of sale  
33 was published, as provided by section 493.060, with the list and notice attached,  
34 to be recorded in the office of the recorder of deeds of the county, and the recorder  
35 shall not charge or receive any fees for recording the same.

36 [7.] **5. (1)** The county collector may have a separate list of such lands,  
37 without legal descriptions or the names of the record owners, [printed in a  
38 newspaper of general circulation] published [in such county] for three consecutive  
39 weeks before the sale of such lands for a parcel or lot of land that:

40 [(1)] **(a)** Has an assessed value of one thousand five hundred dollars or  
41 less and has been advertised previously; or

42 [(2)] **(b)** Is a lot in a development of twenty or more lots and such lot has  
43 an assessed value of one thousand five hundred dollars or less.

44 The notice shall state that legal descriptions and the names of the record owners  
45 of such lands shall be posted at any county courthouse within the county and the  
46 office of the county collector.

47 **(2) Publication of the list required by subdivision (1) of this**  
48 **subsection shall be made on the collector's website, if it has one. If the**  
49 **collector does not have a website, the list shall be sent to the secretary**  
50 **of state who shall publish such list on the legal notices website,**  
51 **established pursuant to section 493.077.**

52 [8.] **6.** If, in the opinion of the county collector, an adequate legal  
53 description of the delinquent land and lots cannot be obtained through  
54 researching the documents available through the recorder of deeds, the collector  
55 may commission a professional land surveyor to prepare an adequate legal  
56 description of the delinquent land and lots in question. The costs of any  
57 commissioned land survey deemed necessary by the county collector shall be  
58 taxed as part of the costs of the sale of any land or lots contained in the list  
59 prepared under this section.

141.040. **1.** If, on the first day of January of any year, any of said lands  
2 or town lots contained in said back tax book or recorded list of delinquent land  
3 or lots in the collector's office remain unredeemed, it shall be the duty of the  
4 collector to proceed to enforce the payment of the taxes charged against such tract  
5 or lot, by suit in a court of competent jurisdiction in the county where the real

6 estate is situated, which said court shall have jurisdiction, without regard to the  
7 amount sued on, to enforce the lien of the state or such counties, and it shall be  
8 the duty of the collector, when suit shall have been commenced against any tract  
9 of land or town lot on said back tax book, to note opposite said tract or lot such  
10 fact, also against whom suit has been commenced[; and]. In cases where suit is  
11 brought for the enforcement of liens as above, where summons shall have been  
12 issued against any defendant, and the officer to whom it is directed shall make  
13 his **or her** return that the defendant cannot be found, the court before whom the  
14 suit is pending, being first satisfied that the summons cannot be served, shall  
15 make an order directing that notice of such action be given to such defendant by  
16 publication[; and]. In all cases where it shall be alleged in the petition, or in an  
17 affidavit subsequently filed with the clerk, that the defendants, or any one of  
18 them is a nonresident of the state of Missouri, so that the ordinary process of law  
19 cannot be served upon them, then such order may be made, and such notice by  
20 publication given by the clerk of the court in vacation, and which notice shall be  
21 published [in like manner and with the same effect as when ordered by the court;  
22 the proof of publication of the order required by this section may be made by the  
23 affidavit of the publisher of the newspaper in which the order was published, or  
24 by the affidavit of any person who would be a competent witness in said cause,  
25 filed with the court; and] **in the manner provided in subsection 2 of this**  
26 **section.**

27 **2. The notice required by subsection 1 of this section shall be**  
28 **published on the front page of the collector's website, if it has one. If**  
29 **the collector does not have a website, notice shall be sent to the**  
30 **secretary of state who shall publish such notice on the legal notices**  
31 **website, established pursuant to section 493.077.** If the defendant or  
32 defendants fail to appear at the time and place required by [said] **the court**  
33 order and defend [said] **the** cause of action, judgment by default may be rendered  
34 as prayed, which judgment shall be as binding and effectual against the property  
35 on which the lien is sought to be enforced as if there had been personal service  
36 on the defendant.

141.410. 1. A suit for the foreclosure of the tax liens herein provided for  
2 shall be instituted by filing in the appropriate office of the circuit clerk a petition,  
3 which petition shall contain a caption, a copy of the list so furnished to the  
4 delinquent land tax attorney by the collector, and a prayer. Such petition without  
5 further allegation shall be deemed to be sufficient.



10 **to section 493.077, for a period of four successive weeks.**

11 2. Such notice shall be in substantially the following form:

12 NOTICE OF FORECLOSURE OF LIENS FOR DELINQUENT  
13 LAND TAXES, BY ACTION IN REM

14 Public notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_,  
15 20\_\_\_\_\_, the Collector of Revenue of \_\_\_\_\_ County, Missouri, filed  
16 a petition, being suit No. \_\_\_\_\_, in the Circuit Court of \_\_\_\_\_  
17 County, Missouri, at \_\_\_\_\_ (stating the city), for the foreclosure of  
18 liens for delinquent land taxes (except liens in favor of the United  
19 States of America, if any) against the real estate situated in such  
20 county, all as described in said petition.

21 The object of said suit is to obtain from the Court a judgment  
22 foreclosing the tax liens against such real estate and ordering the  
23 sale of such real estate for the satisfaction of said tax liens thereon  
24 (except liens in favor of the United States of America, if any),  
25 including principal, interest, penalties, attorneys' fees and costs.  
26 Such action is brought against the real estate only and no personal  
27 judgment shall be entered therein.

28 The serial number assigned by the Collector to each parcel of real  
29 estate, a description of each such parcel, a statement of the total  
30 principal amount of all delinquent tax bills against each such  
31 parcel of real estate, all of which, as to each parcel, is more fully  
32 set out and itemized in the aforesaid petition, and the name of the  
33 last known person appearing on the records of the collector in  
34 whose name said tax bills were listed or charged for the year  
35 preceding the calendar year in which the list described in said  
36 petition was filed with the collector, are, respectively, as follows:

37 (Here set out the respective serial numbers, descriptions, names,  
38 and statements of total principal amounts of tax bills, next above  
39 referred to.)

40 The total principal amounts of delinquent taxes set out in this  
41 notice do not include the lawful interest, penalties, attorneys' fees  
42 and costs which have accrued against the respective parcels of real  
43 estate, all of which in each case is set out and itemized in the  
44 aforesaid petition.

45 Any person or taxing authority owning or holding any tax bill or

46 claiming any right, title or interest in or to or lien upon any such  
 47 parcel of real estate, must file an answer to such suit in the office  
 48 of the Circuit Clerk of the aforesaid County, and a copy of such  
 49 answer with the Delinquent Land Tax Attorney at the office of the  
 50 Collector of Revenue of said County, on or before the \_\_\_\_\_ day of  
 51 \_\_\_\_\_, 20\_\_\_\_\_, and in such answer shall set forth in detail the  
 52 nature and amount of such interest and any defense or objection to  
 53 the foreclosure of the tax liens, or any affirmative relief he or it  
 54 may be entitled to assert with respect thereto.

55 Any person having any right, title or interest in or to, or lien upon,  
 56 any parcel of such real estate, may redeem such parcel of real  
 57 estate by paying all of the sums mentioned therein, to the  
 58 undersigned Collector of Revenue, including principal, interest,  
 59 penalties, attorneys' fees and costs then due, at any time prior to  
 60 the time of the foreclosure sale of such real estate by the sheriff.

61 In the event of failure to answer or redeem on or before the date  
 62 herein fixed as the last day for filing answer in the suit, by any  
 63 person having the right to answer or redeem, such person shall be  
 64 forever barred and foreclosed as to any defense or objection he  
 65 might have to the foreclosure of such liens for delinquent taxes and  
 66 a judgment of foreclosure may be taken by default. Redemption  
 67 may be made, however, up to the time fixed for the holding of  
 68 sheriff's foreclosure sale, and thereafter there shall be no equity of  
 69 redemption and each such person having any right, title or interest  
 70 in or to, or any lien upon, any such parcel of real estate described  
 71 in the petition so failing to answer or redeem as aforesaid, shall be  
 72 forever barred and foreclosed of any right, title or interest in or  
 73 lien upon or any equity of redemption in said real estate.

74 \_\_\_\_\_  
 75 Collector of Revenue \_\_\_\_\_  
 76 County, Missouri

77 \_\_\_\_\_  
 78 Address

79 \_\_\_\_\_  
 80 Delinquent Land Tax Attorney  
 81 \_\_\_\_\_

82 Address  
83 \_\_\_\_\_

84 First Publication:  
85 \_\_\_\_\_

141.450. Such notice shall be substantially as follows:

2 To the person to whom this notice is addressed:  
3 You are the last known person, according to the records in this  
4 office, in whose name land taxes were billed or charged, as to one  
5 or more parcels of real estate described in a certain petition  
6 bearing cause No. \_\_\_\_\_ (fill in number of case) filed in the Circuit  
7 Court of \_\_\_\_\_ County, Missouri, at \_\_\_\_\_ (fill in city), on \_\_\_\_\_,  
8 20\_\_\_\_\_, wherein a foreclosure of the lien of various delinquent  
9 tax bills is sought and a court order asked for the purpose of selling  
10 said real estate at a public sale for payment of all delinquent tax  
11 bills, together with interest, penalties, attorney's fees and costs.  
12 Publication of notice of such foreclosure was commenced on the  
13 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, [in \_\_\_\_\_ (here insert name of  
14 newspaper), a daily newspaper published in \_\_\_\_\_ (here insert  
15 name of city), Missouri].

16 Unless all delinquent taxes be paid upon the parcels of real estate  
17 described in said petition and said real estate redeemed prior to  
18 the time of the foreclosure sale of such real estate by the sheriff,  
19 the owner or any person claiming any right, title or interest in or  
20 to, or lien upon, any such parcels of real estate, shall be forever  
21 barred and foreclosed of all right, title and interest and equity of  
22 redemption in and to such parcels of real estate; provided, however,  
23 that any such persons shall have the right to file an answer in said  
24 suit on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in the office of  
25 the Circuit Clerk and a copy thereof with the Delinquent Land Tax  
26 Attorney, setting forth in detail the nature and amount of the  
27 interest and any defense or objection to the foreclosure.

28 Dated \_\_\_\_\_  
29 \_\_\_\_\_

30 Delinquent Land Tax  
31 Attorney  
32 \_\_\_\_\_

\_\_\_\_\_  
Collector of Revenue  
\_\_\_\_\_ County, Missouri  
\_\_\_\_\_

33

Address

Address

141.540. 1. In any county at a certain front door of whose courthouse  
 2 sales of real estate are customarily made by the sheriff under execution, the  
 3 sheriff shall advertise for sale and sell the respective parcels of real estate  
 4 ordered sold by him or her pursuant to any judgment of foreclosure by any court  
 5 pursuant to sections 141.210 to 141.810 and 141.980 to 141.1015 at any of such  
 6 courthouses, but the sale of such parcels of real estate shall be held at the same  
 7 front door as sales of real estate are customarily made by the sheriff under  
 8 execution.

9 2. Such advertisements may include more than one parcel of real estate,  
 10 and shall be in substantially the following form:

11

## NOTICE OF SHERIFF'S

12

## SALE UNDER JUDGMENT OF

13

## FORECLOSURE OF LIENS FOR

14

## DELINQUENT LAND TAXES

15

No. \_\_\_\_\_

16

In the Circuit Court of \_\_\_\_\_ County, Missouri.

17

In the Matter of Foreclosure of Liens for Delinquent Land Taxes

18

Collector of Revenue of \_\_\_\_\_ County, Missouri, Plaintiff,

19

vs.

20

Parcels of Land encumbered with Delinquent Tax Liens,

21

Defendants.

22

WHEREAS, judgment has been rendered against parcels of real

23

estate for taxes, interest, penalties, attorney's fees and costs with

24

the serial numbers of each parcel of real estate, the description

25

thereof, the name of the person appearing in the petition in the

26

suit, and the total amount of the judgment against each such parcel

27

for taxes, interest, penalties, attorney's fees and costs, all as set out

28

in said judgment and described in each case, respectively, as

29

follows: (Here set out the respective serial numbers, descriptions,

30

names and total amounts of each judgment, next above referred to.)

31

and,

32

WHEREAS, such judgment orders such real estate sold by the

33

undersigned sheriff, to satisfy the total amount of such judgment,

34

including interest, penalties, attorney's fees and costs,

35

NOW, THEREFORE,

36 Public Notice is hereby given that I \_\_\_\_\_, Sheriff of \_\_\_\_\_  
 37 County, Missouri, will sell such real estate, parcel by parcel, at  
 38 public auction, to the highest bidder, for cash, between the hours  
 39 of nine o'clock A.M. and five o'clock P.M., at the \_\_\_\_\_ front door  
 40 of the \_\_\_\_\_ County Courthouse in \_\_\_\_\_, Missouri, on \_\_\_\_\_, the  
 41 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and continuing from day to day  
 42 thereafter, to satisfy the judgment as to each respective parcel of  
 43 real estate sold. If no acceptable bids are received as to any parcel  
 44 of real estate, said parcel shall be sold to the Land Trust of \_\_\_\_\_  
 45 (insert name of County), Missouri or Land Bank of the City of \_\_\_\_\_  
 46 \_\_\_\_\_ (insert name of municipality), Missouri.

47 Any bid received shall be subject to confirmation by the court.

48 \_\_\_\_\_  
 49 Sheriff of \_\_\_\_\_ County, Missouri

50 \_\_\_\_\_  
 51 Delinquent Land Tax Attorney

52 Address: \_\_\_\_\_

53 First Publication \_\_\_\_\_, 20\_\_\_\_\_

54 3. Such advertisement shall be published [four times, once a week, upon  
 55 the same day of each week during successive weeks prior to the date of such sale,  
 56 in a daily newspaper of general circulation regularly published in the county,  
 57 qualified according to law for the publication of public notices and  
 58 advertisements] **on the front page of the sheriff's website, if it has one,**  
 59 **for a period of four successive weeks. If the sheriff does not have a**  
 60 **website, notice shall be sent to the secretary of state who shall publish**  
 61 **such notice on the legal notices website, established pursuant to section**  
 62 **493.077, for a period of four successive weeks.**

63 4. In addition to the provisions herein for notice and advertisement of  
 64 sale, the county collector shall enter upon the property subject to foreclosure of  
 65 these tax liens and post a written informational notice in any conspicuous  
 66 location thereon. This notice shall describe the property and advise that it is the  
 67 subject of delinquent land tax collection proceedings before the circuit court  
 68 brought pursuant to sections 141.210 to 141.810 and 141.980 to 141.1015 and that  
 69 it may be sold for the payment of delinquent taxes at a sale to be held at ten  
 70 o'clock a.m., date and place, and shall also contain a file number and the address  
 71 and phone number of the collector. If the collector chooses to post such notices

72 as authorized by this subsection, such posting must be made not later than the  
73 fourteenth day prior to the date of the sale.

74           5. The collector shall, concurrently with the beginning of the publication  
75 of sale, cause to be prepared and sent by restricted, registered or certified mail  
76 with postage prepaid, a brief notice of the date, location, and time of sale of  
77 property in foreclosure of tax liens pursuant to sections 141.210 to 141.810 and  
78 141.980 to 141.1015, to the persons named in the petition as being the last known  
79 persons in whose names tax bills affecting the respective parcels of real estate  
80 described in said petition were last billed or charged on the books of the collector,  
81 or the last known owner of record, if different, and to the addresses of said  
82 persons upon said records of the collector. The terms "restricted", "registered" or  
83 "certified mail" as used in this section mean mail which carries on the face  
84 thereof in a conspicuous place, where it will not be obliterated, the endorsement,  
85 "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or  
86 a statement by the postal authorities that the addressee refused to receive and  
87 receipt for such mail. If the notice is returned to the collector by the postal  
88 authorities as undeliverable for reasons other than the refusal by the addressee  
89 to receive and receipt for the notice as shown by the return receipt, then the  
90 collector shall make a search of the records maintained by the county, including  
91 those kept by the recorder of deeds, to discern the name and address of any  
92 person who, from such records, appears as a successor to the person to whom the  
93 original notice was addressed, and to cause another notice to be mailed to such  
94 person. The collector shall prepare and file with the circuit clerk prior to  
95 confirmation hearings an affidavit reciting to the court any name, address and  
96 serial number of the tract of real estate affected of any such notices of sale that  
97 are undeliverable because of an addressee's refusal to receive and receipt for the  
98 same, or of any notice otherwise nondeliverable by mail, or in the event that any  
99 name or address does not appear on the records of the collector, then of that  
100 fact. The affidavit in addition to the recitals set forth above shall also state  
101 reason for the nondelivery of such notice.

102           6. The collector may, at his or her option, concurrently with the beginning  
103 of the publication of sale, cause to be prepared and sent by restricted, registered  
104 or certified mail with postage prepaid, a brief notice of the date, location, and  
105 time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to  
106 141.810, to the mortgagee or security holder, if known, of the respective parcels  
107 of real estate described in said petition, and to the addressee of such mortgagee

108 or security holder according to the records of the collector. The terms "restricted",  
109 "registered" or "certified mail" as used in this section mean mail which carries on  
110 the face thereof in a conspicuous place, where it will not be obliterated, the  
111 endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a  
112 return receipt or a statement by the postal authorities that the addressee refused  
113 to receive and receipt for such mail. If the notice is returned to the collector by  
114 the postal authorities as undeliverable for reasons other than the refusal by the  
115 addressee to receive and receipt for the notice as shown by the return receipt,  
116 then the collector shall make a search of the records maintained by the county,  
117 including those kept by the recorder of deeds, to discern the name and address  
118 of any security holder who, from such records, appears as a successor to the  
119 security holder to whom the original notice was addressed, and to cause another  
120 notice to be mailed to such security holder. The collector shall prepare and file  
121 with the circuit clerk prior to confirmation hearings an affidavit reciting to the  
122 court any name, address and serial number of the tract of real estate affected by  
123 any such notices of sale that are undeliverable because of an addressee's refusal  
124 to receive and receipt for the same, or of any notice otherwise nondeliverable by  
125 mail, and stating the reason for the nondelivery of such notice.

141.785. 1. The land trust shall be authorized to file an action to quiet  
2 title pursuant to section 527.150 as to any real property in which the land trust  
3 has an interest. For purposes of any and all such actions the land trust shall be  
4 deemed to be the holder of sufficient legal and equitable interests, and possessory  
5 rights, so as to qualify the land trust as adequate petitioner in such action.

6 2. Prior to the filing of an action to quiet title the land trust shall conduct  
7 an examination of title to determine the identity of any and all persons and  
8 entities possessing a claim or interest in or to the real property. Service of the  
9 petition to quiet title shall be provided to all such interested parties by the  
10 following methods:

11 (1) Registered or certified mail to such identity and address as reasonably  
12 ascertainable by an inspection of public records;

13 (2) In the case of occupied real property by first class mail, addressed to  
14 "Occupant";

15 (3) By posting a copy of the notice on the real property;

16 (4) By publication [in a newspaper of general circulation in the  
17 municipality in which the property is located] **on the legal notices website,**  
18 **established pursuant to section 493.077;** and

19 (5) Such other methods as the court may order.

20 3. As part of the petition to quiet title the land trust shall file an  
21 affidavit identifying all parties potentially having an interest in the real property,  
22 and the form of notice provided.

23 4. The court shall schedule a hearing on the petition within ninety days  
24 following filing of the petition, and as to all matters upon which an answer was  
25 not filed by an interested party, the court shall issue its final judgment within  
26 one hundred twenty days of the filing of the petition.

27 5. The land trust shall be authorized to join in a single petition to quiet  
28 title one or more parcels of real property.

141.850. 1. If any of the lands or town lots contained in the back tax book  
2 or list of delinquent lands or lots remain unredeemed on the first day of January,  
3 the collector shall file suit in the circuit court against such lands or lots to enforce  
4 the lien of the state and city.

5 2. The collector shall note opposite such tract in the back tax book the fact  
6 that suit has been commenced and the person against whom commenced.

7 3. When summons has been issued against any defendant and the officer  
8 to whom it is directed makes return that the defendant cannot be found, and the  
9 court is satisfied that summons cannot be served; and in all cases where it is  
10 alleged in the petition or in an affidavit subsequently filed, that the defendants  
11 or any one of them are nonresidents of the state of Missouri, the court or clerk of  
12 the court in vacation shall issue an order that notice of such action be given the  
13 defendant by publication **on the front page of the collector's website, if it**  
14 **has one. If the collector does not have a website, notice shall be sent**  
15 **to the secretary of state who shall publish such notice on the legal**  
16 **notices website, established pursuant to section 493.077.**

17 4. [The proof of publication may be made by filing in the court an affidavit  
18 of the publisher of the newspaper or of any person who would be a competent  
19 witness in the cause.

20 5.] If the defendant does not appear and defend, judgment by default shall  
21 be rendered, which judgment shall be as binding and effectual against the  
22 property as if there had been personal service on the defendant.

141.1009. 1. A land bank agency shall be authorized to file an action to  
2 quiet title pursuant to section 527.150 as to any real property in which the land  
3 bank agency has an interest. For purposes of any and all such actions the land  
4 bank agency shall be deemed to be the holder of sufficient legal and equitable

5 interests, and possessory rights, so as to qualify the land bank agency as  
6 adequate petitioner in such action.

7           2. Prior to the filing of an action to quiet title the land bank agency shall  
8 conduct an examination of title to determine the identity of any and all persons  
9 and entities possessing a claim or interest in or to the real property. Service of  
10 the petition to quiet title shall be provided to all such interested parties by the  
11 following methods:

12           (1) Registered or certified mail to such identity and address as reasonably  
13 ascertainable by an inspection of public records;

14           (2) In the case of unoccupied real property by first class mail, addressed to  
15 "Occupant";

16           (3) By posting a copy of the notice on the real property;

17           (4) By publication [in a newspaper of general circulation in the  
18 municipality in which the property is located] **on the legal notices website,**  
19 **established pursuant to section 493.077;** and

20           (5) Such other methods as the court may order.

21           3. As part of the petition to quiet title the land bank agency shall file an  
22 affidavit identifying all parties potentially having an interest in the real property,  
23 and the form of notice provided.

24           4. The court shall schedule a hearing on the petition within ninety days  
25 following filing of the petition, and as to all matters upon which an answer was  
26 not filed by an interested party the court shall issue its final judgment within one  
27 hundred twenty days of the filing of the petition.

28           5. A land bank agency shall be authorized to join in a single petition to  
29 quiet title one or more parcels of real property.

141.1012. A land bank agency may be dissolved as a public body corporate  
2 and politic not less than sixty calendar days' after an ordinance or resolution for  
3 such dissolution is passed by the municipality that established the land bank  
4 agency. Not less than sixty calendar days' advance written notice of  
5 consideration of such an ordinance or resolution of dissolution shall be given to  
6 the members of the board of the land bank agency, shall be published [in a local  
7 newspaper of general circulation within such municipality], and shall be sent  
8 certified mail to each trustee of any outstanding bonds of the land bank  
9 agency. **Publication of such notice shall be on the front page of the land**  
10 **bank agency's website, if it has one. If the land bank agency does not**  
11 **have a website, notice shall be sent to the secretary of state who shall**

12 **publish such notice on the legal notices website, established pursuant**  
13 **to section 493.077.** No land bank agency shall be dissolved while there remains  
14 outstanding any bonds, notes, or other obligations of the land bank agency unless  
15 such bonds, notes, or other obligations are paid or defeased pursuant to the  
16 resolution, indenture or other financing document under which such bonds, notes,  
17 or other obligations were issued prior to or simultaneously with such  
18 dissolution. Upon dissolution of a land bank agency pursuant to this section, all  
19 real property, personal property, and other assets of the land bank agency shall  
20 be transferred by appropriate written instrument to and shall become the assets  
21 of the municipality that established the land bank agency. Such municipality  
22 shall act expeditiously to return such real property to the tax rolls and shall  
23 market and sell such real property using an open, public method that ensures the  
24 best possible prices are realized while ensuring such real property is returned to  
25 a suitable, productive use for the betterment of the neighborhoods in which such  
26 real property is located. Any such real property that was acquired by the  
27 dissolved land bank agency pursuant to a deemed sale under subsection 3 of  
28 section 141.560, by deed from a land trust under subsection 1 of section 141.984,  
29 or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550 shall  
30 be held by such municipality in trust for the tax bill owners and taxing  
31 authorities having an interest in any tax liens which were foreclosed, as their  
32 interests may appear in the judgment of foreclosure, and upon the sale or other  
33 disposition of any such property by such municipality, the proceeds therefrom  
34 shall be applied and distributed in the following order:

- 35 (1) To the payment of the expenses of sale;
- 36 (2) To the reasonable costs incurred by such municipality in maintaining  
37 and marketing such property; and
- 38 (3) The balance shall be paid to the respective taxing authorities that, at  
39 the time of the distribution, are taxing the real property from which the proceeds  
40 are being distributed.

144.034. The sales of advertising by [legal] newspapers [pursuant to  
2 chapter 493,] advertising agencies, broadcast stations, and standardized outdoor  
3 billboard advertising shall be considered the sale of a service and not the sale of  
4 tangible personal property. Purchases of tangible personal property which are  
5 for use in producing advertising by the businesses listed in the preceding  
6 sentence shall be deemed to be purchases for use or consumption and not for  
7 resale. In addition to the exemptions granted under the provisions of section

8 144.030, the sale of services as defined in this section shall be specifically  
9 exempted from the provisions of sections 66.600 to 66.635, sections 67.500 to  
10 67.545, sections 92.400 to 92.420, sections 94.500 to 94.570, sections 94.600 to  
11 94.655, sections 94.700 to 94.755, and sections 144.010 to 144.510 and 144.600 to  
12 144.745 and from the computation of the tax levied, assessed or payable under  
13 sections 66.600 to 66.635, sections 67.500 to 67.545, sections 92.400 to 92.420,  
14 sections 94.500 to 94.570, sections 94.600 to 94.655, sections 94.700 to 94.755, and  
15 sections 144.010 to 144.510 and 144.600 to 144.745.

160.665. 1. Any school district within the state may designate one or  
2 more elementary or secondary school teachers or administrators as a school  
3 protection officer. The responsibilities and duties of a school protection officer are  
4 voluntary and shall be in addition to the normal responsibilities and duties of the  
5 teacher or administrator. Any compensation for additional duties relating to  
6 service as a school protection officer shall be funded by the local school district,  
7 with no state funds used for such purpose.

8 2. Any person designated by a school district as a school protection officer  
9 shall be authorized to carry concealed firearms or a self-defense spray device in  
10 any school in the district. A self-defense spray device shall mean any device that  
11 is capable of carrying, and that ejects, releases, or emits, a nonlethal solution  
12 capable of incapacitating a violent threat. The school protection officer shall not  
13 be permitted to allow any firearm or device out of his or her personal control  
14 while that firearm or device is on school property. Any school protection officer  
15 who violates this subsection may be removed immediately from the classroom and  
16 subject to employment termination proceedings.

17 3. A school protection officer has the same authority to detain or use force  
18 against any person on school property as provided to any other person under  
19 chapter 563.

20 4. Upon detention of a person under subsection 3 of this section, the  
21 school protection officer shall immediately notify a school administrator and a  
22 school resource officer, if such officer is present at the school. If the person  
23 detained is a student then the parents or guardians of the student shall also be  
24 immediately notified by a school administrator.

25 5. Any person detained by a school protection officer shall be turned over  
26 to a school administrator or law enforcement officer as soon as practically possible  
27 and shall not be detained by a school protection officer for more than one hour.

28 6. Any teacher or administrator of an elementary or secondary school who

29 seeks to be designated as a school protection officer shall request such  
30 designation in writing, and submit it to the superintendent of the school district  
31 which employs him or her as a teacher or administrator. Along with this request,  
32 any teacher or administrator seeking to carry a concealed firearm on school  
33 property shall also submit proof that he or she has a valid concealed carry  
34 endorsement or permit, and all teachers and administrators seeking the  
35 designation of school protection officer shall submit a certificate of school  
36 protection officer training program completion from a training program approved  
37 by the director of the department of public safety which demonstrates that such  
38 person has successfully completed the training requirements established by the  
39 POST commission under chapter 590 for school protection officers.

40         7. No school district may designate a teacher or administrator as a school  
41 protection officer unless such person has successfully completed a school  
42 protection officer training program, which has been approved by the director of  
43 the department of public safety. No school district shall allow a school protection  
44 officer to carry a concealed firearm on school property unless the school protection  
45 officer has a valid concealed carry endorsement or permit.

46         8. Any school district that designates a teacher or administrator as a  
47 school protection officer shall, within thirty days, notify, in writing, the director  
48 of the department of public safety of the designation, which shall include the  
49 following:

- 50           (1) The full name, date of birth, and address of the officer;
- 51           (2) The name of the school district; and
- 52           (3) The date such person was designated as a school protection officer.

53 Notwithstanding any other provisions of law to the contrary, any identifying  
54 information collected under the authority of this subsection shall not be  
55 considered public information and shall not be subject to a request for public  
56 records made under chapter 610.

57         9. A school district may revoke the designation of a person as a school  
58 protection officer for any reason and shall immediately notify the designated  
59 school protection officer in writing of the revocation. The school district shall also  
60 within thirty days of the revocation notify the director of the department of public  
61 safety in writing of the revocation of the designation of such person as a school  
62 protection officer. A person who has had the designation of school protection  
63 officer revoked has no right to appeal the revocation decision.

64         10. The director of the department of public safety shall maintain a listing

65 of all persons designated by school districts as school protection officers and shall  
66 make this list available to all law enforcement agencies.

67 11. Before a school district may designate a teacher or administrator as  
68 a school protection officer, the school board shall hold a public hearing on  
69 whether to allow such designation. Notice of the hearing shall be published at  
70 least fifteen days before the date of the hearing [in a newspaper of general  
71 circulation within the city or county in which the school district is located] **on**  
72 **the front page of the school district's website, if it has one. If the**  
73 **school district does not have a website, notice shall be sent at least**  
74 **fifteen days before the date of the hearing to the secretary of state who**  
75 **shall publish such notice on the legal notices website, established**  
76 **pursuant to section 493.077, until the date of the hearing has**  
77 **passed.** The board may determine at a closed meeting, as "closed meeting" is  
78 defined under section 610.010, whether to authorize the designated school  
79 protection officer to carry a concealed firearm or a self-defense spray device.

161.092. The state board of education shall:

2 (1) Adopt rules governing its own proceedings and formulate policies for  
3 the guidance of the commissioner of education and the department of elementary  
4 and secondary education;

5 (2) Carry out the educational policies of the state relating to public  
6 schools that are provided by law and supervise instruction in the public schools;

7 (3) Direct the investment of all moneys received by the state to be applied  
8 to the capital of any permanent fund established for the support of public  
9 education within the jurisdiction of the department of elementary and secondary  
10 education and see that the funds are applied to the branches of educational  
11 interest of the state that by grant, gift, devise or law they were originally  
12 intended, and if necessary institute suit for and collect the funds and return them  
13 to their legitimate channels;

14 (4) Cause to be assembled information which will reflect continuously the  
15 condition and management of the public schools of the state;

16 (5) Require of county clerks or treasurers, boards of education or other  
17 school officers, recorders and treasurers of cities, towns and villages, copies of all  
18 records required to be made by them and all other information in relation to the  
19 funds and condition of schools and the management thereof that is deemed  
20 necessary;

21 (6) Provide blanks suitable for use by officials in reporting the information

22 required by the board;

23 (7) When conditions demand, cause the laws relating to schools to be  
24 published in a separate volume, with pertinent notes and comments, for the  
25 guidance of those charged with the execution of the laws;

26 (8) Grant, without fee except as provided in section 168.021, certificates  
27 of qualification and licenses to teach in any of the public schools of the state,  
28 establish requirements therefor, formulate regulations governing the issuance  
29 thereof, and cause the certificates to be revoked for the reasons and in the  
30 manner provided in section 168.071;

31 (9) Classify the public schools of the state, subject to limitations provided  
32 by law and subdivision (14) of this section, establish requirements for the schools  
33 of each class, and formulate rules governing the inspection and accreditation of  
34 schools preparatory to classification, with such requirements taking effect not less  
35 than two years from the date of adoption of the proposed rule by the state board  
36 of education, provided that this condition shall not apply to any requirement for  
37 which a time line for adoption is mandated in either federal or state law. Such  
38 rules shall include a process to allow any district that is accredited without  
39 provision that does not meet the state board's promulgated criteria for a  
40 classification designation of accredited with distinction to propose alternative  
41 criteria to the state board to be classified as accredited with distinction;

42 (10) Make an annual report on or before the first Wednesday after the  
43 first day of January to the general assembly or, when it is not in session, to the  
44 governor for publication and transmission to the general assembly. The report  
45 shall be for the last preceding school year, and shall include:

46 (a) A statement of the number of public schools in the state, the number  
47 of pupils attending the schools, their sex, and the branches taught;

48 (b) A statement of the number of teachers employed, their sex, their  
49 professional training, and their average salary;

50 (c) A statement of the receipts and disbursements of public school funds  
51 of every description, their sources, and the purposes for which they were  
52 disbursed;

53 (d) Suggestions for the improvement of public schools; and

54 (e) Any other information relative to the educational interests of the state  
55 that the law requires or the board deems important;

56 (11) Make an annual report to the general assembly and the governor  
57 concerning coordination with other agencies and departments of government that

58 support family literacy programs and other services which influence educational  
59 attainment of children of all ages;

60 (12) Require from the chief officer of each division of the department of  
61 elementary and secondary education, on or before the thirty-first day of August  
62 of each year, reports containing information the board deems important and  
63 desires for publication;

64 (13) Cause fifty copies of its annual report to be reserved for the use of  
65 each division of the state department of elementary and secondary education, and  
66 ten copies for preservation in the state library;

67 (14) Promulgate rules under which the board shall classify the public  
68 schools of the state; provided that the appropriate scoring guides, instruments,  
69 and procedures used in determining the accreditation status of a district shall be  
70 subject to a public meeting upon notice [in a newspaper of general circulation in  
71 each of the three most populous cities in the state and also a newspaper that is  
72 a certified minority business enterprise or woman-owned business enterprise in  
73 each of the two most populous cities in the state, and] **published on the front**  
74 **page of the board's website, if it has one. If the board does not have a**  
75 **website, notice shall be sent to the secretary of state who shall publish**  
76 **such notice on the legal notices website, established pursuant to section**  
77 **493.077. Notice shall additionally be sent** to each district board of education,  
78 each superintendent of a school district, and to the speaker of the house of  
79 representatives, the president pro tem of the senate, and the members of the joint  
80 committee on education[.]. **Notice required pursuant to this subdivision**  
81 **shall be published or given** at least fourteen days in advance of the meeting,  
82 which shall be conducted by the department of elementary and secondary  
83 education not less than ninety days prior to their application in accreditation,  
84 with all comments received to be reported to the state board of education;

85 (15) Have other powers and duties prescribed by law.

162.321. 1. The board of education of any seven-director district may  
2 change the name of the district by unanimous consent of the members of the  
3 board, the name to comply with any applicable regulations of the state board of  
4 education, after first giving notice of the change by publication [in some  
5 newspaper published in the county in which the district is located]. The notice  
6 shall be published [once a week] for at least three consecutive weeks[. The first  
7 publication shall be made not less than three weeks] prior to the date upon which  
8 the board proposes to make the change of name[, and the last publication shall

9 be made not more than seven days prior to that date. However,] **on the front**  
10 **page of the board's website, if it has one. If the board does not have a**  
11 **website, notice shall be sent at least three weeks prior to the date of**  
12 **the hearing to the secretary of state who shall publish such notice on**  
13 **the legal notices website, established pursuant to section 493.077, until**  
14 **the date of the hearing has passed.** If a petition signed by twenty voters  
15 residing within the district is filed with the board on or before the date specified  
16 in the notice protesting against the change of name then the proposed change of  
17 name shall be presented as a question at the next municipal election. If the  
18 question is assented to by a majority of the voters of the district voting on the  
19 question, the board of education shall declare the change of name to be in effect.

20 2. The changing of the name of the school district under this section shall  
21 in no way change its classification or have any effect upon its contracts,  
22 indebtedness, existence, or other rights and liabilities.

165.111. 1. The school board of each district, for any year for which it  
2 does not cause an audit to be performed by October thirty-first after the close of  
3 the school year, shall make and publish, not later than September first, [in some  
4 newspaper as described in section 493.050 published in the school district, and  
5 if there is none then in some newspaper of general circulation within the district,]  
6 a statement of all receipts of school moneys, when and from what source derived,  
7 and all expenditures, and on what account; also, the present indebtedness of the  
8 district and its nature, and the rate of taxation for all purposes for the year. The  
9 statement shall be duly attested by the president and secretary of the board, and  
10 the secretary shall forward a copy to the state board of education on forms  
11 prescribed by the board. **Publication of such statement shall be on the**  
12 **front page of the school district's website, if it has one. If the school**  
13 **district does not have a website, the statement shall be sent to the**  
14 **secretary of state who shall publish such statement on the legal notices**  
15 **website, established pursuant to section 493.077.**

16 2. The state board of education shall not release the state aid apportioned  
17 to the district for the next ensuing school year until a copy of the required  
18 statement has been received at its office in Jefferson City and has been approved  
19 by it. Any school board which fails, refuses or neglects to order the statement to  
20 be made, and any officer of the board who fails, refuses, or neglects to prepare,  
21 publish and forward the statement, as required by this section, when ordered by  
22 the board, is guilty of a misdemeanor and punishable by a fine not to exceed one

23 hundred dollars. Annual or biennial audit summaries shall be published  
24 according to section 165.121.

165.121. 1. The school board of each seven-director district shall cause  
2 an audit examination to be made at least biennially of all financial,  
3 transportation and attendance records of the districts. Such examination shall  
4 be made in accordance with generally accepted auditing standards applicable in  
5 the circumstances, including such reviews and tests of the system of internal  
6 check and control and of the books, records and other underlying data as are  
7 necessary to enable the independent accountant performing the audit to come to  
8 an informed opinion as to the financial affairs (including attendance and  
9 transportation transactions) of the district. An independent auditor who is not  
10 regularly engaged as an employee of the school board shall perform the audit and  
11 make a written report of his **or her** findings.

12 2. The board shall supply each member thereof with a copy of the report  
13 and in addition shall furnish one copy each to the state department of elementary  
14 and secondary education and to the superintendent of schools of the county in  
15 which the district is located. The cost of the audit and report shall be paid for  
16 out of the incidental fund of the district.

17 3. The report shall contain the following information:

18 (1) A statement of the scope of examination;

19 (2) The auditor's opinion as to whether the audit was made in accordance  
20 with generally accepted auditing standards applicable in the circumstances;

21 (3) The auditor's opinion as to whether the financial statements included  
22 in the audit report present fairly the results of the operations during the period  
23 audited;

24 (4) The auditor's opinion as to whether the financial statements  
25 accompanying the audit report were prepared in accordance with generally  
26 accepted accounting principles applicable to school districts;

27 (5) The reason or reasons an opinion is not rendered with respect to items  
28 (3) and (4) in the event the auditor is unable to express an opinion with respect  
29 thereto;

30 (6) The auditor's opinion as to whether the district's budgetary and  
31 disbursement procedures conform to the requirements of chapter 67;

32 (7) The auditor's opinion as to whether attendance and transportation  
33 records are so maintained by the district as to disclose accurately average daily  
34 attendance and average daily transportation of pupils during the period of the

35 audit;

36 (8) Financial statements presented in such form as to disclose the  
37 operations of each fund of the school district and a statement of the operations  
38 of all funds.

39 4. The school board shall furnish the state department of elementary and  
40 secondary education with its copy of the audit report not later than October  
41 thirty-first following the close of the fiscal period covered by the audit unless, for  
42 good cause shown prior to such date, the commissioner of education or some  
43 officer of the department of elementary and secondary education designated by  
44 him **or her** for this purpose grants an extension of time, not to exceed sixty  
45 additional days, for the filing of the report. In the event the report in the  
46 approved form is not filed within the period or extension thereof, further state aid  
47 to the district shall thereafter be withheld until the audit report has been  
48 received by the department of elementary and secondary education.

49 5. (1) Within thirty days of the receipt of the audit report the school  
50 board shall cause a summary of the report to be prepared which shall include,  
51 together with any other matter the board deems appropriate, the following:

52 [(1)] (a) A summary statement of fund balances and receipts and  
53 disbursements by major classifications of each fund and all funds;

54 [(2)] (b) A summary statement of the scope of the audit examination;

55 [(3)] (c) The auditor's opinion on the financial statements included in the  
56 audit report.

57 (2) Immediately upon the completion of the summary, the school board  
58 shall cause it to be published [once in a newspaper within the county in which  
59 all or a part of the district is located which has general circulation within the  
60 district or, if there is none, then the board shall cause the summary to be posted  
61 in at least five public places within the district]. The publication shall contain  
62 information as to where the audit report is available for inspection and  
63 examination. The report shall be kept available for such purposes  
64 thereafter. **Publication of the summary shall be on the front page of the**  
65 **school district's website, if it has one. If the school district does not**  
66 **have a website, the summary shall be sent to the secretary of state who**  
67 **shall publish such summary on the legal notices website, established**  
68 **pursuant to section 493.077.**

165.211. In all seven-director districts, the school board shall select  
2 depositaries of the moneys and funds of the school district. Depositaries may be

3 selected annually or the school district and depository may enter into a one- to  
4 five-year contract or agreement for the deposit of the district's moneys or funds  
5 at the discretion of the local board of education. Such contract or agreement may  
6 be terminated by the mutual consent of both parties at any time. The school  
7 board, in each year in which depositories are to be selected, shall receive sealed  
8 proposals from banking institutions in the county or in adjoining counties which  
9 desire to be selected as depositories of the moneys and funds of the school  
10 district. Notice that bids will be received shall be published by the secretary of  
11 the board at least twenty days before the date selected by the school board for the  
12 acceptance of bids [in some newspaper published in the county at least five days  
13 in each week, or if there is none, then in a newspaper of general circulation  
14 within the county] **on the front page of the board's website, if it has one.**  
15 **If the board does not have a website, notice shall be sent to the**  
16 **secretary of state who shall publish such notice on the legal notices**  
17 **website, established pursuant to section 493.077, until the date selected**  
18 **by the school board for the acceptance of bids has passed.**

172.020. Pursuant to Sections 9(a) and 9(b) of Article IX of the Missouri  
2 Constitution, the state university is hereby incorporated and created as a body  
3 politic and shall be known by the name of "The Curators of the University of  
4 Missouri", and by that name shall have perpetual succession, power to sue and  
5 be sued, complain and defend in all courts; to make and use a common seal, and  
6 to alter the same at pleasure; to take, purchase and to sell, convey and otherwise  
7 dispose of lands and chattels, except that the curators shall not have the power  
8 to subdivide, sell or convey title to any land contained within a university campus  
9 or to subdivide, sell or convey title to any portion of any parcel of land containing  
10 in excess of twenty-five hundred contiguous acres unless such transaction is  
11 approved by the general assembly by passage of a concurrent resolution signed  
12 by the governor. The curators shall not sell, trade or otherwise convey or permit  
13 the severance of timber, minerals or other natural resources, unless the curators  
14 comply with bidding procedures established by rule that mandate notice of the  
15 transaction be provided in a manner reasonably calculated to apprise prospective  
16 purchasers. Such rule or rules must at a minimum require [at least one] notice  
17 of the transaction be published [in a newspaper of general circulation where the  
18 resources are located] **either on the curator's website or on the legal**  
19 **notices website, established pursuant to section 493.077.** The curators  
20 may act as trustee in all cases in which there be a gift of property or property left

21 by will to the university or for its benefit or for the benefit of students of the  
22 university; to condemn an appropriate real estate or other property, or any  
23 interest therein, for any public purpose within the scope of its organization, in the  
24 same manner and with like effect as is provided in chapter 523 relating to the  
25 appropriation and valuation of lands taken for telegraph, telephone, gravel and  
26 plank or railroad purposes; provided, that if the curators so elect, no assessment  
27 of damages or compensation under this law shall be payable and no execution  
28 shall issue before the expiration of sixty days after the adjournment of the next  
29 regular session of the legislature held after such assessment is made, but the  
30 same shall bear interest at the rate of six percent per annum from its date until  
31 paid; and provided further, that the curators may, at any time, elect to abandon  
32 the proposed appropriation of property by an instrument of writing to that effect,  
33 to be filed with the clerk of the court and entered on the minutes of the court, and  
34 as to so much as is thus abandoned, the assessment of damages or compensation  
35 shall be void.

177.073. 1. The board of directors or school board in urban school  
2 districts, metropolitan school districts, and school districts located totally or  
3 partially within a first class charter county adjoining a city not within a county,  
4 by an affirmative vote of not less than two-thirds of all the members, may:

5 (1) Select, direct and authorize the purchase of sites for and authorize the  
6 construction of libraries, schools, school offices, art galleries and museums; and  
7 the necessary janitors' houses, repair buildings, supply houses and parking  
8 facilities to be used in the operation and maintenance of the schools;

9 (2) Authorize and direct the purchase of additional ground needed for  
10 school purposes;

11 (3) Authorize and direct the sale and transfer or lease of any real or  
12 personal property belonging to the district which is not required for operation of  
13 the school program. Real property may be sold or leased by listing the property  
14 with one or more real estate brokers licensed by the state of Missouri and paying  
15 a commission upon such sale or lease. Real property not sold or leased through  
16 a real estate broker and all personal property shall be sold or leased to the  
17 highest bidder, except that any real or personal school property may be sold or  
18 leased to a community group or a city, state agency, municipal corporation, or any  
19 other governmental subdivision of the state located wholly or partially within the  
20 boundaries of the district, for public uses and purposes, at such sum as may be  
21 agreed upon between the school district and the community group or the city,

22 state agency, municipal corporation, or other governmental subdivision of the  
23 state. If property is to be leased by bid, written proposals for lease terms shall  
24 be submitted by potential lessees. The lease proposal offering the most  
25 economically advantageous terms shall be considered the highest lease bid. A  
26 purchase proposal may include contingencies; the proposal offering the most  
27 economically advantageous terms shall be the highest bid. All bids for purchase  
28 or lease of real property shall be submitted formally as closed bids. Bids shall be  
29 opened at a meeting, which shall be an open meeting. The board may reject all  
30 bids, or negotiate an acceptable sale or lease with the highest bidder, if all bids  
31 are unsatisfactory. The records of the bid-opening meeting shall be an open  
32 record. If real property is not sold or leased through a real estate broker, notice  
33 that the board is holding real property for sale or offering it for lease, including  
34 a planned sale or lease to a community group or a city, state agency, municipal  
35 corporation, or other governmental subdivision of the state, shall be given by  
36 publication [in a newspaper within the county in which all or a part of the  
37 district is located which has general circulation within the district, once a week  
38 for two consecutive weeks, the last publication to be at least seven days and not  
39 more than fourteen days prior to the date of the bid opening] **on the front page**  
40 **of the board's website, if it has one, for a period of two consecutive**  
41 **weeks prior to the date of the bid opening. If the board does not have**  
42 **a website, notice shall be sent two weeks prior to the date of the bid**  
43 **opening to the secretary of state who shall publish such notice on the**  
44 **legal notices website, established pursuant to section 493.077, until the**  
45 **bid opening has closed.** The term of a lease may be for any period which the  
46 board finds is advantageous and meets the needs of the district. The lease or  
47 deed of conveyance shall be executed by the president and attested by the  
48 secretary of the board. If the district has a seal, it shall be affixed to the deed or  
49 lease. The proceeds derived from sale of real property shall be placed to the  
50 credit of the incidental fund of the district. The proceeds from sale of nonrealty  
51 and from leases shall be placed to the credit of the incidental fund.

52 2. The board may receive, in behalf of the school district, any grants, gifts,  
53 or devises made for the benefit of the district or its schools, or any public library,  
54 art gallery or museum under the control of the board.

177.086. 1. Any school district authorizing the construction of facilities  
2 which may exceed an expenditure of fifteen thousand dollars shall publicly  
3 advertise[, once a week for two consecutive weeks, in a newspaper of general

4 circulation, qualified pursuant to chapter 493, located within the city in which the  
5 school district is located, or if there be no such newspaper, in a qualified  
6 newspaper of general circulation in the county, or if there be no such newspaper,  
7 in a qualified newspaper of general circulation in an adjoining county, and may  
8 advertise in business, trade, or minority newspapers,] for bids on said  
9 construction. **Publication of such advertisement shall be on the front**  
10 **page of the school district's website, if it has one, for a period of two**  
11 **consecutive weeks. If the school district does not have a website, the**  
12 **advertisement shall be sent to the secretary of state who shall publish**  
13 **such advertisement on the legal notices website, established pursuant**  
14 **to section 493.077, for a period of two consecutive weeks.**

15         2. No bids shall be entertained by the school district which are not made  
16 in accordance with the specifications furnished by the district and all contracts  
17 shall be let to the lowest responsible bidder complying with the terms of the  
18 letting, provided that the district shall have the right to reject any and all bids.

19         3. All bids must be submitted sealed and in writing, to be opened publicly  
20 at time and place of the district's choosing.

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

2         (1) "Board", the board of education, board of trustees, board of regents, or  
3 board of governors of an educational institution;

4         (2) "Educational institution", any school district, including all community  
5 college districts, and any state college or university organized under chapter 174.

6         2. The board of any educational institution may enter into agreements as  
7 authorized in this section in order to provide for the acquisition, construction,  
8 improvement, extension, repair, remodeling, renovation and financing of sites,  
9 buildings, facilities, furnishings and equipment for the use of the educational  
10 institution for educational purposes.

11         3. The board may on such terms as it shall approve:

12         (1) Lease sites, buildings, facilities, furnishings and equipment acquired  
13 or constructed; or

14         (2) Notwithstanding the provisions of this chapter or any other provision  
15 of law to the contrary, sell or lease at fair market value, which may be  
16 determined by appraisal, any existing sites, together with any existing buildings  
17 and facilities thereon, in order to acquire, construct, improve, extend, repair,  
18 remodel, renovate, furnish and equip buildings and facilities thereon, and lease  
19 back or purchase such sites, buildings and facilities; provided that upon selling

20 or leasing the sites, buildings or facilities, any lease back to the educational  
21 institution is not more than one year in length, and with not more than  
22 twenty-five successive options by the educational institution to renew the lease  
23 under the same conditions; and provided further that there is an agreement to  
24 convey or sell the sites, buildings or facilities, including any improvements,  
25 extensions, renovations, furnishings or equipment, back to the educational  
26 institution with clear title at the end of the period of successive one-year options  
27 or at any time bonds, notes or other obligations issued to pay for the  
28 improvements, extensions, renovations, furnishings or equipment have been paid  
29 and discharged.

30 4. Any consideration, promissory note or deed of trust which an  
31 educational institution receives for selling or leasing property pursuant to this  
32 section shall be placed in a separate fund or in escrow, and neither the principal  
33 or any interest thereon shall be commingled with any other funds of the  
34 educational institutions. At such time as the title or deed for property acquired,  
35 constructed, improved, extended, repaired, remodeled or renovated under this  
36 section is conveyed to the educational institution, the consideration shall be  
37 returned.

38 5. The board may make rental payments under such leases out of its  
39 general funds or out of any other available funds, provided that in no event shall  
40 the educational institution become indebted in an amount exceeding in any year  
41 the income and revenue of the educational institution for such year plus any  
42 unencumbered balances from previous years.

43 6. Any bonds, notes and other obligations issued to pay for the acquisition,  
44 construction, improvements, extensions, repairs, remodeling or renovations of  
45 sites, buildings and facilities, pursuant to this section, may be secured by a  
46 mortgage, pledge or deed of trust of the sites, buildings and facilities and a pledge  
47 of the revenues received from the rental thereof to the educational  
48 institution. Such bonds, notes and other obligations issued shall not be a debt of  
49 the educational institution and the educational institution shall not be liable  
50 thereon, and in no event shall such bonds, notes or other obligations be payable  
51 out of any funds or properties other than those acquired for the purposes of this  
52 section, and such bonds, notes and obligations shall not constitute an  
53 indebtedness of the educational institution within the meaning of any  
54 constitutional or statutory debt limitation or restriction.

55 7. The interest on such bonds, notes and other obligations and the income

56 therefrom shall be exempt from taxation by the state and its political  
57 subdivisions, except for death and gift taxes on transfers. Sites, buildings,  
58 facilities, furnishings and equipment owned in connection with any project  
59 pursuant to this section shall be exempt from taxation.

60 8. The board may make all other contracts or agreements necessary or  
61 convenient in connection with any project pursuant to this section.

62 9. Notice that the board is considering a project pursuant to this section  
63 shall be given by publication [in a newspaper published within the county in  
64 which all or a part of the educational institution is located which has general  
65 circulation within the area of the educational institution, once a week for two  
66 consecutive weeks, the last publication to be] at least seven days prior to the date  
67 of the meeting of the board at which such project will be considered and acted  
68 upon. **Such publication shall be made on the front page of the board's**  
69 **website, if it has one, for a period of two consecutive weeks. If the**  
70 **board does not have a website, notice shall be sent two weeks prior to**  
71 **the meeting to the secretary of state who shall publish such notice on**  
72 **the legal notices website, established pursuant to section 493.077, until**  
73 **the date of the meeting has passed.**

74 10. Provisions of other law to the contrary notwithstanding, payments  
75 made from any source by a school district, after the latter of July 1, 1994, or July  
76 12, 1994, that result in the transfer of the title of real property to the school  
77 district, other than those payments made from the capital projects fund, shall be  
78 deducted as an adjustment to the funds payable to the district pursuant to section  
79 163.031 beginning in the year following the transfer of title to the district, as  
80 determined by the department of elementary and secondary education. No  
81 district with modular buildings leased in fiscal year 2004, with the lease  
82 payments made from the incidental fund and that initiates the transfer of title  
83 to the district after fiscal year 2007, shall have any adjustment to the funds  
84 payable to the district under section 163.031 as a result of the transfer of title.

85 11. Notwithstanding provisions of this section to the contrary, the board  
86 of education of any school district may enter into agreements with the county in  
87 which the school district is located, or with a city, town, or village wholly or  
88 partially located within the boundaries of the school district, in order to provide  
89 for the acquisition, construction, improvement, extension, repair, remodeling,  
90 renovation, and financing of sites, buildings, facilities, furnishings, and  
91 equipment for the use of the school district for educational purposes. Such an

92 agreement may provide for the present or future acquisition of an ownership  
93 interest in such facilities by the school district, by lease, lease-purchase  
94 agreement, option to purchase agreement, or similar provisions, and may provide  
95 for a joint venture between the school district and other entity or entities that are  
96 parties to such an agreement providing for the sharing of the costs of acquisition,  
97 construction, repair, maintenance, and operation of such facilities. The school  
98 district may wholly own such facilities, or may acquire a partial ownership  
99 interest along with the county, city, town, or village with which the agreement  
100 was executed.

177.091. 1. The school board in each seven-director district, as soon as  
2 sufficient funds are provided, shall establish an adequate number of elementary  
3 schools, and if the demands of the district require more than one elementary  
4 school building, the board shall divide the district into elementary school wards  
5 and fix the boundaries thereof. The board shall select and procure a site in each  
6 ward and erect and furnish a suitable school building thereon.

7 2. The board may also establish high schools and may select and procure  
8 sites and erect and furnish buildings therefor.

9 3. The board may acquire additional grounds when needed for school  
10 purposes. If the directors of both school districts involved agree, such grounds  
11 may be located outside of the boundaries of the district and operated for school  
12 purposes.

13 4. If there is any school property, the ownership of which is vested in the  
14 district, that is no longer required for the use of the district, the board, by an  
15 affirmative vote of a majority of the whole board, may authorize and direct the  
16 sale or lease of the property, except that, property outside the boundaries of the  
17 school district may not be leased. Real property may be sold or leased by listing  
18 the property with one or more real estate brokers licensed by the state of  
19 Missouri and paying a commission upon such sale or lease. Real property not  
20 sold or leased through a real estate broker and all personal property, unless sold  
21 or leased to a public institution of higher education, shall be sold or leased to the  
22 highest bidder. If real property is not sold or leased through a real estate broker,  
23 notice that the board is holding the property for sale or offering it for lease shall  
24 be given by publication [in a newspaper within the county in which all or a part  
25 of the district is located which has general circulation within the district, once a  
26 week for two consecutive weeks, the last publication to be] at least seven days  
27 prior to the sale or lease of the property; except that, any real or personal school

28 property may be sold or leased to a city, state agency, municipal corporation, or  
29 other governmental subdivision of the state located within the boundaries of the  
30 district, for public uses and purposes, by the giving of public notice as herein  
31 provided and at such sum as may be agreed upon between the school district and  
32 the city, state agency, municipal corporation, or other governmental subdivision  
33 of the state. **Publication of notice shall be on the front page of the**  
34 **board's website, if it has one, for a period of two consecutive weeks. If**  
35 **the board does not have a website, notice shall be sent to the secretary**  
36 **of state who shall publish such notice on the legal notices website,**  
37 **established pursuant to section 493.077, for a period of two consecutive**  
38 **weeks.** The lease or deed of conveyance shall be executed by the president and  
39 attested by the secretary of the board. If the district has a seal, it shall be affixed  
40 to the deed or lease. The proceeds derived from the sale of real property or  
41 nonrealty by districts identified as financially stressed pursuant to section  
42 161.520 shall, until July 1, 1998, be placed to the credit of the incidental fund or  
43 the capital projects fund of the district, with notice of any such sale to be included  
44 in the budget and education plan submitted to the department of elementary and  
45 secondary education, and, on and after July 1, 1998, any such proceeds shall be  
46 placed to the credit of the capital projects fund. The proceeds from the sale of  
47 real property or nonrealty and from leases, by any other district, shall be placed  
48 to the credit of the capital projects fund.

49 5. Notwithstanding the provisions of subsection 4 of this section to the  
50 contrary, after twenty-five years from the date of purchase, any city of the fourth  
51 classification with more than four hundred but fewer than five hundred  
52 inhabitants and located in any county of the fourth classification with more than  
53 thirty-two thousand nine hundred but fewer than thirty-three thousand  
54 inhabitants located within the boundaries of a school district that has purchased  
55 any real or personal school property from the school district for public uses and  
56 purposes, as provided in subsection 4 of this section, may sell the property or use  
57 the property for whatever purpose such city deems necessary.

58 6. The school board of a seven-director district may also list real property  
59 for sale on which a building has been constructed by an approved vocational  
60 education class with a real estate broker licensed by the state of Missouri and pay  
61 a commission thereon.

62 7. Other provisions of this section to the contrary notwithstanding, bids  
63 for the purchase of any building constructed by students as part of an approved

64 vocational education class may be accepted prior to completion of such  
65 construction.

182.620. 1. A consolidated public library district may be created by  
2 resolution, duly acted upon, by the governing boards of two or more county public  
3 library districts. After the districts have each resolved to form a consolidated  
4 public library district, they shall apply to the county commissions or county chief  
5 executive officers of the county districts served by the districts being  
6 consolidated. Upon approval of the consolidation by the appropriate county  
7 commissions or county executive officers, legal notice that the consolidated public  
8 library district has been created, and containing the names of the districts and  
9 members of the governing boards creating it, the names of the trustees of the  
10 consolidated public library district, the name of the consolidated public library  
11 district, the area to be served, the date of its creation and the location of its  
12 principal business office shall be published [in newspapers of general circulation  
13 in the county districts to be served by the consolidated public library district] **on**  
14 **the front page of the district's website, if it has one. If the district does**  
15 **not have a website, notice shall be sent to the secretary of state who**  
16 **shall publish such notice on the legal notices website, established**  
17 **pursuant to section 493.077.** Notice shall also be filed with the Missouri state  
18 library commission.

19 2. Whenever five percent of the voters of each of any two or more county  
20 library districts sign a petition, and file it with their appropriate county  
21 commissions or county executive officers requesting submission of the question  
22 of permitting the county library districts to create a consolidated public library  
23 district under section 182.610, the county commissions or county executive  
24 officers shall submit the question to the voters at an election. The total vote for  
25 governor at the last general election before the filing of the petition whereat a  
26 governor was elected shall be used to determine the number of voters necessary  
27 to sign the petition.

28 3. The question shall be submitted in substantially the following form:  
29 Shall the \_\_\_\_\_ county public library district and the \_\_\_\_\_  
30 county public library district be consolidated and the \_\_\_\_\_ public  
31 library district be created?

32 4. If a majority of the voters voting on the question vote for the question  
33 in each of the counties taken separately, it shall be deemed to have been adopted,  
34 but if it fails to receive a majority in any one or more of the counties, it shall be

35 deemed to have failed. The board of election commissioners of each county shall  
36 canvass the certified abstracts and notify the presiding commissioner or county  
37 executive officer of each of the county commissions of the results within twenty  
38 days of receipt of the certified abstracts.

39         5. Within thirty days following the notification of the election authority  
40 of adoption of the question by a majority vote or within thirty days following the  
41 adoption of the resolution, the taxing authorities and the boards of trustees of the  
42 county library districts affected shall take appropriate action transferring all title  
43 and interest in all property, both real and personal, in the name of the county  
44 public library district to the board of trustees of the consolidated public library  
45 district. Upon the transfer of such title and interest, the property shall become  
46 the property of and subject to the exclusive control of the consolidated public  
47 library district.

184.104. 1. In addition to any other information prescribed for a  
2 particular notice, all notices given by a museum pursuant to sections 184.101 to  
3 184.122 shall contain the following information:

- 4         (1) The lender's or claimant's name;
- 5         (2) The lender's or claimant's last known address;
- 6         (3) A brief description of the property on loan to the museum referenced  
7 in the notice;
- 8         (4) The date of the loan, if known, or the approximate date of acquisition  
9 of the property;
- 10        (5) The name of the museum; and
- 11        (6) The name, address, and telephone number of the appropriate official  
12 or office to be contacted regarding the property.

13         2. All notices given by a museum pursuant to sections 184.101 to 184.122  
14 shall be mailed by restricted certified mail to the lender's or claimant's last  
15 known address shown on the museum's records. Notice is deemed given as of the  
16 date of receipt by the lender or claimant if the museum receives proof of receipt  
17 by the lender or claimant within thirty days after mailing the notice.

18         3. If, after a diligent search of its records, the museum does not know the  
19 identity of the lender, or does not have an address for the lender or claimant, or  
20 if proof of receipt is not received by the museum within thirty days of mailing a  
21 notice under subsection 2 of this section, notice [is deemed] **may be** given [if the  
22 museum publishes notice at least once each week for two consecutive weeks in a  
23 newspaper of general circulation in both the county, or city if appropriate, in

24 which the museum is located and the county, or city if appropriate, of the lender's  
25 or claimant's last address, if known. The date of a notice under this subsection  
26 shall be the date of the second published notice] **by publication on the front**  
27 **page of its website, if it has one, for a period of two consecutive weeks.**  
28 **If the museum does not have a website, notice may be given by sending**  
29 **notice to the secretary of state who shall publish such notice on the**  
30 **legal notices website, established pursuant to section 493.077, for a**  
31 **period of two consecutive weeks.** For purposes of this section, a museum is  
32 located in the county, or city if appropriate, in which it has its principal place of  
33 business, or, if a loan of property was made to a branch of a museum in the  
34 county, or city if appropriate, in which the branch is located.

184.350. 1. Whenever qualified voters representing five percent of the  
2 votes cast at the last preceding election for governor in any constitutional charter  
3 city not located within a county and qualified voters representing five percent of  
4 the votes cast at the last preceding election for governor in a constitutional  
5 charter county adjoining such city shall file verified petitions for the  
6 establishment of a metropolitan zoological park and museum district, comprising  
7 a zoological subdistrict, and art museum subdistrict or a St. Louis Science Center  
8 subdistrict with the respective election [officials] **authorities** of such city and  
9 county, respectively, requesting such election [officials] **authorities** to submit  
10 a proposition for the establishment of a metropolitan zoological park and museum  
11 district comprised of a zoological subdistrict, and art museum subdistrict and a  
12 St. Louis Science Center subdistrict at the next general or primary election for  
13 the election of state officers or special election for the submission of such  
14 proposition, such election [officials] **authorities** shall communicate to their  
15 corresponding counterparts and the chief executive officers of the respective city  
16 and county the fact a verified petition has been filed. At such time that both  
17 election [officials] **authorities** have received the verified petitions described  
18 above, then such [officials] **election authorities** shall submit the above  
19 described proposition or propositions to the qualified voters of such city and  
20 county at the next general or primary election for the election of state officers or  
21 special election. [Such] **The** election [officials] **authorities** shall give legal  
22 notice at least sixty days prior to such general or primary election or special  
23 election [in at least two newspapers] **on the front page of their websites, if**  
24 **they have websites**, that such proposition or propositions shall be submitted  
25 at the next general or primary election or special election held for submission of

26 this proposition. **If the election authorities do not have websites, notice**  
 27 **shall be sent at least sixty days prior to the election to the secretary of**  
 28 **state who shall publish such notice on the legal notices website,**  
 29 **established pursuant to section 493.077, until the date of the election**  
 30 **has passed.**

31 2. Such proposition shall be submitted to the voters in substantially the  
 32 following form at such election:

33 Shall there be established a Metropolitan Zoological Park and  
 34 Museum District comprising the City of \_\_\_\_\_ and the County of  
 35 \_\_\_\_\_ which district shall consist of all or any one of the following  
 36 subdistricts:

37 a. Zoological Subdistrict with a tax rate not in excess of four cents  
 38 on each \$100 of assessed valuation of all taxable property within  
 39 the district.

40  FOR  AGAINST

41 b. Art Museum Subdistrict with a tax rate not in excess of four  
 42 cents on each \$100 of assessed valuation of taxable property within  
 43 the district.

44  FOR  AGAINST

45 c. St. Louis Science Center Subdistrict with a tax rate not in  
 46 excess of one cent on each \$100 of assessed valuation of taxable  
 47 property within the district.

48  FOR  AGAINST

49 3. In the event that a majority of the voters voting on such propositions  
 50 in such city and the majority of voters voting on such propositions in such county  
 51 at said election cast votes "FOR" one or more of the propositions, then the district  
 52 shall be deemed established and the tax rate, as established by the board, for  
 53 such subdistrict shall be deemed in full force and effect as of the first day of the  
 54 year following the year of said election. The results of the aforesaid election shall  
 55 be certified by the election officials of such city and county, respectively, to the  
 56 respective chief executive officers of such city and county not less than thirty days  
 57 after the day of election. In the event one or more of the propositions shall fail  
 58 to receive a majority of the votes "FOR" in either the city or the county, then such  
 59 proposition shall not be resubmitted at any election held within one year of the  
 60 date of the election the proposition was rejected. Any such resubmissions of one  
 61 or more of such propositions shall substantially comply with the provisions of

62 sections 184.350 to 184.384.

63 4. All costs of the election shall be paid as provided by sections 115.063  
64 and 115.065.

184.353. 1. (1) The board of directors of any metropolitan zoological park  
2 and museum district, as established according to the provisions of sections  
3 184.350 to 184.384, on behalf of the district may request the election  
4 [officials] **authorities** of any city and county containing all or part of such  
5 district to submit the following described proposition to the qualified voters of  
6 such district at any general, primary or special election. Such election  
7 [officials] **authorities** shall give legal notice at least sixty days prior to such  
8 general, primary or special election [in at least two newspapers] that such  
9 proposition shall be submitted at any general, primary or special election held for  
10 submission of the proposition. **Such notice shall be published on the front**  
11 **pages of the election authorities' websites, if they have websites. If the**  
12 **election authorities do not have websites, notice shall be sent at least**  
13 **sixty days prior to the election to the secretary of state who shall**  
14 **publish such notice on the legal notices website, established pursuant**  
15 **to section 493.077, until the date of the election has passed.**

16 (2) Such proposition shall be submitted to the voters in substantially the  
17 following form at such election:

18 Shall the Metropolitan Zoological Park and Museum District of the  
19 City of \_\_\_\_\_ and County of \_\_\_\_\_ be authorized to provide for a  
20 Botanical Garden Subdistrict and be authorized to provide the  
21 Botanical Garden Subdistrict with a tax rate not in excess of four  
22 cents on each \$100 of assessed valuation of taxable property within  
23 the district?

24  YES  NO

25 (3) In the event that a majority of all the voters voting on such proposition  
26 in such city and a majority of voters voting on such proposition in such county  
27 cast "YES" votes on the proposition, then the botanical garden subdistrict shall  
28 be deemed established and the tax rate, as established by the board for such  
29 subdistrict, shall be deemed in full force and effect as of the first day of the  
30 second month following the election. The results of the election shall be certified  
31 by the election [officials] **authorities** of such city and county, respectively, to the  
32 respective chief executive officers of such city and county not less than thirty days  
33 after the day of the election. The cost of the election shall be paid as provided by

34 sections 115.063 and 115.065. In the event the proposition shall fail to receive a  
35 majority of the "YES" votes in either the city or the county, then the proposition  
36 shall not be resubmitted at any election held prior to the next general or primary  
37 election in such city or county in the following year. Any such resubmission shall  
38 subsequently comply with the provisions of sections 184.350 to 184.384.

39 (4) If the botanical garden subdistrict shall be established, then its  
40 commissioners, or any person with whom its commissioners contract, may  
41 establish and charge fees for admission to the premises of the botanical garden  
42 subdistrict, or to the premises of any person with whom its commissioners  
43 contract, not to exceed one dollar for adults and fifty cents for children under  
44 sixteen years of age. Any increase in the fees shall be presented prior to  
45 implementation for approval or disapproval to the board of the metropolitan  
46 zoological park and museum district of which the botanical garden subdistrict is  
47 a member.

48 2. (1) The board of directors of any metropolitan zoological park and  
49 museum district, as established according to the provisions of sections 184.350  
50 to 184.384, on behalf of the district may request the election [officials]  
51 **authorities** of any city and county containing all or part of such district to  
52 submit the following described proposition to the qualified voters of such district  
53 at any general, primary or special election. Such election [officials] **authorities**  
54 shall give legal notice at least sixty days prior to such general, primary or special  
55 election [in at least two newspapers] that such proposition shall be submitted at  
56 any general, primary or special election held for submission of the  
57 proposition. **Such notice shall be published on the front pages of the**  
58 **election authorities' websites, if they have websites. If the election**  
59 **authorities do not have websites, notice shall be sent at least sixty days**  
60 **prior to the election to the secretary of state who shall publish such**  
61 **notice on the legal notices website, established pursuant to section**  
62 **493.077, until the date of the election has passed.**

63 (2) Such proposition shall be submitted to the voters in substantially the  
64 following form at such election:

65 Shall the Metropolitan Zoological Park and Museum District of the  
66 City of \_\_\_\_\_ and County of \_\_\_\_\_ be authorized to provide for a  
67 Transport Museum Subdistrict and be authorized to provide the  
68 Transport Museum Subdistrict with a tax rate not in excess of four  
69 cents on each \$100 of assessed valuation of taxable property within

70 the district?

71  YES  NO

72 (3) In the event that a majority of all the voters voting on such proposition  
73 in such city and a majority of voters voting on such proposition in such county  
74 cast "YES" votes on the proposition, then the transport museum subdistrict shall  
75 be deemed established and the tax rate, as established by the board for such  
76 subdistrict, shall be deemed in full force and effect as of the first day of the  
77 second month following the election. The results of the election shall be certified  
78 by the election [officials] **authorities** of such city and county, respectively, to the  
79 respective chief executive officers of such city and county not less than thirty days  
80 after the day of the election. The cost of the election shall be paid as provided by  
81 sections 115.063 and 115.065. In the event the proposition shall fail to receive a  
82 majority of the "YES" votes in either the city or the county, then the proposition  
83 shall not be resubmitted at any election held prior to the next general or primary  
84 election in such city or county in the following year. Any such resubmission shall  
85 subsequently comply with the provisions of sections 184.350 to 184.384.

86 (4) If the transport museum subdistrict shall be established, then its  
87 commissioners, or any person with whom its commissioners contract, may  
88 establish and charge fees for admission to the premises of the transport museum  
89 subdistrict, or to the premises of any person with whom its commissioners  
90 contract, not to exceed one dollar for adults and fifty cents for children under  
91 sixteen years of age. Any increase in the fees shall be presented prior to  
92 implementation for approval or disapproval to the board of the metropolitan  
93 zoological park and museum district of which the transport museum subdistrict  
94 is a member.

95 3. (1) The board of directors of any metropolitan zoological park and  
96 museum district, as established according to the provisions of sections 184.350  
97 to 184.384, on behalf of the district may request the election [officials]  
98 **authorities** of any city and county containing all or part of such district to  
99 submit the following described proposition to the qualified voters of such district  
100 at any general, primary or special election. Such election [officials] **authorities**  
101 shall give legal notice at least sixty days prior to such general, primary or special  
102 election [in at least two newspapers] that such proposition shall be submitted at  
103 any general, primary or special election held for submission of the  
104 proposition. **Such notice shall be published on the front pages of the**  
105 **election authorities' websites, if they have websites. If the election**

106 **authorities do not have websites, notice shall be sent at least sixty days**  
107 **prior to the election to the secretary of state who shall publish such**  
108 **notice on the legal notices website, established pursuant to section**  
109 **493.077, until the date of the election has passed.**

110 (2) Such proposition shall be submitted to the voters in substantially the  
111 following form at such election:

112 Shall the Metropolitan Zoological Park and Museum District of the  
113 City of \_\_\_\_\_ and the County of \_\_\_\_\_ be authorized to provide for  
114 a Missouri History Museum Subdistrict and be authorized to  
115 provide the Missouri History Museum Subdistrict with a tax rate  
116 not in excess of four cents on each \$100 of assessed valuation of  
117 taxable property within the district?

118  YES  NO

119 (3) In the event that a majority of all the voters voting on such proposition  
120 in such city and a majority of voters voting on such proposition in such county  
121 cast "YES" votes on the proposition, then the Missouri history museum  
122 subdistrict shall be deemed established and the tax rate, as established by the  
123 board for such subdistrict, shall be deemed in full force and effect as of the first  
124 day of the second month following the election. The results of the election shall  
125 be certified by the election [officials] **authorities** of such city and county,  
126 respectively, to the respective chief executive officers of such city and county not  
127 less than thirty days after the day of the election. The cost of the election shall  
128 be paid as provided by sections 115.063 and 115.065. In the event the proposition  
129 shall fail to receive a majority of the "YES" votes in either the city or the county,  
130 then the proposition shall not be resubmitted at any election held prior to the  
131 next general or primary or special election in such city or county in the following  
132 year. Any such resubmission shall subsequently comply with the provisions of  
133 sections 184.350 to 184.384.

134 4. (1) The board of directors of any metropolitan zoological park and  
135 museum district, as established according to the provisions of sections 184.350  
136 to 184.354, on behalf of the district may request the election [officials]  
137 **authorities** of any city and county containing all or part of such district to  
138 submit the following described proposition to the qualified voters of such district  
139 at any general, primary or special election. Such election [officials] **authorities**  
140 shall give legal notice at least sixty days prior to such general, primary or special  
141 election [in at least two newspapers] that such proposition shall be submitted at

142 any general, primary or special election held for submission of the  
143 proposition. **Such notice shall be published on the front pages of the**  
144 **election authorities' websites, if they have websites. If the election**  
145 **authorities do not have websites, notice shall be sent at least sixty days**  
146 **prior to the election to the secretary of state who shall publish such**  
147 **notice on the legal notices website, established pursuant to section**  
148 **493.077, until the date of the election has passed.**

149 (2) Such proposition shall be submitted to the voters in substantially the  
150 following form at such election:

151 Shall the Metropolitan Zoological Park and Museum District of the  
152 City of \_\_\_\_\_ and County of \_\_\_\_\_ be authorized to provide for a  
153 Symphony Orchestra Subdistrict and be authorized to provide the  
154 Symphony Orchestra Subdistrict with a tax rate not in excess of  
155 four cents on each \$100 of assessed valuation of taxable property  
156 within the district?

157  YES  NO

158 (3) In the event that a majority of all the voters voting on such proposition  
159 in such city and a majority of voters voting on such proposition in such county  
160 cast "YES" votes on the proposition, then the symphony orchestra subdistrict  
161 shall be deemed established and the tax rate, as established by the board for such  
162 subdistrict, shall be deemed in full force and effect as of the first day of the  
163 second month following the election. The results of the election shall be certified  
164 by the election [officials] **authorities** of such city and county not less than thirty  
165 days after the day of election. The cost of the election shall be paid as provided  
166 by sections 115.063 and 115.065. In the event the proposition shall fail to receive  
167 a majority of the "YES" votes in either the city or the county, then the proposition  
168 shall not be resubmitted at any election held prior to the next general or primary  
169 in such city or county in the following year. Any such resubmission shall  
170 subsequently comply with the provisions of sections 184.350 to 184.384.

171 (4) If the symphony orchestra subdistrict shall be established, then its  
172 commissioners, or any person with whom its commissioners contract, may charge  
173 such prices from time to time for tickets for performances conducted under the  
174 auspices of the subdistrict or as they or such person deem proper; provided,  
175 however, that no fewer than fifty tickets for each such performance conducted at  
176 the principal concert hall of such subdistrict or such person shall be made  
177 available without charge for distribution to members of the general public and no

178 fewer than fifty tickets shall be made available without charge for distribution  
179 to students in public and private elementary, secondary schools and colleges and  
180 universities in the metropolitan zoological park and museum district and all  
181 performances of the symphony orchestra conducted at the principal concert hall  
182 of the symphony orchestra within the district shall be offered for broadcast live  
183 on a public or commercial AM or FM radio station located in and generally  
184 receivable in the district or on a public or commercial broadcast television station  
185 located in or generally receivable in the district. The symphony orchestra  
186 subdistrict shall institute a fully staffed educational music appreciation program  
187 to benefit all of the citizens of the taxing district at a nominal charge.

188 (5) Immediately following the effective date of the symphony orchestra  
189 subdistrict tax rate any person receiving funds from said tax rate shall become  
190 ineligible for program assistance funding from the Missouri state council on the  
191 arts.

192 5. The board of directors of any metropolitan zoological park and museum  
193 district, as established according to the provisions of sections 184.350 to 184.384,  
194 on behalf of the district may request the election **[officials] authorities** of any  
195 city and county containing all or part of such district to submit the following  
196 described proposition to the qualified voters of such district at any general,  
197 primary or special election. Such election **[officials] authorities** shall give legal  
198 notice at least sixty days prior to such general, primary or special election **[in at**  
199 **least two newspapers]** that such proposition shall be submitted at any general,  
200 primary or special election held for submission of the proposition. **Such notice**  
201 **shall be published on the front pages of the election authorities'**  
202 **websites, if they have websites. If the election authorities do not have**  
203 **websites, notice shall be sent at least sixty days prior to the election to**  
204 **the secretary of state who shall publish such notice on the legal notices**  
205 **website, established pursuant to section 493.077, until the date of the**  
206 **election has passed.** Such proposition shall be submitted to the voters in  
207 substantially the following form at such election:

208 Shall a Recreational and Amateur Sports Subdistrict be authorized  
209 and provided for by the Metropolitan Zoological Park and Museum  
210 District of the City of \_\_\_\_\_ and the County of \_\_\_\_\_ and such  
211 subdistrict be authorized to establish a tax rate not in excess of  
212 four cents on each \$100 of assessed valuation of taxable property  
213 within the district for a period not to exceed nine years?

214  YES  NO

215 In the event that a majority of all the voters voting on such proposition in such  
 216 city and a majority of voters voting on such proposition in such county cast "YES"  
 217 votes on the proposition, then the recreation and amateur sports subdistrict shall  
 218 be deemed established and the tax rate, as established by the board for such  
 219 subdistrict, shall be deemed in full force and effect as of the first day of the  
 220 second month following the election for a period not to exceed nine years. The  
 221 results of the election shall be certified by the election **[officials] authorities** of  
 222 such city and county, respectively, to the respective chief executive officers of  
 223 such city and county not less than thirty days after the day of the election. The  
 224 cost of the election shall be paid as provided by sections 115.063 and 115.065. In  
 225 the event the proposition shall fail to receive a majority of the "YES" votes in  
 226 either the city or the county, then the proposition shall not be resubmitted at any  
 227 election held prior to the next general or primary or special election in such city  
 228 or county in the following year. Any such resubmission shall subsequently  
 229 comply with the provisions of sections 184.350 to 184.384.

230 6. (1) The board of directors of any metropolitan zoological park and  
 231 museum district, as established according to the provisions of sections 184.350  
 232 to 184.384, on behalf of the district may request the election **[officials]**  
 233 **authorities** of any city and county containing all or part of such district to  
 234 submit the following described proposition to the qualified voters of such district  
 235 at any general, primary or special election. Such election **[officials] authorities**  
 236 shall give legal notice at least sixty days prior to such general, primary or special  
 237 election **[in at least two newspapers]** that such proposition shall be submitted at  
 238 any general, primary or special election held for submission of the  
 239 proposition. **Such notice shall be published on the front pages of the**  
 240 **election authorities' websites, if they have websites. If the election**  
 241 **authorities do not have websites, notice shall be sent at least sixty days**  
 242 **prior to the election to the secretary of state who shall publish such**  
 243 **notice on the legal notices website, established pursuant to section**  
 244 **493.077, until the date of the election has passed.**

245 (2) Such proposition shall be submitted to the voters in substantially the  
 246 following form at such election:

247 Shall the Metropolitan Zoological Park and Museum District of the  
 248 City of \_\_\_\_\_ and County of \_\_\_\_\_ be authorized to provide for an  
 249 African-American History Museum and Cultural Subdistrict and be

250 authorized to provide the African-American history museum and  
251 cultural subdistrict with a tax rate not in excess of four cents on  
252 each \$100 of assessed valuation of taxable property within the  
253 district?

254  YES  NO

255 (3) In the event that a majority of all the voters voting on such proposition  
256 in such city and a majority of voters voting on such proposition in such county  
257 cast "YES" votes on the proposition, then the African-American history museum  
258 and cultural subdistrict shall be deemed established and the tax rate, as  
259 established by the board for such subdistrict, shall be deemed in full force and  
260 effect as of the first day of the second month following the election. The results  
261 of the election shall be certified by the election [officials] **authorities** of such city  
262 and county, respectively, to the respective chief executive officers of such city and  
263 county not less than thirty days after the day of the election. The cost of the  
264 election shall be paid as provided by sections 115.063 and 115.065. In the event  
265 the proposition shall fail to receive a majority of the "YES" votes in either the city  
266 or the county, then the proposition shall not be resubmitted at any election held  
267 prior to the next general or primary election in such city or county in the  
268 following year. Any such resubmission shall subsequently comply with the  
269 provisions of sections 184.350 to 184.384.

270 (4) If the African-American history museum and cultural subdistrict shall  
271 be established, then its commissioners, or any person with whom its  
272 commissioners contract, may establish and charge fees for admission to the  
273 premises of the African-American history museum and cultural subdistrict, or to  
274 the premises of any person with whom its commissioners contract, not to exceed  
275 one dollar for adults and fifty cents for children under sixteen years of age. Any  
276 increase in the fees shall be presented prior to implementation for approval or  
277 disapproval to the board of the metropolitan zoological park and museum district  
278 of which the African-American history museum and cultural subdistrict is a  
279 member.

184.503. 1. The governing body of any eligible county may, by resolution,  
2 authorize the creation of or participation in a district, and may impose a sales tax  
3 on all retail sales made within the eligible county which are subject to sales tax  
4 under chapter 144. The tax authorized in this section shall not exceed one-fourth  
5 of one percent, and shall be imposed solely for the purpose of funding the support  
6 of zoological activities within the district. The tax authorized in this section shall

7 be in addition to all other sales taxes imposed by law, and shall be stated  
8 separately from all other charges and taxes. Such creation of or participation in  
9 such district and the levy of the sales tax may be accomplished individually or on  
10 a cooperative basis with another eligible county or other eligible counties for  
11 financial support of the district. A petition requesting such creation of or  
12 participation in such district and the levy of the sales tax for the purpose of  
13 funding the support of zoological activities within the district may also be filed  
14 with the governing body, and shall be signed by not less than the number of  
15 qualified electors of an eligible county equal to five percent of the number of  
16 ballots cast and counted at the last preceding gubernatorial election held in such  
17 county. No such resolution adopted or petition presented under this section shall  
18 become effective unless the governing body of the eligible county submits to the  
19 voters residing within the eligible county at a state general, primary, or special  
20 election a proposal to authorize the governing body of the eligible county to create  
21 or participate in a district and to impose a tax under this section. The county  
22 election official shall give legal notice at least sixty days prior to such general or  
23 primary election or special election [in at least two newspapers] that such  
24 proposition or propositions shall be submitted at the next general or primary  
25 election or special election held for submission of this proposition. **Such notice**  
26 **shall be published on the front page of the county election official's**  
27 **website, if it has one. If the county election official does not have a**  
28 **website, notice shall be sent at least sixty days prior to the election to**  
29 **the secretary of state who shall publish such notice on the legal notices**  
30 **website, established pursuant to section 493.077, until the date of the**  
31 **election has passed.** The resolution or proposition shall be printed on the  
32 ballot and in the notice of election. Provisions of this section to the contrary  
33 notwithstanding, no tax authorized under the provisions of this section shall be  
34 effective in any eligible noncharter county unless the tax authorized under the  
35 provisions of this section is also collected by an eligible charter county.

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

38 Shall a retail sales tax of \_\_\_\_\_ (insert amount, not to exceed  
39 one-quarter of one percent) be levied and collected for the benefit  
40 of the Kansas City Zoological District, which shall be created and  
41 consist of the county(s) of \_\_\_\_\_ (insert name of counties), for the  
42 support of zoological activities with the district?

43

 YES NO

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

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

59 4. Except as modified in this section, all provisions of sections 32.085 and  
60 32.087 shall apply to the tax imposed under this section.

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

75 6. The director of revenue may make refunds from the amounts in the  
76 Kansas City zoological district sales tax trust fund and credited to the district for  
77 erroneous payments and overpayments made, and may redeem dishonored checks  
78 and drafts deposited to the credit of the district. If the district abolishes the tax,

79 the county shall notify the director of revenue of the action at least ninety days  
80 prior to the effective date of the repeal and the director of revenue may order  
81 retention in the Kansas City zoological district sales tax trust fund, for a period  
82 of one year, of two percent of the amount collected after receipt of such notice to  
83 cover possible refunds or overpayment of the tax and to redeem dishonored checks  
84 and drafts deposited to the credit of such account. After one year has elapsed  
85 after the effective date of abolition of the tax in the district, the director of  
86 revenue shall remit the balance in the account to the district and close the  
87 account of the district. The director of revenue shall notify the district of each  
88 instance of any amount refunded or any check redeemed from receipts due the  
89 district.

90 7. Any of the eligible counties composing the Kansas City zoological  
91 district may withdraw from the district by adoption of a resolution and approval  
92 of the resolution by a majority of the qualified electors of the county, in the same  
93 manner provided in this section for creating or becoming a part of the  
94 district. The governing body of a withdrawing county shall provide for the  
95 sending of formal written notice of withdrawal from the district to the governing  
96 body of the other county or each of the other counties comprising the  
97 district. Actual withdrawal shall not take effect until ninety days after notice has  
98 been sent. A withdrawing county shall not be relieved from any obligation that  
99 such county may have assumed or incurred by reason of being a part of the  
100 district, including, but not limited to, the retirement of any outstanding bonded  
101 indebtedness of the district.

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

14 may utilize and dispose of the same.

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

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

26           (2) Issuing refunding notes, bonds or other instruments in writing for the  
27 purpose of refunding, extending or unifying the whole or any part of its  
28 outstanding indebtedness from time to time, whether evidenced by notes, bonds  
29 or other instruments in writing. Such refunding notes, bonds or other  
30 instruments in writing shall not exceed in amount the principal of the  
31 outstanding indebtedness to be refunded and the accrued interest thereon to the  
32 date of such refunding;

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

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

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

49           (1) The commission's primary purpose is to support the maintenance and

50 operation of the Kansas City zoo through donations, contributions, grants, and  
51 other financial support;

52 (2) The economic impact upon the district;

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

54 (4) The contribution to the quality of life and popular image of the  
55 district;

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

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

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

60 5. The commission shall cause to be prepared annually a report on the  
61 operations and transactions conducted by the commission during the preceding  
62 year. The report shall be submitted to the governing bodies of the counties  
63 comprising the district, to the governing body of each county that appoints a  
64 commissioner, to the Kansas City, Missouri, board of parks and recreation, and  
65 to the executive board of Friends of the Zoo, Inc. The commission shall publish  
66 the annual report [in the official county newspaper of each of the counties  
67 comprising the district] **on the front page of its website, if it has one. If**  
68 **the commission does not have a website, the annual report shall be sent**  
69 **to the secretary of state who shall publish such report on the legal**  
70 **notices website, established pursuant to section 493.077.**

71 6. The commission has the power to perform all other necessary and  
72 incidental functions and duties and to exercise all other necessary and  
73 appropriate powers not inconsistent with the constitution or laws of this state to  
74 effectuate the same.

75 7. Nothing in this section shall be construed as granting the commission  
76 authority or power to manage the Kansas City zoo or to retain title to, or control  
77 over, the lands occupied by the Kansas City zoo.

184.600. 1. A metropolitan zoo district may be established in any city  
2 with a population of one hundred thousand or more inhabitants located within a  
3 first class county which does not adjoin any other first class county, after voter  
4 approval pursuant to this section. A zoo district shall consist of such institutions  
5 and places for the collection and exhibition of animals and animal life, for the  
6 instruction and recreation of the people, for the promotion of zoology and kindred  
7 subjects, for the encouragement of zoological study and research and for the  
8 increase of public interest in wild animals and in the protection of wild animals

9 life. The boundaries of any such metropolitan zoo district shall be the corporate  
10 boundaries of the city, any lands annexed into the city after the establishment of  
11 the district and areas adjacent to the city which petition and vote to become part  
12 of the district pursuant to section 184.602. The question shall be submitted to  
13 the qualified voters of the city at a local or state general, primary or special  
14 election upon the petition of five percent of the qualified voters of the city as  
15 determined on the basis of the number of votes cast in the city for governor at the  
16 last election held prior to the filing of the petition, except that such election shall  
17 not be held prior to 1992. The election [officials] **authority** shall give legal  
18 notice at least sixty days prior to such general or primary election or special  
19 election [in at least one newspaper of general circulation within the city that such  
20 proposition shall be submitted at the next general or primary election or special  
21 election held for submission of this proposition] **on the front page of its**  
22 **website, if it has one. If the election authority does not have a website,**  
23 **notice shall be sent at least sixty days prior to the election to the**  
24 **secretary of state who shall publish such notice on the legal notices**  
25 **website, established pursuant to section 493.077, until the date of the**  
26 **election has passed.** A municipality shall include in the ballot a provision for  
27 a tax to support the district in an amount not to exceed ten cents per one hundred  
28 dollars assessed valuation of all taxable property within the district.

29 2. Citizens living in a first class county in an area adjacent to and within  
30 two miles of a city that has formed or has called an election to form a  
31 metropolitan zoo may petition the county commission where the city is located to  
32 become part of the metropolitan zoo district by filing with the county commission  
33 a petition containing a description of the area to be included in the district and  
34 the signatures of five percent of the qualified voters of the area as determined by  
35 the county clerk on the basis of the number of votes cast in the area for governor  
36 at the last election held prior to the filing of the petition. The question shall be  
37 submitted to the qualified voters of the area at a local or state general, primary  
38 or special election upon the certification by the county clerk that the petition  
39 contains the signatures of the required number of qualified voters. The election  
40 [officials] **authority** shall give legal notice at least sixty days prior to such  
41 general or primary election or special election [in at least one newspaper of  
42 general circulation within the county that such proposition shall be submitted at  
43 the next general or primary election or special election held for submission of this  
44 proposition] **on the front page of its website, if it has one. If the election**

45 **authority does not have a website, notice shall be sent at least sixty**  
 46 **days prior to the election to the secretary of state who shall publish**  
 47 **such notice on the legal notices website, established pursuant to section**  
 48 **493.077, until the date of the election has passed.** The commission shall  
 49 include in the ballot as requested in the petition a provision for a tax to support  
 50 the district at the rate of tax which residents of the city are required to pay to  
 51 support the district.

52 3. If the election is held in the city such proposition shall be submitted to  
 53 the voters in substantially the following form at such election:

54 Shall there be established a Metropolitan Zoo District comprising  
 55 the City of \_\_\_\_\_ with a tax rate not to exceed \_\_\_\_\_ cents on  
 56 each one hundred dollars of assessed valuation of all taxable  
 57 property within the district?

58  FOR  AGAINST

59 4. If the election is held in an area outside the city such proposition shall  
 60 be submitted to the voters in substantially the following form at such election:

61 Shall the area be part of a Metropolitan Zoo District with the City  
 62 of \_\_\_\_\_ with a tax rate not to exceed \_\_\_\_\_ cents on each one  
 63 hundred dollars of assessed valuation of all taxable property within  
 64 the area?

65  FOR  AGAINST

66 5. In the event that a majority of the voters voting on such proposition in  
 67 the city at such election cast votes "FOR" the proposition, then the district shall  
 68 be established and the tax rate shall be in full force and effect as of the first day  
 69 of the year following the year of the election. The results of the election shall be  
 70 certified by the election officials of the city not less than thirty days after the day  
 71 of election. In the event the proposition fails to receive a majority of the votes  
 72 "FOR" in the city, then such proposition shall not be resubmitted at any election  
 73 held within one year of the date of the election the proposition was rejected.

74 6. In the event that a majority of the voters voting on such proposition in  
 75 an area outside the city at such election cast votes "FOR" the proposition, then  
 76 the area shall be part of the metropolitan zoo district as of the first day of the  
 77 year following the year of the election provided the voters in the city have voted  
 78 to form such a district. The results of the election shall be certified by the  
 79 election official of the county not less than thirty days after the election. In the  
 80 event the proposition fails to receive a majority of the votes "FOR" in the area

81 outside the city, then such proposition shall not be resubmitted at any election  
82 held within one year of the date of the election the proposition was rejected.

184.830. 1. Within thirty days after the order declaring the district  
2 organized has become final, the circuit clerk of the county in which the petition  
3 was filed shall[,] give notice **of a meeting of the owners of real property**  
4 **within the district** by causing publication to be made [once a week] for two  
5 consecutive weeks [in a newspaper of general circulation in the county, the last  
6 publication of which shall be at least ten days before the day of the meeting  
7 required by this section, call a meeting of the owners of real property within the  
8 district at] **on the front page of the circuit clerk's website, if it has one.**  
9 **If the circuit clerk does not have a website, notice shall be sent two**  
10 **weeks prior to the meeting to the secretary of state who shall publish**  
11 **such notice on the legal notices website, established pursuant to section**  
12 **493.077, until the date of the meeting has passed. The notice shall**  
13 **specify** a day and hour [specified] in a public place in the county in which the  
14 petition was filed. **The meeting shall be** for the purpose of electing a board of  
15 five directors, to be composed of owners or representatives of owners of real  
16 property in the district.

17 2. The owners of real property, when assembled, shall organize by the  
18 election of a chairman and secretary of the meeting who shall conduct the  
19 election. At the election, each acre of real property within the district shall be  
20 considered as a voting interest, and each owner of real property shall have one  
21 vote in person or by proxy for every acre of real property owned within the  
22 district for each director to be elected. A director need not be a legal voter of the  
23 district.

24 3. Each director shall serve for a term of three years and until his or her  
25 successor is duly elected and qualified. Successor directors shall be elected in the  
26 same manner as the initial directors at a meeting of the owners of real property  
27 called by the board. Each successor director shall serve a three-year term. The  
28 remaining directors shall have the authority to elect an interim director to  
29 complete any unexpired term of a director caused by resignation or  
30 disqualification.

31 4. Directors shall be at least twenty-one years of age.

190.020. 1. Upon the filing of the petition with the county clerk, he **or**  
2 **she** shall present it to the commissioners of the county commission who shall  
3 thereupon set the petition for hearing within not less than thirty nor more than

4 forty days after the filing.

5           2. Notice shall be given by the commissioner of the county commission of  
6 the time and place where the hearing will be held, by publication on [three  
7 separate days in one or more newspapers having a general circulation within the  
8 territory proposed to be incorporated as an ambulance district, the first of which  
9 publications shall be not less than twenty days prior to the date set for the  
10 hearing and if there is no such newspaper, then notice shall be posted in ten of  
11 the most public places in the territory, not less than twenty days prior to the date  
12 set for the hearing] **on the front page of the commission's website, if it has**  
13 **one, for a period of at least twenty days prior to the date set for the**  
14 **hearing. If the commission does not have a website, notice shall be sent**  
15 **at least twenty days prior to the hearing to the secretary of state who**  
16 **shall publish such notice on the legal notices website, established**  
17 **pursuant to section 493.077, until the date of the hearing has**  
18 **passed.** This notice shall include a description of the territory as set out in the  
19 petition, names of municipalities located therein and the name of the proposed  
20 district and the question of creating an ambulance district.

21           3. The costs of printing and publication or posting of notices of public  
22 hearing thereon shall be paid in advance by the petitioners, and, if a district is  
23 organized under the provisions of sections 190.005 to 190.085, they shall be  
24 reimbursed out of the funds received by the district from taxation or other  
25 sources.

          190.088. 1. A city of the fourth classification with more than two  
2 thousand seven hundred but fewer than three thousand inhabitants and located  
3 in any county of the first classification with more than eighty-three thousand but  
4 fewer than ninety-two thousand inhabitants that is located partially within an  
5 ambulance district may file with the ambulance district's board of directors a  
6 notice of intention of detachment stating the city's intent that the area located  
7 within the city and the ambulance district, or a portion of such area, is to be  
8 excluded and taken from the district. The filing of a notice of intention of  
9 detachment must be authorized by ordinance. Such notice of intention of  
10 detachment shall describe the subject area to be excluded from the ambulance  
11 district in the form of a legal description and map.

12           2. After filing the notice of intention of detachment with the ambulance  
13 district, the city shall conduct a public hearing on the notice of intention of  
14 detachment and give notice by publication [in a newspaper of general circulation

15 qualified to publish legal matters in the county where the subject area is located,  
16 at least once a week for three consecutive weeks prior to the hearing, with the  
17 last notice being not more than twenty days and not less than ten days before the  
18 hearing] **on the front page of the city's website, if it has one, for a period**  
19 **of at least three consecutive weeks prior to the hearing. If the city**  
20 **does not have a website, notice shall be sent at least three weeks prior**  
21 **to the hearing to the secretary of state who shall publish such notice**  
22 **on the legal notices website, established pursuant to section 493.077,**  
23 **until the date of the hearing has passed.** The hearing may be continued to  
24 another date without further notice other than a motion to be entered upon the  
25 minutes fixing the time and place of the subsequent hearing. At the public  
26 hearing, the city shall present its reasons why it desires to detach the subject  
27 area from the ambulance district and its plan to provide or cause to be provided  
28 ambulance services to the subject area.

29         3. Following the public hearing, the governing body of the city may  
30 approve the detachment of the subject area from the ambulance district by  
31 enacting an ordinance with two-thirds of all members of the legislative body of  
32 the city voting in favor of the ordinance.

33         4. Upon duly enacting such detachment ordinance, the city shall cause  
34 three certified copies of the same to be filed with the county assessor and the  
35 clerk of the county wherein the city is located and one certified copy to be filed  
36 with the election authority if different from the clerk of the county that has  
37 jurisdiction over the area being detached.

38         5. Upon the effective date of the ordinance, which may be up to one year  
39 from the date of its passage and approval, the ambulance district shall no longer  
40 provide or cause to be provided ambulance services to the subject area and shall  
41 no longer levy and collect any tax upon the property included within the detached  
42 area, provided that all real property excluded from an ambulance district shall  
43 thereafter be subject to the levy of taxes for the payment of any indebtedness of  
44 the ambulance district outstanding at the time of exclusion; provided that after  
45 any real property shall have been excluded from an ambulance district as  
46 provided under this section, any buildings and improvements thereafter erected  
47 or constructed on the excluded real property, all machinery and equipment  
48 thereafter installed or placed on the excluded real property, and all tangible  
49 personal property not in the ambulance district at the time of the exclusion of the  
50 subject area shall not be subject to any taxes levied by the ambulance district.

51           6. The city shall also:

52           (1) On or before January first of the second calendar year after the date  
53 on which the property was detached from the ambulance district, pay to the  
54 ambulance district a fee equal to the amount of revenue that would have been  
55 generated during the previous calendar year by the ambulance district tax on the  
56 property in the area detached which was formerly part of the ambulance district;

57           (2) On or before January first of the third calendar year after the date on  
58 which the property was detached from the ambulance district, pay to the  
59 ambulance district a fee equal to four-fifths of the amount of revenue that would  
60 have been generated during the previous calendar year by the ambulance district  
61 tax on the property in the area detached which was formerly a part of the  
62 ambulance district;

63           (3) On or before January first of the fourth calendar year occurring after  
64 the date on which the property was detached from the ambulance district, pay to  
65 the ambulance district a fee equal to three-fifths of the amount of revenue that  
66 would have been generated during the previous calendar year by the ambulance  
67 district tax on the property in the area detached which was formerly a part of the  
68 ambulance district;

69           (4) On or before January first of the fifth calendar year occurring after the  
70 date on which the property was detached from the ambulance district, pay to the  
71 ambulance district a fee equal to two-fifths of the amount of revenue that would  
72 have been generated during the previous calendar year by the ambulance district  
73 tax on the property in the area detached which was formerly a part of the  
74 ambulance district; and

75           (5) On or before January first of the sixth calendar year occurring after  
76 the date on which the property was detached from the ambulance district, pay to  
77 the ambulance district a fee equal to one-fifth of the amount of revenue that  
78 would have been generated during the previous calendar year by the ambulance  
79 district tax on the property in the area detached which was formerly a part of the  
80 ambulance district.

81           7. The provisions of this section shall not apply to any county in which a  
82 boundary commission has been established under sections 72.400 to 72.423.

192.300. The county commissions and the county health center boards of  
2 the several counties may make and promulgate orders, ordinances, rules or  
3 regulations, respectively as will tend to enhance the public health and prevent  
4 the entrance of infectious, contagious, communicable or dangerous diseases into

5 such county, but any orders, ordinances, rules or regulations shall not be in  
6 conflict with any rules or regulations authorized and made by the department of  
7 health and senior services in accordance with this chapter or by the department  
8 of social services under chapter 198. The county commissions and the county  
9 health center boards of the several counties may establish reasonable fees to pay  
10 for any costs incurred in carrying out such orders, ordinances, rules or  
11 regulations, however, the establishment of such fees shall not deny personal  
12 health services to those individuals who are unable to pay such fees or impede  
13 the prevention or control of communicable disease. Fees generated shall be  
14 deposited in the county treasury. All fees generated under the provisions of this  
15 section shall be used to support the public health activities for which they were  
16 generated. After the promulgation and adoption of such orders, ordinances, rules  
17 or regulations by such county commission or county health board, such  
18 commission or county health board shall make and enter an order or record  
19 declaring such orders, ordinances, rules or regulations to be printed and available  
20 for distribution to the public in the office of the county clerk, and shall require  
21 a copy of such order to be published [in some newspaper in the county in three  
22 successive weeks,] not later than thirty days after the entry of such order,  
23 ordinance, rule or regulation **on the front page of the commission or county**  
24 **health board's website, if it has one, for a period of three successive**  
25 **weeks. If the commission or the county health board does not have a**  
26 **website, the order, ordinance, rule, or regulation shall be sent to the**  
27 **secretary of state who shall publish such order on the legal notices**  
28 **website, established pursuant to section 493.077, for a period of three**  
29 **successive weeks.** Any person, firm, corporation or association which violates  
30 any of the orders or ordinances adopted, promulgated and published by such  
31 county commission is guilty of a misdemeanor and shall be prosecuted, tried and  
32 fined as otherwise provided by law. The county commission or county health  
33 board of any such county has full power and authority to initiate the prosecution  
34 of any action under this section.

197.330. 1. The committee shall:

2 (1) Notify the applicant within fifteen days of the date of filing of an  
3 application as to the completeness of such application;

4 (2) Provide [written] notification to affected persons located within this  
5 state at the beginning of a review. This notification may be given through  
6 publication of the review schedule [in all newspapers of general circulation in the

7 area to be served] **on the front page of the committee's website, if it has**  
8 **one. If the committee does not have a website, notice shall be sent to**  
9 **the secretary of state who shall publish such notice on the legal notices**  
10 **website, established pursuant to section 493.077;**

11 (3) Hold public hearings on all applications when a request in writing is  
12 filed by any affected person within thirty days from the date of publication of the  
13 notification of review;

14 (4) Within one hundred days of the filing of any application for a  
15 certificate of need, issue in writing its findings of fact, conclusions of law, and its  
16 approval or denial of the certificate of need; provided, that the committee may  
17 grant an extension of not more than thirty days on its own initiative or upon the  
18 written request of any affected person;

19 (5) Cause to be served upon the applicant, the respective health system  
20 agency, and any affected person who has filed his **or her** prior request in writing,  
21 a copy of the aforesaid findings, conclusions and decisions;

22 (6) Consider the needs and circumstances of institutions providing  
23 training programs for health personnel;

24 (7) Provide for the availability, based on demonstrated need, of both  
25 medical and osteopathic facilities and services to protect the freedom of patient  
26 choice; and

27 (8) Establish by regulation procedures to review, or grant a waiver from  
28 review, nonsubstantive projects.

29 The term "filed" or "filing" as used in this section shall mean delivery to the staff  
30 of the health facilities review committee the document or documents the applicant  
31 believes constitute an application.

32 2. Failure by the committee to issue a written decision on an application  
33 for a certificate of need within the time required by this section shall constitute  
34 approval of and final administrative action on the application, and is subject to  
35 appeal pursuant to section 197.335 only on the question of approval by operation  
36 of law.

198.220. 1. Upon the filing of the petition with the county clerk, he **or**  
2 **she** shall present it to the commissioners of the county commission who shall  
3 thereupon set the petition for hearing within not less than thirty nor more than  
4 forty days after the filing.

5 2. Notice shall be given by the commissioner of the county commission of  
6 the time and place where the hearing will be held, by publication on [three

7 separate days in one or more newspapers having a general circulation within the  
8 territory proposed to be incorporated as a nursing home district, the first of which  
9 publications shall be not less than twenty days prior to the date set for the  
10 hearing and if there is no such newspaper, then notice shall be posted in ten of  
11 the most public places in the territory, not less than twenty days prior to the date  
12 set for the hearing] **the front page of the commission's website, if it has**  
13 **one, at least twenty days prior to the date set for the hearing. If the**  
14 **commission does not have a website, notice shall be sent at least twenty**  
15 **days prior to the date set for the hearing to the secretary of state who**  
16 **shall publish such notice on the legal notices website, established**  
17 **pursuant to section 493.077, until the date of the hearing has**  
18 **passed.** This notice shall include a description of the territory as set out in the  
19 petition, names of municipalities located therein and the name of the proposed  
20 district and the question of creating a nursing home district.

21 3. The costs of printing and publication or posting of notices of public  
22 hearing thereon shall be paid in advance by the petitioners, and, if a district is  
23 organized under sections 198.200 to 198.350, they shall be reimbursed out of the  
24 funds received by the district from taxation or other sources.

204.260. 1. The circuit court shall within thirty days after receiving the  
2 petition appoint three disinterested persons, one of whom shall be a licensed civil  
3 engineer or surveyor, as common sewer district commissioners to lay out and  
4 define the boundaries of the proposed district.

5 2. The common sewer district commissioners may alter or amend the  
6 boundaries of the proposed district as set forth in the petition so that it embraces  
7 all of the area capable of being efficiently drained by the system of trunk sewers,  
8 or so as to exclude from the district any part of the natural drainage area which  
9 is so situated as not to be benefitted by the proposed trunk sewers or treatment  
10 plants, and for this purpose they shall have power to have made all surveys and  
11 maps necessary to locate and describe the boundaries.

12 3. The common sewer district commissioners shall qualify by taking an  
13 oath to faithfully and impartially perform their duties and when so qualified shall  
14 give notice by publication [at least five times, in one or more newspapers having  
15 a general circulation in the proposed district,] of the time and place where they  
16 will meet to consider and establish the boundaries. The notice shall be [given]  
17 **published** at least twenty days prior to the meeting. **If the district does not**  
18 **have a website, notice shall be sent to the secretary of state who shall**

19 **publish such notice on the legal notices website, established pursuant**  
20 **to section 493.077, until the date of the meeting has passed,** and the  
21 meeting place shall be in the courthouse of the county in which the major portion  
22 of the proposed district lies.

23 4. At the meeting the common sewer district commissioner first named in  
24 the order of appointment shall preside, and all persons residing or owning real  
25 property in the proposed district, or adjacent thereto, shall have the right to be  
26 heard as to the location of the boundaries of the proposed district; and the  
27 common sewer district commissioners or a majority of them after the hearing  
28 shall fix and determine the boundaries of the proposed district.

29 5. The common sewer district commissioners may adjourn from day to day  
30 until the hearings are complete, and for their services shall receive such  
31 compensation as may be determined by the circuit court which appoints  
32 them. They may employ a competent person as stenographer and clerk, whose  
33 compensation shall be as set by the circuit court.

204.350. 1. The board of trustees for the district shall let contracts for all  
2 work to be done, excepting in case of repairs or emergencies requiring prompt  
3 attention, in the construction of trunk sewers and sewage treatment plants under  
4 the authority of sections 204.250 to 204.470, the expense of which will exceed five  
5 hundred dollars, to the lowest responsible bidder therefor, upon not less than  
6 twenty days' notice of the letting[.]. **Notice shall be** given by publication [in a  
7 newspaper of general circulation in the district, and in the discretion of the board,  
8 in one or more newspapers of general circulation among contractors] **on the**  
9 **front page of the board's website, if it has one. If the board does not**  
10 **have a website, notice shall be sent to the secretary of state who shall**  
11 **publish such notice on the legal notices website, established pursuant**  
12 **to section 493.077, for a period of twenty days.** The board shall have the  
13 power and authority to reject any and all bids and readvertise the work.

14 2. The board of trustees, subject to the concurrence of the advisory board  
15 established by sections 204.250 to 204.470, shall also have the power to enter into  
16 agreements with persons, firms or corporations of known standing and  
17 competence for the execution and preparation of the surveys, maps and plans  
18 needed and required by the board, and also for the laying out and  
19 superintendence of work to be constructed under the authority of sections 204.250  
20 to 204.470, but no single agreement so made shall cover more than one piece or  
21 class of work.

204.355. 1. Whenever any sewer district shall have been organized as  
2 provided by sections 204.250 to 204.470, and it shall appear necessary, convenient  
3 or advisable to extend the boundaries of such district for the purpose of including  
4 therein a contiguous area which could be efficiently served by the sewer system  
5 of the district, or by reasonable modifications, extensions or improvements  
6 thereof, the boundaries of the district may be extended as provided in this  
7 section, but the extension shall not include any territory within the boundaries  
8 of any other sewer district.

9         2. The trustees of the district may, and shall upon receipt of a petition  
10 signed by twenty-five or more persons residing either within the present  
11 boundaries of the district or within the area of the proposed addition, file with  
12 the circuit court having jurisdiction of the district a petition setting forth the  
13 reasonableness or necessity for extending the boundaries of the district, the  
14 boundary lines of the proposed extension, and a prayer for such further action as  
15 may be necessary to determine the question as to whether the boundaries of the  
16 district should be extended.

17         3. The court shall fix a time at which it will hear the petition or any  
18 objections thereto, and it shall be the duty of the clerk of the circuit court to  
19 cause a notice to be published [in a newspaper of general circulation in the  
20 county where the proceedings are pending] **on the front page of the court's**  
21 **website, if it has one**, for three consecutive weeks before the court date[,  
22 which]. **If the court does not have a website, notice shall be sent to the**  
23 **secretary of state who shall publish such notice on the legal notices**  
24 **website, established pursuant to section 493.077, for a period of three**  
25 **consecutive weeks before the court date. The notice shall set out the**  
26 proposed boundaries of the extension of the district.

27         4. If upon the hearing of the petition and objections, the court shall find  
28 that an extension of the boundaries of the district is necessary or reasonable for  
29 the preservation of the public health or public welfare, or will be of public utility  
30 or benefit, the court shall find in favor of the petitioners and shall render its  
31 decree to that effect. In its decree the court may alter or amend the boundaries  
32 of the proposed extension as originally proposed in the petition. If the court shall  
33 find that such an extension is not necessary or will not be of public health or  
34 public welfare or will not be of public utility or benefit and will not be advisable,  
35 then it shall find against the petitioners and shall dismiss the petition.

36         5. If the court shall find in favor of the petitioners, it shall enter its order

37 directing the appropriate election authority to call and hold an election in the  
38 original sewer district and the territory proposed to be annexed on the question  
39 of whether the territory should be annexed to the sewer district. The notice shall  
40 include a description of the territory to be annexed.

41 6. The question shall be submitted in the following form:

42 Shall the \_\_\_\_\_ sewer district annex the contiguous area described  
43 in the notice for this election?

44 7. The election authority shall certify the results of the election to the  
45 circuit court having jurisdiction of the matter. If a majority of the votes cast on  
46 the proposition, in the original sewer district and the territory to be annexed  
47 combined, shall be in favor of the annexation, then the court shall render a decree  
48 declaring the boundaries of the district to be extended and describing the  
49 boundaries of the district as extended. If a majority of the votes cast on the  
50 proposition, in the original sewer district and the territory to be annexed  
51 combined, shall be against the annexation, then the court shall render a decree  
52 declaring that the proposal to extend the boundaries has failed and that the  
53 boundaries of the sewer district shall remain unchanged.

204.472. 1. (1) Whenever all or any part of a territory located within a  
2 sewer district that is located in any county of the third classification without a  
3 township form of government and with more than forty thousand eight hundred  
4 but less than forty thousand nine hundred inhabitants is included by annexation  
5 within the corporate limits of any city of the third classification with more than  
6 sixteen thousand six hundred but less than sixteen thousand seven hundred  
7 inhabitants, but is not receiving sewer service from such district or city at the  
8 time of such annexation, the city and the board of trustees of the district may,  
9 within six months after such annexation becomes effective, develop an agreement  
10 to provide sewer service to the annexed territory. Such an agreement may also  
11 be developed for territory that was annexed between January 1, 1996, and August  
12 28, 2002, but was not receiving sewer service from such district or such city on  
13 August 28, 2002. For the purposes of this section, "not receiving sewer service"  
14 shall mean that no sewer services are being sold within the annexed territory by  
15 such district or city. If the city and the board reach an agreement that detaches  
16 any territory from such district, the agreement shall be submitted to the circuit  
17 court having jurisdiction over the major portion, and the circuit court shall make  
18 an order and judgment detaching the territory described in the agreement from  
19 the remainder of the district and stating the boundary lines of the district after

20 such detachment. At such time that the circuit court's order and judgment  
21 becomes final, the clerk of the circuit court shall file certified copies of such order  
22 and judgment with the secretary of state and with the recorder of deeds and the  
23 county clerk of the county or counties in which the district is located. If an  
24 agreement is developed between a city and a sewer district pursuant to this  
25 subsection, subsections 2 to 8 of this section shall not apply to such agreement.

26 (2) Whenever all or any part of a territory located within a sewer district  
27 that is located in any county of the third classification is included by annexation  
28 within the corporate limits of any city, but is not receiving sewer service from  
29 such district or city at the time of such annexation, the city and the board of  
30 trustees of the district may, within six months after such annexation becomes  
31 effective, develop an agreement to provide sewer service to the annexed  
32 territory. Such an agreement may also be developed for territory that was  
33 annexed prior to August 28, 2010, but was not receiving sewer service from such  
34 district or such city as of August 28, 2010. For the purposes of this section, "not  
35 receiving sewer service" shall mean that no sewer services are being sold within  
36 the annexed territory by such district or city. If the city and the board reach an  
37 agreement that detaches any territory from such district, the agreement shall be  
38 submitted to the circuit court having jurisdiction over the major portion, and the  
39 circuit court shall make an order and judgment detaching the territory described  
40 in the agreement from the remainder of the district and stating the boundary  
41 lines of the district after such detachment. At such time that the circuit court's  
42 order and judgment becomes final, the clerk of the circuit court shall file certified  
43 copies of such order and judgment with the secretary of state and with the  
44 recorder of deeds and the county clerk of the county or counties in which the  
45 district is located. If an agreement is developed between a city and a sewer  
46 district pursuant to this subsection, subsections 2 to 8 of this section shall not  
47 apply to such agreement.

48 2. In the event that the board of trustees of such district and the city  
49 cannot reach such an agreement, an application may be made by the board or the  
50 city to the circuit court requesting that three commissioners develop such an  
51 agreement. Such application shall include the name of one commissioner  
52 appointed by the applying party. The second party shall appoint one  
53 commissioner within thirty days of the service of the application upon the second  
54 party. If the second party fails to appoint a commissioner within such time  
55 period, the circuit court shall appoint a commissioner on behalf of the second

56 party. Such two named commissioners may agree to appoint a third disinterested  
57 commissioner within thirty days after the appointment of the second  
58 commissioner. In the event that the two named commissioners cannot agree on  
59 or fail to appoint the third disinterested commissioner within thirty days after  
60 the appointment of the second commissioner, the circuit court shall appoint the  
61 third disinterested commissioner.

62 3. Upon the filing of such application and the appointment of three such  
63 commissioners, the circuit court shall set a time for one or more hearings and  
64 shall order a public notice including the nature of the application, the annexed  
65 area affected, the names of the commissioners, and the time and place of such  
66 hearings, to be published for three weeks consecutively [in a newspaper published  
67 in the county in which the application is pending, the last publication to be not  
68 more than seven days] before the date set for the first hearing **on the front  
69 page of the circuit court's website, if it has one. If the circuit court  
70 does not have a website, notice shall be sent to the secretary of state  
71 who shall publish such notice on the legal notices website, established  
72 pursuant to section 493.077, until the date of the hearing has passed.**

73 4. The commissioners shall develop an agreement between the district and  
74 the city to provide sewer service to the annexed territory. In developing the  
75 agreement, the commissioners shall consider information presented to them at  
76 hearings and any other information at their disposal including, but not limited  
77 to:

78 (1) The estimated future loss of revenue and costs for the sewer district  
79 related to the agreement;

80 (2) The amount of indebtedness of the sewer district within the annexed  
81 territory;

82 (3) Any contractual obligations of the sewer district within the annexed  
83 area; and

84 (4) The effect of the agreement on the sewer rates of the district.

85 The agreement shall also include a recommendation for the apportionment of  
86 costs incurred pursuant to subsections 2 to 8 of this section, including reasonable  
87 compensation for the commissioners, between the city and the district.

88 5. If the circuit court finds that the agreement provides for necessary  
89 sewer service in the annexed territory, then such agreement shall be fully  
90 effective upon approval by the circuit court. The circuit court shall also review  
91 the recommended apportionment of court costs incurred and the reasonable

92 compensation for the commissioners and affirm or modify such recommendations.

93           6. The order and judgment of the circuit court shall be subject to appeal  
94 as provided by law.

95           7. If the circuit court approves a detachment as part of the territorial  
96 agreement, it shall make its order and judgment detaching the territory described  
97 in the application from the remainder of the district and stating the boundary  
98 lines of the district after such detachment.

99           8. At such time that the circuit court's order and judgment becomes final,  
100 the clerk of the circuit court shall file certified copies of such order and judgment  
101 with the secretary of state and with the recorder of deeds and the county clerk of  
102 the county or counties in which the district is located.

103           9. The proportion of the sum of all outstanding bonds and debt, with  
104 interest thereon, that is required to be paid to the sewer district pursuant to this  
105 section, shall be the same as the proportion of the assessed valuation of the real  
106 and tangible personal property within the area sought to be detached bears to the  
107 assessed valuation of all of the real and tangible personal property within the  
108 entire area of the sewer district.

          204.567. The circuit court with jurisdiction over the formation of a sewer  
2 subdistrict and extension of the boundaries of a common sewer district to include  
3 such subdistrict pursuant to section 204.565 shall, within thirty days after  
4 receiving the petition, schedule a public hearing on the petition. The clerk of the  
5 circuit court having such jurisdiction shall give notice of the time and the place  
6 of the public hearing by publication [at least once each week] **on the front page**  
7 **of the circuit court's website, if it has one, for a period of three**  
8 consecutive weeks [in one or more newspapers having a general circulation in the  
9 proposed subdistrict and in the common sewer district]. **If the circuit court**  
10 **does not have a website, notice shall be sent to the secretary of state**  
11 **who shall publish such notice on the legal notices website, established**  
12 **pursuant to section 493.077, for a period of three consecutive**  
13 **weeks.** Such notice shall state that the subdistrict will, upon its formation, be  
14 a subdistrict of the common sewer district, which will be identified by name, and  
15 shall describe either the boundaries of the proposed subdistrict or the area to be  
16 included within the proposed subdistrict. If the court shall find formation of such  
17 subdistrict reasonable or necessary, the court shall enter its decree extending the  
18 boundaries of the common sewer district, declaring the area to be a sewer  
19 subdistrict of the common sewer district, and approving the map submitted by the

20 petitioners. The decree and map shall then be filed by the circuit clerk in the  
21 office of the recorder of deeds for each county in which any portion of such  
22 subdistrict and of the common sewer district is situated and with the county  
23 commission or county legislature, as the case may be, of each such county.

204.602. 1. Proceedings for the new formation of a reorganized common  
2 sewer district under sections 204.600 to 204.640 shall be substantially as follows:  
3 a petition in duplicate describing the proposed boundaries of the reorganized  
4 district sought to be formed, accompanied by a plat of the proposed district, shall  
5 first be filed with each county commission having jurisdiction in the geographic  
6 area the proposed district is situated. Such petition shall be ruled on by each  
7 county commission having jurisdiction within thirty days from the date of hearing  
8 the petition. If the petition for the reorganized district is rejected by any county  
9 commission having jurisdiction, no further action on the proposed district shall  
10 take place before the county commission which rejected the petition or the circuit  
11 court of that county in the county which rejected the petition. If approved by  
12 each county commission having jurisdiction, a petition in duplicate describing the  
13 proposed boundaries of the reorganized district sought to be formed, accompanied  
14 by a plat of the proposed district, shall be filed with the clerk of the circuit court  
15 of the county wherein the proposed district is situated or with the clerk of the  
16 circuit court of the county having the largest acreage proposed to be included in  
17 the proposed district, in the event that the proposed district embraces lands in  
18 more than one county. Such petition, in addition to such boundary description,  
19 shall set forth an estimate of the number of customers of the proposed district,  
20 the necessity for the formation of the district, the probable cost of acquiring or  
21 constructing sanitary sewer improvements with the district, if appropriate, an  
22 approximation of the assessed valuation of taxable property within the district,  
23 whether the board of trustees shall be elected or appointed by the county  
24 commission, and such other information as may be useful to the court in  
25 determining whether or not the petition should be granted and a decree of  
26 incorporation entered. Such petition shall be accompanied by a cash deposit of  
27 fifty dollars as an advancement of the costs of the proceeding. The petition shall  
28 be signed by not less than fifty voters or property owners within the proposed  
29 district and shall request the incorporation of the territory therein described into  
30 a reorganized common sewer district. The petition shall be verified by at least  
31 one of the signers.

32 2. Upon filing, the petition shall be presented to the circuit court, and

33 such court shall fix a date for a hearing on such petition, as provided in this  
34 section. The clerk of the court shall give notice of the petition filing [in some  
35 newspaper of general circulation in the county in which the proceedings are  
36 pending. If the district extends into any other county, such notice also shall be  
37 published in some newspaper of general circulation in such other county]. The  
38 notice shall contain a description of the proposed boundary lines of the district  
39 and the general purposes of the petition. The notice shall set forth the date fixed  
40 for the hearing on the petition, which shall not be less than fifteen nor more than  
41 twenty-one days after the date of the last publication of the notice, and shall be  
42 on some regular judicial day of the court that the petition is pending. Such notice  
43 shall be signed by the clerk of the circuit court and shall be published [in three  
44 successive issues of a weekly newspaper or in a daily paper once a week] for three  
45 consecutive weeks **on the front page of the court's website, if it has one.**  
46 **If the court does not have a website, notice shall be sent to the**  
47 **secretary of state who shall publish such notice on the legal notices**  
48 **website, established pursuant to section 493.077, until the date of the**  
49 **hearing has passed.**

50 3. The court, for good cause shown, may continue the case or the hearing  
51 from time to time until final disposition.

52 4. Exceptions to the formation of a district, or to the boundaries outlined  
53 in the petition for incorporation, may be made by any voter or property owner  
54 within the proposed districts, provided that such exceptions are filed not less  
55 than five days prior to the date set for the hearing on the petition. Such  
56 exceptions shall specify the grounds upon which the exceptions are being made.  
57 If any such exceptions are filed, the court shall take them into consideration in  
58 passing upon the petition and also shall consider the evidence in support of the  
59 petition and in support of the exceptions made. Should the court find that the  
60 petition should be granted but that changes should be made in the boundary  
61 lines, it shall make such changes in the boundary lines as set forth in the petition  
62 as the court may deem proper and enter its decree of incorporation, with such  
63 boundaries as changed. No public sewer district shall be formed under this  
64 chapter, chapter 249, section 247.035, or any sewer district created and organized  
65 under constitutional authority, the boundaries of which shall encroach upon the  
66 corporate boundaries of any sewer district then existing or upon the certificated  
67 boundaries then existing of any sewer corporation providing service under a  
68 certificate of convenience and necessity granted by the public service

69 commission. Nor shall any public sewer district extend wastewater collection and  
70 treatment services within the boundaries of another district without a written  
71 cooperative agreement between such districts or within the certificated  
72 boundaries then existing of any sewer corporation providing service under a  
73 certificate of convenience and necessity granted by the public service commission  
74 without a written cooperative agreement between the public sewer district and  
75 the certificated sewer corporation.

76           5. Should the court find that it would not be in the public interest to form  
77 such a district, the petition shall be dismissed at the cost of the petitioners. If  
78 the court should find in favor of the formation of such district, the court shall  
79 enter its decree of incorporation, setting forth the boundaries of the proposed  
80 district as determined by the court under the hearing. The decree shall further  
81 contain an appointment of five voters from the district to constitute the first  
82 board of trustees of the district. The court shall designate such trustees to  
83 staggered terms from one to five years such that one director is appointed or  
84 elected each year. The trustees appointed by the court shall serve for the terms  
85 designated and until their successors have been appointed or elected as provided  
86 in section 204.610. The decree shall further designate the name of the district  
87 by which it shall officially be known.

88           6. The decree of incorporation shall not become final and conclusive until  
89 it is submitted to the voters residing within the boundaries described in such  
90 decree and until it is assented to by a majority of the voters as provided in  
91 subsection 9 of this section or by two-thirds of the voters of the district voting on  
92 the proposition. The decree shall provide for the submission of the question and  
93 shall fix the date of submission. The returns shall be certified by the election  
94 authority to the circuit court having jurisdiction in the case, and the court shall  
95 enter its order canvassing the returns and declaring the result of such election.

96           7. If a majority of the voters of the district voting on such proposition  
97 approve of the proposition, then the court shall, in such order declaring the result  
98 of the election, enter a further order declaring the decree of incorporation to be  
99 final and conclusive. In the event, however, that the court should find that the  
100 question had not been assented to by the majority required in this section, the  
101 court shall enter a further order declaring such decree of incorporation to be void.  
102 No appeal shall be permitted from any such decree of incorporation nor from any  
103 of the aforesaid orders. In the event that the court declares the decree of  
104 incorporation to be final, the clerk of the circuit court shall file certified copies of

105 such decree of incorporation and of such final order with the secretary of state of  
106 the state of Missouri, with the recorder of deeds of the county or counties in  
107 which the district is situated, and with the clerk of the county commission of the  
108 county or counties in which the district is situated.

109           8. The costs incurred in the formation of the district shall be taxed to the  
110 district, if the district is incorporated; otherwise the costs shall be paid by the  
111 petitioners.

112           9. If petitioners seeking formation of a reorganized common sewer district  
113 specify in their petition that the district to be organized shall be organized  
114 without authority to issue general obligation bonds, then the decree relating to  
115 the formation of the district shall recite that the district shall not have authority  
116 to issue general obligation bonds. The vote required for such a decree of  
117 incorporation to become final and conclusive shall be a simple majority of the  
118 voters of the district.

119           10. Once a reorganized sewer district is established, the boundaries of the  
120 reorganized sewer district may be extended or enlarged from time to time upon  
121 the filing, with the clerk of the circuit court having jurisdiction, of a petition by  
122 either:

123           (1) The board of trustees of the reorganized sewer district and five or more  
124 voters or landowners within the territory proposed to be added to the district; or

125           (2) The board of trustees and a majority of the landowners within the  
126 territory that is proposed to be added to the reorganized sewer district.

127 If the petition is filed by a majority of the voters or landowners within the  
128 territory proposed to be added to the reorganized sewer district, the publication  
129 of notice shall not be required, provided notice is posted in three public places  
130 within such territory at least seven days before the date of the hearing, and  
131 provided that there is sworn testimony by at least five landowners in such  
132 territory, or a majority of the landowners if the total landowners in the area are  
133 fewer than ten. Otherwise the procedures for notice substantially shall follow the  
134 procedures in subsection 2 of this section for formation. Territory proposed to be  
135 added to the reorganized sewer district may be either contiguous or reasonably  
136 close to the boundaries of the existing district, provided that it shall not include  
137 any territory within the corporate boundaries of any sewer district then existing  
138 or within the certificated boundaries then existing of any sewer corporation  
139 providing service under a certificate of convenience and necessity granted by the  
140 public service commission. Upon the entry of a final judgment declaring the

141 court's decree of territory proposed to be added to the reorganized sewer district  
142 to be final and conclusive, the court shall modify or rearrange the boundary lines  
143 of the reorganized sewer district as may be necessary or advisable. The costs  
144 incurred in the enlargement or extension of the district shall be taxed to the  
145 district, if the district is enlarged or extended. Otherwise, such costs shall be  
146 paid by the petitioners. However, no costs shall be taxed to the trustees of the  
147 district.

148         11. Should any landowner who owns real estate that is not within the  
149 certificated boundaries of any sewer corporation providing service under a  
150 certificate of convenience and necessity granted by the public service commission  
151 or within another sewer district organized under this chapter or chapters 247 or  
152 249 or under the Missouri Constitution, but that is contiguous or reasonably close  
153 to the existing boundaries of the reorganized sewer district, desire to have such  
154 real estate incorporated in the district, the landowner shall first petition the  
155 board of trustees for its approval. If such approval is granted, the secretary of  
156 the board shall endorse a certificate of the board's approval of the petition. The  
157 petition so endorsed shall be filed with the clerk of the circuit court in which the  
158 reorganized sewer district is incorporated. It then shall be the duty of the court  
159 to amend the boundaries of such district by a decree incorporating the real estate.  
160 A certified copy of this amended decree including the real estate in the district  
161 then shall be filed in the office of the recorder, in the office of the county clerk of  
162 the county in which the real estate is located, and in the office of the secretary  
163 of state. The costs of this proceeding shall be borne by the petitioning property  
164 owner.

165         12. The board of trustees of any reorganized common sewer district may  
166 petition the circuit court of the county containing the majority of the acreage in  
167 the district for an amended decree of incorporation to allow that district to engage  
168 in the construction, maintenance, and operation of water supply and distribution  
169 facilities that serve ten or more separate properties located wholly within the  
170 district, are not served by another political subdivision, or are not located within  
171 the certificated area of a water corporation as defined in chapter 386, or within  
172 a public water supply district as defined in chapter 247, and the operation and  
173 maintenance of all such existing water supply facilities. The petition shall be  
174 filed by the board of trustees, and all proceedings shall be in substantially the  
175 same manner as in action for initial formation of a reorganized common sewer  
176 district, except that no vote of the residents of the district shall be required. All

177 applicable provisions of this chapter shall apply to the construction, operation,  
178 and maintenance of water supply facilities in the same manner as they apply to  
179 like functions relating to sewer treatment facilities.

204.604. 1. Any existing common sewer district organized and existing  
2 under sections 204.250 to 204.270, and any sewer district organized and existing  
3 under chapter 249, may establish itself as a reorganized common sewer district  
4 under sections 204.600 to 204.640 by first filing a petition with the county  
5 commission of the county or counties in which it was established to approve its  
6 reorganization under sections 204.600 to 204.640 if the governing body of the  
7 district has by resolution determined that it is in the best interest of the district  
8 to reorganize under sections 204.600 to 204.640. The petition shall be ruled on  
9 by that county commission, or each county commission if the district exists in  
10 more than one county, within thirty days from the date of hearing the petition.  
11 If the petition for the reorganized district is rejected by the county commission  
12 or any county commissions in districts existing in more than one county, no  
13 further action on the reorganized district shall take place before the county  
14 commission or commissions comprising the district or the circuit having  
15 jurisdiction over the district court. If approved by the county commission, or each  
16 county commission if the district exists in more than one county, such petition  
17 shall specify whether the board of trustees shall be appointed by the governing  
18 body of the county or elected by the voters of the district. Such petition shall be  
19 accompanied by a cash deposit of fifty dollars as an advancement of the costs of  
20 the proceeding, and the petition shall be signed by the trustees of the district and  
21 shall request the conversion of the district into a reorganized common sewer  
22 district.

23 2. Upon filing, the petition shall be presented to the circuit court, and  
24 such court shall fix a date for a hearing on the petition. The clerk of the court  
25 shall give notice of the filing of the petition [in some newspaper of general  
26 circulation within the existing district or closest to the existing district if there  
27 is no newspaper of general circulation within the existing district. If the existing  
28 district extends into any other county, such notice also shall be published in some  
29 newspaper of general circulation in such other county]. The notice shall contain  
30 a description of the boundary lines of the existing district and the general  
31 purposes of the petition. The notice shall set forth the date fixed for the hearing  
32 on the petition, which shall not be less than fifteen nor more than twenty-one  
33 days after the date of the last publication of the notice and shall be on some

34 regular judicial day of the court where the petition is pending. Such notice shall  
35 be signed by the clerk of the circuit court and shall be published [in a newspaper  
36 of general circulation] **on the front page of the court's website, if it has**  
37 **one, for a period of three consecutive weeks. If the court does not have**  
38 **a website, notice shall be sent to the secretary of state who shall**  
39 **publish such notice on the legal notices website, established pursuant**  
40 **to section 493.077, until the date of the hearing has passed.**

41 3. The court, for good cause shown, may continue the case or the hearing  
42 from time to time until final disposition.

43 4. Exceptions to the conversion of an existing district to a reorganized  
44 common sewer district may be made by any voter or property owner within the  
45 proposed district, provided that such exceptions are filed not less than five days  
46 prior to the date set for the hearing on the petition. Such exceptions shall specify  
47 the grounds upon which the exceptions are being made. If any such exceptions  
48 are filed, the court shall take them into consideration and shall consider the  
49 evidence in support of the petition and in support of the exceptions made. Should  
50 the court find that it would not be in the public interest to form such a district,  
51 the petition shall be dismissed at the cost of the petitioners. If the court finds  
52 that the conversion of the district to a reorganized common sewer district under  
53 sections 204.600 to 204.640 is in the best interests of the persons served by the  
54 existing district, then the court shall order the district's decree of incorporation  
55 amended to permit reorganization under sections 204.600 to 204.640. The  
56 existing board of trustees for such district shall continue to serve the reorganized  
57 common sewer district until such time as new trustees shall be appointed or  
58 elected as provided for in the court's decree. If their original terms of office are  
59 not so designated, the court shall designate such trustees to staggered terms from  
60 one to five years, so that one trustee is appointed or elected each year. The  
61 trustees appointed by the court shall serve for the terms designated and until  
62 their successors are appointed or elected as provided in section 204.610. The  
63 decree shall further designate the name of the district by which it officially shall  
64 be known.

204.622. 1. The board of trustees for the reorganized common sewer  
2 district shall let contracts for the construction of sewers and sewage treatment  
3 plants that will cost more than twenty-five thousand dollars, except in case of  
4 repairs or emergencies requiring prompt attention. Notice of the contract bid  
5 process shall be published [in a newspaper of general circulation in the district]

6 **on the front page of the board's website, if it has one. If the board does**  
7 **not have a website, notice shall be sent to the secretary of state who**  
8 **shall publish such notice on the legal notices website, established**  
9 **pursuant to section 493.077.** The board shall select the lowest responsible  
10 bidder in no less than twenty days following such publication. The board shall  
11 have the power and authority to reject any and all bids and readvertise the work.

12 2. The board of trustees also shall have the power to enter into  
13 agreements with persons or firms to provide professional services to the board,  
14 and the board shall adopt policies for procuring the services of such  
15 professionals. The provisions of sections 8.285 to 8.291 shall be applicable to the  
16 services of architects, engineers, and land surveyors unless the board of trustees  
17 adopts a formal procedure for the procurement of such services.

204.658. 1. After the governing body has made the findings specified in  
2 sections 204.650 to 204.672 and plans and specifications for the proposed  
3 improvements have been prepared, the governing body shall by resolution order  
4 assessments to be made against each parcel of real property deemed to be  
5 benefitted by an improvement based on the revised estimated cost of the  
6 improvement or, if available, the final cost, and shall order a proposed  
7 assessment roll to be prepared.

8 2. The plans and specifications for the improvement and the proposed  
9 assessment roll shall be filed with the district and shall be open for public  
10 inspection. Such district shall, at the direction of the governing body, publish  
11 notice that the governing body will conduct a hearing to consider the proposed  
12 improvement and proposed assessments. Such notice shall be published [in a  
13 newspaper of general circulation at least once] not more than twenty days and  
14 not less than ten days before the hearing and shall state the project name for the  
15 improvement, the date, time, and place of such hearing, the general nature of the  
16 improvement, the revised estimated cost or, if available, the final cost of the  
17 improvement, the boundaries of the sanitary sewer improvement area to be  
18 assessed, and that written or oral objections will be considered at the  
19 hearing. **Such notice shall be published on the front page of the**  
20 **governing body's website, if it has one. If the governing body does not**  
21 **have a website, notice shall be sent to the secretary of state who shall**  
22 **publish such notice on the legal notices website, established pursuant**  
23 **to section 493.077.** Not less than ten days before, the district shall mail to the  
24 owners of record of the real property in the sanitary sewer improvement area, at

25 their last known post office address, a notice of the hearing and a statement of  
26 the cost proposed to be assessed against the real property so owned and  
27 assessed. The failure of any owner to receive such notice shall not invalidate the  
28 proceedings.

205.200. 1. Except in counties operating under the charter form of  
2 government, the county commission in any county wherein a public hospital shall  
3 have been established as provided in sections 205.160 to 205.340 shall levy  
4 annually a rate of taxation on all property subject to its taxing powers in excess  
5 of the rates levied for other county purposes to defray the amount required for the  
6 maintenance and improvement of such public hospital and for constructing and  
7 furnishing necessary additions thereto, as certified to it by the board of trustees  
8 of the hospital; the tax levied for such purpose shall not be in excess of one dollar  
9 on the one hundred dollars assessed valuation. The funds arising from the tax  
10 levied for such purpose shall be used for the purpose for which the tax was levied  
11 and none other.

12 2. Any funds of the hospital, whether derived from the tax authorized by  
13 this section or from the operation of the hospital, and whether collected before or  
14 after October 13, 1965, may be used for constructing and furnishing necessary  
15 additions to the hospital.

16 3. For any ballot proposal in which the maximum levy exceeds fifty cents  
17 per one hundred dollars of assessed valuation, the board of trustees shall publish  
18 [in a newspaper or newspapers of general circulation] and otherwise make  
19 available upon request a summary description of the board's plans for using the  
20 money for ongoing hospital operations. **Publication shall be made on the  
21 front page of the board's website, if it has one. If the board does not  
22 have a website, the summary description shall be sent to the secretary  
23 of state who shall publish such document on the legal notices website,  
24 established pursuant to section 493.077.**

205.979. 1. The board of trustees may request that the governing body  
2 of the county or counties request the election [officials] **authorities** of any  
3 county or city not within a county containing all or part of such service area to  
4 submit to the qualified voters of such county, or city not within a county, at a  
5 general, primary, or special election the proposition contained in subsection 3 of  
6 this section. Such election [officials] **authorities** shall give legal notice at least  
7 sixty days prior to such general, primary, or special election [in at least two  
8 newspapers] that such proposition shall be submitted at any general, primary,

9 or special election held for submission of the proposal. **Such notice shall be**  
 10 **published on the front pages of the election authorities' websites, if**  
 11 **they have websites. If the election authorities do not have websites,**  
 12 **notice shall be sent at least sixty days prior to the election to the**  
 13 **secretary of state who shall publish such notice on the legal notices**  
 14 **website, established pursuant to section 493.077, until the date of the**  
 15 **election has passed.** A request by the board of trustees for a proposition to be  
 16 submitted to the voters as set out in this section shall be considered a request of  
 17 the county, or city not within a county, for purposes of section 115.063.

18 2. The tax may not be levied to exceed forty cents per each one hundred  
 19 dollars assessed valuation therefor.

20 3. The ballot to be used for voting on the proposition shall be  
 21 substantially in the following form:

22 OFFICIAL BALLOT

23 (Check the one for which you wish to vote.)

24 Shall (name of county) establish a community mental health fund  
 25 to establish, improve (and) (or) maintain a community mental  
 26 health service, and for which the (county) shall levy a tax of (insert  
 27 exact amount to be voted upon) cents per each one hundred dollars  
 28 assessed valuation therefor?

29  YES  NO

30 4. The election shall be conducted and the vote canvassed in the same  
 31 manner as other county elections.

206.030. 1. Upon the filing of the petition with the county clerk, he **or**  
 2 **she** shall present it to the commissioners of the county commission who shall  
 3 thereupon set the petition for hearing within not less than thirty nor more than  
 4 forty days after the filing thereof.

5 2. Notice shall be given by the commissioner of the county commission of  
 6 the time and place where the hearing will be held, by publication [on three  
 7 separate days in one or more newspapers having a general circulation within the  
 8 territory proposed to be incorporated as a hospital district, the first of which  
 9 publications shall be] not less than twenty days prior to the date set for the  
 10 hearing [and if there is no such newspaper, then notice shall be posted in ten of  
 11 the most public places in the territory, not less than twenty days prior to the date  
 12 set for the hearing] **on the front page of the commission's website, if it has**  
 13 **one. If the commission does not have a website, notice shall be sent to**

14 **the secretary of state who shall publish such notice on the legal notices**  
15 **website, established pursuant to section 493.077.** This notice shall include  
16 a description of the territory as set out in the petition, names of municipalities  
17 located therein and the name of the proposed district and the question of creating  
18 a hospital district.

19 3. The cost of printing and publication or posting of notices of public  
20 hearing thereon shall be paid in advance by the petitioners, and, if a district be  
21 organized under this chapter, they shall be reimbursed out of the funds received  
22 by the district from taxation or other sources.

206.060. 1. Each notice shall state briefly the purpose of the election,  
2 setting forth the question to be voted upon, form of ballot to be used and a  
3 description of the territory. The notice shall further state that any district upon  
4 its establishment shall have the powers, objects and purposes provided by this  
5 chapter, and shall have the power to levy a property tax not to exceed one dollar  
6 on the one hundred dollars valuation.

7 2. For any ballot proposal in which the maximum levy exceeds fifty cents  
8 per one hundred dollars of assessed valuation, the board of directors shall publish  
9 [in a newspaper or newspapers of general circulation] and otherwise make  
10 available upon request a summary description of the board's plans for using the  
11 money for ongoing hospital operations. **Publication shall be made on the**  
12 **front page of the board's website, if it has one. If the board does not**  
13 **have a website, the summary description shall be sent to the secretary**  
14 **of state who shall publish such document on the legal notices website,**  
15 **established pursuant to section 493.077.**

214.035. 1. For purposes of this section, the term "lot owner" means the  
2 purchaser of the cemetery lot or such purchaser's heirs, administrators, trustees,  
3 legatees, devisees, or assigns.

4 2. Whenever a county, city, town or village has acquired real estate for the  
5 purpose of maintaining a cemetery or has acquired a cemetery from a cemetery  
6 association, and such county, city, town or village or its predecessor in title has  
7 conveyed any platted lot or designated piece of ground within the area of such  
8 cemetery, and the governing body of such county, city, town or village is the  
9 governing body of such cemetery pursuant to section 214.010, the title to any  
10 conveyed platted lots or designated pieces of ground, other than ground in which  
11 dead human remains are actually buried and all ground within two feet thereof,  
12 may be revested in the county, city, town or village in the following manner and

13 subject to the following conditions:

14 (1) No interment shall have been made in the lot and the title to such lot  
15 shall have been vested in the present owner for a period of at least fifty years  
16 prior to the commencement of any proceedings pursuant to this section;

17 (2) If the lot owner of any cemetery lot is a resident of the county where  
18 the cemetery is located, the governing body shall cause to be served upon such lot  
19 owner a notice that proceedings have been initiated to revest the title of such lot  
20 in the county, city, town or village and that such lot owner may within the time  
21 provided by the notice file with the clerk or other officer performing the duties of  
22 clerk of such county, city, town or village, as applicable, a statement in writing  
23 explaining how rights in the cemetery lot were acquired and such person's desire  
24 to claim such rights in the lot. The notice shall be served in the manner provided  
25 for service of summons in a civil case and shall provide a period of not less than  
26 thirty days in which the statement can be filed. If the governing body ascertains  
27 that the statement filed by the lot owner is correct and the statement contains a  
28 claim asserting the rights of the lot owner in the lot, all proceedings by the  
29 governing body to revest title of the lot in the county, city, town or village shall  
30 be null and void and such proceedings shall be summarily terminated by the  
31 governing body as to the lots identified in the statement;

32 (3) If it is determined by the return of the sheriff of the county in which  
33 the cemetery is located that the lot owner is not a resident of the county and  
34 cannot be found in the county, the governing body may cause the notice required  
35 by subdivision (2) of this subsection to be published [once each week for two  
36 consecutive weeks in a newspaper of general circulation within the county, city,  
37 town or village] **on the front page of the governing body's website, if it**  
38 **has one, for a period of two consecutive weeks. If the governing body**  
39 **does not have a website, notice may be sent to the secretary of state**  
40 **who shall publish such notice on the legal notices website, established**  
41 **pursuant to section 493.077, for a period of two consecutive weeks.** Such  
42 notice shall contain a general description of the title revestment proceedings to  
43 be undertaken by the governing body pursuant to this section, lot numbers and  
44 descriptions and lot owners' names. In addition, the notice shall notify the lot  
45 owner that such lot owner may, within the time provided, file with the clerk or  
46 other officer performing the duties of a clerk a statement setting forth how such  
47 lot owner acquired rights in the cemetery lot and that such lot owner desires to  
48 assert such rights. If the governing body ascertains that the statement filed by

49 the lot owner is correct and the statement contains a claim asserting the rights  
50 of the lot owner in the lot, all proceedings by the governing body to revest title  
51 to the lot in the county, city, town or village shall be null and void and such  
52 proceedings shall be summarily terminated by the governing body as to the lots  
53 identified in the statement;

54 (4) All notices, with proofs of service, mailing and publication of such  
55 notices, and all ordinances or other resolutions adopted by the governing body  
56 relative to these revestment proceedings shall be made a part of the records of  
57 such governing body;

58 (5) Upon expiration of the period of time allowed for the filing of  
59 statements by lot owners as contained in the notice served personally, by mail or  
60 published, all parties who fail to file with the clerk, or other officer performing  
61 the duties of clerk in such county, city, town or village, their statement asserting  
62 their rights in the cemetery lots shall be deemed to have abandoned their rights  
63 and claims in the lot, and the governing body may bring an action in the circuit  
64 court of the county in which the cemetery is located against all lot owners in  
65 default, joining as many parties so in default as it may desire in one action, to  
66 have the rights of the parties in such lots or parcels terminated and the property  
67 restored to the governing body of such cemetery free of any right, title or interest  
68 of all such defaulting parties or their heirs, administrators, trustees, legatees,  
69 devisees or assigns. Such action in all other respects shall be brought and  
70 determined in the same manner as ordinary actions to determine title to real  
71 estate;

72 (6) In all such cases the fact that the grantee, holder or lot owner has not,  
73 for a term of more than fifty successive years, had occasion to make an interment  
74 in the cemetery lot and the fact that such grantee, holder or lot owner did not  
75 upon notification assert a claim in such lot, pursuant to this section, shall be  
76 prima facie evidence that the party has abandoned any rights such party may  
77 have had in such lot;

78 (7) A certified copy of the judgments in such actions quieting title may be  
79 filed in the office of the recorder of deeds in and for the county in which the  
80 cemetery is situated;

81 (8) All notices and all proceedings pursuant to this section shall distinctly  
82 describe the portion of such cemetery lot unused for burial purposes and the  
83 county, city, town or village shall leave sufficient ingress to, and egress from, any  
84 grave upon the lot, either by duly dedicated streets or alleys in the cemetery, or

85 by leaving sufficient amounts of the unused portions of the cemetery for such  
86 purposes;

87 (9) This section shall not apply to any lot in any cemetery where a  
88 perpetual care contract has been entered into between such cemetery, the county,  
89 city, town or village and the owner of such lot;

90 (10) Compliance with the terms of this section shall fully revest the  
91 county, city, town or village with, and divest the lot owner of record of, the title  
92 to such portions of such cemetery lot unused for burial purposes as though the lot  
93 had never been conveyed to any person, and such county, city, town or village  
94 shall have, hold and enjoy such unclaimed portions of such lots for its own uses  
95 and purposes, subject to the laws of this state, and to the charter, ordinances and  
96 rules of such cemetery and the county, city, town or village.

214.060. Whenever it is desired to have any street, avenue, thoroughfare  
2 or place in any cemetery vacated, the corporation, association or person owning  
3 or controlling such cemetery shall present to the county commission of the county  
4 within which such cemetery is located, at a regular or adjourned term of such  
5 commission, a petition praying for such vacation, particularly describing the  
6 street, avenue, thoroughfare or place sought to be vacated[, and shall file with  
7 such petition proof that notice of the filing of such petition has been given for at  
8 least twenty days by at least three printed or written notices posted in public  
9 places in such cemetery, at least one of which shall be posted in each street,  
10 avenue, thoroughfare or place sought to be vacated, and published in some  
11 newspaper, if such there be, published in the town or city in which or adjacent  
12 or approximate to which such cemetery is located]. **Notice shall be published**  
13 **by sending the petition to the commission which shall post such**  
14 **petition on the front page of its website, if it has one. If the**  
15 **commission does not have a website, notice shall be sent to the**  
16 **secretary of state who shall publish such notice on the legal notices**  
17 **website, established pursuant to section 493.077.** If a remonstrance signed  
18 by any three lot owners of such cemetery remonstrating against granting the  
19 prayer of such petition be filed on or before the first day of the term at which  
20 such petition is filed, then the county commission shall inform itself as to the  
21 propriety of granting such petition, and if the commission be of the opinion that  
22 the petition should be granted, or if no remonstrance be so filed, the county  
23 commission shall make an order vacating the streets, avenues, thoroughfares and  
24 places as prayed for in the petition, and the title to the lands so vacated shall

25 revert to the corporation, association or person by whom the cemetery was platted  
26 or to the successors of such corporation, association or person.

214.209. 1. After a period of seventy-five years since the last recorded  
2 activity on a burial site and after a reasonable search for heirs and beneficiaries,  
3 the burial site shall be abandoned and the right of ownership in the burial site  
4 shall revert to the private or public cemetery, after the cemetery has met the  
5 requirements of this section.

6 2. A reasonable search for heirs and beneficiaries pursuant to this section  
7 shall include sending a letter of notice to the last known address of the record  
8 property owner[;] and publishing a copy of the description of the abandoned  
9 burial site [in a newspaper qualified to publish public notices as provided in  
10 chapter 493, published in the county of the record property owner's last known  
11 address, for three weeks; and] **on the front page of the private or public**  
12 **cemetery's website, if it has one, for a period of at least three weeks. If**  
13 **the private or public cemetery does not have a website, the description**  
14 **of the abandoned burial site shall be sent to the secretary of state who**  
15 **shall publish such description on the legal notices website, established**  
16 **pursuant to section 493.077, for a period of at least three weeks.** If no  
17 person proves ownership of the burial site within one year after such publication,  
18 the burial site shall be deemed abandoned.

19 3. If persons with a legitimate claim to the abandoned burial site present  
20 themselves after the abandoned burial site has been used or sold by the private  
21 or public cemetery, the person's claim shall be settled by providing an equal  
22 burial site in an equivalent location to the burial site that reverted to the private  
23 or public cemetery.

226.799. Prior to the designation of a road or highway as a scenic byway  
2 pursuant to the provisions of section 226.797, the commission shall [provide  
3 written] **publish** notice of its intent to designate the road or highway as a scenic  
4 byway [to newspapers of general circulation in the area or areas affected] **on the**  
5 **front page of its website, if it has one, and provide written notice** to the  
6 governing body of each county and each municipality that has jurisdiction over  
7 all or part of the road or highway. **If the commission does not have a**  
8 **website, notice shall be sent to the secretary of state who shall publish**  
9 **such notice on the legal notices website, established pursuant to section**  
10 **493.077.** Within thirty days after receipt of such notice, the governing body of  
11 each such county or municipality shall conduct a public hearing on the

12 matter. Within ninety days after the receipt of the notice from the commission,  
13 each such governing body of a county or municipality, after such hearing, shall  
14 approve or reject the proposed designation of the road or highway as a scenic  
15 byway and notify the commission of its approval or rejection of the proposed  
16 scenic byway. The commission shall only designate a portion of a road or  
17 highway as a scenic byway if the governing body of the county or municipality  
18 containing that portion of the road or highway approves the proposed scenic  
19 byway as prescribed in this section.

227.100. 1. All contracts for the construction of said work shall be let to  
2 the lowest responsible bidder or bidders after notice and publication [of an  
3 advertisement in a newspaper published in the county where the work is to be  
4 done, and in such other publications as the commission may determine] **on the**  
5 **legal notices website, established pursuant to section 493.077.**

6 2. Each bid shall be accompanied by a certified check or a cashier's check  
7 or a bid bond, guaranteed by a surety company authorized by the director of the  
8 department of insurance, financial institutions and professional registration to  
9 conduct surety business in the state of Missouri, equal to five percent of the bid,  
10 which certified check, cashier's check, or bid bond shall be deposited with the  
11 commissioner as a guaranty and forfeited to the state treasurer to the credit of  
12 the state road fund in the event the successful bidder fails to comply with the  
13 terms of the proposal, and return to the successful bidder on execution and  
14 delivery of the performance bond provided for in subsection 4. The checks of the  
15 unsuccessful bidders shall be returned to them in accordance with the terms of  
16 the proposal.

17 3. All notices of the letting of contracts under this section shall state the  
18 time and place when and where bids will be received and opened, and all bids  
19 shall be sealed and opened only at the time and place mentioned in such notice  
20 and in the presence of some member of the commission or some person named by  
21 the commission for such purpose.

22 4. The successful bidders for the construction of said work shall enter into  
23 contracts furnished and prescribed by the commission and shall give good and  
24 sufficient bond, in a sum equal to the contract price, to the state of Missouri, with  
25 sureties approved by the commission and to ensure the proper and prompt  
26 completion of said work in accordance with the provisions of said contracts, and  
27 plans and specifications; provided, that if, in the opinion of the majority of the  
28 members of the commission, the lowest bid or bids for the construction of any of

29 the roads, or parts of roads, herein authorized to be constructed, shall be  
30 excessive, then, and in that event, said commission shall have the right, and it  
31 is hereby empowered and authorized to reject any or all bids, and to construct,  
32 under its own direction and supervision, all of such roads and bridges, or any part  
33 thereof.

227.107. 1. Notwithstanding any provision of section 227.100 to the  
2 contrary, as an alternative to the requirements and procedures specified by  
3 sections 227.040 to 227.100, the state highways and transportation commission  
4 is authorized to enter into highway design-build project contracts. The total  
5 number of highway design-build project contracts awarded by the commission in  
6 any state fiscal year shall not exceed two percent of the total number of all state  
7 highway system projects awarded to contracts for construction from projects listed  
8 in the commission's approved statewide transportation improvement project for  
9 that state fiscal year.

10 2. Notwithstanding provisions of subsection 1 of this section to the  
11 contrary, the state highways and transportation commission is authorized to  
12 enter into additional design-build contracts for the design, construction,  
13 reconstruction, or improvement of Missouri Route 364 as contained in any county  
14 with a charter form of government and with more than two hundred fifty  
15 thousand but fewer than three hundred fifty thousand inhabitants and in any  
16 county with a charter form of government and with more than one million  
17 inhabitants, and the State Highway 169 and 96th Street intersection located  
18 within a home rule city with more than four hundred thousand inhabitants and  
19 located in more than one county. The state highways and transportation  
20 commission is authorized to enter into an additional design-build contract for the  
21 design, construction, reconstruction, or improvement of State Highway 92,  
22 contained in a county of the first classification with more than one hundred  
23 eighty-four thousand but fewer than one hundred eighty-eight thousand  
24 inhabitants, from its intersection with State Highway 169, east to its intersection  
25 with State Highway E. The state highways and transportation commission is  
26 authorized to enter into an additional design-build contract for the design,  
27 construction, reconstruction, or improvement of US 40/61 I-64 Missouri River  
28 Bridge as contained in any county with a charter form of government and with  
29 more than one million inhabitants and any county with a charter form of  
30 government and with more than two hundred fifty thousand but fewer than three  
31 hundred fifty thousand inhabitants.

32           3. For the purpose of this section a "design-builder" is defined as an  
33 individual, corporation, partnership, joint venture or other entity, including  
34 combinations of such entities making a proposal to perform or performing a  
35 design-build highway project contract.

36           4. For the purpose of this section, "design-build highway project contract"  
37 is defined as the procurement of all materials and services necessary for the  
38 design, construction, reconstruction or improvement of a state highway project in  
39 a single contract with a design-builder capable of providing the necessary  
40 materials and services.

41           5. For the purpose of this section, "highway project" is defined as the  
42 design, construction, reconstruction or improvement of highways or bridges under  
43 contract with the state highways and transportation commission, which is funded  
44 by state, federal or local funds or any combination of such funds.

45           6. In using a design-build highway project contract, the commission shall  
46 establish a written procedure by rule for prequalifying design-builders before  
47 such design-builders will be allowed to make a proposal on the project.

48           7. In any design-build highway project contract, whether involving state  
49 or federal funds, the commission shall require that each person submitting a  
50 request for qualifications provide a detailed disadvantaged business enterprise  
51 participation plan. The plan shall provide information describing the experience  
52 of the person in meeting disadvantaged business enterprise participation goals,  
53 how the person will meet the department of transportation's disadvantaged  
54 business enterprise participation goal and such other qualifications that the  
55 commission considers to be in the best interest of the state.

56           8. The commission is authorized to issue a request for proposals to a  
57 maximum of five design-builders prequalified in accordance with subsection 6 of  
58 this section.

59           9. The commission may require approval of any person performing  
60 subcontract work on the design-build highway project.

61           10. Notwithstanding the provisions of sections 107.170, and 227.100, to  
62 the contrary, the commission shall require the design-builder to provide to the  
63 commission directly such bid, performance and payment bonds, or such letters of  
64 credit, in such terms, durations, amounts, and on such forms as the commission  
65 may determine to be adequate for its protection and provided by a surety or  
66 sureties authorized to conduct surety business in the state of Missouri or a  
67 federally insured financial institution or institutions, satisfactory to the

68 commission, including but not limited to:

69 (1) A bid or proposal bond, cash or a certified or cashier's check;

70 (2) A performance bond or bonds for the construction period specified in  
71 the design-build highway project contract equal to a reasonable estimate of the  
72 total cost of construction work under the terms of the design-build highway  
73 project contract. If the commission determines in writing supported by specific  
74 findings that the reasonable estimate of the total cost of construction work under  
75 the terms of the design-build highway project contract is expected to exceed  
76 two-hundred fifty million dollars and a performance bond or bonds in such  
77 amount is impractical, the commission shall set the performance bond or bonds  
78 at the largest amount reasonably available, but not less than two-hundred fifty  
79 million dollars, and may require additional security, including but not limited to  
80 letters of credit, for the balance of the estimate not covered by the performance  
81 bond or bonds;

82 (3) A payment bond or bonds that shall be enforceable under section  
83 522.300 for the protection of persons supplying labor and material in carrying out  
84 the construction work provided for in the design-build highway project  
85 contract. The aggregate amount of the payment bond or bonds shall equal a  
86 reasonable estimate of the total amount payable for the cost of construction work  
87 under the terms of the design-build highway project contract unless the  
88 commission determines in writing supported by specific findings that a payment  
89 bond or bonds in such amount is impractical, in which case the commission shall  
90 establish the amount of the payment bond or bonds; except that the amount of the  
91 payment bond or bonds shall not be less than the aggregate amount of the  
92 performance bond or bonds and any additional security to such performance bond  
93 or bonds; and

94 (4) Upon award of the design-build highway project contract, the sum of  
95 the performance bond and any required additional security established under  
96 subdivisions (2) and (3) of this subsection shall be stated, and shall be a matter  
97 of public record.

98 11. The commission is authorized to prescribe the form of the contracts  
99 for the work.

100 12. The commission is empowered to make all final decisions concerning  
101 the performance of the work under the design-build highway project contract,  
102 including claims for additional time and compensation.

103 13. The provisions of sections 8.285 to 8.291 shall not apply to the

104 procurement of architectural, engineering or land surveying services for the  
105 design-build highway project, except that any person providing architectural,  
106 engineering or land surveying services for the design-builder on the design-build  
107 highway project must be licensed in Missouri to provide such services.

108         14. The commission shall pay a reasonable stipend to prequalified  
109 responsive design-builders who submit a proposal, but are not awarded the  
110 design-build highway project.

111         15. The commission shall comply with the provisions of any act of  
112 congress or any regulations of any federal administrative agency which provides  
113 and authorizes the use of federal funds for highway projects using the  
114 design-build process.

115         16. The commission shall promulgate administrative rules to implement  
116 this section or to secure federal funds. Such rules shall be published for comment  
117 in the Missouri Register and shall include prequalification criteria, the make-up  
118 of the prequalification review team, specifications for the design criteria package,  
119 the method of advertising, receiving and evaluating proposals from  
120 design-builders, the criteria for awarding the design-build highway project based  
121 on the design criteria package and a separate proposal stating the cost of  
122 construction, and other methods, procedures and criteria necessary to administer  
123 this section.

124         17. The commission shall make a status report to the members of the  
125 general assembly and the governor following the award of the design-build  
126 project, as an individual component of the annual report submitted by the  
127 commission to the joint transportation oversight committee in accordance with the  
128 provisions of section 21.795. The annual report prior to advertisement of the  
129 design-build highway project contracts shall state the goals of the project in  
130 reducing costs and/or the time of completion for the project in comparison to the  
131 design-bid-build method of construction and objective measurements to be utilized  
132 in determining achievement of such goals. Subsequent annual reports shall  
133 include: the time estimated for design and construction of different phases or  
134 segments of the project and the actual time required to complete such work  
135 during the period; the amount of each progress payment to the design-builder  
136 during the period and the percentage and a description of the portion of the  
137 project completed regarding such payment; the number and a description of  
138 design change orders issued during the period and the cost of each such change  
139 order; upon substantial and final completion, the total cost of the design-build

140 highway project with a breakdown of costs for design and construction; and such  
141 other measurements as specified by rule. The annual report immediately after  
142 final completion of the project shall state an assessment of the advantages and  
143 disadvantages of the design-build method of contracting for highway and bridge  
144 projects in comparison to the design-bid-build method of contracting and an  
145 assessment of whether the goals of the project in reducing costs and/or the time  
146 of completion of the project were met.

147 18. The commission shall give public notice of a request for qualifications  
148 [in at least two public newspapers that are distributed wholly or in part in this  
149 state] **on the front page of its website, if it has one**, and **in** at least one  
150 construction industry trade publication that is distributed nationally. **If the**  
151 **commission does not have a website, notice shall be sent to the**  
152 **secretary of state who shall publish such notice on the legal notices**  
153 **website, established pursuant to section 493.077.**

154 19. The commission shall publish its cost estimates of the design-build  
155 highway project award and the project completion date along with its public  
156 notice of a request for qualifications of the design-build project.

157 20. If the commission fails to receive at least two responsive submissions  
158 from design-builders considered qualified, submissions shall not be opened and  
159 it shall readvertise the project.

160 21. For any highway design-build project constructed under this section,  
161 the commission shall negotiate and reach agreements with affected  
162 railroads. Such agreements shall include clearance, safety, insurance, and  
163 indemnification provisions, but are not required to include provisions on  
164 right-of-way acquisitions.

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

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

9 (1) "Competitive bidding process", a request for proposal for the financing,  
10 development, or operation of the project, including any deadline for submission  
11 of such proposals, and notice of the request, which shall be published [once a

12 week] for two consecutive weeks [in]:

13 (a) [A newspaper of general circulation in the city where the proposed  
14 project is located] **On the front page of the political subdivision's website,**  
15 **if it has one. If the political subdivision does not have a website, notice**  
16 **shall be sent to the secretary of state who shall publish such notice on**  
17 **the legal notices website, established pursuant to section 493.077;**

18 (b) **In** at least one construction industry trade publication that is  
19 nationally distributed; and

20 (c) **In** such other publications or manner as the governing body of the  
21 political subdivision may determine;

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

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

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

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

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

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

36 (5) The concession agreement is supported by a preliminary engineering  
37 and financial feasibility study, including an estimate of the costs of the project  
38 and the rate impact on customers during the life of the agreement.

39 4. The commission shall not be required to oversee, or issue an annual  
40 report under section 227.669 for, projects approved by political subdivisions,  
41 provided that any political subdivision entering into a concession agreement shall  
42 use a public-private partnership framework that shall include a competitive  
43 bidding process.

44 5. Except as provided in subsection 1 of this section, the provisions of  
45 sections 71.530, 71.550, 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773,  
46 91.550, and 91.600 shall not apply to concession agreements that are approved  
47 as provided in this section.

48           6. Nothing in this section or chapter shall be construed to authorize or  
49 implement the design or construction of toll roads or bridges.

227.609. 1. The commission shall use a competitive procurement process  
2 to form a public-private partnership under sections 227.600 to 227.669 and may  
3 proceed with a project under sections 227.600 to 227.669 only if the commission  
4 issues a request for proposals for the financing, development, and/or operation of  
5 the project on the commission's own initiative or in response to a request for  
6 approval submitted by a potential private partner under section 227.606.

7           2. The commission shall publish a public notice of the commission's  
8 request for proposals, including any deadline for submission of such  
9 proposals. The notice shall be published [once a week] for two consecutive weeks  
10 [in]:

11           (1) [A newspaper of general circulation in the city where the proposed  
12 project is located] **On the front page of the commission's website, if it has  
13 one. If the commission does not have a website, notice shall be sent to  
14 the secretary of state who shall publish such notice on the legal notices  
15 website, established pursuant to section 493.077;**

16           (2) **In** at least one construction industry trade publication that is  
17 nationally distributed; and

18           (3) **In** such other publications or manner as the commission may  
19 determine.

20           3. The material and information required for submission by a potential  
21 private partner to be responsive to the commission's request for proposal shall be  
22 set forth in the proposal. Notwithstanding the provisions of subsection 2 of  
23 section 227.606, the commission shall not charge a processing and review fee.

228.180. 1. The right of eminent domain is vested in the several counties  
2 of the state to condemn private property for public road purpose, including any  
3 land, earth, stone, timber, rock quarries or gravel pits necessary in establishing,  
4 building, grading, repairing or draining such roads, or in building any bridges,  
5 abutments or fills thereon.

6           2. If the county commission be of the opinion that a public necessity exists  
7 for the establishment of a public road, or for the taking of any land or property  
8 for such purposes, it shall by an order of record so declare, and shall direct the  
9 county highway engineer within fifteen days thereafter to survey, mark out and  
10 describe said road, or the land or material to be taken, or both, and to prepare a  
11 map thereof, showing the location, courses and distances, and the lands across or

12 upon which the proposed public road will run, or the area, dimensions,  
13 description and location of any other property to be taken for such purposes, or  
14 both, and the county highway engineer shall file the map and a report of his **or**  
15 **her** proceedings in the premises in the office of the county clerk. Thereupon the  
16 county commission shall cause to be published [in some newspaper of general  
17 circulation in the county, once each week] for three consecutive weeks, a notice  
18 giving the width, beginning, termination, courses and distances and sections and  
19 subdivisions of the land over which the proposed road is to be established, or the  
20 location, area, dimensions and descriptions of any other land or property to be  
21 taken, or both, and that such land or property is sought to be taken for public use  
22 for road or bridge purposes. **Such notice shall be published on the front**  
23 **page of the commission's website, if it has one. If the commission does**  
24 **not have a website, notice shall be sent to the secretary of state who**  
25 **shall publish such notice on the legal notices website, established**  
26 **pursuant to section 493.077.**

27         3. Claims for damages for the taking of any of such land or property may  
28 be filed in the county clerk's office by the owner of the property or by the  
29 conservators of disabled persons or minors owning the property, within twenty  
30 days after the last day of publication. If any claim for damages be filed, the same  
31 shall be heard on the first day of any regular or adjourned term of the county  
32 commission after the expiration of such twenty days.

33         4. If the county commission and the land or property owner be unable to  
34 agree on the amount of the damages, or if persons owning land or property sought  
35 to be taken or the conservator of any disabled person or minor owning such  
36 property shall fail to file a claim for damages, the county commission shall make  
37 an order reciting such fact, or facts, as the case may be, and cause a copy of same  
38 to be delivered to the judge of the circuit court of that county, and a transcript of  
39 the record and the original files in such cause shall be transmitted by the county  
40 clerk to the circuit clerk of the county. Upon receipt of the copy of the order of  
41 the county commission by the circuit judge, the circuit court, or the judge thereof  
42 in vacation, shall make an order setting the cause for hearing within thirty days,  
43 and if the order fixing the date of the hearing be made by the judge in vacation,  
44 it shall be filed in the office of the circuit clerk and the clerk shall cause copies  
45 of the orders to be served on owners of the property or material to be taken, and  
46 also the conservators of disabled persons or minors having any interest in such  
47 property or material, not less than ten days before the date of the hearing.

48           5. The court, or judge in vacation, shall cause to be impaneled a jury of  
49 six residents of the county not interested in the matter or of kin to any member  
50 of the county commission, or to any landowner in interest. The jury shall view  
51 the land, or other property, proposed to be taken, and shall hear the evidence and  
52 determine the question of damages under the direction of the court or judge. Five  
53 of the jury concurring may return a verdict, and in case of a disagreement  
54 another jury may be impaneled.

55           6. The public necessity for taking the property shall in no wise be  
56 inquired into by the circuit court, and the judgment of the circuit court, or judge  
57 thereof in vacation, in the cause shall not be reviewed on appeal or by writ of  
58 error.

229.050. 1. Whenever it shall be ordered by the county commission,  
2 township board or district commissioner, as the case may be, that any road,  
3 bridge or culvert in the county be constructed, reconstructed or improved or  
4 repaired by contract, and the engineer's estimated cost thereof exceeds the sum  
5 of five hundred dollars, the county, township or district authorities shall order  
6 the county highway engineer, or other engineer in their employ, or both such  
7 engineers acting together, if so desired, to prepare and file with the clerk of the  
8 county commission, township board or district commissioners, as the case may be,  
9 all necessary maps, plans, specifications and profiles, and an estimate of the cost  
10 of the work. The county commission or other proper authority may approve or  
11 reject the maps, plans, specifications and profiles and order others prepared and  
12 filed.

13           2. When the maps, plans, specifications and profiles have been approved,  
14 the county, township or district authorities shall order the engineer to advertise  
15 the letting of the contract proposed to be let by advertisement [in some  
16 newspaper published in the county wherein the contract is to be executed, which  
17 said] **published on the front page of the authority's website, if it has**  
18 **one. If the authority does not have a website, advertisement shall be**  
19 **sent to the secretary of state who shall publish such notice on the legal**  
20 **notices website, established pursuant to section 493.077. Such**  
21 advertisement shall be published [once a week] for three consecutive weeks[, the  
22 last insertion to be within ten days of the day of] **prior to** letting.

23           3. All bids shall be in writing, accompanied by instructions to bidders  
24 which shall be furnished by the engineer upon application. All bids on road work  
25 shall state the unit prices upon which the same are based. All bids shall be

26 sealed and filed with the clerk of the county commission, township board or  
27 special road district commissioners, and, on the day and at the hour named in the  
28 advertisement, shall be publicly opened and read in the presence of the county  
29 commission, township board or special road district commissioners, and the  
30 engineer, and shall then be recorded in detail in some suitable book. All bids  
31 shall be accompanied by a certified check equal to ten percent of the engineer's  
32 estimate of cost, payable to the county treasurer, to the use of the county,  
33 township or road district, as the case may be, or a bidder's bond executed by some  
34 surety company authorized to do business in this state or other good and  
35 sufficient surety in a like sum shall be given, as a guarantee on the part of the  
36 bidder that if his **or her** bid be accepted he **or she** will, within ten days after  
37 receipt of notice of such acceptance, enter into contract and bond to do the work  
38 advertised, and in case of default forfeit and pay sum of ten percent of the  
39 engineer's estimate of cost.

40           4. The contract shall be awarded to the lowest responsible bidder. The  
41 county commission may in its discretion reject any or all bids. Any bid in excess  
42 of the engineer's estimate of the cost of the work to be done shall be  
43 rejected. When it shall be decided by order of record to accept any bid, the  
44 county, township or district authorities shall order a contract to be entered into  
45 by and between the bidder and the county, township or special road district, as  
46 the case may be. The contract shall have attached to and made a part thereof the  
47 proposal sheet, instructions to bidders, and bid, maps, plans, specifications and  
48 profiles.

49           5. Whenever the contract is executed and approved by order of record and  
50 endorsement thereon, it shall be filed and preserved as a permanent record. It  
51 shall be incorporated in the contract that the county, township or special road  
52 district shall reserve the right to make any additions to, omissions from, changes  
53 in or substitutions for the work or materials called for by the drawings and  
54 specifications, without notice to the surety on the bond given to secure the  
55 faithful performance of the terms of the contract. The bidder must agree that  
56 before the county or political subdivision shall be liable for any additional work  
57 or material, the county or political subdivision must first order the same, and the  
58 cost thereof must be agreed upon in writing and entered of record before such  
59 additional work shall apply in case of omissions, deductions or changes, and the  
60 unit prices shall be the basis of the values of such changes.

61           6. In case of disagreement upon the cost or price of any addition, omission

62 or change ordered or so desired, then it is expressly agreed that the decision of  
63 the state highway engineer shall be received and accepted as fixing definitely and  
64 finally the cost of such change, and when so fixed, the county commission,  
65 township board or special road district commissioners shall enter of record such  
66 change. It shall also be provided in the contract that the contractor will furnish  
67 and promptly pay for all labor employed and materials used in the performance  
68 of such contract.

231.220. The township board of directors shall construct and keep in  
2 repair all bridges in their district costing less than one hundred dollars; and shall  
3 make all necessary repairs, costing less than twenty-five dollars, upon bridges  
4 which are now or may hereafter be built within the township; provided, whenever  
5 it shall be necessary in any road district for the township board to cause to be  
6 built a bridge, the cost of which exceeds twenty-five dollars, the board may, in its  
7 discretion, advertise for bids by giving at least fifteen days' notice[, by five  
8 written notices, posted in as many public places in said township, or by  
9 publication in some newspaper published in the district] of the time and place of  
10 letting the contract. **Such notice may be published on the front page of  
11 the board's website, if it has one. If the board does not have a website,  
12 notice may be sent to the secretary of state who shall publish such  
13 notice on the legal notices website, established pursuant to section  
14 493.077.**

231.280. The township board of directors in all counties under township  
2 organization shall keep, or cause to be kept, a full, true and correct record of all  
3 moneys received and disbursed on account of roads and bridges and all other  
4 receipts and disbursements of every nature in such township, showing in detail  
5 from whom and on what account such money was received, and to whom and for  
6 what purpose disbursed, together with a complete inventory of all tools, road  
7 machinery and other property belonging to the township, together with such other  
8 information as to the condition of roads and bridges and the needs of same as  
9 may be deemed of value[, and]. Within thirty days after the end of the fiscal year  
10 of said township board of directors, which fiscal year shall begin and end on the  
11 same date as the fiscal year of the county in which such township is located, **the  
12 board** shall cause to be published an itemized statement of such receipts and  
13 expenditures, inventory of tools, machinery and other property [in some  
14 newspaper published in such township, and if there be no newspaper published  
15 in the township, then such publication may be made in any newspaper of general

16 circulation within such township published in the county] **on the front page of**  
17 **its website, if it has one. If the board does not have a website, such**  
18 **statement shall be sent to the secretary of state who shall publish such**  
19 **statement on the legal notices website, established pursuant to section**  
20 **493.077.** Such statement shall be made by the township clerk under the direction  
21 of the township board, and shall be sworn to by such clerk, and it shall be the  
22 duty of the township clerk within thirty days after the end of the fiscal year of  
23 said township board to file one copy of such detailed statement with the county  
24 clerk of such county, and the county clerk shall lay the same before the county  
25 commission at its next regular meeting.

231.370. Contracts for the laying of such sidewalks, curbs, gutters,  
2 combinations of curb and gutter and roadways as are provided for in section  
3 231.360, shall be authorized and let by the aforesaid county commission to the  
4 lowest and best bidder therefor[, said]. **The commission [first giving] shall give**  
5 **notice thereof by publication[, which notice shall be published] for fifteen days [in**  
6 **a daily newspaper or for three insertions in a weekly newspaper at the county**  
7 **seat of such county] on the front page of the commission's website, if it**  
8 **has one. If the commission does not have a website, notice shall be sent**  
9 **to the secretary of state who shall publish such notice on the legal**  
10 **notices website, established pursuant to section 493.077, for a period of**  
11 **fifteen days.** Said notice [must] **shall** contain a summary of the specifications  
12 showing the kind of material required, the width and the thickness of such  
13 sidewalk, curbs, gutters, combinations of curb and gutter and roadway and the  
14 manner of paying therefor, together with the time and place where said  
15 specifications may be examined; provided, that all sidewalks constructed under  
16 the provisions of sections 231.360 to 231.390, shall be of uniform width not less  
17 than four feet in any one block, and the general specifications of such sidewalk  
18 or sidewalks shall be determined by the county commission in conformity with the  
19 wishes of the petitioners.

231.410. Contracts for the laying of such sidewalks and roadways as are  
2 provided for in section 231.400 shall be authorized and let by the aforesaid county  
3 commission to the lowest and best bidder therefor[, said]. **The commission [first**  
4 **giving] shall give** notice thereof by publication[, which notice shall be published]  
5 for fifteen days [in a daily newspaper or for three insertions in a weekly  
6 newspaper published at the county seat of such county] **on the front page of**  
7 **the commission's website, if it has one. If the commission does not have**

8 a website, notice shall be sent to the secretary of state who shall  
9 publish such notice on the legal notices website, established pursuant  
10 to section 493.077, for a period of fifteen days. Said notice [must] shall  
11 contain specifications showing the kind of material required, the width and the  
12 thickness of such sidewalk and roadway and the manner of paying therefor;  
13 provided, that all sidewalks constructed under the provisions of sections 231.400  
14 to 231.430 shall be of uniform width not less than four feet in any one block, and  
15 the general specifications of such sidewalk or sidewalks shall be determined by  
16 the county commission in conformity with the wishes of the petitioners.

233.150. 1. The said board shall make an annual settlement with the  
2 county commission during the month of August in each year, which settlement  
3 shall contain a full and correct itemized statement of all moneys received and  
4 from what sources received and for what purpose the same has been expended,  
5 giving each particular item, and shall be subscribed and sworn to by at least two  
6 members of said board before some officer authorized by the laws of this state to  
7 administer oaths, a copy of which settlement shall be filed with the county clerk[,  
8 and]. **Such statement** may be published [in some newspaper published in said  
9 road district], in the discretion of the city council, [the expenses of which shall  
10 be paid out of the city treasury] **on the front page of the board's website, if  
11 it has one. If the board does not have a website, notice shall be sent to  
12 the secretary of state who may publish such notice on the legal notices  
13 website, established pursuant to section 493.077.**

14 2. Should any such board fail to make the annual settlement required  
15 herein during the month of August in each year, then the county, or its treasurer,  
16 shall not be authorized until such report be filed to pay out any sum, or sums, of  
17 money which may be due to said road district, or which may be set aside and  
18 placed to the credit of said road district. The board shall send a copy of such  
19 annual settlement to the state highways and transportation commission at  
20 Jefferson City at the time of the filing.

233.175. 1. Whenever a petition, signed by the owners of a majority of the  
2 acres of land within a district proposed to be organized, and setting forth the  
3 proposed name of the district, and giving the boundaries thereof and the number  
4 of acres owned by each signer of such petition, and the whole number of acres  
5 embraced therein, and the names of other owners of land within such boundaries  
6 so far as known, and the number of acres owned by each so far as known, and  
7 praying for the organization of a public road district in accordance with sections

8 233.170 to 233.315, shall be filed in the office of the clerk of the county  
9 commission thirty days before the beginning of the next regular term of said  
10 commission, the said clerk shall give notice [by at least three publications in  
11 some weekly newspaper printed in the county and by at least five handbills put  
12 up at public places within the district] of the presentation of said petition, and  
13 of the date of the beginning of the next regular term of the county commission at  
14 which the same may be heard. **Such notice shall be published on the front  
15 page of the commission's website, if it has one, for a period of three  
16 weeks. If the commission does not have a website, notice shall be sent  
17 to the secretary of state who shall publish such notice on the legal  
18 notices website, established pursuant to section 493.077, for a period of  
19 three weeks.** Said notices shall contain the names of at least three signers of  
20 said petition and set out the boundaries of said proposed district, and shall notify  
21 all owners of land in the then existing district who may desire to oppose the  
22 formation thereof to appear on the first day of such regular term of the county  
23 commission and file their written remonstrance thereto.

24 2. All landowners owning land in the then existing district may join in one  
25 remonstrance, or each such owner may file his **or her** separate remonstrance,  
26 and each remonstrance shall be in writing, and shall state specifically and  
27 separately the objection or objections of the remonstrators to the formation of  
28 such proposed road district, and shall be filed in said county commission with the  
29 clerk thereof on or before the first day of said regular term.

30 3. On the first day of said term of the county commission, or as soon  
31 thereafter as its business will permit, the county commission shall hear such  
32 petition and remonstrance, and shall make any change in the boundaries of such  
33 proposed district as the public good may require and make necessary, and if after  
34 such changes are made it shall appear to the county commission that such  
35 petition is signed or in writing consented to by the owners of a majority of all the  
36 acres of land within the district as so changed, the county commission may, if in  
37 its discretion it finds that the public good will be benefitted, make an order  
38 incorporating such public road district, and such order shall set out the  
39 boundaries of such district as established. If no remonstrance shall have been  
40 filed, or all remonstrances filed are overruled by the county commission, the  
41 commission shall determine whether such petition has been signed by the owners  
42 of a majority of the acres of land in the district, and if so, shall make an order  
43 incorporating the district with the boundaries given in the petition, or with such

44 boundaries as may be set forth in an amended petition signed by the owners of  
45 a majority of the acres of land affected thereby; and such amended petition may  
46 be filed at any time before the making of the order establishing a road district,  
47 but the boundaries proposed for the district shall not be so changed as to embrace  
48 any land not included in the notice given by the clerk unless the owner thereof  
49 shall in writing consent thereto, or shall appear at the hearing, and is notified in  
50 an open meeting of the county commission of such fact and given an opportunity  
51 to file or join in a remonstrance.

52 4. Whenever an order is so made incorporating a public road district such  
53 district shall thereupon become, by the name mentioned in such order, a political  
54 subdivision of the state for governmental purposes with all the powers mentioned  
55 in this section and such others as may be conferred by law.

233.205. 1. Whenever, in any road district so incorporated, a petition,  
2 signed by the owners of a majority of the acres of the land in the district that is  
3 within one-half mile of a public road or a part of a public road in the district, is  
4 delivered to the president or secretary of the board of special road district  
5 commissioners of the district, praying that such public road or part of a public  
6 road be permanently improved and the cost of the improvement assessed against  
7 all lands in the district, and stating therein the points between which the  
8 improvement is desired, and the nature and kind of improvement desired, and  
9 stating the number of installments, not exceeding fifteen, in which they desire  
10 that such cost be payable, said commissioners shall procure, prepare, or cause to  
11 be prepared, a map of the district and have such public road or part of a public  
12 road indicated thereon, and shall prepare, or cause to be prepared, a profile of  
13 such public road or part of a public road, and plans and specifications for the  
14 improvement of such road or part of a public road, and an estimate of the cost of  
15 making such improvement.

16 2. Such map, profile and plans and specifications, or a copy thereof, and  
17 such estimate shall, upon the completion thereof, be submitted to the state  
18 highway engineer for approval, who shall approve the same or so revise them that  
19 they will meet with his **or her** approval, or prepare such plans and specifications  
20 and estimate as will meet with his **or her** approval, and return to the  
21 commissioners said map and profile, or a copy thereof, and such plans and  
22 specifications and estimate of the cost of such improvement as he **or she** may  
23 prepare or approve of.

24 3. And said special road district commissioners shall fix a fair and

25 impartial valuation on each tract of land within said district independent of the  
26 buildings thereon, and prepare a list of the lands within the district, and indicate  
27 in such list the valuation so fixed upon each tract of said land and what tracts lie  
28 within one-half mile of said public road or part of a public road, and what tracts,  
29 if any, at a greater distance than one-half mile and less than one mile, and what  
30 tracts, if any, at a greater distance than one mile and less than one and one-half  
31 miles, and what tracts, if any, at a greater distance than one and one-half miles. If  
32 said commissioners cannot agree upon the valuation to be fixed upon any tract  
33 of land in the district, they shall arrive at the value thereof by adding together  
34 the valuation placed thereon independent of the buildings thereon by each of the  
35 commissioners and dividing the total thereof by three.

36 4. Said special road district commissioners, upon completion of such list  
37 of lands, shall annex a certificate thereto that they believe the same to be correct,  
38 and they shall acknowledge execution of such certificate as deeds of real estate  
39 are required to be acknowledged[; and]. Upon completion of such list of lands,  
40 and annexing such certificate thereto and so acknowledging execution of such  
41 certificate, and receiving from the state highway engineer plans and specifications  
42 prepared or approved by him **or her** for the improvement of said public road or  
43 part of a public road, and an estimate prepared or approved by him **or her** of the  
44 cost of such improvement, the commissioners shall file such petition and said list  
45 of lands, and said map and profile or a copy thereof, and the plans and  
46 specifications and estimate prepared or approved by the state highway engineer,  
47 with the clerk of the county commission, who shall thereupon give notice[,] by [at  
48 least two publications in some weekly newspaper published in the county,]  
49 **publication** that said commissioners have filed with him **or her** a petition,  
50 purporting to be signed by landowners of said district, for improvement of a  
51 public road or a part of a public road in said district, and plans and specifications  
52 for such improvement and an estimate of the cost thereof, and a list of the lands  
53 in the district in which is indicated the valuation fixed by them on each tract of  
54 said lands independent of buildings thereon, and such notice shall state a day,  
55 not less than two weeks later than the date of the [first] publication of such  
56 notice, upon which the county commission will be in session and will consider  
57 protests against such improvement and objections and exceptions to such petition  
58 and such list of lands and the valuations therein indicated. **Publication of**  
59 **notice shall be on the front page of the district's website, if it has one,**  
60 **for a period of two weeks. If the district does not have a website,**

61 **notice shall be sent to the secretary of state who shall publish such**  
62 **notice on the legal notices website, established pursuant to section**  
63 **493.077, for a period of two weeks.**

64 5. Should the county commission fail for any cause to be in session on the  
65 day stated in such notice, the clerk shall give a new notice appointing some other  
66 day for the consideration of such protests, objections and exceptions.

233.225. 1. Whenever a special tax is so ordered, and the county  
2 commission states in the order that the petitioners desire that the cost of the  
3 improvement be payable in one installment, the clerk of the county commission  
4 shall make out a separate special tax bill against each tract of land in the district  
5 for the amount so assessable against it. Each of such special tax bills shall be in  
6 favor of such road district, shall be numbered, and shall state the date of the  
7 order of the county commission pursuant to which the improvement is to be made,  
8 and describe the tract of land against which it is issued and state the amount so  
9 assessed against such tract of land, and shall be signed by the president or vice  
10 president of the district and be attested by the clerk of the county commission.

11 2. The clerk of the county commission shall procure and keep a suitable  
12 record book and record therein an abstract or description of each of said special  
13 tax bills, and shall deposit such special tax bills with the county treasurer, and  
14 cause notice to be given [by one publication in a newspaper published in the  
15 county that special tax bills in favor of said road district have been issued  
16 pursuant to an order of the county commission, giving] **indicating** the date of  
17 such order[, and]. **Notice shall be** delivered to the county treasurer to whom  
18 payment thereof may be made. **Such notice shall additionally be published**  
19 **on the front page of the commission's website, if it has one, for a period**  
20 **of at least one week. If the commission does not have a website, notice**  
21 **shall be sent to the secretary of state who shall publish such notice on**  
22 **the legal notices website, established pursuant to section 493.077, for**  
23 **a period of at least one week.** Each of such special tax bills shall constitute  
24 a lien upon the land described therein, for the amount thereof and such interest  
25 as may accrue thereon, and all costs in collecting the same, including reasonable  
26 attorney's fee to be fixed by the county commission and taxed as costs in the  
27 action brought to enforce payment; which lien will be paramount to all other liens  
28 except of the state for general state, county, school and road taxes. Each of such  
29 special tax bills as are not paid at the expiration of thirty days after the date of  
30 such order, shall thereafter bear interest at the rate of eight percent per annum.

31           3. The county treasurer shall receive payments of such special tax bills  
32 and keep a record of each payment and of the name of the party making same,  
33 and shall cancel such special tax bills as they are paid, and shall give such  
34 district credit for the amount of each payment to him **or her** on a special account  
35 kept with said district of payments to him **or her** on account of such tax bills,  
36 indicating therein the amounts paid as principal of such special tax bills and the  
37 amount paid as interest. Whenever any of such tax bills has been cancelled by  
38 the county treasurer and is exhibited to the clerk of the county commission, or the  
39 county treasurer reports payment of any such special tax bills to the clerk of the  
40 county commission, he **or she** shall note the payment thereof in said record book.

41           4. If any such special tax bills be unpaid at the expiration of thirty days  
42 after the date of such order, the special road district commissioners may borrow  
43 money not exceeding the aggregate amount of such special tax bills as are then  
44 unpaid, and at a rate of interest not exceeding eight percent per annum, and as  
45 such unpaid special tax bills are paid, shall draw warrants on the county  
46 treasurer for the amount of such payments, to pay whatever may be so borrowed,  
47 with interest thereon; but neither the road district nor the commissioners shall  
48 be obligated to pay whatever may be so borrowed, or interest thereon, except out  
49 of the collections of such unpaid special tax bills. Money so borrowed shall be  
50 deposited with the county treasurer to the credit of such road district.

51           5. If any such special tax bills be unpaid at the expiration of six months  
52 after the date of such order, the commissioners may, and if any are unpaid at the  
53 expiration of twelve months after such date, they shall cause suits to be  
54 instituted for foreclosure of the lien thereof. Such suits shall be instituted in the  
55 circuit court of the county, by any attorney the commissioners may designate and  
56 order the county treasurer to deliver such unpaid special tax bills to. The road  
57 district shall be plaintiff in such suits and any or all parties having an interest  
58 in the property to be affected thereby may be made defendants. In all such suits,  
59 each special tax bill shall be prima facie evidence of a valid lien in favor of the  
60 district, and upon the land described therein, for the amount stated therein. In  
61 all suits, so instituted, there shall be taxed as costs in favor of the attorney  
62 instituting the suit, a reasonable attorney's fee to be fixed by the court.

63           6. All money collected on special tax bills and all money the special road  
64 district commissioners may so borrow, and all interest that may accrue thereon  
65 while on deposit in any county depository, shall be used, and warrants drawn on  
66 the treasurer therefor, for the following purposes only: To pay the cost and

67 expense incurred by the special road district commissioners, as found by the  
68 county commission, in the preparation of such plans, specifications, estimate, map  
69 and profile, and said list of lands, and a reasonable attorney's fee, as found by the  
70 commission, for such petitioners, and to pay the cost of improving said public road  
71 or part of a public road in accordance with the plans and specifications so filed  
72 with the clerk of the county commission, and such working, administrative and  
73 incidental expenses, not otherwise provided for by law, as may be incurred in  
74 making such improvement and in procuring, collecting and paying the cost of  
75 such improvement, and the balance, if any, shall be used in paying expenses of  
76 maintaining such improvement; but if any money should be borrowed by the  
77 special road district commissioners, it shall be repaid, with interest thereon, out  
78 of the collections of such special tax bills as were unpaid at the time such money  
79 was borrowed.

233.285. The repealing of the sections and law repealed by this law shall  
2 not have the effect of abating, nullifying, suspending or vitiating any public road  
3 district incorporated, or established by preliminary order, prior to the taking  
4 effect of this law or any proceedings by any such public road district; but any  
5 public road district finally incorporated, or established only by preliminary order,  
6 prior to the taking effect of this law, except districts established only by  
7 preliminary order in which there has been held a meeting of landowners of the  
8 district, in compliance with laws repealed by this law, at which owners of a  
9 majority of the acres of land in the district failed to vote in favor of the  
10 improvement of any road or roads proposed to be improved, shall, from and after  
11 the taking effect of this law, by the name mentioned in the preliminary order of  
12 the county commission establishing it, be a political subdivision of the state for  
13 governmental purposes with all the powers mentioned in sections 233.170 to  
14 233.315 and such others as may from time to time be given by law, and shall,  
15 after the taking effect of sections 233.170 to 233.315, proceed, and shall have and  
16 exercise, and the commissioners and landowners and voters thereof shall have  
17 and exercise, the same privileges, powers and duties as if such district was  
18 incorporated after the taking effect of sections 233.170 to 233.315 and under and  
19 in accordance with sections 233.170 to 233.315; except that valid contracts made  
20 or entered into before the taking effect of sections 233.170 to 233.315, under laws  
21 hereby repealed, shall be complied with the same as if such laws were still in  
22 force; and except that any such district in which there has been a meeting of  
23 landowners of the district, in compliance with laws repealed by sections 233.170

24 to 233.315, at which owners of a majority of the acres of land in the district voted  
25 that any road or roads therein be improved and the cost thereof charged against  
26 the lands in the district, may proceed, and the commissioners thereof may  
27 proceed in making such improvement, and tax bills, or bonds may be issued and  
28 collected on account of such improvement, in the same manner as if the laws  
29 repealed by sections 233.170 to 233.315 were still in force and effect and sections  
30 233.170 to 233.315 not yet in effect; but in case no contract for such improvement  
31 has been entered into, or tax bills or bonds issued by reason of such vote for such  
32 improvement, such district, and the commissioners and landowners thereof may,  
33 in making such improvement or issuing tax bills or bonds on account thereof,  
34 proceed as if such district had not been incorporated until after the taking effect  
35 of sections 233.170 to 233.315, and was incorporated under and in compliance  
36 with sections 233.170 to 233.315[; or said]. **The** special road district  
37 commissioners may file with the clerk of the county commission the tabulated  
38 statement or statements of the lands in the district as prepared previous to such  
39 meeting, and, if they have not done so already, make out and file with the clerk  
40 of the county commission a report of the action of the landowners at such  
41 meeting, signed and acknowledged by them[, and the clerk of the county  
42 commission,] after such report and tabulated statement are so filed[.]. **The**  
43 **clerk of the county commission** shall give notice[, by at least two publications  
44 in some weekly newspaper published in the county,] that said special road  
45 district commissioners have filed [with him] a report of an election in such  
46 district, and a tabulated statement of the lands in the district, showing the  
47 valuations fixed by them on each tract thereof for the purposes of an assessment  
48 for road improvement voted upon at such meeting[, and]. Such notice shall **be**  
49 **published on the front page of the commission's website, if it has one,**  
50 **for a period of two weeks. If the commission does not have a website,**  
51 **notice shall be sent to the secretary of state who shall publish such**  
52 **notice on the legal notices website established pursuant to section**  
53 **493.077, for a period of two weeks. The notice shall additionally state**  
54 a day not less than two weeks later than the date of the [first] publication of such  
55 notice, upon which the county commission will be in session and will hear and  
56 consider exceptions and objections to such report and tabulated statement and to  
57 the valuations so fixed on any or all tracts of land in the district, and the county  
58 commission shall, upon said day or as soon thereafter as the business of the  
59 county commission will permit, hear and consider any objections or exceptions

60 that may be made to such report, and at such hearing such report shall be prima  
61 facie evidence of the statements therein made, and the county commission, if no  
62 objections or exceptions are made to such report, or if it find, after considering  
63 and hearing any objections that may be so made, and any evidence that may be  
64 offered, that such special road district commissioners prior to such meeting, and  
65 at such meeting, proceeded in compliance with the law then in force, and called  
66 such meeting and gave notice thereof in compliance with the law then in force,  
67 and that the action of the landowners at such meeting was as stated in such  
68 report, the county commission shall hear and consider such objections and  
69 exceptions as may be made to such tabulated statement or to valuations fixed on  
70 lands in the district as in such tabulated statement indicated, and, after hearing  
71 and considering such objections and exceptions, and such evidence as may be  
72 offered, shall make any alterations and corrections of said tabulated statement,  
73 and of the valuations so fixed and indicated, or fix such valuations on any of such  
74 lands, as it may deem proper, and shall thereupon approve such tabulated  
75 statement, and the valuations indicated therein, and order the clerk of the county  
76 commission to annex to said tabulated statement a certificate of such approval,  
77 and thereafter such district, and the special road district commissioners thereof,  
78 and the clerk of the county commission, in making such improvement and  
79 contracting for the same, or in issuing tax bills to pay for the same, or issuing  
80 bonds or tax bills to pay such bonds, may proceed as if this law had not taken  
81 effect, and the laws hereby repealed still in effect, except that the special road  
82 district commissioners need not make out and certify to the county clerk a  
83 description of the lands in the district as required by laws hereby repealed, and  
84 the county clerk in apportioning against each tract of land in the district its share  
85 of the cost of the improvement or its share of the principal and interest on the  
86 bonds, shall use, for the purpose of making such apportionment, such tabulated  
87 statement as so approved by the commission.

233.295. 1. Whenever a petition, signed by the owners of a majority of the  
2 acres of land within a road district organized under the provisions of sections  
3 233.170 to 233.315, shall be filed with the county commission of any county in  
4 which such district is situated, setting forth the name of the district and the  
5 number of acres owned by each signer of such petition and the whole number of  
6 acres in such district, the county commission shall have power, if in its opinion  
7 the public good will be thereby advanced, to disincorporate such road district. No  
8 such road district shall be disincorporated until notice is published [in at least

9 one newspaper of general circulation in the county where the district is situated  
10 for four weeks successively prior to the hearing of such petition] **on the front**  
11 **page of the commission's website, if it has one. If the commission does**  
12 **not have a website, notice shall be sent to the secretary of state who**  
13 **shall publish such notice on the legal notices website, established**  
14 **pursuant to section 493.077, until the date of the hearing has passed.**

15 2. In any county with a population of at least thirty-two thousand  
16 inhabitants which adjoins a county of the first classification which contains a city  
17 with a population of one hundred thousand or more inhabitants that adjoins no  
18 other county of the first classification, whenever a petition signed by at least fifty  
19 registered voters residing within the district organized under the provisions of  
20 sections 233.170 to 233.315 is filed with the county clerk of the county in which  
21 the district is situated, setting forth the name of the district and requesting the  
22 disincorporation of such district, the county clerk shall certify for election the  
23 following question to be voted upon by the eligible voters of the district:

24 Shall the \_\_\_\_\_ incorporated road district organized under the  
25 provisions of sections 233.170 to 233.315, RSMo, be dissolved?

26  YES  NO

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

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

32 4. Notwithstanding other provisions of this section to the contrary, in any  
33 county of the first classification with more than one hundred four thousand six  
34 hundred but less than one hundred four thousand seven hundred inhabitants,  
35 any petition to disincorporate a road district organized under sections 233.170 to  
36 233.315 shall be presented to the county commission or similar authority. The  
37 petition shall be signed by the lesser of fifty or a majority of the registered voters  
38 residing within the district, shall state the name of the district, and shall request  
39 the disincorporation of the district. If a petition is submitted as authorized in this  
40 section, and it is the opinion of the county commission that the public good will  
41 be advanced by the disincorporation after providing notice and a hearing as  
42 required in this section, then the county commission shall disincorporate the road  
43 district. This subsection shall not apply to any road district located in two  
44 counties.

45           5. Notwithstanding other provisions of this section to the contrary, in any  
46 county of the third classification without a township form of government and with  
47 more than thirty-four thousand but fewer than thirty-four thousand one hundred  
48 inhabitants, any petition to disincorporate a road district organized under  
49 sections 233.170 to 233.315 shall be presented to the county commission or  
50 similar authority. The petition shall be signed by the lesser of fifty or a majority  
51 of the registered voters residing within the district, shall state the name of the  
52 district, and shall request the disincorporation of the district. If a petition is  
53 submitted as authorized in this section, and it is the opinion of the county  
54 commission that the public good will be advanced by the disincorporation after  
55 providing notice and a hearing as required in this section, then the county  
56 commission shall disincorporate the road district. This subsection shall not apply  
57 to any road district located in two counties.

58           6. Notwithstanding other provisions of this section to the contrary, in any  
59 county of the second classification with more than fifty-four thousand two  
60 hundred but fewer than fifty-four thousand three hundred inhabitants, any  
61 petition to disincorporate a road district organized under sections 233.170 to  
62 233.315 shall be presented to the county commission or similar authority. The  
63 petition shall be signed by the lesser of fifty or a majority of the registered voters  
64 residing within the district, shall state the name of the district, and shall request  
65 the disincorporation of the district. If a petition is submitted as authorized in  
66 this section, and it is the opinion of the county commission that the public good  
67 will be advanced by the disincorporation after providing notice and a hearing as  
68 required in this section, then the county commission shall disincorporate the road  
69 district. This subsection shall not apply to any road district located in two  
70 counties.

71           7. Notwithstanding other provisions of this section to the contrary, in any  
72 county, any petition to disincorporate a road district organized under sections  
73 233.170 to 233.315 shall be presented to the county commission or similar  
74 authority. The petition shall be signed by the lesser of fifty or a majority of the  
75 registered voters residing within the district, shall state the name of the district,  
76 and shall request the disincorporation of the district. If a petition is submitted  
77 as authorized in this section, and it is the opinion of the county commission that  
78 the public good will be advanced by the disincorporation after providing notice  
79 and a hearing as required in this section, then the county commission shall  
80 disincorporate the road district. This subsection shall not apply to any road

81 district located in two counties.

82           8. Notwithstanding other provisions of this section to the contrary, in any  
83 county, a petition to disincorporate a road district located in two counties  
84 organized under sections 233.170 to 233.315 shall be presented to the county  
85 commission or similar authority in each county in which the road district is  
86 located. Each petition shall be signed by the lesser of fifty or a majority of the  
87 registered voters residing within the district and county, shall state the name of  
88 the district, and shall request the disincorporation of the district. If a petition  
89 is submitted as authorized in this section, and it is the opinion of the county  
90 commission in each county in which the road district is located that the public  
91 good will be advanced by the disincorporation after providing notice and a  
92 hearing as required in this section, then the county commission in each county  
93 in which the road district is located shall disincorporate the road district. A road  
94 district located in two counties shall not be disincorporated until it is  
95 disincorporated in each county in which it is located.

96           9. (1) The county commission or similar authority shall have the power  
97 to combine two or more road districts organized under sections 233.170 to 233.315  
98 upon petition signed by a majority of the commissioners in each of the road  
99 districts seeking to be combined.

100           (2) The petition presented to the county commission or similar authority  
101 shall set forth the request that the road districts desire to be consolidated and  
102 shall set forth the proposed name of the new road district. If a petition is  
103 submitted as authorized in this subsection, then the county commission or similar  
104 authority shall hold a public hearing at a place and time it designates after it has  
105 published notice of the hearing for four consecutive weeks in a newspaper of  
106 general circulation in the county.

107           (3) After such hearing, if it is the opinion of the county commission that  
108 the public good will be advanced by the consolidation of the districts, then the  
109 county commission or similar authority shall issue its order consolidating the  
110 districts and set the effective date of the consolidation in such order.

111           (4) Upon consolidation, the county commission or similar authority shall  
112 appoint the three initial commissioners of the consolidated district: one for a  
113 term of one year, one for a term of two years, and one for a term of three years.

114           (5) Upon consolidation, all assets and liabilities of the combined districts  
115 shall vest in the new consolidated district. In the event the tax levies of the  
116 combined districts are different, then the initial tax levy for the consolidated

117 district shall be the lower of the districts that were combined until changed as  
118 provided by statute.

119 (6) The county commission or similar authority shall have the power to  
120 make deeds, bills of sale, or other instruments transferring the assets of the  
121 districts combined to the new consolidated district and shall have all other  
122 powers necessary to effectuate the consolidation and transfer of all assets and  
123 liabilities to the consolidated road district.

124 (7) The provisions of this subsection shall not apply to any road district  
125 located in two counties.

233.316. 1. The boundaries of any special road district in any county with  
2 a population of less than one hundred thousand inhabitants which contains all  
3 or part of a city with a population of three hundred fifty thousand or more  
4 inhabitants may be changed in the manner prescribed in this section. A change  
5 of boundaries of the special road district shall not impair or affect its organization  
6 or its rights in or to property, or any of its rights or privileges; nor shall it affect  
7 or impair or discharge any contract, obligation, lien or charge for or upon which  
8 it might be liable or chargeable had any change of boundaries not been made.

9 2. Fifty percent of the owners of any territory or tract of land adjacent to  
10 the special road district who own not less than fifty percent of the real estate in  
11 such territory or tract of land may file with the commissioners of the special road  
12 district a petition in writing praying that such real property be included within  
13 the district. The petition shall describe the property to be included in the district  
14 and shall describe the property owned by the petitioners and shall be deemed to  
15 give assent of the petitioners to the inclusion in the district of the property  
16 described in the petition.

17 3. The clerk or secretary of the board of road district commissioners shall  
18 cause notice of the filing of any petition filed pursuant to this section to be given  
19 and published [in a newspaper of general circulation in the county in which the  
20 property is located, which] **on the front page of the board's website, if it**  
21 **has one. If the board does not have a website, notice shall be sent to**  
22 **the secretary of state who shall publish such notice on the legal notices**  
23 **website, established pursuant to section 493.077. The notice shall recite**  
24 the filing of such petition, the number of petitioners, a general description of the  
25 boundaries of the area proposed to be included and the prayer of the petitioners,  
26 giving notice to all persons interested to appear at the office of the board at the  
27 time named in the notice and show cause in writing why the petition should not

28 be granted. The board shall at the time and place mentioned, or at such time or  
29 times to which the hearing may be adjourned, proceed to hear the petition and  
30 all objections thereto presented in writing by any person showing cause why the  
31 petition should not be granted. The failure of any person interested to show  
32 cause in writing why such petition shall not be granted shall be deemed as an  
33 assent on his **or her** part to the inclusion of such lands in the district as prayed  
34 for in the petition.

35 4. If the board deems it in the best interest of the district, it shall grant  
36 the petition, but if the board determines that some portion of the property  
37 mentioned in the petition cannot as a practical matter be served by the district,  
38 or if it deems it for the best interest of the district that some portion of the  
39 property in the petition not be included in the district, then the board shall not  
40 grant the petition. If the petition is granted, the board shall make an order to  
41 that effect and file the same with the circuit clerk; however, such order shall not  
42 be final unless and until the governing body of the county approves the boundary  
43 change.

44 5. The special road district shall maintain any public road located within  
45 the territory or tract of land included within the boundaries of a special road  
46 district under this section in the same manner as it maintains other roads under  
47 its jurisdiction, and in addition, such territory or tract of land so included in the  
48 district shall be subject to taxes levied by the district on all property located  
49 within the district.

233.325. 1. Whenever a petition, signed by the owners of a majority of the  
2 acres of land owned by residents of the county residing within the district  
3 proposed to be organized, and setting forth the proposed name of the district, and  
4 giving the boundaries thereof and the number of acres owned by each signer and  
5 the names of other owners of land residing within such boundaries so far as  
6 known, and the number of acres owned by each so far as known, and praying for  
7 the organization of a special road district in accordance with sections 233.320 to  
8 233.445, shall be filed in the office of the clerk of the county commission thirty  
9 days before the beginning of the next regular term of said commission, the [said]  
10 clerk shall give notice [by at least three publications in some weekly newspaper  
11 printed in the county, or by at least five handbills put up at public places within  
12 the district,] of the presentation of said petition, and of the date of the beginning  
13 of the next regular term of the county commission at which the same may be  
14 heard. **The notice shall be published on the front page of the**

15 **commission's website, if it has one, for a period of three weeks. If the**  
16 **commission does not have a website, notice shall be sent to the**  
17 **secretary of state who shall publish such notice on the legal notices**  
18 **website, established pursuant to section 493.077, for a period of three**  
19 **weeks.** Said notices shall contain the names of at least three signers of said  
20 petition and set out the boundaries of said proposed district, and shall notify all  
21 resident owners of land in said proposed district, who may desire to oppose the  
22 formation thereof to appear on the first day of such regular term of the county  
23 commission and file their written remonstrance thereto.

24         2. All resident landowners owning land within the proposed district may  
25 join in one remonstrance, or each such owner may file his **or her** separate  
26 remonstrance, and each remonstrance shall be in writing and shall state  
27 specifically and separately the objection or objections of the remonstrators to the  
28 formation of such proposed road district, and shall be filed in said county  
29 commission with the clerk thereof on or before the first day of said regular term.

30         3. On the first day of said term of the county commission, or as soon  
31 thereafter as its business will permit, the county commission shall hear such  
32 petition and remonstrance, and may make any change in the boundaries of such  
33 proposed district as the public good may require and make necessary, and if after  
34 such changes are made it shall appear to the county commission that such  
35 petition is signed or in writing consented to by the owners of a majority of all the  
36 acres of land owned by residents of the county residing within the district as so  
37 changed, the county commission shall make an order incorporating such public  
38 road district, and such order shall set out the boundaries of such district as  
39 established.

40         4. If no remonstrance shall have been filed, or all remonstrances filed are  
41 overruled by the county commission, the commission shall determine whether  
42 such petition has been signed by the owners of a majority of the acres of land  
43 owned by residents of the county residing within the district, and if so, shall  
44 make an order incorporating the district with the boundaries given in the  
45 petition, or such boundaries as may be set forth in an amended petition signed  
46 by the owners of a majority of the acres of land owned by residents of the county  
47 residing within the district, affected thereby; and such amended petition may be  
48 filed at any time before the making of the order establishing a road district, but  
49 the boundaries proposed for the district shall not be so changed as to embrace any  
50 land not included in the notice given by the clerk unless the owner thereof shall

51 in writing consent thereto, or shall appear at the hearing, and is notified in an  
52 open meeting of the county commission of such fact and given an opportunity to  
53 file or join in a remonstrance.

54 5. Whenever an order is so made incorporating a public road district, such  
55 district shall thereupon become, by the name mentioned in such order, a political  
56 subdivision of the state for governmental purposes with all the powers mentioned  
57 in this section and such others as may be conferred by law.

233.350. 1. Whenever, in any road district so incorporated a petition  
2 signed by the owners of a majority of the acres of the land owned by residents of  
3 the county residing within the district that is within one-half mile of a public  
4 road or a part of a public road in the district, is delivered to the president or  
5 secretary of the board of special road district commissioners of the district  
6 praying that such public road or part of a public road be permanently improved  
7 and the cost of the improvement assessed against all lands in the district, and  
8 stating therein the points between which the improvement is desired, and the  
9 nature and kind of improvement desired, and stating the number of installments,  
10 not exceeding fifteen, in which they desire that such cost be payable, said special  
11 road district commissioners shall procure, prepare, or cause to be prepared, a map  
12 of the district and have such public road or part of a public road indicated  
13 thereon, and shall prepare, or cause to be prepared, a profile of such public road  
14 or part of public road, and plans and specifications for the improvement of such  
15 roads or parts of public roads and an estimate of the cost of making such  
16 improvements. Such map, profile and plan and specifications, or a copy thereof,  
17 and such estimate shall, upon the completion thereof, be submitted to the state  
18 highway engineer for approval, who shall approve the same or so revise them that  
19 they will meet with his **or her** approval, or prepare such plans and specifications  
20 and estimate as will meet with his **or her** approval, and return to the  
21 commissioners said map and profile, or a copy thereof, and such plans and  
22 specifications and estimate of the cost of such improvements as he **or she** may  
23 prepare or approve.

24 2. And said special road district commissioners shall fix a fair and  
25 impartial valuation on each tract of land within said district independent of the  
26 buildings thereon, and prepare a list of the lands within the district, and indicate  
27 in such list the valuation so fixed upon each tract of land and what tracts lie  
28 within one-half mile of said public road or a part of public road, and what tracts,  
29 if any, at a greater distance than one-half mile and less than one mile, and what

30 tracts, if any, at a greater distance than one mile and less than one and one-half  
31 miles, and what tracts, if any, at a greater distance than one and one-half miles.

32 3. If said special road district commissioners cannot agree upon the  
33 valuation to be so fixed upon any tract of land in the district, they shall arrive at  
34 the value thereof by adding together the valuation placed thereon independent  
35 of the buildings thereon by each of the special road district commissioners and  
36 dividing the total thereof by three.

37 4. Said special road district commissioners, upon completion of such list  
38 of lands, shall annex a certificate thereto that they believe the same to be correct,  
39 and they shall acknowledge execution of such certificate as deeds of real estate  
40 are required to be acknowledged; and upon completion of such list of lands, and  
41 annexing such certificate and receiving from the state highway engineer plans  
42 and specifications prepared or approved by him **or her** for the improvement of  
43 said public roads or part of a public road, and an estimate prepared or approved  
44 by him **or her** of the cost of such improvements, the special road district  
45 commissioners shall file such petition and said list of lands, and said map and  
46 profile or copy thereof, and the plans and specifications and estimate prepared  
47 or approved by the state highway engineer, with the clerk of the county  
48 commission, who shall thereupon give notice[, by at least two publications in  
49 some weekly newspaper published in the county,] that said special road district  
50 commissioners have filed [with him] a petition, purporting to be signed by  
51 landowners residing within said district, for improvement of a public road or a  
52 part of a public road in said district, and plans and specifications for such  
53 improvements and an estimate of the cost thereof, and a list of the lands in the  
54 district in which is indicated the valuation fixed by them on each tract of said  
55 lands independent of buildings thereon, and such notice shall state a day, not less  
56 than two weeks later than the date of the [first] publication of such notice, upon  
57 which the county commission will be in session and will consider protests against  
58 such improvement and objections and exceptions to such petition and such list of  
59 lands and the valuation of therein indicated. **Notice shall be published on**  
60 **the front page of the commission's website, if it has one, for a period of**  
61 **two weeks. If the commission does not have a website, notice shall be**  
62 **sent to the secretary of state who shall publish such notice on the legal**  
63 **notices website, established pursuant to section 493.077, for a period of**  
64 **two weeks.** Should the county commission fail for any cause to be in session on  
65 the day stated in such notice, the clerk shall give a new notice appointing some

66 other day for the consideration of such protests, objections and exceptions.

233.370. 1. Whenever a special tax is so ordered, and the county  
2 commission states in the order that the petitioners desire that the cost of the  
3 improvements be payable in one installment, the clerk of the county commission  
4 shall make out a special separate tax bill against each tract of land in the district  
5 for the amount so assessable against it. Each of such special tax bills shall be in  
6 favor of such road district, shall be numbered, and shall state the date of the  
7 order of the county commission pursuant to which the improvement is to be made  
8 and describe the tract of land against which it is issued and state the amount so  
9 assessed against such tract of land, and shall be signed by the president or vice  
10 president of the district and be attested by the clerk of the county commission.

11 2. The clerk of the county commission shall procure and keep a suitable  
12 record book and record therein an abstract or description of each of said special  
13 tax bills and shall deposit such special tax bills with the district treasurer, and  
14 cause notice to be given [by one publication in a newspaper published in the  
15 county,] that special tax bills in favor of said road district have been issued  
16 pursuant to an order to the county commission, giving the date of such order[,  
17 and]. **Such notice shall be delivered to the district treasurer to whom**  
18 **payment thereof may be made. Notice shall additionally be published on**  
19 **the front page of the commission's website, if it has one, for a period of**  
20 **one week. If the commission does not have a website, notice shall be**  
21 **sent to the secretary of state who shall publish such notice on the legal**  
22 **notices website, established pursuant to section 493.077, for a period of**  
23 **one week.**

24 3. Each of such special tax bills shall constitute a lien upon the land  
25 described therein, for the amount thereof and such interest as may accrue  
26 thereon, and all costs in collecting the same, including a reasonable attorney's fee  
27 to be fixed by the county commission and taxed as costs in any action brought to  
28 enforce payment; which lien shall be paramount to all other liens except that of  
29 the state for general state, county, school and road taxes. Each of such special  
30 tax bills as are not paid at the expiration of thirty days after the date of such  
31 order, shall thereafter bear interest at the rate of eight percent per annum.

32 4. The district treasurer shall receive payment of such special tax bills  
33 and keep a record of each payment and of the name of the party making same,  
34 and shall cancel such special tax bills as they are paid, and shall give such  
35 districts credit for the amount of each payment to him **or her** on a special

36 account kept with said district of payments to him **or her** on account of such tax  
37 bills, indicating therein the amounts paid as principal of such special tax bills  
38 and the amount paid as interest. Whenever any of such tax bills have been  
39 cancelled by the district treasurer and is exhibited to the clerk of the county  
40 commission, or the district treasurer reports payment of any such special tax bills  
41 to the clerk of the county commission, he **or she** shall note the payment thereof  
42 in said record book.

43         5. If any such special tax bills be unpaid at the expiration of thirty days  
44 after the date of such order, the special road district commissioners may borrow  
45 money not exceeding the aggregate amount of such special tax bills as are then  
46 unpaid, and at a rate of interest not exceeding eight percent per annum, and as  
47 such unpaid special tax bills are paid, shall draw warrants on the district  
48 treasurer for the amount of such payment to pay whatever may be so borrowed,  
49 with interest thereon; but neither the road district nor the special road district  
50 commissioners shall be obligated to pay whatever may be so borrowed, or interest  
51 thereon, except out of the collections of such unpaid special tax bills. Money so  
52 borrowed shall be deposited with the district treasurer to the credit of such road  
53 district.

54         6. If any such special tax bills be unpaid at the expiration of six months  
55 after the date of such order, the special road district commissioners may, and if  
56 any are unpaid at the expiration of twelve months after such date, they shall  
57 cause suits to be instituted for foreclosure of the lien thereof. Such suits shall be  
58 instituted in the circuit court of the county, by any attorney the special road  
59 district commissioners may designate and to whom they shall order the district  
60 treasurer to deliver such unpaid special tax bills. The road district shall be  
61 plaintiff in such suits and any or all parties having an interest in the property  
62 to be affected thereby may be made defendants. In all such suits, each special tax  
63 bill shall be prima facie evidence of a valid lien in favor of the district, and upon  
64 the land described therein, for the amount stated therein. In all suits so  
65 instituted, there shall be taxed as costs in favor of the attorney instituting the  
66 suit, a reasonable attorney's fee to be fixed by the court.

67         7. All moneys collected on special tax bills and all money the special road  
68 district commissioners may so borrow, and all interest that may accrue thereon  
69 while on deposit in any depository, shall be used, and warrants drawn on the  
70 treasurer therefor, for the following purposes only: To pay the cost and expense  
71 incurred by the special road district commissioners, as found by the county

72 commission, in the preparation of such plans, specifications, estimate, map and  
73 profile, and said list of lands, and a reasonable attorney's fee, as found by the  
74 county commission, for such petitioners, and to pay the cost of improving said  
75 public road or part of public road in accordance with the plans and specifications  
76 so filed with the clerk of the county commission and such working, administrative  
77 and incidental expenses, not otherwise provided for by law, as may be incurred  
78 in making such improvement and in procuring, collecting and paying the cost of  
79 such improvement, and the balance, if any, shall be used in paying expenses of  
80 maintaining such improvement, but if any money should be borrowed by the  
81 special road district commissioners, it shall be repaid, with interest thereon, out  
82 of the collections of such special tax bills as were unpaid at the time such money  
83 was borrowed.

233.425. Whenever a petition, signed by the owners of a majority of the  
2 acres of land owned by residents of the county residing within the district  
3 organized under the provisions of sections 233.320 to 233.445, shall be filed with  
4 the county commission of any county in which such district is situated, setting  
5 forth the name of the district and the number of acres owned by each signer of  
6 such petition and the whole number of acres in such district, the county  
7 commission shall have power, if in its opinion the public good will be thereby  
8 advanced, to disincorporate such road district. No such road district shall be  
9 disincorporated until notice is published [in at least one newspaper of general  
10 circulation in the county where the district is situated] for four weeks  
11 successively prior to the hearing of such petition **on the front page of the**  
12 **commission's website, if it has one. If the commission does not have a**  
13 **website, notice shall be sent four weeks prior to the hearing to the**  
14 **secretary of state who shall publish such notice on the legal notices**  
15 **website, established pursuant to section 493.077, until the date of the**  
16 **hearing has passed.**

233.503. 1. Whenever a petition, signed by the majority of the owners of  
2 land within the subdistrict proposed to be organized, and setting forth the  
3 proposed name of the subdistrict, and giving the boundaries thereof and the  
4 number of signers and the names of other owners of land residing within such  
5 boundaries so far as known, and praying for the organization of a special road  
6 subdistrict in accordance with sections 233.500 to 233.520, shall be filed in the  
7 office of the clerk of the county commission thirty days before any meeting of the  
8 county commission, the clerk shall give notice [by at least three publications in

9 some weekly newspaper of general circulation in the county, and by at least five  
10 handbills put up at public places within the subdistrict,] of the presentation of  
11 such petition, and of the date of such meeting of the county commission at which  
12 the same may be heard. **Such notice shall be published on the front page**  
13 **of the commission's website, if it has one, for three weeks. If the**  
14 **commission does not have a website, notice shall be sent three weeks**  
15 **prior to the hearing to the secretary of state who shall publish such**  
16 **notice on the legal notices website, established pursuant to section**  
17 **493.077, until the date of the hearing has passed.** Such notices shall  
18 contain the names of at least three signers of the petition and set out the  
19 boundaries of the proposed subdistrict, and shall notify all resident owners of  
20 land in the proposed subdistrict, who may desire to oppose the formation thereof  
21 to appear at such meeting of the county commission and file their written  
22 remonstrance thereto.

23         2. All resident landowners owning land within the proposed subdistrict  
24 may join in one remonstrance, or each such owner may file his **or her** separate  
25 remonstrance, and each remonstrance shall be in writing and shall state  
26 specifically and separately the objection or objections of the remonstrators to the  
27 formation of such proposed road subdistrict, and shall be filed with the clerk of  
28 the county commission on or before such meeting of the county commission.

29         3. At such meeting of the county commission, the county commission shall  
30 hear such petition and remonstrance, and may make any change in the  
31 boundaries of such proposed subdistrict as the public good may require and make  
32 necessary, and if after such changes are made it shall appear to the county  
33 commission that such petition is signed or in writing consented to by a majority  
34 of all the landowners residing within the subdistrict as so changed, the county  
35 commission shall make an order incorporating such special road subdistrict, and  
36 such order shall set out the boundaries of such subdistrict as established.

37         4. If no remonstrance shall have been filed, or all remonstrances filed are  
38 overruled by the county commission, the commission shall determine whether  
39 such petition has been signed by a majority of the owners of land within the  
40 subdistrict, and if so, shall make an order incorporating the subdistrict with the  
41 boundaries given in the petition, or such boundaries as may be set forth in an  
42 amended petition signed by a majority of the owners of land within the  
43 subdistrict affected by the amended petition. Such amended petition may be filed  
44 at any time before the making of the order establishing a special road subdistrict,

45 but the boundaries proposed for the subdistrict shall not be so changed as to  
46 embrace any land not included in the notice given by the clerk unless the owner  
47 thereof shall in writing consent thereto, or shall appear at the hearing, and is  
48 notified in an open meeting of the county commission of such fact and given an  
49 opportunity to file or join in a remonstrance.

50 5. Whenever an order is so made incorporating a special road subdistrict,  
51 such subdistrict shall thereupon become, by the name mentioned in such order,  
52 a political subdivision of the state for governmental purposes with all the powers  
53 mentioned in sections 233.500 to 233.520.

233.520. 1. Whenever a petition, signed by a majority of the owners of  
2 land within a special road subdistrict organized under the provisions of sections  
3 233.500 to 233.520 shall be filed with the county commission of any county in  
4 which the subdistrict is situated, setting forth the name of the subdistrict and the  
5 number of signers of such petition and the total number of landowners in the  
6 subdistrict, the county commission shall have power, if in its opinion the public  
7 good will be thereby advanced, to disincorporate such special road subdistrict. No  
8 such special road subdistrict shall be disincorporated until notice is published [in  
9 a newspaper of general circulation in the county where the subdistrict is situated]  
10 for four successive weeks prior to the hearing of the petition **on the front page**  
11 **of the commission's website, if it has one. If the commission does not**  
12 **have a website, notice shall be sent four weeks prior to the hearing to**  
13 **the secretary of state who shall publish such notice on the legal notices**  
14 **website, established pursuant to section 493.077, until the date of the**  
15 **hearing has passed.**

16 2. No dissolution of such special road subdistrict shall invalidate or affect  
17 any right accruing to such special road subdistrict or to any person, or invalidate  
18 or affect any contract entered into or imposed on such special road subdistrict.

19 3. Whenever the county commission shall dissolve any such special road  
20 subdistrict, the county commission shall appoint some competent person to act as  
21 trustee for the special road subdistrict so dissolved, and such trustee, before  
22 entering upon the discharge of his **or her** duties, shall take and subscribe an  
23 oath that he **or she** will faithfully discharge the duties of his **or her** office, and  
24 shall give bond with sufficient security to be approved by the county commission,  
25 to the use of such disincorporated special road subdistrict, conditioned for the  
26 faithful discharge of his **or her** duty.

27 4. The trustee shall have power to prosecute and defend to final judgment

28 all suits instituted by or against the special road subdistrict, collect all moneys  
29 due the same, liquidate all lawful demands against the same, and for that  
30 purpose shall sell any property belonging to such special road subdistrict, or so  
31 much thereof as may be necessary, and generally to do all acts requisite to bring  
32 to a speedy close all the affairs of the special road subdistrict, and for that  
33 purpose, under the order and direction of the county commission, to exercise all  
34 the powers given by law to the special road subdistrict.

35         5. When the trustee shall have closed the affairs of the special road  
36 subdistrict, and shall have paid all debts due by the special road subdistrict, he  
37 **or she** shall pay over to the county treasurer all money remaining in his **or her**  
38 hands, and take receipt therefor, and deliver to the clerk of such county  
39 commission all books, papers, records and deeds belonging to the dissolved special  
40 road subdistrict.

234.120. 1. If such city shall contain two hundred thousand or more  
2 inhabitants and the price for such right-of-way shall be reasonable, and such city,  
3 through its proper authorities shall propose to pay as much as one-half of the cost  
4 of such right-of-way, and bonds of such county for payment of the remainder of  
5 such cost would, if issued, increase the indebtedness of such county to exceed the  
6 constitutional limit, or if an election shall be held in such county pursuant to the  
7 general law governing elections on the issuance of bonds by counties, and less  
8 than the constitutionally required percentage of the voters at such election vote  
9 for increase of indebtedness; or if the owners of a majority of acres of the land in  
10 such county and within two miles of such bridge, or the proposed site thereof if  
11 not then constructed, shall petition the county commission of such county,  
12 praying that bonds payable by special assessments be issued to provide funds for  
13 use in purchasing such right-of-way and paying any and all expenses preliminary  
14 to and incidental to issuance and sale of such bonds; the county commission, if  
15 it finds that such petition was signed by owners of a majority of the land in the  
16 county and within two miles of such bridge or such proposed site, which finding  
17 shall thereafter be conclusive evidence of such fact, shall appoint three  
18 commissioners, each of whom shall be a resident of and an owner of land in the  
19 county. If any commissioner so appointed shall fail or refuse to qualify as such  
20 commissioner, or to properly perform his **or her** duties as such, the county  
21 commission shall appoint another.

22         2. Such commissioners shall qualify within ten days after being appointed,  
23 by taking, subscribing and filing with the county clerk of the county the oath

24 prescribed by the constitution, and that they will faithfully, honestly and  
25 impartially discharge their duties as such commissioners according to law.

26         3. After so qualifying, such commissioners shall prepare, or cause to be  
27 prepared, a map of territory embracing all lands in this state and on the side of  
28 the stream adjoined by the county and within ten miles of the location or  
29 proposed location of such bridge and the commissioners shall prepare, or cause  
30 to be prepared, a list of all the lands, and shall fix a fair and impartial valuation  
31 on each tract of such lands independent of the buildings thereon, and indicate on  
32 such list the valuation so fixed upon each tract of such land, and what tracts lie  
33 within two miles of the location or proposed location of such bridge and what at  
34 a greater distance than two miles and not more than four miles, and what more  
35 than four miles and not over seven miles, and what over seven miles and within  
36 ten miles thereof. Each tract of land of forty acres, according to a government  
37 survey, and each of the smallest subdivisions of land that has been lawfully  
38 platted and each separate tract of less than forty acres shall, for the purpose of  
39 this section, be regarded as within two miles of such location or proposed location  
40 if the major portion thereof is so, and more than two miles and not over four  
41 miles from such location or proposed location if the major portion thereof is so,  
42 and more than four miles and not over seven miles if the major portion thereof  
43 is so, and over seven miles and within ten miles therefrom if the major portion  
44 thereof is so. If such lands lie in two or more counties, the commissioners shall  
45 indicate in such list what lands lie in each of the counties.

46         4. The word "lands", as used in this section, shall be construed as  
47 meaning both lands and lots, and without regard to whether they are within any  
48 incorporated city, town or village.

49         5. If the commissioners cannot agree upon the valuation to be fixed upon  
50 any tract of such lands, they shall arrive at the value thereof by adding together  
51 the valuation placed thereon independent of the buildings thereon by each of  
52 them, and dividing the total thereof by three. The commissioners, upon  
53 completion of such list of lands shall annex a certificate thereto that they believe  
54 the same to be correct; and they shall file such a list of lands, with such  
55 certificate annexed thereto, with the county clerk of the county in which they  
56 were appointed, who shall thereupon give notice[, in each county including any  
57 of such lands, by at least two publications in a weekly newspaper published  
58 therein,] that the commissioners have so filed the list of lands, and setting forth  
59 therein the boundaries embracing all of such lands, and stating therein that all

60 lands within such boundaries shall be subject to assessment to pay special  
61 assessment bonds, and such notice shall state a day not less than two weeks later  
62 than the date of the [first] publication of such notice, upon which the county  
63 commission will be in session and will consider objections and exceptions to such  
64 list of lands and the valuation therein indicated. **Notice shall be published**  
65 **on the front page of the commission's website, if it has one, for a period**  
66 **of two weeks prior to the hearing. If the commission does not have a**  
67 **website, notice shall be sent two weeks prior to the hearing to the**  
68 **secretary of state who shall publish such notice on the legal notices**  
69 **website, established pursuant to section 493.077, until the date of the**  
70 **hearing has passed.** Such notice shall state that all persons owning or  
71 interested in land within the boundaries may file written objections and  
72 exceptions to the list of lands and valuations, with the county clerk, at any time  
73 previous to such day, and be heard thereon on such day.

74         6. Should such county commission fail for any cause to be in session on  
75 the day stated in such notice, the county clerk shall give a new notice appointing  
76 some other day for consideration of such objections and exceptions. Such  
77 objections and exceptions shall be in writing and signed by or for the party  
78 offering the same, and shall describe the land owned or in which the party  
79 offering the same is interested, and shall specifically state the objections of such  
80 party to the list of lands or to valuations therein indicated, and shall be filed with  
81 the county clerk before the day stated in such notice for the consideration  
82 thereof. The county commission on such day, or as soon thereafter as the  
83 business of the county commission will permit, shall consider the list, and the  
84 objections and exceptions thereto that may be so filed, and hear any evidence  
85 offered in support thereof or contrary thereto. Such hearing may be continued  
86 from time to time as the ends of justice may require. After consideration of all  
87 such objections and exceptions, if any, and hearing such evidence as may be so  
88 offered, the county commission shall make any alterations and corrections of such  
89 list of lands, and of the valuation fixed by said commissioners of any of the lands,  
90 or fix such valuation on the lands as it may deem proper, and shall thereupon  
91 approve such list of lands, and order the clerk of the county commission to annex  
92 to the list of lands a certificate of such approval; and the county commission shall  
93 make an order stating and allowing reasonable compensation for the  
94 commissioners, and the expense incurred by them, including engineer and  
95 attorney fees, in preparing or causing to be prepared the map and list of lands,

96 which compensation shall not exceed five dollars per day for each commissioner,  
97 and the county commission shall thereafter enter into a contract, or cause a  
98 contract to be entered into in conjunction with such city, for the purchase of such  
99 right-of-way and for the payment of the portion of the purchase price payable by  
100 the county, with such bonds, or out of funds to be derived from the sale of such  
101 bonds, and by such means only; and such commission shall thereafter issue such  
102 bonds for the amount payable by the county of such purchase price, plus the  
103 amount of such compensation and expense, and any and all expenses incidental  
104 to the issuance and sale of such bonds, and such additional amount as will cover  
105 the discount at which such bonds may be sold and pay interest on such bonds  
106 until the first assessment to pay such bonds shall become payable.

107         7. Such bonds shall be issued in denominations of not less than one  
108 hundred dollars each, and bear interest from their date at a rate not exceeding  
109 the rate per annum permitted by law, payable on the first days of April and  
110 October after such date until all of the bonds shall be paid. The principal shall  
111 become due and payable in installments, which need not be equal, and shall be  
112 such that the first thereof shall become payable on the first interest-paying day  
113 after the first of such special assessments shall become payable and one each year  
114 thereafter, but so as all installments shall become payable within twenty years  
115 and the last thereof not less than eighteen years after the date of the  
116 bonds. Both principal and interest shall be payable at some convenient banking  
117 house or trust company's office to be named in the bonds.

118         8. The bonds shall be signed by the presiding commissioner of the county  
119 commission and attested by the county clerk, and the clerk shall register them  
120 in a suitable book for that purpose. After being so registered, they shall be  
121 presented to the state auditor for registration, who shall register them as bonds  
122 mentioned in section 108.260 are required by law to be registered, and the  
123 provisions of such law as amended shall be applicable to special assessment  
124 bonds issued pursuant to this law the same as to bonds mentioned in such law  
125 as amended. Such bonds, after being so registered by the state auditor, shall be  
126 deposited with the treasurer of the county, in whose custody they shall remain  
127 until disposed of as authorized by this section.

128         9. The county commission may sell the bonds, or any of them, at public  
129 or at private sale, for not less than ninety-five percent of their face value or may  
130 use such bonds, or any portion of them, at not less than ninety-five percent of  
131 their face value in paying for such right-of-way. Such bonds, and the interest

132 thereon, shall be payable and collectible only out of moneys derived from special  
133 assessments against the lands and from money derived from the sale of such  
134 bonds and interest that may accrue on funds so derived while on deposit with any  
135 depository.

136           10. The county commission, either before or after issuance of such bonds,  
137 may have an adjudication of their validity, by the circuit court of the county, by  
138 filing a petition therefor with the circuit clerk of the county, setting forth therein  
139 the boundaries embracing all of the lands and stating what counties include such  
140 lands. The circuit clerk, when such petition shall have been so filed, shall cause  
141 notice to be published in four successive issues of a weekly newspaper, in each of  
142 the counties, stating therein such boundaries, and that all persons owning or  
143 interested in lands within such boundaries are thereby summoned to appear  
144 before the circuit court on the first day of the term thereof in such notice named  
145 and show any reason there may be why such bonds should not be adjudged valid  
146 or cannot be paid by special assessments against the lands. The notice shall also  
147 state the term of the circuit court, which shall be the first term fifteen or more  
148 days after the last publication of such notice, at which such parties are required  
149 to appear, and the first day thereof. The circuit court shall consider any and all  
150 reasons that may be submitted on or before the first day of the term why such  
151 bonds should not be adjudged valid or cannot be paid by special assessments  
152 against the lands and any evidence offered in support thereof or against the  
153 same; and unless the contrary shall be shown and proven to the satisfaction of  
154 the court, shall adjudge the bonds valid, and that the lands shall be subject to  
155 special assessments to pay same.

156           11. After issuance of such bonds, the county clerk of the county issuing  
157 them shall prepare a list of such lands and of the valuations thereof for special  
158 assessment purposes and therein give to all lands within two miles of the location  
159 or proposed location of such bridge the valuations indicated by the list approved  
160 by the county commission, and to lands a greater distance than two miles and not  
161 more than four miles from such location or proposed location, seventy-five percent  
162 of the valuations so indicated therefor, and lands more than four miles and not  
163 over seven miles, fifty percent of the valuations so indicated, and lands over seven  
164 miles from and within ten miles of such location or proposed location, twenty-five  
165 percent of the valuations thereof so indicated.

166           12. If the list includes land in more than one county, the county clerk  
167 shall prepare for and supply the county clerk of each other county embracing any

168 of the land a list of such lands as are in the county of each and the valuations  
169 thereof as so given in the list so prepared for special assessment purposes, and  
170 shall certify to each of them as special assessments are ordered the rate at which  
171 the lands are assessed and are to be charged in the tax books to be prepared.

172       13. The county commission shall each year order a special assessment  
173 against the lands of such percent of the valuations thereof as so given in such list  
174 for special assessment purposes as shall suffice to pay such of the bonds, and  
175 such interest as shall become payable before the next assessment thereafter shall  
176 become payable. The county clerk of each county embracing any of such lands  
177 shall charge such assessments on his **or her** tax books against the lands subject  
178 thereto, and when so charged such assessments shall constitute a lien upon the  
179 lands charged therewith for the amount thereof and all interest and penalties  
180 that may accrue thereon and all cost in collecting the same, including attorney  
181 fees to be taxed as cost in the action to enforce payment, which lien shall be  
182 paramount to all other liens except of the state for state, county, school and road  
183 taxes, and such assessments shall become due and payable and be subject to  
184 penalties and interest at the same rate when in default as such taxes; and suits  
185 to foreclose the lien of such assessment may be instituted and enforced in the  
186 same manner as for such taxes; and county collectors shall receive and receipt for  
187 such assessments as are charged on their tax books, and interest and penalties  
188 thereon, the same as for taxes so charged.

189       14. In suits to enforce the lien of any such assessments, bills thereof  
190 issued by the county shall be prima facie evidence of the amounts of the  
191 assessments, and that they are valid liens against the lands charged therewith  
192 as indicated by such bills. The county treasurer of any county issuing such bonds  
193 shall be the custodian of funds derived therefrom, and from such special  
194 assessments, and shall be liable on his **or her** official bond therefor, and county  
195 collectors collecting any such assessments shall pay them to him **or her**. He **or**  
196 **she** shall deposit such funds in the county depository and interest accruing  
197 thereon when so deposited shall be for the same use as funds derived from  
198 assessments, and he **or she** shall disburse all such funds as contemplated by this  
199 law.

234.130. 1. Any such city may increase its indebtedness by issuing and  
2 selling its bonds for funds for use in making a purchase or purchases by authority  
3 of this law and paying expenses of holding an election as by this section  
4 authorized and other expenses preliminary or incidental to the issuance and sale

5 of such bonds. Such increase of indebtedness shall not cause the indebtedness of  
6 the city to exceed the constitutional limit. The council, trustees, or other proper  
7 authorities of the city, shall order an election to be held, and an election shall be  
8 held, as by this section provided, for the purpose of testing the sense of the voters  
9 of the city on the proposition to so increase indebtedness and the constitutionally  
10 required percentage of those voting at such election favor the increase of  
11 indebtedness.

12         2. Such council, trustees, or other proper authorities, shall give, or cause  
13 to be given, [at least three weeks'] notice of such election [in a newspaper  
14 published in such city, or if there be no such newspaper, then by posting up ten  
15 printed or written handbills in ten different public places in such city. If there  
16 are one or more daily newspapers published in the city, which are qualified to  
17 publish public advertisements and orders of publication as provided by law, such  
18 notice shall be published in at least one of such newspapers. If the notice is  
19 published in a newspaper as provided in this section, such publication shall be  
20 made at least once in each of the three weeks, the last publication to be within  
21 two weeks of the date of such election]. **Notice shall be published on the  
22 front page of the council, trustees, or other proper authorities' website,  
23 if it has one, for a period of three weeks. If the council, trustees, or  
24 other proper authorities do not have a website, notice shall be sent at  
25 least three weeks prior to the election to the secretary of state who  
26 shall publish such notice on the legal notices website, established  
27 pursuant to section 493.077, until the date of the election has passed.**

28         3. Such election shall be held and judges thereof appointed as in case of  
29 other elections in such city, except that the board of election commissioners of the  
30 city, if there be such a board, or other proper authorities having charge of such  
31 election shall provide at least two voting places in each ward of the municipality  
32 conducting such election, if there be more than one ward, and for that purpose  
33 they may combine as many election precincts in each ward as in their opinion  
34 may be proper. The judges and clerks of the precinct in which a voting place is  
35 located shall act as the judges and clerks of such election for such combined  
36 precinct. Except as provided in this section, such election shall be conducted in  
37 the same manner and by the same election commissioners, if there be such  
38 election commissioners, judges and clerks and other officers and employees as  
39 other elections are conducted.

40         4. Such election may be held at the same time as any other election of the

41 city, whether general or special, in which event the voting precincts, judges,  
 42 clerks and the booths used shall be the same as at such other election, but not the  
 43 same ballots or ballot boxes.

238.212. 1. If the petition was filed by registered voters or by a governing  
 2 body, the circuit clerk in whose office the petition was filed shall give notice to  
 3 the public by [causing one or more newspapers of general circulation serving the  
 4 counties or portions thereof contained in the proposed district to publish once a  
 5 week] **publication on the front page of the circuit court's website, if it**  
 6 **has one, for a period of** four consecutive weeks [a notice] **in** substantially [in]  
 7 the following form:

8 **NOTICE OF PETITION**

9 **TO SUBMIT TO A POPULAR VOTE THE CREATION AND FUNDING OF**  
 10 **A TRANSPORTATION DEVELOPMENT DISTRICT**

11 Notice is hereby given to all persons residing or owning property  
 12 in (here specifically describe the proposed district boundaries),  
 13 within the state of Missouri, that a petition has been filed asking  
 14 that upon voter approval, a transportation development district by  
 15 the name of "\_\_\_\_\_ Transportation Development District" be  
 16 formed for the purpose of developing the following transportation  
 17 project: (here summarize the proposed transportation project or  
 18 projects). The petition also requests voter approval of the following  
 19 method(s) of funding the district, which (may) (shall not) increase  
 20 the total taxes imposed within the proposed district: (describe the  
 21 proposed funding methods). A copy of this petition is on file and  
 22 available at the office of the clerk of the circuit court of \_\_\_\_\_  
 23 County, located at \_\_\_\_\_, Missouri. You are notified to join in  
 24 or file your own petition supporting or answer opposing the  
 25 creation of the transportation development district and requesting  
 26 a declaratory judgment, as required by law, no later than the  
 27 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. You may show cause, if  
 28 any there be, why such petition is defective or proposed  
 29 transportation development district or its funding method, as set  
 30 forth in the petition, is illegal or unconstitutional and should not  
 31 be submitted for voter approval at a general, primary or special  
 32 election as directed by this court.

34

35 Clerk of the Circuit Court of \_\_\_\_\_ County

36 **2. If the circuit court does not have a website, notice required**  
37 **pursuant to subsection 1 of this section shall be sent to the secretary**  
38 **of state who shall publish such notice on the legal notices website,**  
39 **established pursuant to section 493.077.**

40 **3.** The circuit court may also order a public hearing on the question of the  
41 creation and funding of the proposed district, if it deems such appropriate, under  
42 such terms and conditions as it deems appropriate. The circuit court shall order  
43 at least one public hearing on the creation and funding of the proposed district,  
44 if the petition for creating such district was filed by the owners of record of all  
45 real property within the proposed district. If a public hearing is ordered, notice  
46 of the time, date and place of the hearing shall also be given in the notice  
47 specified in subsection 1 of this section.

238.220. 1. Notwithstanding anything to the contrary contained in section  
2 238.216, if any persons eligible to be registered voters reside within the district  
3 the following procedures shall be followed:

4 (1) After the district has been declared organized, the court shall upon  
5 petition of any interested person order the county clerk to cause an election to be  
6 held in all areas of the district within one hundred twenty days after the order  
7 establishing the district, to elect the district board of directors which shall be not  
8 less than five nor more than fifteen;

9 (2) Candidates shall pay the sum of five dollars as a filing fee to the  
10 county clerk and shall file with the election authority of such county a statement  
11 under oath that he or she possesses all of the qualifications set out in this section  
12 for a director. Thereafter, such candidate shall have his or her name placed on  
13 the ballot as a candidate for director;

14 (3) The director or directors to be elected shall be elected at large. The  
15 candidate receiving the most votes from qualified voters shall be elected to the  
16 position having the longest term, the second highest total votes elected to the  
17 position having the next longest term, and so forth. Each initial director shall  
18 serve the one-, two- or three-year term to which he or she was elected, and until  
19 a successor is duly elected and qualified. Each successor director shall serve a  
20 three-year term. The directors shall nominate and elect an interim director to  
21 complete any unexpired term of a director caused by resignation or  
22 disqualification; and

23 (4) Each director shall be a resident of the district. Directors shall be  
24 registered voters at least twenty-one years of age.

25 2. Notwithstanding anything to the contrary contained in section 238.216,  
26 if no persons eligible to be registered voters reside within the district, the  
27 following procedures shall apply:

28 (1) Within thirty days after the district has been declared organized, the  
29 circuit clerk of the county in which the petition was filed shall, upon giving notice  
30 [by causing publication to be made once a week for two consecutive weeks in a  
31 newspaper of general circulation in the county, the last publication of which shall  
32 be at least ten days before the day of the meeting required by this section], call  
33 a meeting of the owners of real property within the district at a day and hour  
34 specified in a public place in the county in which the petition was filed for the  
35 purpose of electing a board of not less than five and not more than fifteen  
36 directors, to be composed of owners or representatives of owners of real property  
37 in the district[; provided that,]. **Notice of such meeting shall be published**  
38 **on the front page of the district's website, if it has one, for a period of**  
39 **two weeks. If the district does not have a website, notice of the**  
40 **meeting shall be sent two weeks prior to the meeting to the secretary**  
41 **of state who shall publish such notice on the legal notices website,**  
42 **established pursuant to section 493.077, until the date of the meeting**  
43 **has passed. Notwithstanding the foregoing,** if all the owners of property in  
44 the district joined in the petition for formation of the district, such meeting may  
45 be called by order of the court without further publication. For the purposes of  
46 determining board membership, the owner or owners of real property within the  
47 district and their legally authorized representative or representatives shall be  
48 deemed to be residents of the district; for business organizations and other  
49 entities owning real property within the district, the individual or individuals  
50 legally authorized to represent the business organizations or entities in regard  
51 to the district shall be deemed to be a resident of the district;

52 (2) The property owners, when assembled, shall organize by the election  
53 of a chairman and secretary of the meeting who shall conduct the election. At the  
54 election, each acre of real property within the district shall represent one share,  
55 and each owner may have one vote in person or by proxy for every acre of real  
56 property owned by such person within the district;

57 (3) The one-third of the initial board members receiving the most votes  
58 shall be elected to positions having a term of three years. The one-third of initial

59 board members receiving the next highest number of votes shall be elected to  
60 positions having a term of two years. The lowest one-third of initial board  
61 members receiving sufficient votes shall be elected to positions having a term of  
62 one year. Each initial director shall serve the term to which he or she was  
63 elected, and until a successor is duly elected and qualified. Successor directors  
64 shall be elected in the same manner as the initial directors at a meeting of the  
65 real property owners called by the board. Each successor director shall serve a  
66 three-year term. The directors shall nominate and elect an interim director to  
67 complete any unexpired term of a director caused by resignation or  
68 disqualification;

69 (4) Directors shall be at least twenty-one years of age.

70 3. Notwithstanding any provision of section 238.216 and this section to  
71 the contrary, if the petition for formation of the district was filed pursuant to  
72 subsection 5 of section 238.207, the following procedures shall be followed:

73 (1) If the district is comprised of four or more local transportation  
74 authorities, the board of directors shall consist of the presiding officer of each  
75 local transportation authority within the district. If the district is comprised of  
76 two or three local transportation authorities, the board of directors shall consist  
77 of the presiding officer of each local transportation authority within the district  
78 and one person designated by the governing body of each local transportation  
79 authority within the district;

80 (2) Each director shall be at least twenty-one years of age and a resident  
81 or property owner of the local transportation authority the director represents.  
82 A director designated by the governing body of a local transportation authority  
83 may be removed by such governing body at any time with or without cause; and

84 (3) Upon the assumption of office of a new presiding officer of a local  
85 transportation authority, such individual shall automatically succeed his **or her**  
86 predecessor as a member of the board of directors. Upon the removal, resignation  
87 or disqualification of a director designated by the governing body of a local  
88 transportation authority, such governing body shall designate a successor  
89 director.

90 4. The commission shall appoint one or more advisors to the board, who  
91 shall have no vote but shall have the authority to participate in all board  
92 meetings and discussions, whether open or closed, and shall have access to all  
93 records of the district and its board of directors.

94 5. If the proposed project is not intended to be merged into the state

95 highways and transportation system under the commission's jurisdiction, the local  
96 transportation authority that will assume maintenance of the project shall  
97 appoint one or more advisors to the board of directors who shall have the same  
98 rights as advisors appointed by the commission.

99           6. Any county or counties located wholly or partially within the district  
100 which is not a local transportation authority pursuant to subdivision (4) of  
101 subsection 1 of section 238.202 may appoint one or more advisors to the board  
102 who shall have the same rights as advisors appointed by the commission.

          238.310. 1. Any number of natural persons, not less than three, each of  
2 whom is at least twenty-one years of age and a registered voter within this state,  
3 may file with the commission a written application with preliminary plans and  
4 specifications for a project requesting that the commission authorize the creation  
5 of a transportation corporation to act within a designated area. The application  
6 shall also provide a proposed plan for financing the project. The commission may  
7 charge a filing fee for the application.

8           2. The commission shall order a local public hearing and shall cause to be  
9 published notice that the commission is considering authorizing a project and the  
10 incorporation of a transportation corporation. The notice shall specify the time,  
11 date, and place of the hearing and shall be given by publication [in a newspaper  
12 published in the county or counties in which all or part of the project is to be  
13 located which has a general circulation once a week for four consecutive  
14 weeks. The last publication shall be at least fifteen days prior to the date of the  
15 hearing] **on the front page of the commission's website, if it has one, for**  
16 **a period of four weeks. If the commission does not have a website,**  
17 **notice shall be sent four weeks prior to the hearing to the secretary of**  
18 **state who shall publish such notice on the legal notices website,**  
19 **established pursuant to section 493.077, until the date of the hearing**  
20 **has passed.** The commission shall also give at least fifteen days written notice  
21 of such hearing to the owners of all fee interests of record in all tracts of real  
22 property located within the area proposed to be included within the limits of the  
23 project.

24           3. The commission shall also serve written notice on each county, city,  
25 town and village in which all or part of a project is to be located that the  
26 commission is considering authorizing a project and the incorporation of the  
27 transportation corporation. Each such county, city, town and village shall be  
28 entitled to review the written application with preliminary plans and

29 specifications. Approval of the project by the governing body of each such county,  
30 city, town and village is a condition precedent to approval of the project and the  
31 corporation by the commission.

32 4. After the hearing, the commission shall consider the matter of  
33 authorizing the project and the incorporation of the transportation corporation at  
34 a regular commission meeting. If the commission by minute finds that the project  
35 will improve or is a necessary or desirable extension of the state highways and  
36 transportation system and that the proposed corporation will have adequate  
37 funds to finance the proposed project, the commission may approve the articles  
38 of incorporation for the corporation and the project subject to the corporation  
39 making any revisions in the plans and specifications required by the commission  
40 and the corporation entering into a mutually satisfactory agreement regarding  
41 development and future maintenance of the project.

42 5. The commission shall designate the area of the state in which the  
43 corporation may act, and such area may include territory within one or more  
44 counties, municipalities or other political subdivisions of the state. The  
45 commission may authorize creation of one or more corporations to act within the  
46 same designated area, provided that the commission minute approving the  
47 creation of each corporation shall specify the public purposes which each  
48 corporation will further.

49 6. No corporation may be formed unless the commission has duly adopted  
50 a commission minute which shall be conclusive evidence of the commission's  
51 approval of the project and the articles of incorporation.

241.160. Whenever, in the judgment of said county commission, it shall  
2 be to the interest of said counties to do so, they shall order the sheriff to sell the  
3 same at public vendue to the highest bidder, after giving sixty days' notice[, by  
4 publication in some newspaper published in the county, if there be one, or if there  
5 be no such paper published in the county, then by at least ten written or printed  
6 handbills put up at ten public places within the county, containing] **of such**  
7 **sale. Notice shall be published on the front page of the commission's**  
8 **website, if it has one. If the commission does not have a website, notice**  
9 **shall be sent sixty days prior to the sale to the secretary of state who**  
10 **shall publish such notice on the legal notices website, established**  
11 **pursuant to section 493.077, until the date of the sale has passed. The**  
12 **notice shall contain** a general description of the lands to be sold, by section,  
13 township and range. Such lands shall be sold in such quantities, at such times

14 and places, and on such terms as they may think proper, and as set forth in such  
15 notice, with or without draining or reclaiming the same, as in their discretion  
16 they may think most conducive to the interest of their respective counties; and  
17 all sales made under the provisions of sections 241.010 to 241.280 shall conform  
18 to the subdivisions prescribed by the laws of the United States; provided,  
19 however, that no land shall be sold under the provisions of said sections for less  
20 than one dollar and twenty-five cents per acre; and provided further, that the  
21 county commissions of the several counties in this state may, if in their judgment  
22 it is deemed advisable, sell any of the swamp or overflowed lands in their  
23 counties at private sale, without advertisement as provided in this section, at a  
24 price not less than one dollar and twenty-five cents per acre; provided further,  
25 that in all cases where the county commissions of this state have, prior to 1880,  
26 sold or disposed of any such swamplands in their respective counties and issued,  
27 or caused to be issued, patents for the same, and the patentees, or those holding  
28 under them, have been claiming such lands and paying county and state taxes  
29 thereon for more than twenty years, such grant shall be deemed and held to be  
30 good and valid, and no action shall be maintained for the purpose of setting aside  
31 or calling in question such patent or patents.

242.030. 1. Immediately after such articles of association shall have been  
2 filed, the clerk in whose office the articles of association have been filed shall give  
3 notice [by causing publication to be made once a week for four consecutive weeks  
4 in some newspaper published in each county in which are situate lands and other  
5 property of the district, the last insertion to be made at least fifteen days prior  
6 to the first day of the next regular term of the circuit court at which said articles  
7 of association and petition are to be heard; said] **of such filing. Notice shall  
8 be published on the front page of the office's website, if it has one, for  
9 a period of four weeks. If the office does not have a website, notice  
10 shall be sent to the secretary of state who shall publish such notice on  
11 the legal notices website, established pursuant to section 493.077, for  
12 a period of four weeks.** Notice shall be substantially in the following form and  
13 it shall be deemed sufficient for all purposes of sections 242.010 to 242.690:

14 NOTICE OF APPLICATION TO FORM DRAINAGE DISTRICT.

15 Notice is hereby given to all persons interested in the following  
16 described real estate and other property in \_\_\_\_\_ County of  
17 Missouri (here describe the property as set out in the articles of  
18 association) that articles of association asking that the foregoing

19 lands and other property be formed into a drainage district under  
 20 the provisions of chapter 242, and that the lands and other  
 21 property as above described will be affected by the formation of  
 22 said drainage district and be rendered liable to taxation for the  
 23 purposes of paying the expenses of organizing and making and  
 24 maintaining the improvements that may be found necessary to  
 25 drain, protect and reclaim the lands and other property in said  
 26 district, and you, and each of you, are hereby notified to appear at  
 27 a session of this court to be held on the \_\_\_\_\_ day of \_\_\_\_\_,  
 28 20\_\_\_\_\_, at \_\_\_\_\_ in \_\_\_\_\_ County, and show cause, if any there  
 29 be, why said drainage district as set forth in the articles of  
 30 association shall not be organized as a public corporation of the  
 31 state of Missouri.

32

\_\_\_\_\_  
 Clerk of the circuit court of \_\_\_\_\_ County.

33

34 2. The circuit court of the county in which said articles of association have  
 35 been filed shall thereafter maintain and have original and exclusive jurisdiction  
 36 coextensive with the boundaries and limits of said district without regard to  
 37 county lines, for all purposes of sections 242.010 to 242.690; provided, that where  
 38 lands in different counties are sought to be incorporated in the same district, it  
 39 shall not be necessary to include all of the lands and other property in said  
 40 proposed drainage district in the notice published in the different counties, but  
 41 only such lands and other property in the district as are situate in the respective  
 42 counties.

242.050. 1. The board of supervisors of any drainage district organized  
 2 under the provisions of sections 242.010 to 242.690, for and in its behalf, or the  
 3 owners of a majority of the acres in any tract or tracts of swamp, wet or overflow  
 4 lands or lands subject to overflow lying adjacent to such district, or having an  
 5 outlet in common with lands in the district, shall have the right to file a petition  
 6 in the office of the clerk of the court organizing such district, asking that the  
 7 boundary lines of such district be changed or extended so as to annex and include  
 8 such lands. Said petition shall describe the boundary lines of the tract or tracts  
 9 sought to be annexed and state the names of the owners of such tracts together  
 10 with descriptions of tracts owned by each; when the name or names of any owner  
 11 or owners of any such lands or other property are unknown this fact shall be set  
 12 out in said petition.

13           2. As soon as said petition has been filed the clerk of the court shall give  
14 notice of such filing [by causing publication to be made once a week for four  
15 consecutive weeks in some newspaper published in each county in which any part  
16 of the lands sought to be annexed are situate;] **on the front page of the**  
17 **court's website, if it has one, for a period of four weeks. If the court**  
18 **does not have a website, notice shall be sent to the secretary of state**  
19 **who shall publish such notice on the legal notices website, established**  
20 **pursuant to section 493.077, for a period of four weeks.** Said notice need  
21 not contain the names of the owners of said lands and other property or  
22 descriptions of tracts owned by each, but it will be sufficient to describe said  
23 lands by sections and parts of sections; the notice shall state the purpose of the  
24 petition, that the lands will be rendered liable to taxation to pay the cost of  
25 making and maintaining the improvement found necessary to drain and reclaim  
26 said lands, and that any owner of said lands shall have the right to file objections  
27 to said petition on or before fifteen days after the last publication of the notice,  
28 which said date of filing objections shall be stated in said notice.

29           3. Any owners of land, or other property sought to be annexed, not  
30 petitioning, or the board of supervisors of the district, if not petitioning, shall  
31 have the right to file objections within fifteen days after the last publication of  
32 the notice herein provided for but not thereafter, setting out why said petition  
33 should not be granted. Such objection shall be limited to a denial of the  
34 statements in the petition and shall be heard and determined by the court as  
35 early and speedily as possible, at either a regular, adjourned or special term, and  
36 the court shall annex all lands and other property described in the petition that  
37 are found to be swamp, wet or overflow lands or lands subject to overflow, or  
38 lands having an outlet in common with lands in the district.

39           4. After such extension or extensions have been made, the board of  
40 supervisors of the district shall proceed to reclaim the lands and other property  
41 in the district as enlarged, by either constructing and putting into force or  
42 completing the improvements set out in the plan for reclamation already adopted  
43 or to be adopted, or by formulating and adopting enlargements, additions and  
44 extensions to drains, channels, levees or other improvements in the plan already  
45 adopted, and thereafter the same shall be proceeded with in the same manner or  
46 as nearly as possible, as provided by sections 242.010 to 242.690.

47           5. Any petition filed under this section, all maps, profiles and reports of  
48 the chief engineer of such district, and records of the board shall be deemed

49 prima facie evidence in all proceedings under this section as to all facts  
50 therein. The term "lying adjacent to the district" as used herein shall be  
51 construed by the courts to mean situate nearby or in the vicinity of any drainage  
52 district, or touching such district in part or in whole.

53           6. Any owner of lands or other property, or the board of supervisors, for  
54 and on behalf of the district, shall have the right to appeal from the finding or  
55 decree of the court extending or refusing to extend the boundary lines of such  
56 district, said appeal to be prosecuted the same as provided for appeals under the  
57 civil code.

58           7. The amendments contained herein are declared to be remedial in  
59 character, shall be liberally construed by the courts promptly and shall apply to  
60 districts already organized, in process of organization or to be hereafter organized  
61 by circuit courts of this state.

242.140. 1. The incorporation of every drainage district, heretofore or  
2 hereafter incorporated under and by virtue of the provisions of sections 242.010  
3 to 242.690, shall be dissolved if, at any time before bonds are issued and  
4 negotiated to construct the works and improvements as provided by the plan of  
5 reclamation adopted by its board of supervisors, the owners of a majority of the  
6 acres of land within said drainage district petition the circuit court, wherein said  
7 drainage district was incorporated, for a dissolution thereof; provided, that upon  
8 the filing of any such petition, said circuit court shall, before dissolving said  
9 corporation ascertain and determine the amount of money in the treasury of, or  
10 owing to, said corporation, and the amount of all warrants issued and unpaid by  
11 it and the amount of the debts and other obligations owing by it; and, if said  
12 amount of money in the treasury and owing to said corporation, is in excess of the  
13 amount of said warrants, debts and other obligations, said circuit court shall  
14 order said warrants, debts and other obligations to be forthwith paid and  
15 discharged, and said excess divided among all the owners of land in said drainage  
16 district who paid the same thereto, in the proportions in which they paid the  
17 same; but, if said amount of money, in the treasury and owing to said corporation,  
18 is not sufficient to pay and discharge said warrants, debts and other obligations  
19 then said circuit court shall order said board of supervisors to levy and collect a  
20 uniform tax upon each and every acre of land within said drainage district,  
21 sufficient in amount to pay said deficiency, and to thereupon pay the same.

22           2. At any time during the corporate life of such drainage district, when  
23 all outstanding bonds shall have been paid and when all other indebtedness of

24 said district shall have been paid or when there is sufficient money on hand to  
25 pay any and all outstanding indebtedness, and when there is sufficient money on  
26 hand to pay the costs and expenses of the dissolution of said corporation as  
27 herein provided, the board of supervisors may, and, on a petition of one-tenth of  
28 the landowners, owning one-tenth of the lands in said district, shall, call a  
29 meeting of the landowners in said district for the purpose of determining whether  
30 or not said district shall be dissolved and its corporate life terminated, first  
31 giving three weeks' notice of the object, purpose and place of such meeting by  
32 [notices printed] **notice published on the front page of the board's**  
33 **website, if it has one,** for three weeks successively [in some newspaper or  
34 newspapers printed and published in the county or counties in which said  
35 drainage district lies; provided, however, that]. **If the board does not have a**  
36 **website, notice shall be sent three weeks prior to the meeting to the**  
37 **secretary of state who shall publish such notice on the legal notices**  
38 **website, established pursuant to section 493.077, until the date of the**  
39 **meeting has passed.** Not more than one such meeting for purposes of  
40 dissolution shall be held each year.

41 3. If a majority of the landowners voting at said meeting and owning a  
42 majority of the acres of land in said district voting at said meeting vote in favor  
43 of the dissolution of the incorporation of said drainage district, the board of  
44 supervisors shall cause to be filed in the circuit court wherein said drainage  
45 district was incorporated, a petition setting out the facts: that there are no  
46 outstanding bonds of said district; that there is no other outstanding  
47 indebtedness of said district, or that there is sufficient money on hand to pay any  
48 outstanding indebtedness, as the case may be, and that there is sufficient money  
49 on hand to pay the cost and expenses of such dissolution; that due notice has  
50 been given or the clerk thereof in vacation shall cause notice to be given by  
51 publication in some newspaper printed and published in said county for four  
52 successive weeks, the last publication being not less than fifteen days before the  
53 day to which said petition is made returnable, directed to the creditors,  
54 landowners and all persons interested, of the filing of said petition, its object and  
55 purpose, and ordering them to show cause, if any there be, on said first day, why  
56 said corporation should not be dissolved.

57 4. If, upon a hearing of said petition, the court find the facts aforesaid and  
58 find that there are no outstanding debts and that there is sufficient money to pay  
59 the expenses of dissolution, it shall enter its order dissolving said corporation. If

60 it find there is sufficient money on hand to pay all outstanding debts it shall  
61 order said debts paid and thereafter, on proper showing of their payment, enter  
62 its order of dissolution. Any excess of money on hand shall be distributed as  
63 herein provided; provided, the foregoing provision of dissolution shall not be  
64 effective until the bridges across the drainage ditches in such district are  
65 sufficient and in a reasonable state of repair.

242.150. Within thirty days after any drainage district shall have been  
2 organized and incorporated under the provisions of section 242.040 the circuit  
3 clerk of the county in which the articles of association have been filed shall, upon  
4 giving notice [by causing publication to be made once a week for two consecutive  
5 weeks in some newspaper published in each county in which lands of the district  
6 are situate, the last insertion to be at least ten days before the day of such  
7 meeting], call a meeting of the owners of real estate or other property situate in  
8 said district[, at]. **Notice shall be published on the front page of the**  
9 **circuit clerk's website, if it has one, for a period of twenty-four days**  
10 **prior to the meeting. If the circuit clerk does not have a website,**  
11 **notice shall be sent twenty-four days prior to the meeting to the**  
12 **secretary of state who shall publish such notice on the legal notices**  
13 **website, established pursuant to section 493.077, until the date of the**  
14 **hearing has passed. The notice shall specify a day and hour [specified] in**  
15 **some public place in the county in which the district was organized[.]. The**  
16 **meeting shall be** for the purpose of electing a board of five supervisors, to be  
17 composed of owners of real estate in said district, two of whom at least shall be  
18 residents of the county or counties in which such district is situate, or some  
19 adjoining counties; the landowners, when assembled, shall organize by the  
20 election of a chairman and secretary of the meeting who shall conduct the  
21 election; at such election each and every acre of land in the district shall  
22 represent one share, and each owner shall be entitled to one vote in person or by  
23 proxy for every acre of land owned by him **or her** in such district, and the five  
24 persons receiving the highest number of votes shall be declared elected as  
25 supervisors; and said supervisors shall immediately by lot determine the terms  
26 of their office, which shall be respectively one, two, three, four and five years, and  
27 they shall serve until their successors shall have been elected and qualified.

242.270. Upon the filing of the report of the commissioners, the clerk of  
2 said circuit court shall give notice thereof [by causing publication to be made once  
3 a week] **on the front page of the court's website, if it has one, for a**

4 **period of** three consecutive weeks [in some newspaper, published in each county  
 5 in the district]. **If the court does not have a website, notice shall be sent**  
 6 **to the secretary of state who shall publish such notice on the legal**  
 7 **notices website, established pursuant to section 493.077, for a period of**  
 8 **three consecutive weeks.** It shall not be necessary for said clerk to name the  
 9 parties interested, but it shall be sufficient to say:

10 NOTICE OF FILING OF COMMISSIONERS' REPORT

11 FOR \_\_\_\_\_ DRAINAGE DISTRICT.

12 Notice is hereby given to all persons interested in the following  
 13 described land and property in \_\_\_\_\_ County (or counties)  
 14 Missouri (here describe land and property) included within "\_\_\_\_\_  
 15 drainage district" that the commissioners heretofore appointed to  
 16 assess benefits and damages to the property and lands situate in  
 17 said drainage district and to appraise the cash value of the land  
 18 necessary to be taken for rights-of-way, holding basins and other  
 19 works of said district within or without the limits of said district,  
 20 filed their report in this office on the \_\_\_\_\_ day of \_\_\_\_\_,  
 21 20\_\_\_\_\_, and you and each of you are hereby notified that you may  
 22 examine said report and file exceptions to all or any part thereof,  
 23 as provided by law,

24 \_\_\_\_\_  
 25 Clerk of the circuit court of \_\_\_\_\_ County, Missouri.

26 [provided, that where lands in different counties are contained in said report, the  
 27 said notice shall be published in some newspaper in each county in which such  
 28 lands so affected are situate, and it shall not be necessary to publish a list of all  
 29 of said lands in each county, but only that part of same situate in the respective  
 30 counties.]

242.310. 1. The board of supervisors for and in behalf of any drainage  
 2 district, organized under sections 242.010 to 242.690, may file a petition in the  
 3 office of the clerk of the court organizing said district, asking permission to  
 4 amend or change the plan for reclamation. Said petition shall specifically set  
 5 forth the change or amendment desired and in case commissioners have already  
 6 appraised the values of lands to be taken for works set out in the plan for  
 7 reclamation sought to be amended and assessed the benefits and damages to the  
 8 lands, said petition shall ask for the appointment of three commissioners to  
 9 appraise the land to be taken for use in the district, assess benefits and damages

10 accruing to the lands of and property affected by the proposed amendment or  
11 change.

12 2. Upon the filing of the said petition the clerk of said circuit court shall  
13 cause a notice to be given to all the owners of land and other property situated  
14 in said district. Said notice [shall be given by publication in some newspaper  
15 published in the county in which said district was organized and said notice] may  
16 be in the following form, and shall be deemed sufficient for all purposes herein:

17 State of Missouri )

18 ) ss.

19 County of \_\_\_\_\_ )

20 To the owners and all other persons interested in the land and  
21 corporate property of \_\_\_\_\_ district of Missouri:

22 You, and each of you, are hereby notified that the \_\_\_\_\_ drainage  
23 district of Missouri, by its board of supervisors, has filed in the  
24 office of the circuit clerk of \_\_\_\_\_ County, Missouri, its petition  
25 praying said circuit court for permission to amend or change (as  
26 the case may be) its plan for reclamation and unless you show  
27 cause to the contrary on or before the \_\_\_\_\_ day of \_\_\_\_\_,  
28 20\_\_\_\_\_, the prayer of said petition may be granted and said plan  
29 for reclamation may be amended and changed accordingly, and  
30 commissioners appointed to appraise property and to assess  
31 benefits and damages accruing to the lands or properties affected  
32 by such changes.

33 \_\_\_\_\_

34 Clerk, Circuit Court \_\_\_\_\_ County.

35 Said notice shall be [inserted once a week] **published on the front page of the**  
36 **circuit court's website, if it has one, for a period of two consecutive weeks**  
37 **[in some newspaper published in each county having lands in the district]. If**  
38 **the circuit court does not have a website, notice shall be sent to the**  
39 **secretary of state who shall publish such notice on the legal notices**  
40 **website, established pursuant to section 493.077, for a period of two**  
41 **consecutive weeks.**

42 3. Any owner of land or property affected by the proposed change or  
43 amendment shall have a right to file his **or her** objections to the granting of the  
44 prayer of said petition within ten days after the last publication of the notice  
45 herein provided for. Said court shall hear said petition and any objections that

46 may be filed against said petition in a summary manner, and if it should appear  
47 from the testimony offered that the objections should be sustained and that the  
48 plan for reclamation should not be changed, or amended, then the court shall  
49 dismiss the petition. But if it shall appear from the testimony offered that the  
50 prayer of said petition should be granted in whole or in part, the court shall allow  
51 and decree such change, or amendment. The clerk of said circuit court shall  
52 make a certified copy of such finding and judgment and furnish the same to the  
53 secretary of the board of supervisors who shall preserve the same in his **or her**  
54 office.

55 4. At the same session of the court at which the plan for reclamation is  
56 amended, changed or extended, the court may appoint three commissioners who  
57 shall possess the qualifications defined in section 242.240, to view the lands and  
58 other property affected by such change in the plan for reclamation and to assess  
59 said lands and property with the benefits and damages accruing thereto on  
60 account of the execution of the plan for reclamation as changed or amended, and  
61 said commissioners shall make a report to the court of their finding, after which  
62 the same proceeding shall be had concerning said report as is now provided for  
63 hearing objections to original reports appraising lands and assessing benefits and  
64 damages; provided, that if said district shall have outstanding any bonds or other  
65 negotiable evidences of indebtedness, any new assessment of benefit made in  
66 accordance with this section shall not diminish the total amount of the unpaid  
67 assessed benefits in said districts more than ten percent, or below one hundred  
68 and twenty-five percent, of the amount of the principal of such bond and other  
69 negotiable certificates of indebtedness issued by said district.

242.485. 1. The board of supervisors may, if in their judgment it seems  
2 best, issue additional bonds which do not exceed ninety percent of the amount of  
3 new taxes levied pursuant to paragraph 2 of section 242.450. The funds derived  
4 from the sale of said bonds shall be used only to pay the costs of replacing,  
5 repairing, and reconstructing the drainage works and improvements called for  
6 and completed pursuant to the plan for reclamation originally adopted by the  
7 board of supervisors.

8 2. The board of supervisors shall issue such additional bonds only if, at  
9 a meeting called for such purpose, the issuance of the bonds obtains the approval  
10 of the owners of two-thirds of the acreage in the district having benefits assessed  
11 against it. The owners of property within the district shall vote at such meeting  
12 in the manner provided in sections 242.150 and 242.160.

13 3. Notice for the meeting referred to in paragraph 2 shall be in  
14 substantially the following form:

15 NOTICE OF MEETING OF \_\_\_\_\_ DRAINAGE DISTRICT

16 Notice is hereby given to owners of land and other property in  
17 \_\_\_\_\_ drainage district of Missouri that a meeting will be held on  
18 \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock at \_\_\_\_\_ in \_\_\_\_\_ County for  
19 the purpose of approving the issuance of bonds to finance the cost  
20 of replacing, repairing and reconstructing the drainage works and  
21 improvements called for and contemplated in the plan for  
22 reclamation originally adopted by the board of supervisors, and  
23 transacting such further business as may come before said meeting.  
24 The meeting will be open to the public.

25 Done by order of the Board of Supervisors this \_\_\_\_\_ day of  
26 \_\_\_\_\_, 20\_\_\_\_\_.

27

28

\_\_\_\_\_  
Secretary of the Board of Supervisors

29 4. The secretary shall cause the notice of the meeting to be published  
30 [once a week] **on the front page of the board's website, if it has one**, for  
31 [two] **a period of three** consecutive weeks [in some newspaper published in  
32 each county in which lands of the district are situated, the last insertion to be at  
33 least ten days] before the day of such meeting. **If the board does not have a**  
34 **website, notice shall be sent at least three weeks before the date of the**  
35 **hearing to the secretary of state who shall publish such notice on the**  
36 **legal notices website, established pursuant to section 493.077, until the**  
37 **date of the meeting has passed.**

38 5. The bonds shall be issued in all other respects pursuant to and in  
39 accordance with the provisions of section 242.480.

242.696. 1. The board of supervisors of the major district shall, within  
2 ninety days after the service of a certified copy of petition upon the secretary of  
3 the major district at its office, by order of its board either agree to accept the  
4 petitioning district or to reject same under the provisions of sections 242.692 to  
5 242.699. In either event, a certified copy of its action shall be filed by its  
6 secretary in the office of the clerk of the circuit court in which the petition is  
7 pending within twenty days after the board action.

8 2. In the event the action of the major district shall be to agree and accept  
9 the petition to annex minor district to major district, the clerk of the circuit court

10 shall give notice of the filing of the petition and the acceptance thereof [by  
11 causing publication to be made once a week] **on the front page of the board**  
12 **of supervisor's website, if it has one, for a period of** four consecutive weeks  
13 [in some newspaper published in each county in which any lands or property  
14 within the boundaries of the minor district shall be situate]. **If the board of**  
15 **supervisors does not have a website, notice shall be sent to the**  
16 **secretary of state who shall publish such notice on the legal notices**  
17 **website, established pursuant to section 493.077, for a period of four**  
18 **consecutive weeks.** Such notice need not contain the names of the owners of  
19 the lands and property, or descriptions of the tracts of land owned and property  
20 affected in the minor district, but it will be sufficient to describe the owners and  
21 lands as being all the owners of the lands and property embraced in the  
22 boundaries of the minor district petitioning; the notice shall also state the  
23 purpose of the petition by the minor district to the major district is to annex to  
24 the major district the minor district and that the petitioning minor district lands  
25 and property and owners will become a part of the major district which assumes  
26 all liabilities, and that the major district accepts the benefit assessments of the  
27 minor district as a basis of assessment of taxes thereafter, and in cases of  
28 overlaps of the districts, the combined benefits shall be added on each tract of  
29 land or property and the combined assessments of the minor and the major  
30 districts shall be the true benefit assessment for tax purposes hereafter; and if  
31 the petition is granted, the minor district shall become a part of the major district  
32 and the minor district shall cease to be as an organization. That any owner of  
33 land or other property against which benefits are assessed lying within the  
34 boundaries of the minor district petitioning to be annexed shall have the right to  
35 file objections in the office of the said circuit clerk within fifteen days but not  
36 after the last publication of notice which said date of filing objection shall be  
37 stated in said notice.

38         3. Objections so filed shall set out why petition should not be  
39 granted. Such objections shall be limited to a denial of the statements in the  
40 petition and should be heard and determined by the court as early and speedily  
41 as possible, at either a regular, adjourned or special term, and the court shall set  
42 such motions down for hearing at the earliest possible time, not later than fifteen  
43 days after the time for filing same expires, and hear same speedily. If the court  
44 finds the statements in the petition and in the agreement and acceptance to be  
45 true, after due hearing, the said court shall by its judgment and decree annex the

46 minor district to the major district reciting the facts in its judgment consistent  
47 with sections 242.692 to 242.699.

48 4. Upon rendition of the decree the clerk of the court shall cause a  
49 certified copy of the judgment and decree of the court to be served upon the  
50 secretary or any other officer of the minor district. The board of supervisors and  
51 its officers of the minor district shall thereupon proceed to deliver to the secretary  
52 of the board of the major district all of its books, records and supplies it has on  
53 hand, and the treasurer of said minor district shall forthwith deliver to the  
54 treasurer of the major district all of the moneys and property in his **or her** hands  
55 and charged up to him **or her**, taking the receipt of the secretary of the major  
56 district therefor, which shall terminate the existence of the minor district.

242.720. 1. The chief engineer appointed by the board of supervisors of  
2 any mine drainage district, as provided in section 242.220, shall make a survey  
3 of the lands, both surface and underground, within the district, and of all  
4 mineralized lands adjacent thereto that may or will be benefitted by such system  
5 of drainage, and report thereon in writing to the board of supervisors, with maps  
6 and profiles of such survey, showing the shafts, drifts, drill holes, underground  
7 excavations and underground watercourses, with plans for draining, dewatering  
8 and reclaiming such lands for mining purposes, together with designs and plans  
9 for the construction of a custom concentrating plant or plants and all necessary  
10 facilities in connection therewith, including also an estimate of the amount of ores  
11 and minerals available for mining from such lands upon completion and execution  
12 of such plans. Such report, or any modification thereof approved by the chief  
13 engineer shall be adopted by the board of supervisors as the plan for reclamation  
14 as provided in section 242.230.

15 2. On the filing and adoption of the plan for reclamation, the board of  
16 supervisors shall, by resolution, provide for the levy and collection of the taxes  
17 and charges hereinbefore and hereinafter provided for, including provisions for  
18 the increase thereof as provided for in section 242.740, and shall give notice  
19 thereof by **[causing] posting** such resolution **[to be published once a week] on**  
20 **the front page of the board's website, if it has one, for a period of two**  
21 **consecutive weeks [in some newspaper published in each county in which the said**  
22 **district or any part thereof may be located]. If the board does not have a**  
23 **website, the resolution shall be sent to the secretary of state who shall**  
24 **publish such resolution on the legal notices website, established**  
25 **pursuant to section 493.077, for a period of two consecutive weeks.**

26           3. Any owner of land within the district or adjacent thereto that may or  
27 will be benefitted by such plan for reclamation may, within ten days following the  
28 last day of publication of said notice, file with the secretary of the board of  
29 supervisors, exceptions to such tax levies or charges.

30           4. Thereupon the board of supervisors shall, within five days after the  
31 filing of such exceptions, hear and determine the same, and in case any such  
32 landowner is not satisfied with the determination of such exceptions by such  
33 board, he **or she** may file his **or her** exceptions in the form of a petition in the  
34 circuit court by which the district was organized, and such court shall hear and  
35 determine the same as provided in section 242.280.

36           5. The chief engineer shall keep a complete record of the drainage of said  
37 district and the lands affected thereby and of the operation of such concentrating  
38 plant or plants, and shall file a written report thereon from time to time as may  
39 be requested by the board of supervisors, but at least once each year.

243.060. Immediately after the report of the viewers and engineer has  
2 been filed[, it will be the duty of] the county clerk [to] **shall** cause notice thereof  
3 to be published [in some newspaper published in the county wherein the  
4 proceedings are pending. Such notice shall be published once a week] **on the**  
5 **front page of the clerk's website for a period of three consecutive weeks**[,  
6 three times, and]. **If the county clerk does not have a website, notice**  
7 **shall be sent to the secretary of state who shall publish such notice on**  
8 **the legal notices website, established pursuant to section 493.077, for**  
9 **a period of three consecutive weeks.** Notice shall be in substantially the  
10 following form:

11       NOTICE OF PENDENCY OF PETITION TO FORM DRAINAGE DISTRICT.

12           Notice is hereby given to all persons interested in the following  
13 described land and other property in \_\_\_\_\_ County of Missouri  
14 (here describe the property as set out in the petition and report of  
15 the viewers and engineer) that there has been filed in this office a  
16 petition for the organization of a drainage district under the  
17 provisions of chapter 243, RSMo, that the duly appointed viewers  
18 and engineer have made and filed their report in this office, and  
19 that the lands and other property as above described will be  
20 affected by the formation of the proposed drainage district and be  
21 rendered liable to taxation for the purpose of paying the expenses  
22 of organizing and incorporating the district and making and

23 maintaining the improvements that may be found necessary to  
24 drain, protect and reclaim the lands and other property therein and  
25 you and each of you are hereby notified that you may examine the  
26 said petition and report and file exceptions to all or any part  
27 thereof as provided by law.

28 \_\_\_\_\_  
29 Clerk of the county commission of \_\_\_\_\_ County,  
30 Missouri.

243.110. Upon the filing of the report of the viewers and engineer, the  
2 clerk shall immediately give notice of the filing thereof, by publication [in some  
3 newspaper published in the county wherein the proceeding is pending. Such  
4 notice shall be published] **on the front page of its website, if it has one, for**  
5 **a period of three successive weeks[, three times, and]. If the clerk does not**  
6 **have a website, notice shall be sent to the secretary of state who shall**  
7 **publish such notice on the legal notices website, established pursuant**  
8 **to section 493.077, for a period of three successive weeks. Notice shall**  
9 be substantially in the following form, to wit:

10 NOTICE OF FILING OF VIEWERS' REPORT IN DRAINAGE DISTRICT  
11 NO. \_\_\_\_\_ OF \_\_\_\_\_ COUNTY, MISSOURI.

12 Notice is hereby given to all persons interested in the following  
13 described land and other property included within drainage district  
14 No. \_\_\_\_\_ of \_\_\_\_\_ County, Missouri (here describe land and other  
15 property), that the viewers heretofore appointed to establish the  
16 precise location of the improvements, to assess benefits and  
17 damages to the property and lands situate in said drainage district  
18 and to appraise the cash value of land necessary to be taken for  
19 rights-of-way and other works of said district within or without the  
20 limits of said district, filed their report in this office on the \_\_\_\_\_  
21 day of \_\_\_\_\_, 20\_\_\_\_\_, and you and each of you are hereby  
22 notified that you may examine said report and file exceptions to all  
23 or any part thereof, as provided by law.

24 \_\_\_\_\_  
25 Clerk of the county commission of \_\_\_\_\_ County,  
26 Missouri.

243.160. 1. The county commission for and on behalf of a drainage  
2 district shall have full power and authority to build, construct, excavate and

3 complete all or any works and improvements which may be needed to complete  
4 the improvements located, described and set forth in the duly confirmed report  
5 of the viewers and engineer.

6         2. To accomplish that end the said county commission is hereby  
7 authorized and empowered to employ men and teams and to rent or purchase  
8 machinery, employ men to operate same and directly have charge of and construct  
9 the works and improvements, or by the use of other or more efficient means than  
10 provided for in the plans adopted.

11         3. [They] **The commission** may, in their discretion, let the contract for  
12 such works and improvements either as a whole or in sections. The county  
13 commission shall fix the time and place of letting contracts for the construction  
14 of the improvements, and cause notice thereof, containing a description of the  
15 work to be let, to be given by the clerk of the county commission, by publication  
16 [in three consecutive issues of some weekly newspaper of general circulation,  
17 published in the county, and by at least one insertion in some suitable  
18 contractor's or trade journal, the last insertion to be at least ten] **on the front**  
19 **page of the commission's website, if it has one, for a period of thirty-**  
20 **one days before the day of letting. If the commission does not have a**  
21 **website, notice shall be sent thirty-one days before the day of letting to**  
22 **the secretary of state who shall publish such notice on the legal notices**  
23 **website, established pursuant to section 493.077, until the day of letting**  
24 **has passed.**

243.220. 1. When any ditches or other improvements constructed under  
2 this chapter need to be enlarged, cleaned out, obstructions removed therefrom or  
3 new work done, five or more of the owners of land originally assessed for the  
4 construction of any such ditches, or other improvements, may file a statement in  
5 writing with the county clerk setting forth such necessity.

6         2. Upon the filing of such statement, it shall be the duty of the county  
7 commission, at its next meeting thereafter, to direct the district engineer, or an  
8 engineer of their selection, as the case may be, to proceed at once to view the  
9 premises and to make a report to the commission in writing of the repairs and  
10 improvements necessary to be made and the probable cost of making such  
11 improvements as will restore the said ditch, drain or levy to an efficient  
12 condition.

13         3. It shall be the duty of the county commission to forthwith consider said  
14 report and if the commission finds that the improvements, or any of them,

15 recommended in said report should be made, it shall direct the district engineer,  
16 or an engineer of their selection, as the case may be, to proceed with all due  
17 diligence in the making of such repairs and improvements, directing such  
18 engineer to purchase such supplies and employ such labor as may be necessary  
19 to accomplish such repairs and improvements and make an itemized report to the  
20 county commission in that behalf, all of which shall be paid out of the  
21 maintenance fund of that district.

22 4. If it shall be found by the county commission that repairs and  
23 improvements are necessary to be made at a cost in excess of the money available  
24 from the maintenance fund, then [it should be the duty of] the county commission  
25 [to] **shall** direct such repairs or improvements to be made as may be necessary  
26 and can be paid out of the maintenance fund and to cause the clerk thereof to set  
27 the hearing of the matter of the levying of an additional tax for such  
28 improvements as cannot be made out of the maintenance fund, for hearing on the  
29 first day of the next regular term of the county commission [and to]. **The clerk**  
30 **shall** give notice of such hearing by publication [in three issues of some weekly  
31 newspaper published in the county, the last insertion to be prior to the day set  
32 for the hearing, which said] **on the front page of the commission's website,**  
33 **if it has one, for a period of three weeks. If the commission does not**  
34 **have a website, notice shall be sent to the secretary of state who shall**  
35 **publish such notice on the legal notices website, established pursuant**  
36 **to section 493.077, for a period of three weeks.** Notice may be in the  
37 following form:

38 Notice is hereby given to the landowners of drainage district No.  
39 \_\_\_\_\_ of \_\_\_\_\_ County, Missouri, that a statement has been filed  
40 with the undersigned clerk by five or more landowners of said  
41 district, alleging that the ditches or other improvements of said  
42 district, should be enlarged, cleaned out, have obstructions  
43 removed, or new work done and that the district engineer has  
44 viewed the premises and reported to the county commission the  
45 necessity for repairs and improvements in excess of the money  
46 available from the maintenance fund and that said statement and  
47 report of the engineer has been set down for hearing on the first  
48 day of the next \_\_\_\_\_ term of the county commission and unless  
49 good cause to the contrary be shown, the county commission will  
50 make an order requiring the district engineer, or an engineer of

51 their selection, as the case may be, to cause said ditches to be  
 52 enlarged, cleaned out, obstructions removed therefrom and new  
 53 work done as may be determined by the commission and the cost  
 54 of said work will be divided pro rata according to the original  
 55 assessment of benefits against the lands included in such drainage  
 56 district.

57

58

59

\_\_\_\_\_  
 Clerk of the county commission of \_\_\_\_\_ County,  
 Missouri.

243.460. 1. When [such] a petition shall have been filed **pursuant to**  
 2 **section 243.450** in the office of the clerk of the circuit court of the county  
 3 wherein lies the greatest number of acres in the proposed consolidated district,  
 4 the clerk shall immediately cause **notice** to be published [in some newspaper in  
 5 each county having lands in the proposed district] **on the front page of the**  
 6 **circuit court's website, if it has one, for a period of** three consecutive  
 7 weeks[, three times, a notice,]. **If the circuit court does not have a website,**  
 8 **notice shall be sent to the secretary of state who shall publish such**  
 9 **notice on the legal notices website, established pursuant to section**  
 10 **493.077, for a period of three consecutive weeks. Notice shall be in**  
 11 substantially [in] the following form:

12 To all persons owning or interested in any lands in drainage  
 13 districts numbered \_\_\_\_\_, \_\_\_\_\_ County, Missouri:  
 14 Notice is hereby given to all persons owning or interested in any  
 15 lands in drainage districts Nos. \_\_\_\_\_, \_\_\_\_\_ County, Missouri,  
 16 that a petition has been filed in my office asking that the aforesaid  
 17 districts be consolidated into one district, and adjudged a public  
 18 corporation to continue as such for a term of \_\_\_\_\_ years, under  
 19 the name of "Consolidated Drainage District No. \_\_\_\_\_ of \_\_\_\_\_  
 20 County, Missouri", and that said petition will be heard on the  
 21 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

22

23

\_\_\_\_\_  
 Clerk of the circuit court of \_\_\_\_\_ County, Missouri.

24 2. The circuit court of the county in which said petition has been filed  
 25 shall thereafter, for all purposes of this chapter, have and maintain original and  
 26 exclusive jurisdiction coextensive with the boundaries and limits of said district  
 27 without regard to county lines.

243.550. Whenever the owners of twenty-five percent or more of the  
 2 acreage of the lands in the district shall file a petition with the county  
 3 commission stating that there has been a material change in the values of the  
 4 property in the district since the last previous assessment of benefits or  
 5 readjustment of the assessment of benefits and praying for a readjustment of the  
 6 assessment of benefits for the purpose of making a more equitable basis for the  
 7 levy of the maintenance tax or for the purpose of levying a new tax to pay the  
 8 costs of the completion of the proposed works and improvements as shown in any  
 9 supplemental plan for reclamation, or for both of the aforesaid purposes, the  
 10 county commission shall give notice of the filing and hearing of the petition by  
 11 posting such notice in a prominent place in the court house and by publication [in  
 12 a newspaper of general circulation in the county once a week for at least four  
 13 consecutive weeks, the last insertion to be at least fifteen days prior to the  
 14 hearing of the petition] **on the front page of the commission's website, if  
 15 it has one, for a period of six weeks. If the commission does not have  
 16 a website, notice shall be sent six weeks prior to the date of the hearing  
 17 to the secretary of state who shall publish such notice on the legal  
 18 notices website, established pursuant to section 493.077, until the date  
 19 of the hearing has passed.** The notice may be in the following form:

20 Notice is hereby given to all persons interested in the lands and  
 21 property included within the \_\_\_\_\_ district that a petition has  
 22 been filed in the office of the county commission of \_\_\_\_\_ County,  
 23 \_\_\_\_\_, praying for a readjustment of the assessment of benefits for  
 24 the purpose(s) of \_\_\_\_\_, and that the petition will be heard by the  
 25 county commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

26 \_\_\_\_\_  
 27 Clerk of \_\_\_\_\_ County

28 Upon hearing of the petition if the county commission finds that there has been  
 29 a material change in the values of property in the district since the last previous  
 30 assessment of benefits, the county commission shall order that there be made a  
 31 readjustment of the assessment of benefits for the purpose of providing a basis  
 32 upon which to levy the maintenance tax of the district or for the purpose of  
 33 levying a new tax to pay the costs of the completion of the proposed works and  
 34 improvements as shown in any supplemental plan for reclamation, or for both of  
 35 the aforesaid purposes.

245.020. 1. After such articles of association shall have been filed, the



38 all of the lands in said proposed levee district in the notice published in the  
39 different counties, but only such lands and other property in the district as are  
40 situate in the respective counties.

41           2. Within fourteen days of the filing of the articles, those petitioning for  
42 the creation of the district shall mail, by certified mail, a copy of the notice  
43 contained in this section to the names as listed on the county assessor's records  
44 of the owners of land identified in the petition or other individual or corporate  
45 franchise property in the district identified in the petition, including all public  
46 entities owning land within the district.

          245.060. 1. Within thirty days after any levee district shall have been  
2 organized and incorporated under the provisions of section 245.025 the circuit  
3 clerk of the court organizing such district shall[, upon giving notice by causing  
4 publication to be made once a week for two consecutive weeks in some newspaper  
5 published in each county in which lands of the district are located, the last  
6 insertion to be at least ten days before the day of such meeting,] call a meeting  
7 of the owners of real estate or other property located in such district, including  
8 the authorized representative of any corporation which owns real estate or other  
9 property located in such district[, at a day and hour specified in some public place  
10 in the county in which the district was organized,] for the purpose of electing a  
11 board of five supervisors, to be composed of owners of real estate in the district,  
12 which may include the authorized representative of any corporation which owns  
13 real estate or other property in the district, two of whom at least shall be  
14 residents of the county or counties in which the district is located, or some  
15 adjoining counties[;].

16           **2. Notice of the meeting called pursuant to subsection 1 of this**  
17 **section shall be published on the front page of the court's website, if it**  
18 **has one, for a period of twenty-four days prior to the meeting. If the**  
19 **court does not have a website, notice shall be sent twenty-four days**  
20 **prior to the meeting to the secretary of state who shall publish such**  
21 **notice on the legal notices website, established pursuant to section**  
22 **493.077, until the date of the meeting has passed. Such notice shall**  
23 **specify a day, hour, and location in some public place in the county in**  
24 **which the district was organized at which the meeting shall take place.**

25           3. The landowners, when assembled, shall organize by the election of a  
26 chairman and secretary of the meeting, who shall conduct the election; at such  
27 election each and every acre of land and each and every mile of right-of-way of

28 every corporation owning a franchise in the district shall represent one share,  
 29 and each owner shall be entitled to one vote in person or by proxy for every acre  
 30 of land or mile of right-of-way owned by him or her in such district, and the five  
 31 persons receiving the highest number of votes shall be declared elected as  
 32 supervisors; and the supervisors shall immediately by lot determine the terms of  
 33 their office, which shall be respectively one, two, three, four and five years, and  
 34 they shall serve until their successors shall have been elected and qualified;  
 35 provided, that if the levee district be located wholly within a third or fourth class  
 36 city of this state, or within any city in this state under fifty thousand population  
 37 operating under a special charter then the owner of each lot, tract, parcel or  
 38 subdivision thereof, as set forth in the final decree of the court creating and  
 39 incorporating such levee district, shall be entitled to one vote, in person or by  
 40 proxy, for each lot, tract, parcel or subdivision thereof, owned by him or her.

245.125. 1. Upon the filing of the report of the commissioners, the clerk  
 2 of said circuit court shall give notice thereof [by causing publication to be made  
 3 once in some newspaper published in each county in the district] **on the front**  
 4 **page of the circuit court's website, if it has one. If the circuit court**  
 5 **does not have a website, notice shall be sent to the secretary of state**  
 6 **who shall publish such notice on the legal notices website, established**  
 7 **pursuant to section 493.077.** It shall not be necessary for said clerk to name  
 8 the parties interested, but it shall be sufficient to say:

9 NOTICE FOR FILING OF COMMISSIONERS' REPORT

10 For \_\_\_\_\_ Levee District.

11 Notice is hereby given to all persons interested in the following  
 12 described land and property in \_\_\_\_\_ County (or counties),  
 13 Missouri (here describe land and property), included within "\_\_\_\_\_  
 14 levee district" that the commissioners heretofore appointed to  
 15 assess benefits and damages to the property and lands situated in  
 16 said levee district and to appraise the cash value of the land  
 17 necessary to be taken for rights-of-way, and other works of said  
 18 district within or without the limits of said district, filed their  
 19 report in this office on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and you,  
 20 and each of you, are hereby notified that you may examine said  
 21 report and file exceptions to all or any part thereof, as provided by  
 22 law.

24 Clerk of the circuit court of \_\_\_\_\_ County, Missouri.  
25 [Provided, that where lands in different counties are contained in said report, the  
26 said notice shall be published in some newspaper in each county in which such  
27 lands so affected are situate, and it shall not be necessary to publish a list of all  
28 of said lands in each county, but only that part of same situate in the respective  
29 counties.]

30 2. The commissioners shall mail, by certified mail, a copy of the notice  
31 contained in this section to the parties contained in subsection 2 of section  
32 245.020 within one week of filing the report.

245.140. 1. The board of supervisors for and in behalf of any levee district  
2 organized under the provisions of sections 245.010 to 245.280, or the owners of  
3 land adjacent to such district, shall have the right to file a petition in the office  
4 of the clerk of the court organizing the district praying the court to amend its  
5 former decree incorporating the district, by correcting the names of landowners,  
6 by striking out any such names, by adding, striking out or correcting the  
7 descriptions of any lands within or alleged to be within the boundary lines of any  
8 such district, or in any other manner amend its decree; said petition may ask  
9 permission of the court for said board to amend or change the plan for  
10 reclamation, or to correct any errors, omissions or other mistakes that have been  
11 discovered in the plan for reclamation, or said petition may ask that the boundary  
12 lines of said district be extended so as to include lands not described by and  
13 included in the articles of association filed and the decree of the court  
14 incorporating the district. If such petition asks the court permission to change  
15 the plan for reclamation or that the boundary lines of such district be in any  
16 manner changed, it shall also ask the court to appoint three commissioners as  
17 provided for under the provisions of section 245.110 to appraise the land that  
18 shall be taken for rights-of-way or other works, or assess the benefits and  
19 damages to any or all lands, railroad and other property already in the district  
20 or that may be annexed to the district by the proposed amendments, and changes  
21 to the plan for reclamation or the proposed change in the boundary lines of said  
22 district.

23 2. After said petition shall have been filed, the court wherein said petition  
24 is filed, if in session, or the clerk thereof in vacation, shall fix the date, not less  
25 than forty-five nor exceeding sixty days from the date of filing of said petition, on  
26 or before which objections, if any, shall be filed to said petition[, and]. The clerk  
27 shall give notice of the filing of said petition and of the date on or before which

28 objections, if any, to said petition[, and the clerk shall give notice of the filing of  
 29 said petition] and of the date on or before which objections, if any, to said petition  
 30 shall be filed by [causing] publication [to be made once a week] **on the front**  
 31 **page of the court's website, if it has one, for a period of** four consecutive  
 32 weeks [in some newspaper published in each county in which are situate the land  
 33 and other property affected by the proposed changes, amendments and corrections  
 34 mentioned in said petition, the first insertion to be made] not more than fourteen  
 35 days after the date on which the petition was filed. **If the court does not have**  
 36 **a website, notice shall be sent, not more than fourteen days after the**  
 37 **date on which the petition was filed, to the secretary of state who shall**  
 38 **publish such notice on the legal notices website, established pursuant**  
 39 **to section 493.077, until the date on which objections shall be filed.** Said  
 40 notice shall be substantially in the following form and it shall be deemed  
 41 sufficient for all purposes of sections 245.010 to 245.280:

42 NOTICE OF LEVEE HEARING

43 To the owners and all persons interested in the lands, corporate  
 44 and other property in and adjacent to "\_\_\_\_\_ levee district".

45 You, and each of you, are hereby notified that a petition has been  
 46 filed in this office praying the circuit court of \_\_\_\_\_ County for  
 47 permission to (here insert the prayer of said petition with the lands  
 48 mentioned therein and the names of the owners thereof), and you,  
 49 and each of you, may file objections to the prayer of said petition,  
 50 on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in this office, but  
 51 not thereafter, if any there be, why the prayer of said petition  
 52 should not be granted.

53 \_\_\_\_\_,  
 54 Clerk of circuit court of \_\_\_\_\_ County, Missouri.

55 3. Where lands or other property in different counties will be affected by  
 56 the proposed changes, amendments and corrections enumerated in the said  
 57 petition, it shall not be necessary to include all the said lands or other property  
 58 in the notice published in the different counties, but only such of said lands and  
 59 other property as are situated in the respective counties. Any owner of land or  
 60 other property that will be affected by the proposed changes, amendments and  
 61 corrections mentioned in the petition, may on or before the date fixed and  
 62 published as above provided, file objections in the court or if in vacation thereof,  
 63 in the office of the clerk of such court wherein the said petition is filed, to the

64 granting of the prayer of the said petition; provided, that the court may in  
65 vacation or term time extend the time upon terms. The court shall hear said  
66 petition and all objections that may have been filed against said petition in a  
67 summary manner without unnecessary delay, and enter its decree according to  
68 its findings.

69 4. The clerk of said court shall, within fifteen days after the granting of  
70 such decree, transmit a certified copy of said decree and a copy of the petition to  
71 the secretary of the board of supervisors, who shall transmit a copy of the same  
72 to each of the recorders of deeds of the counties having land in the district and  
73 to the secretary of state. Each such recorder shall file and preserve the same in  
74 his **or her** office, and for such filing and preserving he **or she** shall receive a fee  
75 of one dollar.

76 5. If said decree of the court provides that the plan for reclamation may  
77 be amended, changed or corrected or the boundary lines of the district extended,  
78 the court shall appoint three commissioners, possessing the same qualifications  
79 as the commissioners appointed under the provisions of section 245.110, to  
80 appraise property to be taken, assess benefits and damages and estimate the cost  
81 of improvements the same as is required of commissioners acting under the  
82 provisions of section 245.120. Said commissioners shall make their report in  
83 writing and file the same with the circuit clerk, after which the case shall be  
84 proceeded with in the same manner as is now provided for in sections 245.010 to  
85 245.280 for the organization of levee districts; provided, that if the petition be  
86 dismissed the district shall pay the cost, but if the petition be sustained in whole  
87 or in part, the objectors shall pay the court costs. In case the benefits and  
88 damages have been assessed on the land and other property remaining in the  
89 district and the court finds the same will not be altered by either the change in  
90 the boundary line or change in the plan for reclamation, the court shall not  
91 appoint commissioners to make assessments.

245.181. 1. The board of supervisors may, if in their judgment it seems  
2 best, issue additional bonds which do not exceed ninety-one percent of the amount  
3 of new taxes levied pursuant to paragraph 2 of section 245.180. The funds  
4 derived from the sale of said bonds shall be used only to pay the costs of  
5 replacing, repairing, and reconstructing the works and improvements called for  
6 and completed pursuant to the plan for reclamation originally adopted by the  
7 board of supervisors.

8 2. The board of supervisors shall issue such additional bonds only if, at

9 a meeting called for such purpose, the issuance of the bonds obtains the approval  
 10 of the owners of two-thirds of the acreage and miles of right-of-way in the district  
 11 which has benefits assessed against it. The owners of property within the district  
 12 shall vote at such meeting in the manner provided in sections 245.060 and  
 13 245.070.

14 3. Notice for the meeting referred to in [paragraph] **subsection 2 of this**  
 15 **section** shall be in substantially the following form:

16 NOTICE OF MEETING OF \_\_\_\_\_ LEVEE DISTRICT

17 Notice is hereby given to owners of land and other property in  
 18 \_\_\_\_\_ levee district of Missouri that a meeting will be held on  
 19 \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock at \_\_\_\_\_ in \_\_\_\_\_ County for  
 20 the purpose of approving the issuance of bonds to finance the cost  
 21 of replacing, repairing and reconstructing the works and  
 22 improvements called for and contemplated in the plan for  
 23 reclamation originally adopted by the board of supervisors, and  
 24 transacting such further business as may come before said meeting.  
 25 The meeting will be open to the public.

26 Done by order of the Board of Supervisors this \_\_\_\_\_ day of  
 27 \_\_\_\_\_, 20\_\_\_\_\_.  
 28 \_\_\_\_\_

29 Secretary of the Board of Supervisors.

30 4. The secretary shall cause the notice of the meeting to be published  
 31 **[once a week] on the front page of the board's website, if it has one, for**  
 32 **a period of** two consecutive weeks [in some newspaper published in each county  
 33 in which lands of the district are situated, the last insertion to be] at least ten  
 34 days before the day of such meeting. **If the board does not have a website,**  
 35 **notice shall be sent twenty-four days prior to the meeting to the**  
 36 **secretary of state who shall publish such notice on the legal notices**  
 37 **website, established pursuant to section 493.077, until the date of the**  
 38 **meeting has passed.**

39 5. The bonds shall be issued in all other respects pursuant to and in  
 40 accordance with the provisions of section 245.230.

245.300. No such levee district shall be formed unless notice of an  
 2 intention to apply therefor be first given by publication [in some newspaper  
 3 published in each county composing said proposed levee district, published once]  
 4 **on the front page of the county commission's website, if it has one, at**

5 least fifteen days before the commencement of the meeting of the county  
6 commission to which said application shall be made[, and provided that]. **If the**  
7 **county commission does not have a website, notice shall be sent at least**  
8 **fifteen days before the commencement of the meeting to the secretary**  
9 **of state who shall publish such notice on the legal notices website,**  
10 **established pursuant to section 493.077, until the date of the meeting**  
11 **has passed.** The commission shall **additionally** mail, by certified mail, a copy  
12 of the notice of the intention to form a district to the names listed on the county  
13 assessor's records of the owners of land or other individual or corporate franchise  
14 property in the district, including all public entities owning land within the  
15 district.

245.320. 1. Any such levee district now existing but not organized under  
2 sections 245.285 to 245.545 may become organized under sections 245.285 to  
3 245.545, and when so organized hereunder, shall be entitled to the benefit of all  
4 of the provisions of sections 245.285 to 245.545 in the following manner: Upon  
5 the presentation of a petition of not less than ten resident landowners whose  
6 lands are taxed in such district proposing to reorganize, or if such district shall  
7 be composed of lands lying in more than one county, then upon the presentation  
8 of a petition of ten such resident taxed landowners, from each of the counties in  
9 which the lands in such district are situate, to the board of directors, supervisors  
10 or managers of such district (by whatever name they may be known) requesting  
11 the submission to an election of the question of a change of organization, such  
12 board of directors shall enter upon the record of the district proposing to change  
13 its organization, the fact of the presentation of the petition, the object thereof,  
14 and the names and residences of the petitioners requesting that such election be  
15 held; such board of directors, if a majority thereof are in favor of such change,  
16 shall make an order that the question of such proposed change shall be submitted  
17 to a vote of the landowners.

18 2. A certified copy of the record of the board of directors, together with a  
19 true certified copy of the petition of the landowners, shall be presented to the  
20 county commission of the county in which such district is situated, at some  
21 regular term thereof, or to each of the county commissions of the counties  
22 composing such district, if there be more than one county therein. Upon the  
23 receipt of the record at any regular term the county commission, or commissions,  
24 shall make an order that an election be held in the district, or in each county in  
25 the district, if there be more than one county, for the purpose of voting upon the

26 question of the proposed change. This election shall be held not more than sixty  
27 days after the same shall be ordered. No one shall be a qualified voter at such  
28 election unless his or her name shall appear as an assessed landowner upon the  
29 current tax books of the district. Each such landowner shall be entitled to cast  
30 as many votes as he or she shall have acres of land assessed for taxation in the  
31 district as shown by the said tax books of the district. Voters may vote in person  
32 or by proxy; provided, that all proxies shall be in writing and acknowledged as  
33 deeds of conveyance are required to be acknowledged. The election shall be held  
34 at the county seat of the county or counties composing the district, but the same  
35 need not be held on the same day in each county, if there be more than one.

36 3. (1) Four judges and two clerks of election shall be appointed for each  
37 county in the district by the board of directors of the district seeking the change  
38 of organization, by and with the consent of the county commission.

39 (2) Notice of said election shall be given by publication [in some  
40 newspaper published in the county in which the election is held for at least four  
41 insertions prior to the holding of the same] **on the front page of the election**  
42 **authority's website, if it has one, for a period of four weeks prior to the**  
43 **election. If the election authority does not have a website, notice shall**  
44 **be sent four weeks prior to the election to the secretary of state who**  
45 **shall publish such notice on the legal notices website, established**  
46 **pursuant to section 493.077, until the date of the election has passed.**

47 (3) The judges and clerks of election shall be sworn in the manner now  
48 required by law for the holding of municipal elections. The judges and clerks of  
49 election shall certify to the county commission of the county wherein such election  
50 was held the result thereof, which certificates shall show the votes for and  
51 against the proposed change of organization.

245.395. [Said] **The** board of directors shall, at their first meeting after  
2 the expiration of one year from date of their organization, and annually thereafter  
3 make and publish [in some newspaper published in the county composing the  
4 levee district, and when composed of two or more counties, then in each county  
5 lying in such district,] a full and complete statement of the amount and kind of  
6 levee work done in the district, with amount of money collected and disbursed  
7 during the preceding year, showing from what officer and what account any  
8 money has been received, and to what individuals and on what account any  
9 money has been paid, and shall strike a balance showing a deficit, if any, or the  
10 balance in the treasury, if any. **Such statement shall be published on the**

11 **front page of the board's website, if it has one. If the board does not**  
12 **have a website, the statement shall be sent to the secretary of state who**  
13 **shall publish such statement on the legal notices website, established**  
14 **pursuant to section 493.077.**

245.460. Said assessment book shall be made out by the assessors of their  
2 respective counties in the levee district, and a fair copy thereof shall be returned  
3 to the president of the board of directors of the levee district in which the  
4 assessments have been made, at the same time assessors are required, under the  
5 general revenue laws of the state, to make out and return to the county  
6 commission a copy of the assessor's book for state and county taxes, and shall file  
7 the original assessment book in the office of the clerk of the county commission  
8 of the county in which the assessment is made. Upon the filing of the copy or  
9 copies of the assessment book, as required by this section, the board of directors  
10 shall call a meeting of the landowners of said levee district at some place  
11 convenient to some part of said work or contemplated work, and shall give at  
12 least thirty days' notice of the time and place of said meeting and the purpose  
13 thereof, by **publication of** advertisement [in some newspaper published in the  
14 county composing the levee district, and when lying in two or more counties, then  
15 in some newspaper published in each of said counties] **on the front page of the**  
16 **board's website, if it has one. If the board does not have a website,**  
17 **notice shall be sent thirty days prior to the meeting to the secretary of**  
18 **state who shall publish such notice on the legal notices website,**  
19 **established pursuant to section 493.077, until the date of the meeting**  
20 **has passed.** At such meeting the board of directors shall submit the reports,  
21 specifications, surveys, maps, profiles and estimates made by the engineers,  
22 together with the assessments, as returned by the county assessors, to said  
23 meeting for action, and requiring the owners of said lands and the holders of any  
24 lien thereon to show cause at said meeting why said lands should not be assessed  
25 with their proportional part of said work.

246.070. 1. Whenever authorized by the owners of two-thirds of the  
2 acreage in any drainage or levee district heretofore or hereafter organized or  
3 reorganized under any of the drainage or levee laws of this state at a meeting  
4 called for the purpose and in the manner set out in section 246.090, by ballot  
5 wherein each acre owner shall be entitled to one vote, the board of supervisors  
6 may issue tax anticipation warrants bearing not to exceed six percent interest per  
7 annum, which shall be payable from one to not exceeding four years from date of

8 issuance, both interest and principal payable out of the maintenance fund of the  
9 district.

10         2. [In addition to the procedure provided in subsection 1 of this section,  
11 the board of supervisors of a levee or drainage district in a county which has been  
12 declared a disaster area by declaration of the President of the United States  
13 during 1993 or 1995, may elect to issue tax anticipation notes following a public  
14 meeting for which notice has been given of at least two weeks in a newspaper  
15 meeting the requirements of subsection 2 of section 246.090, and after vote of the  
16 landowners of the district. Notwithstanding the provisions of subsection 2 of  
17 section 246.090 to the contrary, the board may issue the notes following a vote of  
18 at least two-thirds of the votes cast by landowners present at the public meeting  
19 in favor of issuing the notes. The notes may be issued by the board bearing an  
20 interest rate not to exceed six percent per annum, which shall be payable from  
21 one to not more than four years from the date of issuance.

22         3. In addition to the procedures provided in subsections 1 and 2 of this  
23 section, the board of supervisors of any levee or drainage district in a county in  
24 this state which has been declared a disaster area by declaration of the President  
25 of the United States during 1993 or 1995, may upon a vote of the majority of the  
26 members of the board at a public meeting of which public notice has been given  
27 of at least two weeks, borrow funds for the use of the district and may issue  
28 negotiable notes in evidence thereof, payable out of anticipated revenues to be  
29 derived from assessments, benefits or other levee or drainage district revenues,  
30 for any year or immediately following year in which the notes are issued. The  
31 notes may be issued at any time and from time to time, and shall be issued  
32 according to law unless otherwise provided in this section. Notes issued pursuant  
33 to this subsection shall be issued by the board bearing an interest rate not to  
34 exceed six percent per annum, which shall be payable from one year from the date  
35 of issuance. A separate note shall be issued to evidence the borrowing for the  
36 benefit of the district and, if applicable, any funds of the district. All revenues  
37 raised by levee districts or drainage districts shall not be considered as taxes  
38 pursuant to the laws of this state.

39         4.] Notwithstanding the provisions of section 246.080 or other statutory  
40 provisions regarding the issuance of tax anticipation notes to the contrary, the  
41 aggregate outstanding principal amount of the notes issued under the provisions  
42 of subsection 2 or 3 of this section in any period subject to this section for the use  
43 of the levee or drainage district may be up to but shall not exceed the amount

44 necessary to repair levees damaged by a natural disaster that occurred in 1993  
 45 or 1995, including but not limited to the amount necessary to secure federal  
 46 matching funds for the levee or drainage district. No amount of tax anticipation  
 47 notes issued by a levee or drainage district shall be included in any debt ceiling  
 48 computation required by current law except that the district may not issue more  
 49 than the amount necessary to repair levees damaged by a natural disaster that  
 50 occurred in 1993 or 1995, including but not limited to the amount necessary to  
 51 secure federal matching funds for the levee or drainage district.

52 [5.] 3. The clerk or secretary of the board, or if none, the presiding officer  
 53 of the board, shall certify on the back of each note that the note is issued  
 54 pursuant to authority granted in this section, and list the aggregate principal  
 55 amount of all prior notes issued against the district which are unpaid at the date  
 56 of the note's issuance.

57 [6. Authority to issue notes pursuant to subsection 2 or 3 of this section  
 58 shall terminate January 1, 1998.]

246.090. 1. Whenever the board of supervisors at a regular or special  
 2 meeting deems it expedient and necessary for the best interest of the district that  
 3 tax anticipation warrants be issued for the purposes stated in section 246.080,  
 4 they shall enter in the minutes of the meeting an order setting forth the  
 5 expediency and necessity directing the secretary to draw up a notice which shall  
 6 be substantially in the following form:

7 Notice to landowners in \_\_\_\_\_ drainage district. All landowners  
 8 in \_\_\_\_\_ drainage district are hereby notified that a meeting of  
 9 such will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, \_\_\_\_\_  
 10 o'clock, at \_\_\_\_\_ for the purpose of voting on the proposition of  
 11 authorizing the board of supervisors to issue tax anticipation  
 12 warrants, bearing \_\_\_\_\_ percent interest. The warrants to be used  
 13 for the purpose of \_\_\_\_\_ for \_\_\_\_\_ dollars, payable as follows:

14 \_\_\_\_\_

15 By order of the board of supervisors.

16 \_\_\_\_\_  
 17 Secretary.

18 2. The secretary shall cause the notice to be published [by three weekly  
 19 insertions in some newspaper in the county containing the district or the greatest  
 20 portion thereof, or in some adjoining county if none in containing county, the last  
 21 insertion to be not less than ten days before the date set] **on the front page of**

22 **the board's website, if it has one, for a period of thirty-one days prior**  
23 **to the date set by the board. If the board does not have a website,**  
24 **notice shall be sent thirty-one days prior to the date set by the board**  
25 **to the secretary of state who shall publish such notice on the legal**  
26 **notices website, established pursuant to section 493.077, until the date**  
27 **set by the board has passed.** The publisher shall file proof of publication with  
28 the secretary before the day set for meeting. Upon filing of the proof by the  
29 secretary, the notice shall be conclusively deemed sufficient and legal notice of  
30 publication thereof. At the day set each landowner may cast one vote for each  
31 acre or fraction thereof owned by him **or her** for or against the proposition of  
32 issuing the warrants as set out in the notice. If two-thirds of the acres in the  
33 district are voted for the proposition, then the tellers shall so certify to the board,  
34 and the board shall make an order to the secretary to duly enter the results in  
35 the records of the district. Thereafter the board shall proceed to issue the  
36 authorized tax anticipation warrants as authorized.

246.160. 1. The board of supervisors of any drainage or levee district  
2 heretofore organized or that may be hereafter organized in any circuit court or  
3 the county commission of any drainage or levee district heretofore organized or  
4 that may be hereafter organized in any county commission of this state, whether  
5 said original district has been reorganized in whole or in part, or whether said  
6 district in whole or in part has elected to be reorganized under sections 242.010  
7 to 242.690, or the board of directors of any district organized or reorganized under  
8 sections 245.285 to 245.545, whenever in the judgment of such board or court or  
9 county commission, as the case may be, it is advisable and for the best interest  
10 of the landowners of any such district, may, unless a majority of the owners  
11 owning a majority of the acres of land within said district shall, at the hearing  
12 herein provided for, object to said proceedings, from time to time as may be  
13 necessary, to refund all or any part of its bond indebtedness by taking up and  
14 exchanging such of its outstanding bonds as the holders thereof may be willing  
15 to surrender, and issue in lieu thereof new bonds of such district payable at such  
16 longer time, not exceeding forty years from their date, as such district may  
17 determine and the holders of the outstanding bonds are willing to accept.

18 2. Such refunding bonds shall not exceed in the aggregate the amount of  
19 bonds refunded thereby and they shall bear interest at a rate not exceeding the  
20 same rate as the bonds refunded, which interest shall be payable semiannually  
21 and said refunding bonds when issued may be exchanged for the outstanding

22 bonds, if the holders thereof so agree, or said refunding bonds may be sold for not  
23 less than ninety-five cents on the dollar and accrued interest, and the proceeds  
24 of the sale of said bonds shall be used solely in the payment of the outstanding  
25 bonds and the cost, expense and discount incident to the issuing of such  
26 refunding bonds.

27 3. In the event refunding bonds are issued, any landowner shall have the  
28 right at any time within two weeks after the order providing for their issue is  
29 made in which to pay the full amount of uncollected principal tax or assessment  
30 chargeable to his **or her** land for the payment of bonds proposed to be refunded  
31 and his **or her** lands shall thereby be released from the tax or assessment for the  
32 payment of the refunding bonds, but shall remain subject to additional taxes, if  
33 any, that may be levied by such district pursuant to law. Unless and until  
34 refunding bonds shall have been authorized and issued, the rate of tax or  
35 assessment or amount of assessment applicable to the bonds to be refunded shall  
36 not be reduced.

37 4. Notice shall be given by such board [or], court, or county commission  
38 to the landowners, persons and corporations owning any interest in any lands or  
39 other property assessed in said district of its intention to refund said bonds by  
40 [inserting a notice in a weekly newspaper published in each county in which the  
41 lands in said district may lie; there shall be two insertions of said notice in said  
42 weekly paper or papers, the last insertion to be not less than five days prior to  
43 the hearing;] **publication on the front page of the board, court, or county**  
44 **commission's website, if it has one, for a period of nineteen days prior**  
45 **to the hearing. If the board, court, or county commission does not have**  
46 **a website, notice shall be sent nineteen days prior to the hearing to the**  
47 **secretary of state who shall publish such notice on the legal notices**  
48 **website, established pursuant to section 493.077, until the date of the**  
49 **hearing has passed.** Such hearing [to] shall be held before such board [or],  
50 court, or county commission, as the case may be, at such convenient place as may  
51 be designated by such board or court or county commission.

52 5. The notice to all parties interested will be sufficient if substantially in  
53 the following form:

54 All persons or corporations interested in lands or other property  
55 lying in \_\_\_\_\_ district, take notice.

56 That \_\_\_\_\_ district desires to refund all or part of its outstanding  
57 bonded indebtedness and that at \_\_\_\_\_ in the city of \_\_\_\_\_ on the

58 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, any landowner or other person or  
 59 corporation having an interest in any land or property in said  
 60 district may appear before the board of trustees (or supervisors or  
 61 directors, as the case may be) of said district (or before the county  
 62 commission of \_\_\_\_\_ County, as the case may be), and show any  
 63 cause why said refunding should not be done, and you are further  
 64 notified that if a majority of the owners owning a majority of the  
 65 acres of land in said district object to such refunding, the said  
 66 refunding shall be abandoned. You will further take notice that  
 67 unless such refunding shall be abandoned, any landowner will have  
 68 the right at any time within two weeks after the making of the  
 69 order providing for the issuing of refunding bonds by said board or  
 70 court or commission, if any such order be made within which to pay  
 71 the full amount of uncollected principal tax or assessment  
 72 chargeable to his **or her** land or any tract thereof for the payment  
 73 of bonds proposed to be refunded, and any tract on which such tax  
 74 or assessment shall be paid will be released from any tax or  
 75 assessment for the payment of such refunding bonds, but shall  
 76 remain subject to additional taxes, if any, that may be levied by  
 77 such district pursuant to law. Of which you will take due notice  
 78 and govern yourselves accordingly.

79  
 80

\_\_\_\_\_  
 \_\_\_\_\_

81 6. When the bonds of any such district are refunded pursuant to the  
 82 authority hereby conferred, the collection of the corresponding installment of  
 83 taxes or assessments for the payment of the original bonds shall be deferred for  
 84 a like period. It shall be the duty of the district issuing such refunding bonds to  
 85 make proper provisions for their payment in like manner as is required in the  
 86 case of the issuance of original bonds by the act under which such district is or  
 87 shall be incorporated, and the holder of such refunding bonds shall have the same  
 88 rights as are given the holders of bonds under the act or acts under which such  
 89 districts are respectively incorporated. Any landowner failing to avail himself **or**  
 90 **herself** of the privilege conferred by this section of paying in full the unpaid  
 91 principal tax or assessment against his **or her** land shall not be heard to  
 92 complain by reason of additional interest to be collected from his **or her** lands by  
 93 reason of the extension of the bonds. Taxes or assessments levied for the

94 payment of refunding bonds shall be secured by the same lien as other taxes of  
95 such district.

96           7. No proceedings shall be required for the issuance of refunding bonds  
97 other than those provided by this section and all powers necessary to be exercised  
98 by such district in order to carry out the provisions of this section are hereby  
99 conferred upon such districts. The powers conferred by this section may be  
100 exercised by any drainage or levee district heretofore or hereafter organized  
101 under any law in this state and shall apply to bonds of such districts whether  
102 heretofore or hereafter issued; provided further, that in the event any district  
103 shall avail itself of the provisions of this section and desires to issue refunding  
104 bonds extending beyond the charter life of said district, the issuing of said bonds  
105 shall automatically extend the charter life of such district for a period of twenty  
106 years beyond the date of the last maturing refunding bond so issued.

247.031. 1. Territory included in a district that is not being served by  
2 such district may be detached from such district provided that there are no  
3 outstanding general obligation or special obligation bonds and no contractual  
4 obligations of greater than twenty-five thousand dollars for debt that pertains to  
5 infrastructure, fixed assets or obligations for the purchase of water. If any such  
6 bonds or debt is outstanding, and the written consent of the holders of such bonds  
7 or the creditors to such debt is obtained, then such territory may be detached in  
8 spite of the existence of such bonds or debt, except such consent shall not be  
9 required for special obligation bonds if the district has no water lines or other  
10 facilities located within any of the territory detached. Detachment may be made  
11 by the filing of a petition with the circuit court in which the district was  
12 incorporated. The petition shall contain a description of the tract to be detached  
13 and a statement that the detachment is in the best interest of the district or the  
14 inhabitants and property owners of the territory to be detached, together with the  
15 facts supporting such allegation. The petition may be submitted by the district  
16 acting through its board of directors, in which case the petition shall be signed  
17 by a majority of the board of directors of the district. The petition may also be  
18 submitted by voters residing in or by landowners owning land in the territory  
19 sought to be detached. If there are more than ten voters and landowners in such  
20 territory, the petition shall be signed by five or more voters or landowners within  
21 the territory; if there are less than ten voters and landowners within such  
22 territory, the petition shall be signed by fifty percent or more of the voters and  
23 landowners within the territory. In the event there are no voters living within

24 such territory proposed to be detached, then the petition may be submitted by  
 25 owners of more than fifty percent of the land in the territory proposed to be  
 26 detached, in which case said petition shall be signed by the owners so submitting  
 27 the petition. In the event the petition is not submitted by the district acting  
 28 through its board of directors, the petitioner shall name the district as a  
 29 defendant and serve a copy of the petition upon the district by certified or  
 30 registered mail with a return receipt requested at least thirty-five days before the  
 31 date of the hearing of the petition.

32 2. Such petition shall be filed in the circuit court having jurisdiction and  
 33 the court shall set a date for hearing on the proposed detachment and the clerk  
 34 of the circuit court shall give notice of the filing of the petition and the hearing  
 35 to the district by certified or registered mail with a return receipt requested if the  
 36 district is not the petitioner[, and in a newspaper of general circulation in the  
 37 county in which the proceedings are pending and in a newspaper of general  
 38 circulation in the territory proposed to be detached. Such notice shall be  
 39 published in three consecutive issues of a weekly newspaper, or in lieu thereof,  
 40 in twenty consecutive issues of a daily newspaper. The last insertion of the notice  
 41 shall be made not less than seven nor more than twenty-one days before the  
 42 hearing date]. **Notice shall additionally be published on the front page**  
 43 **of the circuit court's website, if it has one, for a period of four**  
 44 **consecutive weeks prior to the hearing. If the circuit court does not**  
 45 **have a website, notice shall be sent four weeks prior to the hearing to**  
 46 **the secretary of state who shall publish such notice on the legal notices**  
 47 **website, established pursuant to section 493.077, until the date of the**  
 48 **hearing has passed.** Such notice shall be substantially as follows:

49 IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI  
 50 NOTICE OF THE FILING OF A PETITION  
 51 FOR TERRITORIAL DETACHMENT FROM  
 52 PUBLIC WATER SUPPLY DISTRICT NO. \_\_\_\_\_  
 53 OF \_\_\_\_\_ COUNTY, MISSOURI.

54 To all voters and landowners of land within the boundaries of the  
 55 above-described district:

56 You are hereby notified:

57 1. That a petition has been filed in this court for the  
 58 detachment of the following tracts of land from the  
 59 above-named public water supply district, as provided by

60 law:

61 (Describe tracts of land).

62 2. That a hearing on said petition will be held before this court  
63 in \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_,  
64 \_\_\_\_\_m.

65 3. Exceptions or objections to the detachment of said tracts  
66 from said public water supply district may be made by the  
67 district or any voter or landowner of land within the district  
68 from which territory is sought to be detached, provided such  
69 exceptions or objections are in writing, specify the grounds  
70 on which they are made, and are filed with the court not  
71 later than five days prior to the date of the hearing of the  
72 petition.

73 4. The names and addresses of the attorneys for the petitioner  
74 are:

75 \_\_\_\_\_  
76 Clerk of the Circuit Court of  
77 \_\_\_\_\_ County, Missouri

78 3. The court, for good cause shown, may continue the case or the hearing  
79 thereon from time to time until final disposition thereof.

80 4. Exceptions or objections to the detachment of such territory may be  
81 made by any voter or landowner within the boundaries of the district, including  
82 the territory to be detached. In the event the petition is not submitted by the  
83 district acting through its board of directors, the district may file exceptions or  
84 objections. Exceptions or objections shall be in writing, shall specify the grounds  
85 upon which they are made, and shall be filed not later than five days before the  
86 date set for hearing the petition. In considering the petition for detachment, the  
87 court shall take into consideration the evidence in support of and opposition to  
88 the petition, including such exceptions and objections. If the court finds that the  
89 detachment will be in the best interest of the district and the inhabitants and  
90 landowners of the area to be detached will not be adversely affected or if the court  
91 finds that the detachment will be in the best interest of the inhabitants and  
92 landowners of the territory to be detached and will not adversely affect the  
93 remainder of the district, it shall approve the detachment and grant the petition.

94 5. If the court approves the detachment, it shall make its order detaching  
95 the territory described in the petition from the remainder of the district, or in the

96 event it shall find that only a portion of said territory should be detached, the  
97 court shall order such portion detached from the district. The court shall also  
98 make any changes in subdistrict boundary lines it deems necessary to meet the  
99 requirements of sections 247.010 to 247.220. Any subdistrict line changes shall  
100 not become effective until the next annual election of a member of the board of  
101 directors.

102 6. A certified copy of the court's order shall be filed in the office of the  
103 recorder of deeds and in the office of the county clerk in each county in which any  
104 of the territory of the district prior to detachment is located, and in the office of  
105 the secretary of state. Costs of the proceeding shall be borne by the petitioner or  
106 petitioners.

247.040. 1. Proceedings for the formation of a public water supply district  
2 shall be substantially as follows: a petition in duplicate describing the proposed  
3 boundaries of the district sought to be formed, accompanied by a plat of the  
4 proposed district, shall be filed with the clerk of the circuit court of the county  
5 wherein the proposed district is situate, or with the clerk of the circuit court of  
6 the county having the largest acreage proposed to be included in the proposed  
7 district, in the event that the proposed district embraces lands in more than one  
8 county. Such petition, in addition to such boundary description, shall set forth  
9 an estimate of the number of customers of the proposed district, the necessity for  
10 the formation of the district, the probable cost of the improvement, an  
11 approximation of the assessed valuation of taxable property within the district  
12 and such other information as may be useful to the court in determining whether  
13 or not the petition should be granted and a decree of incorporation entered. Such  
14 petition shall be accompanied by a cash deposit of fifty dollars as an advancement  
15 of the costs of the proceeding, and the petition shall be signed by not less than  
16 fifty voters or owners of real property within the proposed district and shall pray  
17 for the incorporation of the territory therein described into a public water supply  
18 district. The petition shall be verified by at least one of the signers of the  
19 petition, including a statement confirming that service has been made by certified  
20 mail to the city manager or the business office of any municipality with  
21 boundaries located not more than one mile from any boundary of the proposed  
22 district.

23 2. Upon the filing of the petition, the same shall be presented to the  
24 circuit court, and such court shall fix a date for a hearing on such petition, as  
25 herein provided for. Thereupon the clerk of the court shall give notice of the

26 filing of the petition [in some newspaper of general circulation in the county in  
27 which the proceedings are pending, and if the district extends into any other  
28 county or counties, such notice shall also be published in some newspaper of  
29 general circulation in such other county or counties] **on the front page of the**  
30 **circuit court's website, if it has one, for a period of three consecutive**  
31 **weeks prior to the hearing. If the circuit court does not have a website,**  
32 **notice shall be sent three weeks prior to the hearing to the secretary**  
33 **of state who shall publish such notice on the legal notices website,**  
34 **established pursuant to section 493.077, until the date of the hearing**  
35 **has passed.** The notice shall contain a description of the proposed boundary  
36 lines of the district and the general purposes of the petition, and shall set forth  
37 the date fixed for the hearing on the petition, which shall not be less than seven  
38 nor more than twenty-one days after the date of the last publication of the notice  
39 and shall be on some regular judicial day of the court wherein the petition is  
40 pending. Such notice shall be signed by the clerk of the circuit court [and shall  
41 be published in three successive issues of a weekly newspaper or in a daily  
42 newspaper once a week for three consecutive weeks].

43 3. The court, for good cause shown, may continue the case or the hearing  
44 thereon from time to time until final disposition thereof.

45 4. Exceptions to the formation of a district, or to the boundaries outlined  
46 in the petition for the incorporation thereof, may be made by any voter or owner  
47 of real property in the proposed district or by any municipality with boundaries  
48 located not more than one mile from any boundary of the proposed district;  
49 provided, such exceptions are filed not less than five days prior to the date set for  
50 the hearing on the petition. Such exceptions shall specify the grounds upon  
51 which the exceptions are being made. If any such exceptions be filed, the court  
52 shall take them into consideration in passing upon the petition and shall also  
53 consider the evidence in support of the petition and in support of the exceptions  
54 made. Should the court find that the petition should be granted but that changes  
55 should be made in the boundary lines, it shall make such changes in the  
56 boundary lines as set forth in the petition as to the court may seem meet and  
57 proper, and thereupon enter its decree of incorporation, with such boundaries as  
58 changed.

59 5. Should the court find that it would not be to the public interest to form  
60 such a district, the petition shall be dismissed at the costs of the petitioners. If,  
61 however, the court should find in favor of the formation of such district, the court

62 shall enter its decree of incorporation, setting forth the boundaries of the  
63 proposed district as determined by the court pursuant to the aforesaid  
64 hearing. The decree of incorporation shall also divide the district into five  
65 subdistricts and shall fix their boundary lines, all of which subdistricts shall have  
66 approximately the same area and shall be numbered. The decree shall further  
67 contain an appointment of one voter from each of such subdistricts, to constitute  
68 the first board of directors of the district. No two members of such board so  
69 appointed or hereafter elected or appointed shall reside in the same subdistrict,  
70 except as provided in section 247.060. If no qualified person who lives in the  
71 subdistrict is willing to serve on the board, the court may appoint, or the voters  
72 may elect, an otherwise qualified person who lives in the district but not in the  
73 subdistrict. The court shall designate two of such directors so appointed to serve  
74 for a term of two years and one to serve for a term of one year. And the directors  
75 thus appointed by the court shall serve for the terms thus designated and until  
76 their successors shall have been appointed or elected as herein provided. The  
77 decree shall further designate the name and number of the district by which it  
78 shall hereafter be officially known.

79         6. The decree of incorporation shall not become final and conclusive until  
80 it shall have been submitted to the voters residing within the boundaries  
81 described in such decree and until it shall have been assented to by a majority  
82 of the voters as provided in subsection 9 of this section or by two-thirds of the  
83 voters of the district voting on the proposition. The decree shall provide for the  
84 submission of the question and shall fix the date thereof. The returns shall be  
85 certified by the judges and clerks of election to the circuit court having  
86 jurisdiction in the case and the court shall thereupon enter its order canvassing  
87 the returns and declaring the result of such election.

88         7. If, upon canvass and declaration, it is found and determined that the  
89 question shall have been assented to by a majority of two-thirds of the voters of  
90 the district voting on such proposition, then the court shall, in such order  
91 declaring the result of the election, enter a further order declaring the decree of  
92 incorporation to be final and conclusive. In the event, however, that the court  
93 should find that the question had not been assented to by the majority above  
94 required, the court shall enter a further order declaring such decree of  
95 incorporation to be void and of no effect. No appeal shall lie from any such decree  
96 of incorporation nor from any of the aforesaid orders. In the event that the court  
97 declares the decree of incorporation to be final, as herein provided for, the clerk

98 of the circuit court shall file certified copies of such decree of incorporation and  
99 of such final order with the secretary of state of the state of Missouri, and with  
100 the recorder of deeds of the county or counties in which the district is situate and  
101 with the clerk of the county commission of the county or counties in which the  
102 district is situate.

103 8. The costs incurred in the formation of the district shall be taxed to the  
104 district, if the district be incorporated, otherwise against the petitioners.

105 9. If petitioners seeking formation of a public water supply district specify  
106 in their petition that the district to be organized shall be organized without  
107 authority to issue general obligation bonds, then the decrees relating to the  
108 formation of the district shall recite that the district shall not have authority to  
109 issue general obligation bonds and the vote required for such a decree of  
110 incorporation to become final and conclusive shall be a simple majority of the  
111 voters of the district voting on such proposition.

247.085. 1. The board of directors of any public water supply district  
2 shall have power to sell and convey part or all of the property of the district to  
3 any city, owning and operating a waterworks system, in consideration whereof the  
4 city shall obligate itself to pay or assume the payment of all outstanding bond  
5 obligations of the district, and to provide reasonable and adequate water service  
6 and furnish water ample in quantity for all needful purposes, and pure and  
7 wholesome in quality, to the inhabitants of the territory lying within the district,  
8 during such period of time and under such terms and conditions as may be agreed  
9 upon by the city and the board of directors of the district[; provided, however,  
10 that]. No action shall be taken as provided herein until said city and public  
11 water supply district shall cause a printed notice of their intention to act under  
12 this section to be published [in a manner prescribed for by law in a newspaper  
13 having a general circulation in said city and public water supply district, and a  
14 statement of the time and manner of said publication shall be recited in any  
15 agreement or contract executed hereunder] **on the front page of either the**  
16 **city or the public water supply district's website, if either has one. If**  
17 **neither the city nor the public water supply district has a website,**  
18 **notice shall be sent to the secretary of state who shall publish such**  
19 **notice on the legal notices website, established pursuant to section**  
20 **493.077.**

21 2. Thereafter the board of directors may sell and convey any remaining  
22 property of the district and after payment of the debts of the district, other than

23 bond obligations, the board of directors may use the funds of the district for the  
24 purpose of providing fire protection or for any other public purpose which in the  
25 opinion of the board will be beneficial to the inhabitants of the district.

26 3. The powers granted by this section are in addition to the powers  
27 granted by law and are not subject to the terms and conditions set forth in those  
28 sections.

247.160. 1. Whenever all or any part of the territory of any public water  
2 supply district organized under sections 247.010 to 247.220 is or has been  
3 included by annexation within the corporate limits of a municipality, the board  
4 of directors of any such district shall have the power to contract with such  
5 municipality for operating the waterworks system within such annexed area, or  
6 the board of directors may, subject to the provisions of this section and section  
7 247.170, lease, contract to sell, sell or convey any or all of its water mains, plant  
8 or equipment located within such annexed area to such municipality and such  
9 contract shall also provide for the detachment and exclusion from such public  
10 water supply district of that part thereof located within the corporate limits of  
11 such city; provided, that in case of sale or conveyance, all bonds of the district,  
12 whether general obligation bonds constituting a lien on the property located  
13 within the district, or special obligation or revenue bonds constituting a lien on  
14 the income and revenues arising from the operation of the water system:

15 (1) Are paid in full, or

16 (2) A sum sufficient to pay all of such bonds together with interest  
17 accrued or to accrue thereon, together with other items of expense provided in  
18 such bonds, is deposited with the fiscal agent named in the bonds for the purpose  
19 of full payment, or

20 (3) Such city has entered into a firm commitment to pay in lump sum or  
21 installments not less than that proportion of the sum of all existing liquidated  
22 obligations and of all unpaid revenue bonds, with interest thereon to date, of such  
23 public water supply district, as the assessed valuation of the real and tangible  
24 personal property within the area annexed bears to the assessed valuation of all  
25 the real and tangible personal property within the entire area of such district,  
26 according to the official county assessment of such property as to December  
27 thirty-first of the calendar year next preceding, or

28 (4) Consent in writing is obtained from the holders of all such bonds.

29 2. In any such case in which the board of directors by agreement leases,  
30 contracts to sell, sells or conveys the property of the district within the annexed

31 area to such a municipality, an application shall be made by one of the  
32 contracting parties to the circuit court originally incorporating such district,  
33 which application shall set forth a description of the annexed area, that part  
34 thereof sought to be detached and excluded, a copy of the agreement entered into  
35 by the parties, the facts concerning bondholders and their rights, and requesting  
36 an order of the court approving or disapproving such contract.

37         3. Upon the filing of such application, the court shall set a time for the  
38 hearing thereof and shall order a public notice setting forth the nature of the  
39 application, the annexed area affected and sought to be detached and excluded,  
40 a description of the property within the annexed area leased, contracted to be  
41 sold, sold or conveyed, and the time and place of such hearing[, to] **such notice**  
42 **shall be published on the front page of the court's website, if it has one,**  
43 **for [three] a period of four weeks consecutively[, in a newspaper published in**  
44 **the county in which the application is pending, the last publication to be not more**  
45 **than seven days] before the date set for hearing. If the court does not have**  
46 **a website, notice shall be sent four weeks before the date set for**  
47 **hearing to the secretary of state who shall publish such notice on the**  
48 **legal notices website, established pursuant to section 493.077, until the**  
49 **date of the hearing has passed.**

50         4. If the court finds that the agreement protects the bondholders' rights  
51 and provides for the rendering of necessary water service in the territory  
52 embracing the district, then such agreement shall be fully effective upon approval  
53 by the court. Such decree shall also thereupon vest in said city the absolute title,  
54 free and clear of all liens or encumbrances of every kind and character, to all  
55 tangible real and personal property of such public water supply district located  
56 within the part of such district situated within the corporate limits of such city,  
57 with full power in such city to use and dispose of such tangible real and personal  
58 property as it deems best in the public interest. In the event that territory is  
59 detached and excluded from the district, the court shall include in its decree a  
60 description of the district after such detachment. If a detachment of territory is  
61 made, the court shall also make any changes in subdistrict boundary lines the  
62 court deems necessary to meet the requirements of sections 247.010 to 247.227. No  
63 subdistrict changes shall become effective until the next annual election of the  
64 board of directors.

65         5. In the event that territory is detached and excluded from the district,  
66 a certified copy of the court's order shall be filed by the circuit clerk in the office

67 of the recorder of deeds, in the office of the county clerk in each county in which  
68 any of the territory of the district before the detachment is located, and in the  
69 office of the secretary of state. Costs of the proceeding shall be borne by the  
70 petitioner or petitioners.

247.165. 1. Whenever all or any part of a territory located within a public  
2 water supply district organized pursuant to sections 247.010 to 247.220 is  
3 included by annexation within the corporate limits of a municipality, but is not  
4 receiving water service from such district or such municipality at the time of such  
5 annexation, the municipality and the board of directors of the district may, within  
6 six months after such annexation becomes effective, develop an agreement to  
7 provide water service to the annexed territory. Such an agreement may also be  
8 developed within six months after August 28, 2001, for territory that was annexed  
9 between January 1, 1996, and August 28, 2001, but was not receiving water  
10 service from such district or such municipality on August 28, 2001, except that  
11 such territory annexed in a county of the first classification without a charter  
12 form of government and with a population of more than sixty-three thousand  
13 eight hundred but less than seventy thousand inhabitants must have been  
14 annexed between January 1, 1999, and August 28, 2001. For the purposes of this  
15 section, "not receiving water service" shall mean that no water is being sold  
16 within the annexed territory by such district or municipality. If the municipality  
17 and district reach an agreement that detaches any territory from such district,  
18 the agreement shall be submitted to the circuit court originally incorporating  
19 such district, and the court shall make an order and judgment detaching the  
20 territory described in the agreement from the remainder of the district and  
21 stating the boundary lines of the district after such detachment. The court shall  
22 also make any changes in subdistrict boundary lines it deems necessary to meet  
23 the requirements of sections 247.110 to 247.227. Such subdistrict lines shall not  
24 become effective until the next election after the effective date of the agreement. At  
25 such time that the court's order and judgment becomes final, the clerk of the  
26 circuit court shall file certified copies of such order and judgment with the  
27 secretary of state and with the recorder of deeds and the county clerk of the  
28 county or counties in which the district is located. If an agreement is developed  
29 between a municipality and a water district pursuant to this subsection,  
30 subsections 2 to 8 of this section shall not apply to such agreement.

31 2. In any case in which the board of directors of such district and such  
32 municipality cannot reach such an agreement, an application may be made by the

33 district or the municipality to the circuit court originally incorporating such  
34 district, requesting that three commissioners develop such an agreement. Such  
35 application shall include the name of one commissioner appointed by the applying  
36 party. The second party shall appoint one commissioner within thirty days of the  
37 service of the application upon the second party. If the second party fails to  
38 appoint a commissioner within such time period, the court shall appoint a  
39 commissioner on behalf of the second party. Such two named commissioners may  
40 agree to appoint a third disinterested commissioner within thirty days after the  
41 appointment of the second commissioner. In any case in which such two  
42 commissioners cannot agree on or fail to make the appointment of the third  
43 disinterested commissioner within thirty days after the appointment of the second  
44 commissioner, the court shall appoint the third disinterested commissioner.

45         3. Upon the filing of such application and the appointment of three such  
46 commissioners, the court shall set a time for one or more hearings and shall order  
47 a public notice including the nature of the application, the annexed area affected,  
48 the names of the commissioners, and the time and place of such hearings[,  
49 to]. **Such notice shall be published on the front page of the court's**  
50 **website, if it has one, for [three] a period of four weeks consecutively [in a**  
51 **newspaper published in the county in which the application is pending, the last**  
52 **publication to be not more than seven days before the date set for the first**  
53 **hearing] prior to the date set for the hearing. If the court does not have**  
54 **a website, notice shall be sent four weeks prior to the date set for the**  
55 **hearing to the secretary of state who shall publish such notice on the**  
56 **legal notices website, established pursuant to section 493.077, until the**  
57 **date of the hearing has passed.**

58         4. The commissioners shall develop an agreement between the district and  
59 the municipality to provide water service to the annexed territory. In developing  
60 the agreement, the commissioners shall consider information presented to them  
61 at hearings and any other information at their disposal including, but not limited  
62 to:

63             (1) The estimated future loss of revenue and costs for the water district  
64 related to the agreement;

65             (2) The amount of indebtedness of the water district within the annexed  
66 territory;

67             (3) Any contractual obligations of the water district within the annexed  
68 area; and

69 (4) The effect of the agreement on the water rates of the district.  
70 Such agreement shall also include a recommendation for the apportionment of  
71 court costs, including reasonable compensation for the commissioners, between  
72 the municipality and the water district.

73 5. If the court finds that the agreement provides for necessary water  
74 service in the annexed territory, then such agreement shall be fully effective upon  
75 approval by the court. The court shall also review the recommended  
76 apportionment of court costs and the reasonable compensation for the  
77 commissioners and affirm or modify such recommendations.

78 6. The order and judgment of the court shall be subject to appeal as  
79 provided by law.

80 7. If the court approves a detachment as part of the territorial agreement,  
81 it shall make its order and judgment detaching the territory described in the  
82 petition from the remainder of the district and stating the boundary lines of the  
83 district after such detachment. The court shall also make any changes in  
84 subdistrict boundary lines it deems necessary to meet the requirements of  
85 sections 247.110 to 247.227. Any subdistrict lines shall not become effective until  
86 the next annual regular election.

87 8. At such time that the court's order and judgment becomes final, the  
88 clerk of the circuit court shall file certified copies of such order and judgment  
89 with the secretary of state and with the recorder of deeds and the county clerk of  
90 the county or counties in which the district is located.

247.215. 1. The board of directors of any public water supply district  
2 which is dependent upon purchases of water to supply its needs may sell and  
3 convey part or all of its water mains, plant, real estate, or equipment to any  
4 water corporation as defined in section 386.020 if all bonds of the district,  
5 whether general obligation bonds constituting a lien on the property within the  
6 district or special obligation or revenue bonds constituting a lien on the income  
7 and revenues arising from the operation of the water system:

8 (1) Are to be paid in full, or

9 (2) A sum sufficient to pay all of such bonds together with interest  
10 accrued or to accrue thereon, together with all other items of expense incident to  
11 the payment of such bonds, shall be set aside from the proceeds of said sale and  
12 deposited with the fiscal agent named in the bonds for the purpose of full  
13 payment.

14 2. After the board of directors of any public water supply district has

15 entered into a contract to sell part or all of its water mains, plant, real estate or  
16 equipment, pursuant to this section, an application shall be made by said board  
17 of directors to the circuit court which originally incorporated the district, which  
18 application shall set forth a copy of the contract entered into by the parties, and  
19 the facts concerning the bondholders and their rights, and requesting an order of  
20 the court approving or disapproving the contract.

21 3. Upon the filing of the application, the court shall set a time for the  
22 hearing thereof and shall order a public notice setting forth the nature of the  
23 application, a description of the property to be sold, and the time and place for  
24 the hearing[, to]. **Such notice shall be published on the front page of the**  
25 **court's website, if it has one, for [three] a period of four** weeks  
26 consecutively[, in a newspaper of general circulation in the county in which the  
27 application is pending, the last publication to be not more than five days before  
28 the date set for the hearing] **prior to the date set for the hearing. If the**  
29 **court does not have a website, notice shall be sent four weeks prior to**  
30 **the date set for the hearing to the secretary of state who shall publish**  
31 **such notice on the legal notices website, established pursuant to section**  
32 **493.077, until the date of the hearing has passed.**

33 4. If the court finds that the contract provides for the sale of all of the  
34 mains, plants, real estate and equipment of the district and protects the  
35 bondholders' rights, and also provides for the rendering of the necessary water  
36 service in the territory embracing the district, and is in the best interest of the  
37 residents and property owners of the district, it shall, by its decree, approve the  
38 contract and order dissolution of the district, provided that such dissolution is  
39 assented to by a two-thirds majority of the voters of the district, voting on the  
40 question and provided further, that the dissolution of the district shall not  
41 become final until after all its debts have been paid and the disposition of funds  
42 of the district has been fully carried out as hereinafter provided to the  
43 satisfaction of the court, after which a final decree may be entered.

44 5. Such water supply district shall not be finally dissolved, upon the sale  
45 of all of its assets, until final liquidation thereof and until the trustees of the  
46 district have first paid to the collector of the county, or counties, in which the  
47 district is located all of its remaining funds which shall be applied pro rata  
48 toward the payment and satisfaction of the taxes of the residents and property  
49 owners of the district on their respective personal and real property tax bills for  
50 the next ensuing year or years. In the event that the sum of money so paid to the

51 collector would amount to less than the equivalent of one cent reduction in the  
 52 tax rate and thus impose upon the collector a cost burden in excess of the money  
 53 so paid, then and in that event said funds shall be paid over to the treasurer of  
 54 the various school districts having real estate within the said water supply  
 55 district in the ratio that the assessed valuation of such school district bears to the  
 56 whole assessed valuation of the water supply district.

247.217. 1. Any two or more contiguous public water supply districts  
 2 organized under the provisions of sections 247.010 to 247.220 may be consolidated  
 3 into a single district by a decree of the circuit court in which the district with the  
 4 largest acreage was originally incorporated and organized.

5 2. Proceedings for consolidation of such districts shall be substantially as  
 6 follows: The board of directors of each of the districts to be consolidated shall  
 7 authorize, by resolution passed at a regular meeting or a special meeting called  
 8 for such purpose, its president, on behalf of the district, to petition the circuit  
 9 court having jurisdiction for consolidation with any one or more other contiguous  
 10 public water supply districts.

11 3. Such petition shall be filed in the circuit court having jurisdiction and  
 12 the court shall set a date for a hearing thereon and the clerk shall give notice  
 13 [thereof in some newspaper of general circulation in each county in which each  
 14 of the districts proposed to be consolidated is located] **by publication on the  
 15 front page of the court's website, if it has one. If the court does not  
 16 have a website, notice shall be sent to the secretary of state who shall  
 17 publish such notice on the legal notices website, established pursuant  
 18 to section 493.077.**

19 4. Such notice shall be substantially as follows:

20 IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI  
 21 NOTICE OF THE FILING OF A PETITION  
 22 FOR CONSOLIDATION OF  
 23 PUBLIC WATER SUPPLY DISTRICT NO. \_\_\_\_\_,  
 24 OF \_\_\_\_\_ COUNTY, MISSOURI, AND  
 25 PUBLIC WATER SUPPLY DISTRICT NO. \_\_\_\_\_,  
 26 OF \_\_\_\_\_ COUNTY, MISSOURI  
 27 (Additional districts may be named as required.)

28 To all voters, landowners, and interested persons within the  
 29 boundaries of the above-described public water supply districts:

30 You are hereby notified:

31 1. That a petition has been filed in this court for the  
32 consolidation of the above-named public water supply  
33 districts into one public water supply district, as provided  
34 by law.

35 2. That a hearing on said petition will be held before this court  
36 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_m.

37 3. Exceptions or objections to the consolidation of said districts  
38 may be made by any voters or landowners of any of such  
39 districts proposed to be consolidated, provided such  
40 exceptions or objections are filed in writing not less than  
41 five days prior to the date set for the hearing on the  
42 petition.

43 4. The names and addresses of the attorneys for the petitioner  
44 are:

45 \_\_\_\_\_  
46 Clerk of the Circuit Court of  
47 \_\_\_\_\_ County, Missouri

48 5. The notice **required by this section** shall be published [in three  
49 consecutive issues of a weekly newspaper in each county in which any portion of  
50 any district proposed to be consolidated lies, or in lieu thereof, in twenty  
51 consecutive issues of a daily newspaper in each county in which any portion of  
52 any district proposed to be consolidated lies; the last insertion of such notice to  
53 be made not less than seven nor more than twenty-one days] **for a period of**  
54 **three consecutive weeks** before the hearing.

55 6. The court, for good cause shown, may continue the case or the hearing  
56 thereon from time to time until final disposition thereof.

57 7. Exceptions or objections to the consolidation of such districts may be  
58 made by any voter or landowner within the boundaries of the proposed  
59 district. The exceptions or objections shall be in writing and shall specify the  
60 grounds upon which the same are made and shall be filed not later than five days  
61 before the date set for hearing the petition. If any such exceptions or objections  
62 are filed, the court shall take them into consideration in passing upon the petition  
63 for consolidation and shall also consider the evidence in support of the petition.If  
64 the court finds that the consolidation will provide for the rendering of necessary  
65 water service in the districts, and is in the best interest of the voters and the  
66 landowners of the district, it shall, by its decree, approve such consolidation. The

67 decree of consolidation shall set an effective date for the consolidation of the  
68 districts and shall provide that the proposed consolidated district shall be divided  
69 into five subdistricts and shall fix boundary lines of each subdistrict, all of which  
70 subdistricts shall have approximately the same area and shall be numbered.

71         8. The decree of consolidation shall not become final and conclusive until  
72 it has been submitted to voters in each of the districts proposed to be included in  
73 the consolidated district.

74         9. If, upon canvass and declaration of the results, it is found and  
75 determined that the question has been assented to by a majority of the voters of  
76 each district voting on the question, the court shall issue its order declaring the  
77 results of the elections, declaring its previous decree of consolidation to be final  
78 and conclusive, and in addition, the decree shall provide for an election of a  
79 director from each of the subdistricts set forth in the decree of the court as  
80 specified in subsection 7 of this section. The terms of office for the directors  
81 elected at such election shall be as follows: The director elected from the  
82 subdistrict designated by the circuit court as number one shall serve until the  
83 next regular election, or until his **or her** successor has been elected and  
84 qualified; those directors elected from the subdistricts designated by the circuit  
85 court as numbers two and three shall serve until the regular election following  
86 the next regular election or until their successors have been elected and qualified;  
87 those directors elected from the subdistricts designated by the circuit court as  
88 numbers four and five shall serve until the annual regular election following the  
89 next two regular elections, or until their successors have been elected and  
90 qualified. Thereafter all directors shall be elected as provided by sections 247.010  
91 to 247.220. The election shall be held at least thirty days before the effective  
92 date of the consolidation. The returns shall be certified by the judges and clerks  
93 of election to the circuit court having jurisdiction and the court shall thereupon  
94 enter its order naming the directors from each subdistrict.

95         10. The eligibility and requirements for a director for a consolidated  
96 district shall be identical with those set forth in section 247.060 and no two  
97 members of the board shall reside in the same subdistrict. Any candidate shall  
98 have his **or her** name imprinted upon the ballot, provided he **or she** shall file  
99 a declaration of intention to become such a candidate with the clerk of the circuit  
100 court.

101         11. In its final decree, the court shall designate a name for the  
102 consolidated district which shall be as follows: Consolidated Public Water Supply

103 District No. \_\_\_\_\_, of \_\_\_\_\_ County, Missouri.

104           12. On the effective date of the consolidation of the districts, the newly  
105 elected directors shall organize in the same manner as is provided in sections  
106 247.010 to 247.220, and all of such provisions shall apply to consolidated public  
107 water supply districts in the same manner as to other public water supply  
108 districts.

109           13. At the time of the effective date of the consolidation, all the property  
110 of the original districts shall be combined and administered as one unit, which  
111 shall be subject to the liens, liabilities and obligations of the original districts,  
112 provided that if any district included in the consolidated district has issued  
113 general obligation bonds which are outstanding at the time of the consolidation,  
114 any taxes to be levied to pay the bonds and interest thereon shall be levied only  
115 upon the property within the original district issuing the bonds as it existed on  
116 the date of such issuance. All special obligation or revenue bonds issued by any  
117 district included in the consolidated district shall be paid in accordance with the  
118 terms thereof, without preference, from the revenue received by the consolidated  
119 district.

120           14. A certified copy of the decrees of the court shall be filed in the office  
121 of the recorder and in the office of the county clerk in each county in which any  
122 part of the consolidated district is located, and in the office of the secretary of  
123 state. Such copies shall be filed by the clerk of the circuit court and the filing  
124 fees shall be taxed as costs.

          247.220. 1. Proceedings for the dissolution of a public water supply  
2 district shall be substantially the same as proceedings for the formation of such  
3 a district, as follows: A petition describing the boundaries of the district sought  
4 to be dissolved shall be filed with the clerk of the circuit court of the county  
5 wherein the subject district is situate, or with the clerk of the circuit court of the  
6 county having the largest acreage within the boundaries of the subject district,  
7 in the event that the subject district embraces lands in more than one  
8 county. Such petition, in addition to such boundary description, shall allege that  
9 further operation of the subject district is inimicable to the best interests of the  
10 inhabitants of the district, that the district should, in the interest of the public  
11 welfare and safety, be dissolved, that an alternative water supplier is available  
12 and better able to supply water to the inhabitants of the district, and such other  
13 information as may be useful to the court in determining whether the petition  
14 should be granted and a decree of dissolution entered. Such petition shall also

15 include a detailed plan for payment of all debt and obligations of the district at  
16 the time of dissolution. Such petition shall be accompanied by a cash deposit of  
17 fifty dollars as an advancement of the costs of the proceeding and the petition  
18 shall be signed by not less than one-fifth of the registered voters from each  
19 subdistrict, or fifty registered voters from each subdistrict, whichever is less,  
20 within the subject district. The petition shall be verified by at least one of the  
21 signers thereof and shall be served upon the board of directors of the district as  
22 provided by law. The district shall be a party, and if the board of directors in its  
23 discretion determines that such dissolution is not in the public interest, the  
24 district shall oppose such petition and pay all cost and expense thereof.

25       2. Upon the filing of the petition, the same shall be presented to the  
26 circuit court, and such court shall fix a date for a hearing on such petition, as  
27 provided in this section. Thereupon, the clerk of the court shall give notice of the  
28 filing of the petition [in some newspaper of general circulation in the county in  
29 which the proceedings are pending, and if the district extends into any other  
30 county or counties, such notice shall also be published in some newspaper of  
31 general circulation in such other county or counties] **on the front page of the**  
32 **court's website, if it has one, for a period of three consecutive weeks.**  
33 **If the court does not have a website, notice shall be sent three weeks**  
34 **prior to the hearing to the secretary of state who shall publish such**  
35 **notice on the legal notices website, established pursuant to section**  
36 **493.077, until the date of the hearing has passed.** The notice shall contain  
37 a description of the subject boundary lines of the district and the general  
38 purposes of the petition, and shall set forth the date fixed for the hearing on the  
39 petition, which shall not be less than seven nor more than twenty-one days after  
40 the date of the last publication of the notice and shall be on some regular judicial  
41 day of the court wherein the petition is pending. Such notice shall be signed by  
42 the clerk of the circuit court [and shall be published in three successive issues of  
43 a weekly newspaper or in twenty successive issues of a daily newspaper].

44       3. The court, for good cause shown, may continue the case or the hearing  
45 thereon from time to time until final disposition thereof.

46       4. Exceptions to the dissolution of a district may be made by any voter or  
47 landowner of the district, and by the district as herein provided; such exceptions  
48 shall be filed not less than five days prior to the date set for the hearing on the  
49 petition. Such exceptions shall specify the grounds upon which the exceptions are  
50 filed and the court shall take them into consideration in passing upon the petition

51 and shall also consider the evidence in support of the petition and in support of  
52 the exceptions made. Unless petitioners prove that all debts and financial  
53 obligations of the district can be paid in full upon dissolution, the petition shall  
54 be dismissed at the cost of the petitioners.

55           5. Should the court find that it would not be to the public interest to  
56 dissolve a district, the petition shall be dismissed at the costs of the petitioners. If,  
57 however, the court should find in favor of the petitioners, the court shall enter its  
58 interlocutory decree of dissolution which decree shall provide for the submission  
59 of the question to the voters of the district in substantially the following form:

60           Shall \_\_\_\_\_ Public Water Supply District be dissolved?

61           6. The decree of dissolution shall not become final and conclusive until it  
62 shall have been submitted to the voters residing within the boundaries described  
63 in such decree and until it shall have been assented to by a majority of two-thirds  
64 of the voters of the district voting on the proposition. The decree shall provide  
65 for the submission of the question and shall fix the date thereof. The returns  
66 shall be certified by the election authority to the circuit court having jurisdiction  
67 in the case and the court shall thereupon enter its order canvassing the returns  
68 and declaring the result of such election.

69           7. If, upon canvass and declaration, it is found and determined that the  
70 question shall have been assented to by a majority of two-thirds of the voters of  
71 the district voting on such proposition then the court shall, in such order  
72 declaring the result of the election, enter a further order declaring the decree of  
73 dissolution to be final and conclusive. In the event, however, that the court  
74 should find that the question had not been assented to by the majority required,  
75 the court shall enter a further order declaring such decree of dissolution to be  
76 void and of no effect. No appeal shall lie from any of the aforesaid orders. In the  
77 event that the court declares the decree of dissolution to be final, as provided in  
78 this section, the clerk of the circuit court shall file certified copies of such decree  
79 of dissolution and of such final order with the secretary of state of the state of  
80 Missouri, and with the recorder of deeds of the county or counties in which the  
81 district is situate and with the clerk of the county commission of the county or  
82 counties in which the district is situate.

83           8. Notwithstanding anything in this section to the contrary, no district  
84 shall be dissolved until after all of its debts shall have been paid, and the court,  
85 in its decree of dissolution, shall provide for the disposition of the property of the  
86 district.

248.020. 1. The circuit court or courts so petitioned are hereby authorized  
2 to appoint three disinterested persons, one of whom shall be a civil engineer or  
3 surveyor, as commissioners to lay out and define the boundaries of the proposed  
4 sanitary district.

5 2. Said commissioners may alter or amend the boundaries of the proposed  
6 district, as set forth in the petition or petitions, so that it may embrace all of the  
7 area capable of being efficiently drained by the common outlet or channel, or by  
8 the system of sewers or drains, or so as to exclude from the sanitary district any  
9 part of the natural drainage area which is so situated as not to be benefitted by  
10 the proposed sanitary drainage, and for this purpose they shall have power to  
11 have made all surveys and maps necessary to locate and describe the said  
12 boundaries.

13 3. Said commissioners shall qualify by taking **an** oath to faithfully and  
14 impartially perform their duties, and when so qualified shall give notice [by  
15 publication at least five times, in one or more newspapers having a general  
16 circulation in the proposed district,] of the time and place where they will meet  
17 to consider and establish said boundaries. Said notice shall be given at least  
18 twenty days prior to the meeting and the meeting place shall be in the courthouse  
19 of the county, or city hall of the city. **Notice shall be published on the front  
20 page of the circuit court's website, if it has one. If the circuit court  
21 does not have a website, notice shall be sent to the secretary of state  
22 who shall publish such notice on the legal notices website, established  
23 pursuant to section 493.077.**

24 4. At the meeting the commissioner first named in the order of  
25 appointment shall preside, and all persons residing or owning real property in  
26 such proposed district, or adjacent thereto, shall have the right to be heard as to  
27 the location of the boundaries of such proposed district; and the commissioners  
28 or a majority of them after such hearing shall fix and determine the boundaries  
29 of the proposed district.

30 5. The commissioners may adjourn from day to day until the hearing shall  
31 be complete, and for their services shall receive ten dollars per day each, for each  
32 day of actual service. They may employ a competent person as stenographer and  
33 clerk, whose compensation shall be five dollars per day.

248.090. 1. [It shall be the duty of] The board of trustees [to] **shall** make  
2 the necessary surveys, and to map out and define the several natural drainage  
3 areas in the district, and to lay out a general plan for the drainage thereof;

4 besides the main outlet or outlets, the plan shall embrace branches or submains,  
5 necessary for a complete system of principal drains for the entire district. Branch  
6 or submains to be paid for out of the general revenue of the district shall not be  
7 extended beyond the point at which they will receive the drainage of an area of  
8 less than eight hundred acres. Outlets and the larger branches or submains may  
9 be open channels, whose general course shall be followed by intercepting sewers,  
10 to collect and convey sewage or polluted drainage. The board shall also subdivide  
11 the district into convenient subdistricts, not larger than one thousand acres in  
12 extent, within which the sewers or drains necessary to complete the drainage  
13 shall be constructed at the expense of the subdistrict, as provided in section  
14 248.160.

15         2. When such plans are complete for a definite district or subdistrict, the  
16 board of trustees shall adopt them by ordinance, and such ordinance, when  
17 published [in one or more newspapers having general circulation in the sanitary  
18 district] **on either the front page of the board's website or the legal**  
19 **notices website, established pursuant to section 493.077**, shall be binding  
20 upon all persons, corporations and municipalities; and nothing shall be done  
21 affecting the drainage of any part of the district, other than ordinary farm or  
22 agricultural drains, by any person, corporation or municipality inconsistent with  
23 such plans or without the permission of said board of trustees.

248.110. 1. The board of trustees for the sanitary district shall let  
2 contracts for all work to be done, excepting in case of repairs or emergencies  
3 requiring prompt attention, in the construction of channels, drains or sewers,  
4 under the authority of this chapter, the expense of which will exceed five hundred  
5 dollars, to the lowest responsible bidder therefor, upon not less than twenty days'  
6 notice of said letting[.]. **Notice shall be** given by publication [in a newspaper  
7 of general circulation in the district, and in the discretion of the said board, in  
8 one or more newspapers of general circulation among contractors] **on the front**  
9 **page of the district's website, if it has one. If the district does not have**  
10 **a website, notice shall be sent to the secretary of state who shall**  
11 **publish such notice on the legal notices website, established pursuant**  
12 **to section 493.077, for a period of twenty days.** The said board shall have  
13 the power and authority to reject any and all bids, and readvertise the work.

14         2. The board of trustees shall also have the power to enter into  
15 agreements with persons, firms or corporations of known standing and  
16 competence for the execution and preparation of the surveys, maps and plans

17 needed and required by the said board, and also for the laying out and  
18 superintendence of work to be constructed under the authority of this chapter; but  
19 no single agreement so made shall cover more than one piece or class of work.

249.050. Immediately after the report of the engineer has been filed [it  
2 shall be the duty of] the court [to] **shall** fix a time at which it will hear objections  
3 as provided in section 249.060 and [it shall be the duty of] the clerk of the circuit  
4 court [to] **shall** cause a notice thereof to be published [in some newspaper of  
5 general circulation in the county wherein the proceedings are pending] **on the  
6 front page of the court's website, if it has one. If the court does not  
7 have a website, notice shall be sent to the secretary of state who shall  
8 publish such notice on the legal notices website, established pursuant  
9 to section 493.077.** Such notice shall be published [once a week] for three  
10 consecutive weeks and shall be substantially [as follows] **in the following form:**

11 Notice is hereby given to all persons owning property within the  
12 district bounded as follows: (Here set out boundaries given in  
13 report of engineer.)

14 That there has been filed in this office a petition for the  
15 organization of a \_\_\_\_\_ sewer district (describing the type) under  
16 the provisions of (here name this act or the appropriate Revised  
17 Statute of Missouri); that the duly appointed engineer has made  
18 and filed his **or her** report in this office and that property within  
19 the above described boundaries will be affected by the formation of  
20 the proposed sewer district and be rendered liable to taxation for  
21 the purpose of paying the expenses of organizing and incorporating  
22 the district and making and maintaining the improvements that  
23 may be found necessary for the construction and maintenance of  
24 said sewer system, and you and each of you are hereby notified  
25 that you may examine said petition and report and file exceptions  
26 to all or any part thereof on or before the day set for the hearing  
27 being the \_\_\_\_\_ day of \_\_\_\_\_.

28

29 \_\_\_\_\_  
Clerk of the circuit court of \_\_\_\_\_ County, Missouri.

249.134. 1. Immediately after the report of the engineer has been filed,  
2 the court shall fix a time at which it will hear such petition or any objections  
3 thereto [and it shall be the duty of] the clerk of the circuit court [to] **shall** cause  
4 a notice thereof to be published [in some newspaper of general circulation in the

5 county wherein the proceedings are pending,] **on the front page of the court's**  
6 **website, if it has one, for a period of** three consecutive weeks, which notice  
7 shall set out the boundaries of the proposed extension of the district as shown in  
8 the report of the engineer, and shall notify all persons within such district and  
9 all persons within the boundaries of the proposed extension of such district, who  
10 own property liable for or which may become liable for taxation for the sewer  
11 system of such district or of such district if extended, that on or before the time  
12 so fixed by the court they may file objections to either or both the petition or the  
13 engineer's report and that such petition and that any objections thereto will be  
14 heard by the court at the time so fixed. **If the court does not have a website,**  
15 **notice required by this subsection shall be sent three weeks prior to the**  
16 **hearing to the secretary of state who shall publish such notice on the**  
17 **legal notices website, established pursuant to section 493.077, until the**  
18 **date of the hearing has passed.**

19           2. If upon the hearing upon such petition and objections the court shall  
20 find that an extension of the boundaries of such district within the boundaries as  
21 set forth in the engineer's report or within any part thereof is necessary for the  
22 preservation of the public health or public welfare or will be of public utility or  
23 benefit and will be advisable, the court shall find in favor of the petitioners and  
24 shall render its decree to that effect. If the court shall find that such an extension  
25 is not necessary or will not be of public health or public welfare or will not be of  
26 public utility or benefit and will not be advisable, then it shall find against the  
27 petitioners and shall dismiss the petition.

28           3. If the court shall find in favor of the petitioners then (except as  
29 hereinbelow set out) it shall enter its order directing the election authority to call  
30 and hold separate elections, both in the original sewer district and in the  
31 territory proposed to be annexed, upon the question of whether such territory  
32 should be annexed to the sewer district. The notice shall include a description  
33 of the territory to be annexed.

34           4. The question shall be submitted in substantially the following form:  
35           Shall the \_\_\_\_\_ sewer district annex the contiguous area described  
36           in the notice for this election?

37           5. The election authority shall certify the results of the election to the  
38 circuit court having jurisdiction of the matter. If a majority of the votes cast on  
39 the proposition, both in the original sewer district and in the territory to be  
40 annexed, shall be in favor of such annexation, then the court shall render a

41 decree declaring the boundaries of such district to be extended and describing the  
42 boundaries of the district as extended. If a majority of the votes cast on the  
43 proposition in either the original district or in the territory to be annexed shall  
44 be against such annexation, then the court shall render a decree declaring that  
45 the proposal to extend the boundaries has failed and that the boundaries of such  
46 sewer district shall remain unchanged.

47         6. Provided, however, that, notwithstanding the above provisions of this  
48 section, no election shall be held on the question of the annexation to a sewer  
49 district of contiguous territory in the following circumstances: (a) That at or  
50 before the time the circuit court shall render the decree calling the election there  
51 shall be presented to the court a written statement agreeing to the annexation of  
52 the territory to the district, signed by a majority of the owners of land in the  
53 territory to be annexed, who shall also be the owners of more than one-half of the  
54 land in such territory; (The term "owner", as used in this provision, shall mean  
55 the holder of the legal title to a freehold interest in land, including mortgagors  
56 and grantors in deeds of trust to secure debts; remaindermen, reversioners, and  
57 holders of equitable interests shall not be considered in computing the number  
58 of owners who sign the petition or in computing the total number of owners in the  
59 territory); (b) That the board of trustees of the sewer district to which the  
60 territory is to be annexed shall, by action recorded on its minutes, accept the  
61 annexation of such territory and shall file with the court a certified copy of the  
62 record of its action at or before the rendition of the decree calling the election. If  
63 such a petition of landowners and such certified copy of the action of the board  
64 of trustees shall be filed with the court as above stated, and if the court shall find  
65 upon the hearing in favor of the petitioners, then the court shall render its decree  
66 declaring the boundaries of such district to be extended and describe the  
67 boundaries of the district as extended. If the boundaries of the district be  
68 extended, a certified copy of the final decree shall be filed in the office of the  
69 recorder of deeds in the county in which such proceedings are pending and in the  
70 office of the secretary of state.

249.340. 1. Whenever it shall be ordered by the board of trustees of the  
2 sewer district that any sewer or system of sewers in the incorporated sewer  
3 district be constructed in accordance with the provisions of sections 249.010 to  
4 249.420 and the engineer's estimated cost thereof exceeds the sum of five hundred  
5 dollars the said board of trustees shall order its said engineer to prepare and file  
6 with the secretary of said board of trustees all necessary maps, plans,

7 specifications and profiles and the estimated cost of the work. Said board of  
8 trustees may approve or reject the maps, plans, specifications and profiles and  
9 have others prepared and filed.

10           2. When the maps, plans, specifications and profiles have been approved,  
11 the said board of trustees shall order its engineer to advertise the letting of the  
12 contract, proposed to be let, by [advertisement in some newspaper that has a  
13 general circulation in the district wherein the contract is to be executed which  
14 said advertisements shall be published once a week] **publication on the**  
15 **board's website, if it has one, for a period** three consecutive weeks[, the last  
16 insertion to be within ten days of the day of the letting]. **If the board does not**  
17 **have a website, notice shall be sent to the secretary of state who shall**  
18 **publish such notice on the legal notices website, established pursuant**  
19 **to section 493.077, for a period of three consecutive weeks.**

20           3. All bids should be in writing accompanied by instructions to bidders  
21 which shall be furnished by the engineer of said board of trustees upon  
22 application. All bids on sewer work shall state the unit price upon which the  
23 same are based. All bids shall be sealed and filed with the secretary of said  
24 board of trustees, and, on the day and at the hour named in the advertisement,  
25 shall be publicly opened and read in the presence of the board of trustees and the  
26 engineer of said board and shall then be recorded in detail in some suitable book.  
27 All bids shall be accompanied by a certified check equal to ten percent of the  
28 engineer's estimate of cost, payable to the said board of trustees, or a bidder's  
29 bond executed by some surety company authorized to do business in this state or  
30 other good and sufficient surety in a like sum shall be given, as guarantee on the  
31 part of the bidder that if his **or her** bid be accepted he **or she** will, within ten  
32 days after receipt of notice of such acceptance, enter into contract and bond with  
33 good and sufficient sureties to be approved by the board to do the work  
34 advertised, and in case of default, forfeit and pay the sum of ten percent of the  
35 engineer's estimate of cost. The contract shall be awarded to the lowest and best  
36 bidder. The said board of trustees may in its discretion reject any and all  
37 bids. Any bid in excess of the engineer's estimate of the cost of the work to be  
38 done shall be rejected.

39           4. When it shall be decided by order of record to accept any bid the said  
40 board of trustees shall order a contract to be entered into between the bidder and  
41 the said board of trustees. The contract shall have attached to and made a part  
42 thereof the proposal sheet, instructions to bidders, the bid, maps, plans,

43 specification, and profiles. Whenever the contract is executed and approved by  
44 order of record and endorsement thereon it shall be filed and preserved as a  
45 permanent record in the office of the said board of trustees.

46 5. It shall be incorporated in the contract that the said board of trustees  
47 shall reserve the right to make any additions to, omissions from, changes in, or  
48 substitution for the work or materials called for by drawings and specifications,  
49 without notice to the surety on the bond given to secure the faithful performance  
50 of the terms of the contract. The bidder must agree that before the sewer district  
51 shall be liable for any additional work or material the board of trustees of said  
52 sewer district must first order the same and the cost thereof must be agreed upon  
53 in writing and entered of record before such additional work shall apply in case  
54 of omissions, deductions or changes, and the unit price shall be the basis of the  
55 valuation of such changes. In case of disagreement upon the cost or price of any  
56 addition, omission or change ordered or so desired, then it is expressly agreed  
57 that the decision of the engineer of said board of trustees shall be received and  
58 accepted as fixing definitely and finally the cost of such change and when so fixed  
59 the said board of trustees shall enter of record such change. It shall also be  
60 provided in the contract that the contractor will furnish and promptly pay for all  
61 labor employed and materials used in the performance of such contract, and pay  
62 all bills incurred by said contractor in performance of said contract or contracts.

249.360. The board shall subdivide the district into convenient  
2 subdistricts not larger than one thousand acres in extent, and prescribe the  
3 boundaries thereof within which the sewers and drains necessary to complete the  
4 drainage shall be constructed at the expense of the subdistrict when organized,  
5 as provided in sections 249.370 to 249.420, but no lands within the boundaries  
6 of an incorporated city shall be included in any such subdistrict without the  
7 consent of such city expressed by resolution or ordinance of the governing  
8 legislative body thereof. When such plans are completed for such subdistricts and  
9 filed, the board of trustees may adopt them by resolution, and such resolution,  
10 when published [in one or more newspapers having a general circulation in the  
11 sewer district] **on either the front page of the board's website or the legal**  
12 **notices website, established pursuant to section 493.077**, shall be binding  
13 upon all persons, firms and corporations; and nothing shall be done affecting the  
14 drainage and disposition of sewage outside of cities in the district, other than  
15 ordinary farm or agricultural drains, inconsistent with such plan, without the  
16 permission of the board of trustees as evidenced by the records of proceedings

17 thereof.

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

2 (1) "Design-build", a project for which the design and construction services  
3 are furnished under one contract;

4 (2) "Design-build contract", a contract between a sewer district and a  
5 design-build contractor to furnish the architecture, engineering, and related  
6 design services, and the labor, materials, and other construction services required  
7 for a specific construction project;

8 (3) "Design-build contractor", any individual, partnership, joint venture,  
9 corporation, or other legal entity that furnishes architecture or engineering  
10 services and construction services either directly or through subcontracts;

11 (4) "Design-build project", the design, construction, alteration, addition,  
12 remodeling, or improvement of any sewer district buildings or facilities under  
13 contract with a sewer district. Contracts for design-build projects that involve the  
14 construction, replacement or rehabilitation of a sewer district pump station or  
15 any other project that is located solely on sewer district property, such that in all  
16 cases, the project must exceed an expenditure of one million dollars. Design-build  
17 projects shall not include projects built on easements or rights-of-way dedicated  
18 to the sewer district involving open-cut sewer lines or rehabilitation of sewer  
19 district sewer lines;

20 (5) "Design criteria package", performance-oriented specifications for the  
21 design-build project sufficient to permit a design-build contractor to prepare a  
22 response to the sewer district's request for proposals for a design-build project,  
23 which may include preliminary designs for the project or portions thereof;

24 (6) "Sewer district", any metropolitan sewer district established under  
25 Section 30(a), Article VI, Constitution of Missouri.

26 2. (1) Notwithstanding any other provision of law to the contrary, any  
27 sewer district is authorized to enter into design-build contracts for design-build  
28 projects that exceed an expenditure of one million dollars.

29 (2) In using a design-build contract, the sewer district shall establish a  
30 written procedure by rule for prequalifying design-build contractors before such  
31 design-build contractors will be allowed to make a proposal on the project.

32 (3) The sewer district shall adopt procedures for:

33 (a) The prequalification review team;

34 (b) Specifications for the design criteria package;

35 (c) The method of advertising, receiving, and evaluating proposals from

36 design-build contractors;

37 (d) The criteria for awarding the design-build contract based on the design  
38 criteria package and a separate proposal stating the cost of construction; and

39 (e) Other methods, procedures, and criteria necessary to administer this  
40 section.

41 (4) The sewer district is authorized to issue a request for proposals to a  
42 maximum of five design-build contractors who are prequalified in accordance with  
43 this section.

44 (5) The sewer district may require approval of any person performing  
45 subcontract work on the design-build project including, but not limited to, those  
46 furnishing design services, labor, materials or equipment.

47 3. (1) Before the prequalification process specified in this section, the  
48 sewer district shall publicly advertise[, once a week] **on the front page of its**  
49 **website, if it has one, for a period of** two consecutive weeks[, in a newspaper  
50 of general circulation, qualified under chapter 493, located within the cities  
51 located in the sewer district, or if there be no such newspaper, in a qualified  
52 newspaper of general circulation in the county, or if there be no such newspaper,  
53 in a qualified newspaper of general circulation in an adjoining county, and may  
54 advertise in business, trade, or minority newspapers, for qualification  
55 submissions on said design-build project]. **If the district does not have a**  
56 **website, notice shall be sent to the secretary of state who shall publish**  
57 **such notice on the legal notices website, established pursuant to section**  
58 **493.077, for a period of two consecutive weeks.**

59 (2) If the sewer district fails to receive at least two responsive submissions  
60 from prequalified design-build contractors, submissions shall not be opened and  
61 the sewer shall readvertise the project.

62 (3) The sewer district shall have the right to reject any and all  
63 submissions and proposals.

64 (4) The proposals from prequalified design-build contractors shall be  
65 submitted sealed and in writing, to be opened publicly at the time and place of  
66 the sewer district's choosing. Technical proposals and qualifications submissions  
67 shall be submitted separately from any cost proposals. No cost proposal shall be  
68 opened until the technical proposals and qualifications submissions are first  
69 opened, evaluated, and ranked in accordance with the criteria identified by the  
70 sewer district in the request for proposals.

71 (5) The design-build contract shall be awarded to the design-build

72 contractor whose proposal represents the best overall value to the sewer district  
73 in terms of quality, technical skill, schedule, and cost.

74 (6) No proposal shall be entertained by the sewer district that is not made  
75 in accordance with the request for proposals furnished by the sewer district.

76 4. (1) The payment bond requirements of section 107.170 shall apply to  
77 the design-build project. All persons furnishing design services shall be deemed  
78 to be covered by the payment bond the same as any person furnishing labor or  
79 materials; however, the performance bond for the design-build contractor does not  
80 need to cover the design services as long as the design-build contractor or its  
81 subcontractors providing design services carry professional liability insurance in  
82 an amount established by the sewer district in the request for proposals.

83 (2) Any person or firm providing architectural, engineering, or land  
84 surveying services for the design-build contractor on the design-build project shall  
85 be duly licensed or authorized in this state to provide such services as required  
86 by chapter 327.

87 5. (1) A sewer district planning a design-build project shall retain an  
88 architect or engineer, as appropriate to the project type, under sections 8.285 to  
89 8.291, to assist with programming, site selection, master plan, the design criteria  
90 package, preparation of the request for proposals, prequalifying design-build  
91 contractors, evaluation of proposals, and preparation of forms necessary to award  
92 the design-build contract. The sewer district shall also retain that same architect  
93 or engineer or another to perform contract administration functions on behalf of  
94 the sewer district during the construction phase and after project completion. If  
95 the sewer district has an architect or engineer capable of fulfilling the functions  
96 described in this section, the sewer district is exempt from being required to  
97 retain another such professional.

98 (2) Any architect or engineer who is retained by a sewer district under  
99 this section shall be ineligible to act as the design-build contractor, or to  
100 participate as part of the design-build contractor's team as a subcontractor, joint  
101 venturer, partner, or otherwise for the same design-build project for which the  
102 architect or engineer was hired by the sewer district.

103 6. Under section 327.465, any design-build contractor that enters into a  
104 design-build contract for a sewer district is exempt from the requirement that  
105 such person or entity hold a certificate of registration or such corporation hold a  
106 certificate of authority if the architectural, engineering, or land surveying  
107 services to be performed under the contract are performed through subcontracts

108 with properly licensed and authorized persons or entities, and not performed by  
109 the design-build contractor or its own employees.

249.480. 1. The county commission shall set a day for hearing anyone  
2 who might be interested with regard to the proposed work and shall publish the  
3 resolution with a notice of the time and place of hearing [in some local newspaper  
4 of general circulation, published in the county, and if possible in the district  
5 affected by the resolution, and designated by the county commission,] **on the  
6 front page of its website, if it has one, for a period of** at least two weeks  
7 before the date of the hearing[, and by posting a copy of the resolution in five  
8 public places in the proposed sewer district or districts]. **If the commission  
9 does not have a website, notice shall be sent two weeks prior to the  
10 hearing to the secretary of state who shall publish such notice on the  
11 legal notices website, established pursuant to section 493.077, until the  
12 date of the hearing has passed.** At such hearing anyone interested in the  
13 proposed construction or operation of sewers may appear and present his **or her**  
14 views to the county commission.

15 2. Unless a majority of the registered voters within the sewer districts  
16 shall file a protest in writing with the county clerk on or before the day set for a  
17 hearing, the county commission may proceed with the construction of the sewers.  
18 If such a majority protest is filed, the county commission shall have no authority  
19 to proceed with said work unless the department of health and senior services or  
20 the department of natural resources files with the county clerk a written  
21 recommendation that such sewer is necessary for sanitary or other purposes, in  
22 which case the county commission shall have the right to proceed as if no protest  
23 had been filed. The determination of the county commission as to the sufficiency  
24 of any protest shall be conclusive unless such determination is attacked by a  
25 proceeding in the circuit court within ten days after such determination. After  
26 the expiration of six months after the filing of any such protest a new resolution  
27 may be adopted if deemed necessary by the county commission.

249.510. If the county commission determines to proceed with the  
2 construction of district sewers it shall cause plans and specifications to be  
3 prepared by the sewer engineer and shall advertise for bids for said work by  
4 causing a notice to bidders to be published[,] **on the front page of its website,  
5 if it has one, for a period of** at least two weeks prior to the date of receiving  
6 bids[, in a newspaper of general circulation published in said county]. **If the  
7 commission does not have a website, notice shall be sent, at least two**

8 **weeks prior to the date of receiving bids, to the secretary of state who**  
 9 **shall publish such notice on the legal notices website, established**  
 10 **pursuant to section 493.077, until the date of receiving bids.** All contracts  
 11 for such work shall be awarded to the lowest and best bidder, but the county  
 12 commission may reject any and all bids.

249.765. 1. Immediately after the petition has been filed, the clerk in  
 2 whose office the petition has been filed shall give notice by [causing] publication  
 3 [to be made once a week] **on the front page of the clerk's website, if it has**  
 4 **one, for [four] a period of six** consecutive weeks [in some newspaper published  
 5 in the county in which is situate the real property of the district, the last  
 6 insertion to be made at least fifteen days] prior to the first day of the next  
 7 regular term of the circuit court at which the petition is to be heard. **If the**  
 8 **clerk does not have a website, notice shall be sent, six weeks prior to**  
 9 **the first day of the next regular term of the circuit court, to the**  
 10 **secretary of state who shall publish such notice on the legal notices**  
 11 **website, established pursuant to section 493.077.**

12 2. The notice shall be substantially in the following form and it shall be  
 13 deemed sufficient for all purposes of sections 249.760 to 249.810.

14 **NOTICE OF APPLICATION TO FORM SEWER DISTRICT**

15 Notice is hereby given to all persons interested in the following  
 16 described real property in \_\_\_\_\_ County of Missouri (here describe  
 17 the property as set out in the petition) that a petition asking that  
 18 the foregoing real property be formed into a sewer district under  
 19 the provisions of sections 249.760 to 249.810, RSMo, and that the  
 20 real property as above described will be affected by the formation  
 21 of the sewer district and be rendered liable to taxation for the  
 22 purposes of paying the expenses of organizing and making and  
 23 maintaining the improvements that may be found necessary for the  
 24 construction and maintenance of sewage treatment facilities and  
 25 the sewer system in the district, and you, and each of you, are  
 26 hereby notified to appear at the next term of this court to be held  
 27 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ in \_\_\_\_\_ County,  
 28 and show cause, if any there be, why the sewer district as set forth  
 29 in the petition shall not be organized as a public corporation of the  
 30 state of Missouri.

32 Clerk of the circuit court of \_\_\_\_\_ County.

249.800. The board of any district contemplating the issuance of revenue  
2 bonds under the provisions of sections 249.760 to 249.810 may give notice of its  
3 intention to issue the bonds without submitting the proposition to the voters of  
4 the district, the notice to state the maximum amount of bonds proposed to be  
5 issued and the general purpose of the bonds. The notice shall further state the  
6 right of the voters in the district to file their written protest against the issuance  
7 of the bonds as hereinafter provided. The notice shall be published [twice in a  
8 newspaper published in the county in which the district is located] **on the front**  
9 **page of the district's website, if it has one. If the district does not have**  
10 **a website, notice shall be sent to the secretary of state who shall**  
11 **publish such notice on the legal notices website, established pursuant**  
12 **to section 493.077.** If within fifteen days after the date of the [first] publication  
13 of the notice there shall not be filed with the secretary of the district a written  
14 protest against issuance of such revenue bonds, signed by a number equal to  
15 twenty-five percent of the voters voting at the last preceding election of  
16 supervisors within the sewer district, the board of the district shall have power  
17 to issue the revenue bonds of the district to the amount and for the purpose  
18 specified in the notice without an election. If within fifteen days after the date  
19 of the [first] publication of the notice there is filed with the secretary of the  
20 district a written protest against the issuance of the revenue bonds signed by the  
21 requisite number of voters within the sewer district, the board of the district shall  
22 thereupon submit the proposed revenue bond issue to the voters of the district  
23 and, if a majority of the voters voting on the question shall vote in favor thereof,  
24 the proposed improvements may be made and the revenue bonds issued in  
25 payment of the cost thereof.

249.810. 1. The incorporation of every district, heretofore or hereafter  
2 incorporated under and by virtue of the provisions of sections 249.760 to 249.810,  
3 shall be dissolved if, at any time before bonds are issued and negotiated to  
4 construct the works and improvements as provided by the plan of reclamation  
5 adopted by its board of supervisors, twenty-five percent or more of the registered  
6 voters of the district petition the circuit court wherein the district was  
7 incorporated for a dissolution thereof; provided, that upon the filing of any such  
8 petition, the circuit court shall, before dissolving the corporation, ascertain and  
9 determine the amount of money in the treasury of, or owing to, the district, and  
10 the amount of all warrants issued and unpaid by it and the amount of the debts

11 and other obligations owing by it; and, if the amount of money in the treasury  
12 and owing to the district is in excess of the amount of the warrants, debts and  
13 other obligations, the circuit court shall order such warrants, debts and other  
14 obligations to be forthwith paid and discharged, and the excess divided among all  
15 the owners of land in the district who paid the same thereto, in the proportions  
16 in which they paid the same; but, if the amount of money, in the treasury and  
17 owing to the corporation, is not sufficient to pay and discharge the warrants,  
18 debts and other obligations, then the circuit court shall order the board of  
19 supervisors to levy and collect a uniform tax upon the real property within the  
20 district, sufficient in amount to pay the deficiency, and to thereupon pay the  
21 same.

22           2. At any time during the corporate life of the district, when all  
23 outstanding bonds have been paid and when all other indebtedness of the district  
24 has been paid or when there is sufficient money on hand to pay any and all  
25 outstanding indebtedness, and when there is sufficient money on hand to pay the  
26 costs and expenses of the dissolution of the corporation as herein provided, the  
27 board of supervisors may, and on a petition of a number of voters equal to  
28 twenty-five percent of those voting at the last preceding election of supervisors  
29 shall, submit the question to the voters to determine whether or not the district  
30 shall be dissolved and its corporate life terminated.

31           3. If the majority of the voters voting on the question vote in favor of the  
32 dissolution of the incorporation of the district, the board of supervisors shall  
33 cause to be filed in the circuit court wherein the district was incorporated, a  
34 petition setting out the facts; that there are no outstanding bonds of the district;  
35 that there is no other outstanding indebtedness of the district, or that there is  
36 sufficient money on hand to pay any outstanding indebtedness, as the case may  
37 be, and that there is sufficient money on hand to pay the cost and expenses of the  
38 dissolution; that due notice has been given of the meeting; and, that a majority,  
39 qualified as herein provided, voted in favor of the dissolution. Whereupon the  
40 court or the clerk thereof in vacation shall cause notice to be given by publication  
41 [in some newspaper printed and published in the county] **on the front page of**  
42 **the court's website, if it has one** for [four] **a period of six** successive weeks[,  
43 the last publication being not less than fifteen days] before the first day of the  
44 term to which the petition is made returnable, directed to the creditors,  
45 landowners and all persons interested, of the filing of the petition, its object and  
46 purpose, and ordering them to show cause, if any there be, on the first day, why

47 the corporation should not be dissolved. **If the district does not have a**  
48 **website, notice shall be sent to the secretary of state six weeks before**  
49 **the first day of the term to which the petition is made returnable, and**  
50 **the secretary shall publish such notice on the legal notices website,**  
51 **established pursuant to section 493.077.**

52 4. If, upon a hearing of the petition, the court finds the facts aforesaid and  
53 finds that there are no outstanding debts and that there is sufficient money to  
54 pay the expenses of dissolution, it shall enter its order dissolving said  
55 corporation. If it finds there is sufficient money on hand to pay all outstanding  
56 debts, it shall order the debts paid and thereafter, on proper showing of their  
57 payment, enter its order of dissolution.

249.939. The plans and specifications for the improvement and the  
2 proposed assessment roll shall be filed with the city or county clerk and shall be  
3 open for public inspection. Such clerk shall thereupon, at the direction of the  
4 governing body of the city or county, publish notice that the governing body will  
5 conduct a hearing to consider the proposed improvement and proposed  
6 assessments. Such notice shall be published [in a newspaper of general  
7 circulation at least once,] **on the front page of the clerk's website, if it has**  
8 **one**, not more than twenty days and not less than ten days before the hearing,  
9 and shall state the project name for the improvement, the date, time and place  
10 of such hearing, the general nature of the improvement, the revised estimated  
11 cost or, if available, the final cost of the improvement, the boundaries of the  
12 sewage or storm water facility improvement district to be assessed, and that  
13 written or oral objections will be considered at the hearing. At the same time, the  
14 city or county clerk shall mail to the owners of record of the property made liable  
15 to pay the assessments, at their last known post-office address, a notice of the  
16 hearing and a statement of the cost proposed to be assessed against the property  
17 so owned and assessed. **If the clerk does not have a website, notice**  
18 **required by this section shall be sent not more than twenty days and**  
19 **not less than ten days before the hearing to the secretary of state who**  
20 **shall publish such notice on the legal notices website, established**  
21 **pursuant to section 493.077, until the date of the hearing has**  
22 **passed.** The failure of any owner to receive such notice shall not invalidate the  
23 proceedings.

249.1103. The governing body of the county receiving the proposal  
2 pursuant to section 249.1100 shall set a day for a public hearing prior to election

3 for the creation of a consolidated sewer district and shall publish the resolution  
4 with a notice of the time and place of public hearing [in some local newspaper of  
5 general circulation, published in such county in which any district proposed to be  
6 consolidated lies] **on the front page of its website, if it has one**, at least  
7 thirty days before the date of the hearing. **If the governing body does not**  
8 **have a website, notice shall be sent at least thirty days before the date**  
9 **of the hearing to the secretary of state who shall publish such notice on**  
10 **the legal notices website, established pursuant to section 493.077, until**  
11 **the date of the hearing has passed.** At such hearing anyone interested in the  
12 proposed consolidation of sewer districts may appear and present their views to  
13 the governing body of the county.

251.330. 1. Before the adoption, amendment or extension of the  
2 comprehensive plan or portion thereof, the regional planning commission shall  
3 file such plan or part with the state office and hold at least one public hearing  
4 thereon, fifteen days' notice of the time and place of which shall be published [in  
5 at least one newspaper having general circulation within each county covered by  
6 the plan or portion thereof, and] **on the front page of the commission's**  
7 **website, if it has one. If the commission does not have a website,**  
8 **fifteen days' notice shall be sent to the secretary of state who shall**  
9 **publish such notice on the legal notices website, established pursuant**  
10 **to section 493.077, until the date of the hearing has**  
11 **passed. Additionally,** fifteen days' notice of such hearing shall be given to the  
12 state office and each local governmental unit within the region and shall be  
13 posted at least fifteen days in advance thereof in at least one conspicuous place  
14 in each township covered by the plan or portion thereof. The hearing may be  
15 adjourned from time to time.

16 2. The regional planning commission may amend, extend or add to the  
17 comprehensive plan or carry any part or subject matter into greater detail in the  
18 same manner as the making and adoption of the original plan.

251.370. Any local governmental unit within the region may adopt all or  
2 any portion of the plans and other programs prepared and adopted by the  
3 regional planning commission. Before the adoption, amendment or extension of  
4 the plan or portion thereof, the governing body of any political subdivision shall  
5 hold at least one public hearing thereon, fifteen days' notice of the time and place  
6 of which shall be published [in at least one newspaper having general circulation  
7 within the political subdivision, and/or] **on the front page of the governing**

8 **body's website, if it has one. If the governing body does not have a**  
9 **website, fifteen days' notice shall be sent to the secretary of state who**  
10 **shall publish such notice on the legal notices website, established**  
11 **pursuant to section 493.077, until the date of the hearing has**  
12 **passed. Additionally,** notice of such hearing shall be given the state office and  
13 shall be posted at least fifteen days in advance thereof in at least three  
14 conspicuous public places within the political subdivision.

251.430. Within ninety days of the issuance by the governor of an order  
2 creating a regional planning commission, any local unit of government within the  
3 boundaries of such region may withdraw from the jurisdiction of such commission  
4 by a two-thirds vote of the members of the governing body after a public hearing  
5 [of which]. **Notice of such public hearing shall [have been] be given not more**  
6 **than three nor less than two weeks prior [thereto] by registered mail to the**  
7 **commission and to the public by publication [in a newspaper of general**  
8 **circulation within the boundaries of such local unit of government] on the front**  
9 **page of the local unit of government's website, if it has one. If the local**  
10 **unit of the government does not have a website, notice shall be sent at**  
11 **least two but not more than three weeks prior to the hearing to the**  
12 **secretary of state who shall publish such notice on the legal notices**  
13 **website, established pursuant to section 493.077, until the date of the**  
14 **hearing has passed.** A local unit of government may withdraw from a  
15 regional planning commission at the end of any fiscal year by a two-thirds vote  
16 of the members of the governing body.

253.080. 1. The director of the department of natural resources may  
2 construct, establish and operate suitable public services, privileges, conveniences  
3 and facilities on any land, site or object under the department's jurisdiction and  
4 control, and may charge and collect reasonable fees for the use of the same. The  
5 director may charge reasonable fees for supplying services on state park  
6 areas. Any facilities so constructed under this provision shall only be done by  
7 appropriated funds.

8 2. The director may award by contract to any suitable person, persons,  
9 corporation or association the right to construct, establish and operate public  
10 services, privileges, conveniences and facilities on any land, site or object under  
11 the department's control for a period not to exceed twenty-five years with a  
12 renewal option, and may supervise and regulate any and all charges and fees of  
13 operations by private enterprise for supplying services and operating facilities on

14 state park areas.

15           3. All contracts awarded under this section shall be entered into upon the  
16 basis of competitive sealed bids. A sworn financial statement shall accompany  
17 each bid, and all contracts shall be let by the director at a regular meeting after  
18 public notice of the time of the letting. All bids submitted prior to the opening  
19 of the meeting shall be considered. Advertisements for bids [in daily or weekly  
20 newspapers] shall be made by the director **on the front page of the**  
21 **department's website**. The director shall accept the bid most favorable to the  
22 state from a responsible and reputable person but may, for good cause, reject any  
23 bid.

24           4. The director shall not enter into a contract or a renewal for a contract  
25 as provided in subsection 2 of this section for a period in excess of ten years  
26 unless the director determines that the extended contract period is necessary to  
27 allow the contractor to make substantial capital or other improvements to the site  
28 subject to the contract and such improvements are of sufficient value to the state  
29 to necessitate the longer contract term.

30           5. A good and sufficient bond conditioned upon the faithful performance  
31 of the contract and compliance with this law shall be required of all contractors,  
32 except that if the contractor states he **or she** is unable to provide a bond, the  
33 contractor shall place a cash reserve in an escrow account in an amount  
34 proportional to the volume of the contractor's business on the lands controlled by  
35 the department of natural resources.

36           6. Any person who contracts under this section with the state shall keep  
37 true and accurate records of his **or her** receipts and disbursements arising out  
38 of the performance of the contract and shall permit the division of parks and  
39 recreation of the department of natural resources and the state director of  
40 revenue to audit them. The division of parks and recreation of the department  
41 of natural resources and the state director of revenue shall audit the receipts and  
42 disbursement of each contract once every two years and upon the expiration of  
43 the contract. For the purpose of subsection 5 of this section and this subsection,  
44 no contract shall be deemed to extend to operations or management in more than  
45 one state park.

46           7. No person shall be permitted to offer or advertise merchandise or other  
47 goods for sale or rental, or to maintain any concession, or use any park facilities,  
48 buildings, trails, roads or other state park property for commercial use except by  
49 written permission or concession contract with the department of natural

50 resources; except that, the provisions of this subsection shall not apply to the  
51 normal and customary use of public roads by commercial and noncommercial  
52 organizations for the purpose of transporting persons or vehicles, including, but  
53 not limited to, canoes.

253.300. All leases granted under sections 253.290 to 253.320 shall be  
2 entered into only upon the basis of competitive sealed bids. A sworn financial  
3 statement shall accompany each bid, and all contracts shall be let by the director  
4 of the department of natural resources at a regular meeting after public notice of  
5 the time of such letting. All bids submitted prior to the opening of the meeting  
6 shall be considered. Such advertisements for bids shall be made [in daily or  
7 weekly newspapers of general circulation] **by publication on the front page**  
8 **of the department's website for a period of** three consecutive weeks as  
9 necessary to give notice by the director. The director shall accept the bid most  
10 favorable to the state from a responsible and reputable person but may, for good  
11 cause, reject any bid.

256.645. Within thirty days of August 28, 1992, the governing body of  
2 each county listed in section 256.643 shall adopt a plan for the county  
3 establishing the precise boundary of that portion of the county to be included in  
4 the district. The governing body of each county adopting a plan shall direct the  
5 clerk of the county court to call a meeting of the owners of real estate of one acre  
6 or more per parcel situated in that county. Notice shall be given by publication  
7 [once a week three consecutive weeks in some newspaper of general circulation  
8 in the county] **on the front page of the governing body's website, if it has**  
9 **one, for a period of** at least [ten] **thirty-one** days before the day of the  
10 meeting. **If the governing body does not have a website, notice shall be**  
11 **sent at least thirty-one days before the day of the meeting to the**  
12 **secretary of state who shall publish such notice on the legal notices**  
13 **website, established pursuant to section 493.077, until the day of the**  
14 **meeting has passed.** The notice shall specify the meeting day, time, and place  
15 in the county; and that the purpose of the meeting is to determine whether the  
16 qualified voters wish to become a part of the district, and if so, to elect  
17 commissioners.

257.250. Whenever the board of trustees lets contracts for necessary  
2 works or concessions, it shall be governed as follows:

3 (1) Contracts let for necessary works may be either as a whole or in parts,  
4 except that for works costing over five thousand dollars the board shall advertise

5 and award same by open competitive letting and public contract as hereinafter  
6 provided:

7 (a) Advertisements calling for bids shall be published[, once a week] **on**  
8 **the front page of the board's website, if it has one, for a period of** three  
9 consecutive weeks[, completed on date of last publication, in at least one  
10 newspaper of general circulation within the district]. **If the board does not**  
11 **have a website, notice shall be sent to the secretary of state who shall**  
12 **publish such notice on the legal notices website, established pursuant**  
13 **to section 493.077, for a period of three consecutive weeks.**

14 (b) The board may let the contract to the lowest or best bidder having  
15 adequate experience, skill, plant equipment and responsibility and who shall give  
16 a good bond and sufficient bond, with a reputable surety company as security  
17 conditioned on the carrying out of the contract.

18 (c) Contracts shall be in writing and shall be accompanied by or shall  
19 refer to plans or specifications for the work to be done, or materials, services or  
20 equipment to be furnished. All contracts shall be approved by the board of  
21 trustees and signed by a designated officer-trustee of the board and by the  
22 contractor, and shall be executed in duplicate.

23 (d) In case of a sudden emergency when it is necessary in the opinion of  
24 the board, in order to protect life or property within the district, the advertising  
25 of the contracts may be waived upon the consent of a majority of the board of  
26 trustees.

27 (2) Concessions may be granted or leased on, along, or between properties  
28 of the district for businesses serving people using the resources or facilities of the  
29 district, for definite periods, whenever the board deems it for the best interest  
30 and general welfare of the district. All sums so collected shall be placed in the  
31 general fund. No concession or privilege shall be granted or leased without public  
32 notice and competitive bidding therefor submitted in writing and accepted by the  
33 board of trustees, all in the same manner as provided in this section for contracts  
34 for necessary works.

259.140. 1. The council shall prescribe rules and regulations governing  
2 the practice and procedure before it.

3 2. No order, or amendment thereof, except in an emergency, shall be made  
4 by the council without a public hearing upon at least ten days' notice. The public  
5 hearing shall be held at such time and place as may be prescribed by the council,  
6 and any interested person shall be entitled to be heard.

7           3. When an emergency requiring immediate action is found to exist the  
8 council is authorized to issue an emergency order without notice of hearing, which  
9 shall be effective upon promulgation. No emergency order shall remain effective  
10 for more than fifteen days.

11           4. Any notice required by this chapter shall be given at the election of the  
12 council either by personal service or by letter to the last recorded address of the  
13 person to whom the order is directed and one publication in a newspaper of  
14 general circulation in the county where the land affected, or some part thereof,  
15 is situated. If the notice is applicable throughout the state, then it shall be  
16 published [in a newspaper of general circulation which is published in Jefferson  
17 City] **on the legal notices website, established pursuant to section**  
18 **493.077**. The notice shall issue in the name of the state, shall be signed by the  
19 state geologist, shall specify the style and number of the proceeding, the time and  
20 place of the hearing, and shall briefly state the purpose of the proceeding. Should  
21 the council elect to give notice by personal service, such service may be made by  
22 any officer authorized to serve process, or by any agent of the council, in the same  
23 manner as is provided by law for the service of original notices in civil actions in  
24 the circuit courts of the state. Proof of the service by such agent shall be by the  
25 affidavit of the person making personal service.

26           5. All orders issued by the council shall be in writing, shall be entered in  
27 full and indexed in books to be kept by the state geologist for that purpose, and  
28 shall be public records open for inspection at all times during reasonable office  
29 hours. A copy of any rule, regulation, or order certified by the state geologist or  
30 any officer of the council shall be received in evidence in all courts of this state  
31 with the same effect as the original.

32           6. The council may act upon its own motion, or upon the petition of any  
33 interested person. On the filing of a petition concerning any matter within the  
34 jurisdiction of the council, the council shall promptly fix a date for a hearing  
35 thereon, and shall cause notice of the hearing to be given. The hearing shall be  
36 held without undue delay after the filing of the petition. The council shall enter  
37 its order within thirty days after the hearing. In the event that the matter is  
38 submitted on a question or questions of fact, the council shall enter its order  
39 within thirty days after the finding of facts is submitted to the council.

260.205. 1. It shall be unlawful for any person to operate a solid waste  
2 processing facility or solid waste disposal area of a solid waste management  
3 system without first obtaining an operating permit from the department. It shall

4 be unlawful for any person to construct a solid waste processing facility or solid  
5 waste disposal area without first obtaining a construction permit from the  
6 department pursuant to this section. A current authorization to operate issued  
7 by the department pursuant to sections 260.200 to 260.345 shall be considered to  
8 be a permit to operate for purposes of this section for all solid waste disposal  
9 areas and processing facilities existing on August 28, 1995. A permit shall not  
10 be issued for a sanitary landfill to be located in a flood area, as determined by the  
11 department, where flood waters are likely to significantly erode final cover. A  
12 permit shall not be required to operate a waste stabilization lagoon, settling pond  
13 or other water treatment facility which has a valid permit from the Missouri  
14 clean water commission even though the facility may receive solid or semisolid  
15 waste materials.

16         2. No person or operator may apply for or obtain a permit to construct a  
17 solid waste disposal area unless the person has requested the department to  
18 conduct a preliminary site investigation and obtained preliminary approval from  
19 the department. The department shall, within sixty days of such request, conduct  
20 a preliminary investigation and approve or disapprove the site.

21         3. All proposed solid waste disposal areas for which a preliminary site  
22 investigation request pursuant to subsection 2 of this section is received by the  
23 department on or after August 28, 1999, shall be subject to a public involvement  
24 activity as part of the permit application process. The activity shall consist of the  
25 following:

26             (1) The applicant shall notify the public of the preliminary site  
27 investigation approval within thirty days after the receipt of such approval. Such  
28 public notification shall be by certified mail to the governing body of the county  
29 or city in which the proposed disposal area is to be located and by certified mail  
30 to the solid waste management district in which the proposed disposal area is to  
31 be located;

32             (2) Within ninety days after the preliminary site investigation approval,  
33 the department shall conduct a public awareness session in the county in which  
34 the proposed disposal area is to be located. The department shall provide public  
35 notice of such session by both [printed] **electronic** and broadcast media at least  
36 thirty days prior to such session. [Printed notification shall include publication  
37 in at least one newspaper having general circulation within the county in which  
38 the proposed disposal area is to be located.] **Electronic notification shall**  
39 **require publication on the front page of the department's**

40 **website.** Broadcast notification shall include public service announcements on  
41 radio stations that have broadcast coverage within the county in which the  
42 proposed disposal area is to be located. The intent of such public awareness  
43 session shall be to provide general information to interested citizens on the  
44 design and operation of solid waste disposal areas;

45 (3) At least sixty days prior to the submission to the department of a  
46 report on the results of a detailed site investigation pursuant to subsection 4 of  
47 this section, the applicant shall conduct a community involvement session in the  
48 county in which the proposed disposal area is to be located. Department staff  
49 shall attend any such session. The applicant shall provide public notice of such  
50 session by both printed and broadcast media at least thirty days prior to such  
51 session. Printed notification shall include publication in at least one newspaper  
52 having general circulation within the county in which the proposed disposal area  
53 is to be located. Broadcast notification shall include public service  
54 announcements on radio stations that have broadcast coverage within the county  
55 in which the proposed disposal area is to be located. Such public notices shall  
56 include the addresses of the applicant and the department and information on a  
57 public comment period. Such public comment period shall begin on the day of the  
58 community involvement session and continue for at least thirty days after such  
59 session. The applicant shall respond to all persons submitting comments during  
60 the public comment period no more than thirty days after the receipt of such  
61 comments;

62 (4) If a proposed solid waste disposal area is to be located in a county or  
63 city that has local planning and zoning requirements, the applicant shall not be  
64 required to conduct a community involvement session if the following conditions  
65 are met:

66 (a) The local planning and zoning requirements include a public meeting;

67 (b) The applicant notifies the department of intent to utilize such meeting  
68 in lieu of the community involvement session at least thirty days prior to such  
69 meeting;

70 (c) The requirements of such meeting include providing public notice by  
71 printed or broadcast media at least thirty days prior to such meeting;

72 (d) Such meeting is held at least thirty days prior to the submission to the  
73 department of a report on the results of a detailed site investigation pursuant to  
74 subsection 4 of this section;

75 (e) The applicant submits to the department a record of such meeting;

76 (f) A public comment period begins on the day of such meeting and  
77 continues for at least fourteen days after such meeting, and the applicant  
78 responds to all persons submitting comments during such public comment period  
79 no more than fourteen days after the receipt of such comments.

80 4. No person may apply for or obtain a permit to construct a solid waste  
81 disposal area unless the person has submitted to the department a plan for  
82 conducting a detailed surface and subsurface geologic and hydrologic  
83 investigation and has obtained geologic and hydrologic site approval from the  
84 department. The department shall approve or disapprove the plan within thirty  
85 days of receipt. The applicant shall conduct the investigation pursuant to the  
86 plan and submit the results to the department. The department shall provide  
87 approval or disapproval within sixty days of receipt of the investigation results.

88 5. (1) Every person desiring to construct a solid waste processing facility  
89 or solid waste disposal area shall make application for a permit on forms provided  
90 for this purpose by the department. Every applicant shall submit evidence of  
91 financial responsibility with the application. Any applicant who relies in part  
92 upon a parent corporation for this demonstration shall also submit evidence of  
93 financial responsibility for that corporation and any other subsidiary thereof.

94 (2) Every applicant shall provide a financial assurance instrument or  
95 instruments to the department prior to the granting of a construction permit for  
96 a solid waste disposal area. The financial assurance instrument or instruments  
97 shall be irrevocable, meet all requirements established by the department and  
98 shall not be cancelled, revoked, disbursed, released or allowed to terminate  
99 without the approval of the department. After the cessation of active operation  
100 of a sanitary landfill, or other solid waste disposal area as designed by the  
101 department, neither the guarantor nor the operator shall cancel, revoke or  
102 disburse the financial assurance instrument or allow the instrument to terminate  
103 until the operator is released from postclosure monitoring and care  
104 responsibilities pursuant to section 260.227.

105 (3) The applicant for a permit to construct a solid waste disposal area  
106 shall provide the department with plans, specifications, and such other data as  
107 may be necessary to comply with the purpose of sections 260.200 to 260.345. The  
108 application shall demonstrate compliance with all applicable local planning and  
109 zoning requirements. The department shall make an investigation of the solid  
110 waste disposal area and determine whether it complies with the provisions of  
111 sections 260.200 to 260.345 and the rules and regulations adopted pursuant to

112 sections 260.200 to 260.345. Within twelve consecutive months of the receipt of  
113 an application for a construction permit the department shall approve or deny the  
114 application. The department shall issue rules and regulations establishing time  
115 limits for permit modifications and renewal of a permit for a solid waste disposal  
116 area. The time limit shall be consistent with this chapter.

117 (4) The applicant for a permit to construct a solid waste processing facility  
118 shall provide the department with plans, specifications and such other data as  
119 may be necessary to comply with the purpose of sections 260.200 to  
120 260.345. Within one hundred eighty days of receipt of the application, the  
121 department shall determine whether it complies with the provisions of sections  
122 260.200 to 260.345. Within twelve consecutive months of the receipt of an  
123 application for a permit to construct an incinerator [as defined in section 260.200]  
124 or a material recovery facility [as defined in section 260.200], and within six  
125 months for permit modifications, the department shall approve or deny the  
126 application. Permits issued for solid waste facilities shall be for the anticipated  
127 life of the facility.

128 (5) If the department fails to approve or deny an application for a permit  
129 or a permit modification within the time limits specified in subdivisions (3) and  
130 (4) of this subsection, the applicant may maintain an action in the circuit court  
131 of Cole County or that of the county in which the facility is located or is to be  
132 sited. The court shall order the department to show cause why it has not acted  
133 on the permit and the court may, upon the presentation of evidence satisfactory  
134 to the court, order the department to issue or deny such permit or permit  
135 modification. Permits for solid waste disposal areas, whether issued by the  
136 department or ordered to be issued by a court, shall be for the anticipated life of  
137 the facility.

138 (6) The applicant for a permit to construct a solid waste processing facility  
139 shall pay an application fee of one thousand dollars. Upon completion of the  
140 department's evaluation of the application, but before receiving a permit, the  
141 applicant shall reimburse the department for all reasonable costs incurred by the  
142 department up to a maximum of four thousand dollars. The applicant for a  
143 permit to construct a solid waste disposal area shall pay an application fee of two  
144 thousand dollars. Upon completion of the department's evaluations of the  
145 application, but before receiving a permit, the applicant shall reimburse the  
146 department for all reasonable costs incurred by the department up to a maximum  
147 of eight thousand dollars. Applicants who withdraw their application before the

148 department completes its evaluation shall be required to reimburse the  
149 department for costs incurred in the evaluation. The department shall not collect  
150 the fees authorized in this subdivision unless it complies with the time limits  
151 established in this section.

152 (7) When the review reveals that the facility or area does conform with  
153 the provisions of sections 260.200 to 260.345 and the rules and regulations  
154 adopted pursuant to sections 260.200 to 260.345, the department shall approve  
155 the application and shall issue a permit for the construction of each solid waste  
156 processing facility or solid waste disposal area as set forth in the application and  
157 with any permit terms and conditions which the department deems appropriate. In  
158 the event that the facility or area fails to meet the rules and regulations adopted  
159 pursuant to sections 260.200 to 260.345, the department shall issue a report to  
160 the applicant stating the reason for denial of a permit.

161 6. Plans, designs, and relevant data for the construction of solid waste  
162 processing facilities and solid waste disposal areas shall be submitted to the  
163 department by a registered professional engineer licensed by the state of Missouri  
164 for approval prior to the construction, alteration or operation of such a facility or  
165 area.

166 7. Any person or operator as defined in section 260.200 who intends to  
167 obtain a construction permit in a solid waste management district with an  
168 approved solid waste management plan shall request a recommendation in  
169 support of the application from the executive board created in section  
170 260.315. The executive board shall consider the impact of the proposal on, and  
171 the extent to which the proposal conforms to, the approved district solid waste  
172 management plan prepared pursuant to section 260.325. The executive board  
173 shall act upon the request for a recommendation within sixty days of receipt and  
174 shall submit a resolution to the department specifying its position and its  
175 recommendation regarding conformity of the application to the solid waste  
176 plan. The board's failure to submit a resolution constitutes recommendation of  
177 the application. The department may consider the application, regardless of the  
178 board's action thereon and may deny the construction permit if the application  
179 fails to meet the requirements of sections 260.200 to 260.345, or if the application  
180 is inconsistent with the district's solid waste management plan.

181 8. If the site proposed for a solid waste disposal area is not owned by the  
182 applicant, the owner or owners of the site shall acknowledge that an application  
183 pursuant to sections 260.200 to 260.345 is to be submitted by signature or

184 signatures thereon. The department shall provide the owner with copies of all  
185 communication with the operator, including inspection reports and orders issued  
186 pursuant to section 260.230.

187           9. The department shall not issue a permit for the operation of a solid  
188 waste disposal area designed to serve a city with a population of greater than  
189 four hundred thousand located in more than one county, if the site is located  
190 within one-half mile of an adjoining municipality, without the approval of the  
191 governing body of such municipality. The governing body shall conduct a public  
192 hearing within fifteen days of notice, shall publicize the hearing in at least one  
193 newspaper having general circulation in the municipality, and shall vote to  
194 approve or disapprove the land disposal facility within thirty days after the close  
195 of the hearing.

196           10. Upon receipt of an application for a permit to construct a solid waste  
197 processing facility or disposal area, the department shall notify the public of such  
198 receipt:

199           (1) By legal notice published [in a newspaper of general circulation in the  
200 area of the proposed disposal area or processing facility] **on the department's**  
201 **website;**

202           (2) By certified mail to the governing body of the county or city in which  
203 the proposed disposal area or processing facility is to be located; and

204           (3) By mail to the last known address of all record owners of contiguous  
205 real property or real property located within one thousand feet of the proposed  
206 disposal area and, for a proposed processing facility, notice as provided in section  
207 64.875 or section 89.060, whichever is applicable.

208 If an application for a construction permit meets all statutory and regulatory  
209 requirements for issuance, a public hearing on the draft permit shall be held by  
210 the department in the county in which the proposed solid waste disposal area is  
211 to be located prior to the issuance of the permit. The department shall provide  
212 public notice of such hearing by both printed and broadcast media at least thirty  
213 days prior to such hearing. Printed notification shall include publication in at  
214 least one newspaper having general circulation within the county in which the  
215 proposed disposal area is to be located. Broadcast notification shall include  
216 public service announcements on radio stations that have broadcast coverage  
217 within the county in which the proposed disposal area is to be located.

218           11. After the issuance of a construction permit for a solid waste disposal  
219 area, but prior to the beginning of disposal operations, the owner and the

220 department shall execute an easement to allow the department, its agents or its  
221 contractors to enter the premises to complete work specified in the closure plan,  
222 or to monitor or maintain the site or to take remedial action during the  
223 postclosure period. After issuance of a construction permit for a solid waste  
224 disposal area, but prior to the beginning of disposal operations, the owner shall  
225 submit evidence that he or she has recorded, in the office of the recorder of deeds  
226 in the county where the disposal area is located, a notice and covenant running  
227 with the land that the property has been permitted as a solid waste disposal area  
228 and prohibits use of the land in any manner which interferes with the closure  
229 and, where appropriate, postclosure plans filed with the department.

230           12. Every person desiring to obtain a permit to operate a solid waste  
231 disposal area or processing facility shall submit applicable information and apply  
232 for an operating permit from the department. The department shall review the  
233 information and determine, within sixty days of receipt, whether it complies with  
234 the provisions of sections 260.200 to 260.345 and the rules and regulations  
235 adopted pursuant to sections 260.200 to 260.345. When the review reveals that  
236 the facility or area does conform with the provisions of sections 260.200 to  
237 260.345 and the rules and regulations adopted pursuant to sections 260.200 to  
238 260.345, the department shall issue a permit for the operation of each solid waste  
239 processing facility or solid waste disposal area and with any permit terms and  
240 conditions which the department deems appropriate. In the event that the  
241 facility or area fails to meet the rules and regulations adopted pursuant to  
242 sections 260.200 to 260.345, the department shall issue a report to the applicant  
243 stating the reason for denial of a permit.

244           13. Each solid waste disposal area, except utility waste landfills unless  
245 otherwise and to the extent required by the department, and those solid waste  
246 processing facilities designated by rule, shall be operated under the direction of  
247 a certified solid waste technician in accordance with sections 260.200 to 260.345  
248 and the rules and regulations promulgated pursuant to sections 260.200 to  
249 260.345.

250           14. Base data for the quality and quantity of groundwater in the solid  
251 waste disposal area shall be collected and submitted to the department prior to  
252 the operation of a new or expansion of an existing solid waste disposal area. Base  
253 data shall include a chemical analysis of groundwater drawn from the proposed  
254 solid waste disposal area.

255           15. Leachate collection and removal systems shall be incorporated into

256 new or expanded sanitary landfills which are permitted after August 13,  
257 1986. The department shall assess the need for a leachate collection system for  
258 all types of solid waste disposal areas, other than sanitary landfills, and the need  
259 for monitoring wells when it evaluates the application for all new or expanded  
260 solid waste disposal areas. The department may require an operator of a solid  
261 waste disposal area to install a leachate collection system before the beginning  
262 of disposal operations, at any time during disposal operations for unfilled portions  
263 of the area, or for any portion of the disposal area as a part of a remedial  
264 plan. The department may require the operator to install monitoring wells before  
265 the beginning of disposal operations or at any time during the operational life or  
266 postclosure care period if it concludes that conditions at the area warrant such  
267 monitoring. The operator of a demolition landfill or utility waste landfill shall  
268 not be required to install a leachate collection and removal system or monitoring  
269 wells unless otherwise and to the extent the department so requires based on  
270 hazardous waste characteristic criteria or site specific geohydrological  
271 characteristics or conditions.

272         16. Permits granted by the department, as provided in sections 260.200  
273 to 260.345, shall be subject to suspension for a designated period of time, civil  
274 penalty or revocation whenever the department determines that the solid waste  
275 processing facility or solid waste disposal area is, or has been, operated in  
276 violation of sections 260.200 to 260.345 or the rules or regulations adopted  
277 pursuant to sections 260.200 to 260.345, or has been operated in violation of any  
278 permit terms and conditions, or is creating a public nuisance, health hazard, or  
279 environmental pollution. In the event a permit is suspended or revoked, the  
280 person named in the permit shall be fully informed as to the reasons for such  
281 action.

282         17. Each permit for operation of a facility or area shall be issued only to  
283 the person named in the application. Permits are transferable as a modification  
284 to the permit. An application to transfer ownership shall identify the proposed  
285 permittee. A disclosure statement for the proposed permittee listing violations  
286 contained in the definition of disclosure statement found in section 260.200 shall  
287 be submitted to the department. The operation and design plans for the facility  
288 or area shall be updated to provide compliance with the currently applicable law  
289 and rules. A financial assurance instrument in such an amount and form as  
290 prescribed by the department shall be provided for solid waste disposal areas by  
291 the proposed permittee prior to transfer of the permit. The financial assurance

292 instrument of the original permittee shall not be released until the new  
293 permittee's financial assurance instrument has been approved by the department  
294 and the transfer of ownership is complete.

295         18. Those solid waste disposal areas permitted on January 1, 1996, shall,  
296 upon submission of a request for permit modification, be granted a solid waste  
297 management area operating permit if the request meets reasonable requirements  
298 set out by the department.

299         19. In case a permit required pursuant to this section is denied or  
300 revoked, the person may request a hearing in accordance with section 260.235.

301         20. Every applicant for a permit shall file a disclosure statement with the  
302 information required by and on a form developed by the department of natural  
303 resources at the same time the application for a permit is filed with the  
304 department.

305         21. Upon request of the director of the department of natural resources,  
306 the applicant for a permit, any person that could reasonably be expected to be  
307 involved in management activities of the solid waste disposal area or solid waste  
308 processing facility, or any person who has a controlling interest in any permittee  
309 shall be required to submit to a criminal background check under section 43.543.

310         22. All persons required to file a disclosure statement shall provide any  
311 assistance or information requested by the director or by the Missouri state  
312 highway patrol and shall cooperate in any inquiry or investigation conducted by  
313 the department and any inquiry, investigation or hearing conducted by the  
314 director. If, upon issuance of a formal request to answer any inquiry or produce  
315 information, evidence or testimony, any person required to file a disclosure  
316 statement refuses to comply, the application of an applicant or the permit of a  
317 permittee may be denied or revoked by the director.

318         23. If any of the information required to be included in the disclosure  
319 statement changes, or if any additional information should be added after the  
320 filing of the statement, the person required to file it shall provide that  
321 information to the director in writing, within thirty days after the change or  
322 addition. The failure to provide such information within thirty days may  
323 constitute the basis for the revocation of or denial of an application for any permit  
324 issued or applied for in accordance with this section, but only if, prior to any such  
325 denial or revocation, the director notifies the applicant or permittee of the  
326 director's intention to do so and gives the applicant or permittee fourteen days  
327 from the date of the notice to explain why the information was not provided

328 within the required thirty-day period. The director shall consider this  
329 information when determining whether to revoke, deny or conditionally grant the  
330 permit.

331         24. No person shall be required to submit the disclosure statement  
332 required by this section if the person is a corporation or an officer, director or  
333 shareholder of that corporation or any subsidiary thereof, and that corporation:

334             (1) Has on file and in effect with the federal Securities and Exchange  
335 Commission a registration statement required under Section 5, Chapter 38, Title  
336 1 of the Securities Act of 1933, as amended, 15 U.S.C. Section 77e(c);

337             (2) Submits to the director with the application for a permit evidence of  
338 the registration described in subdivision (1) of this subsection and a copy of the  
339 corporation's most recent annual form 10-K or an equivalent report; and

340             (3) Submits to the director on the anniversary date of the issuance of any  
341 permit it holds under the Missouri solid waste management law evidence of  
342 registration described in subdivision (1) of this subsection and a copy of the  
343 corporation's most recent annual form 10-K or an equivalent report.

344         25. After permit issuance, each facility shall annually file an update to  
345 the disclosure statement with the department of natural resources on or before  
346 March thirty-first of each year. Failure to provide such update may result in  
347 penalties as provided for under section 260.240.

348         26. Any county, district, municipality, authority, or other political  
349 subdivision of this state which owns and operates a sanitary landfill shall be  
350 exempt from the requirement for the filing of the disclosure statement and annual  
351 update to the disclosure statement.

352         27. Any person seeking a permit to operate a solid waste disposal area,  
353 a solid waste processing facility, or a resource recovery facility shall, concurrently  
354 with the filing of the application for a permit, disclose any convictions in this  
355 state, county or county-equivalent public health or land use ordinances related  
356 to the management of solid waste. If the department finds that there has been  
357 a continuing pattern of adjudicated violations by the applicant, the department  
358 may deny the application.

359         28. No permit to construct or permit to operate shall be required pursuant  
360 to this section for any utility waste landfill located in a county of the third  
361 classification with a township form of government which has a population of at  
362 least eleven thousand inhabitants and no more than twelve thousand five  
363 hundred inhabitants according to the most recent decennial census, if such utility

364 waste landfill complies with all design and operating standards and closure  
365 requirements applicable to utility waste landfills pursuant to sections 260.200 to  
366 260.345 and provided that no waste disposed of at such utility waste landfill is  
367 considered hazardous waste pursuant to the Missouri hazardous waste law.

260.215. 1. Except as provided in subsection 4 of this section, each city  
2 and each county or a combination of cities and counties shall provide individually  
3 or collectively for the collection and disposal of solid wastes for those areas within  
4 its boundaries that are to be served by the solid waste management system; shall  
5 be responsible for implementing their approved plan required by section 260.220  
6 as it relates to the storage, collection, transportation, processing, and disposal of  
7 their solid wastes; and may purchase all necessary equipment, acquire all  
8 necessary land, build any necessary buildings, incinerators, transfer stations, or  
9 other structures, lease or otherwise acquire the right to use land or  
10 equipment. Each city and county may levy and collect charges for the necessary  
11 cost of providing such services, and may levy an annual tax not to exceed ten  
12 cents on the one hundred dollars assessed valuation, as authorized by Article X,  
13 Section 11(c), of the Constitution for public health purposes to implement a plan  
14 for solid waste management, and to do all other things necessary to provide for  
15 a proper and effective solid waste management system; except that, the county  
16 may not levy a service charge or annual tax upon the inhabitants of any  
17 incorporated city, town or village that has an approved plan for solid waste  
18 management, unless the city, town or village contracts with the county for solid  
19 waste management and consents to the county service charge or tax levy. The tax  
20 or service charge authorized by this section shall not be levied if the tax or  
21 service charge is levied pursuant to some other provision of law, but if a tax is  
22 levied for the operation of a sanitary landfill and such tax is less than the  
23 maximum amount authorized by this section, a tax in an amount equal to the  
24 difference between such tax and that authorized in this section may be levied and  
25 collected.

26 2. Any city or county may adopt ordinances or orders, rules, regulations,  
27 or standards for the storage, collection, transportation, processing or disposal of  
28 solid wastes which shall be in conformity with the rules and regulations adopted  
29 by the department for solid waste management systems. Nothing in sections  
30 260.200 to 260.245 shall usurp the legal right of a city or county from adopting  
31 and enforcing local ordinances, rules, regulations, or standards for the storage,  
32 collection, transportation, processing, or disposal of solid wastes equal to or more

33 stringent than the rules or regulations adopted by the department pursuant to  
34 sections 260.200 to 260.245. Any county or city which adopts orders or  
35 ordinances for the management of solid waste shall ensure that such orders or  
36 ordinances provide for safe and adequate management of solid waste pursuant to  
37 an approved plan under section 260.220 and are not substantially inconsistent  
38 with the requirements of sections 260.200 and 260.245 and the rules and  
39 regulations promulgated pursuant thereto.

40         3. (1) Cities or counties may contract as provided in chapter 70 with any  
41 person, city, county, common sewer district, political subdivision, state agency or  
42 authority in this or other states to carry out their responsibilities for the storage,  
43 collection, transportation, processing, or disposal of solid wastes.

44         (2) The board of trustees of any common sewer district incorporated  
45 pursuant to sections 204.250 to 204.470 may petition the circuit court of the  
46 judicial circuit in which is located the county containing the largest portion of the  
47 land area in the district to amend the decree of incorporation to permit the  
48 common sewer district to engage in the construction, operation and maintenance  
49 of a solid waste disposal facility to serve properties within the common sewer  
50 district. The petition shall be filed by the board of trustees and all proceedings  
51 shall be conducted in the same manner as in an action for the initial formation  
52 of a common sewer district pursuant to sections 204.250 to 204.470, except that  
53 no vote of the residents of the district shall be required. The construction,  
54 operation and maintenance of a solid waste disposal facility by a common sewer  
55 district shall comply with the provisions of sections 204.250 to 204.470 in the  
56 same manner as they shall comply to like functions relating to sewer facilities,  
57 and comply with the provisions of this chapter relating to solid waste disposal.

58         4. (1) Nothing contained in this section and section 260.220 shall apply  
59 to any unincorporated area in all second, third and fourth class counties or any  
60 county of the first class with a population of less than one hundred thousand in  
61 accordance with the most recent decennial census or to any incorporated city  
62 having a population of five hundred or less located in such counties; except that  
63 any exempted city, village or county may, after public hearing held on not less  
64 than twenty days' public notice by [publishing a copy of the notice in some  
65 newspaper qualified to publish legal notices under chapter 493 and having a  
66 general circulation within the city, village or county once each week]  
67 **publication on the front page of its website, if it has one**, for three  
68 consecutive weeks, elect through its governing body to purchase equipment,

69 acquire land, build buildings, incinerators, transfer stations or other structures,  
70 lease or otherwise acquire the right to use land or equipment, levy and collect  
71 charges for services, levy an annual tax, and do all other things necessary to  
72 provide for a proper and effective solid waste management system, as provided  
73 in subsection 1 of this section, and may adopt ordinances, rules, regulations or  
74 standards as provided in subsection 2 of this section, and may contract as  
75 provided in subsection 3 of this section. **If any exempted city, village, or**  
76 **county does not have a website, such entity may provide public notice**  
77 **of the aforementioned hearing by sending such notice not less than**  
78 **twenty days prior to a hearing to the secretary of state who shall**  
79 **publish such notice on the legal notices website, established pursuant**  
80 **to section 493.077, until the date of the hearing has passed.**

81 (2) No city or county shall be required itself to operate or contract for the  
82 operation of solid waste collection, transportation or disposal services, or to collect  
83 service charges therefor, except to the extent that the department finds after  
84 public notice and public hearing, that privately owned and operated services are  
85 not reasonably available on a voluntary basis by contract or otherwise, or that the  
86 use of or failure to use such privately owned services has substantially  
87 endangered the public health or has resulted in a substantial public  
88 nuisance. Upon such a finding by the department, such city or county shall itself  
89 operate or contract for the operation of such solid waste collection, transportation  
90 and disposal services as may be reasonably necessary to remedy such danger to  
91 the public health or to abate such public nuisance, until such city or county, by  
92 its solid waste management plan, demonstrates that the storage, collection,  
93 transportation, processing and disposal of solid wastes will by other means be  
94 carried out in a manner which protects the public health, prevents the creation  
95 of public nuisances, and prevents the pollution of the land, air and water of the  
96 state. Any person aggrieved by the finding of the department, including any city  
97 or county or any privately owned or operated service, may appeal as provided in  
98 chapter 536.

99 5. Any city or county which establishes a service charge for solid waste  
100 collection services shall state the service charge separately from any other charge  
101 of any kind. No city or county shall withhold, or authorize the withholding of,  
102 any other utility service for failure to collect the separately stated service charge.

103 6. Any city or county may contract with any municipal utility, investor  
104 owned utility, REA co-op, public water supply district, county sewer district, or

105 any other type of utility to collect monthly service fees for the collection of solid  
106 waste.

260.330. 1. Except as otherwise provided in subsection 6 of this section,  
2 effective October 1, 1990, each operator of a solid waste sanitary landfill shall  
3 collect a charge equal to one dollar and fifty cents per ton or its volumetric  
4 equivalent of solid waste accepted and each operator of the solid waste demolition  
5 landfill shall collect a charge equal to one dollar per ton or its volumetric  
6 equivalent of solid waste accepted. Each operator shall submit the charge, less  
7 collection costs, to the department of natural resources for deposit in the "Solid  
8 Waste Management Fund" which is hereby created. On October 1, 1992, and  
9 thereafter, the charge imposed herein shall be adjusted annually by the same  
10 percentage as the increase in the general price level as measured by the  
11 Consumer Price Index for All Urban Consumers for the United States, or its  
12 successor index, as defined and officially recorded by the United States  
13 Department of Labor or its successor agency. No annual adjustment shall be  
14 made to the charge imposed under this subsection during October 1, 2005, to  
15 October 1, 2027, except an adjustment amount consistent with the need to fund  
16 the operating costs of the department and taking into account any annual  
17 percentage increase in the total of the volumetric equivalent of solid waste  
18 accepted in the prior year at solid waste sanitary landfills and demolition  
19 landfills and solid waste to be transported out of this state for disposal that is  
20 accepted at transfer stations. No annual increase during October 1, 2005, to  
21 October 1, 2027, shall exceed the percentage increase measured by the Consumer  
22 Price Index for All Urban Consumers for the United States, or its successor index,  
23 as defined and officially recorded by the United States Department of Labor or  
24 its successor agency and calculated on the percentage of revenues dedicated under  
25 subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment  
26 shall only be made at the discretion of the director, subject to  
27 appropriations. Collection costs shall be established by the department and shall  
28 not exceed two percent of the amount collected pursuant to this section.

29 2. The department shall, by rule and regulation, provide for the method  
30 and manner of collection.

31 3. The charges established in this section shall be enumerated separately  
32 from the disposal fee charged by the landfill and may be passed through to  
33 persons who generated the solid waste. Moneys transmitted to the department  
34 shall be no less than the amount collected less collection costs and in a form,

35 manner and frequency as the department shall prescribe. The provisions of  
36 section 33.080 to the contrary notwithstanding, moneys in the account shall not  
37 lapse to general revenue at the end of each biennium. Failure to collect the  
38 charge does not relieve the operator from responsibility for transmitting an  
39 amount equal to the charge to the department.

40 4. The department may examine or audit financial records and landfill  
41 activity records and measure landfill usage to verify the collection and  
42 transmittal of the charges established in this section. The department may  
43 promulgate by rule and regulation procedures to ensure and to verify that the  
44 charges imposed herein are properly collected and transmitted to the department.

45 5. Effective October 1, 1990, any person who operates a transfer station  
46 in Missouri shall transmit a fee to the department for deposit in the solid waste  
47 management fund which is equal to one dollar and fifty cents per ton or its  
48 volumetric equivalent of solid waste accepted. Such fee shall be applicable to all  
49 solid waste to be transported out of the state for disposal. On October 1, 1992,  
50 and thereafter, the charge imposed herein shall be adjusted annually by the same  
51 percentage as the increase in the general price level as measured by the  
52 Consumer Price Index for All Urban Consumers for the United States, or its  
53 successor index, as defined and officially recorded by the United States  
54 Department of Labor or its successor agency. No annual adjustment shall be  
55 made to the charge imposed under this subsection during October 1, 2005, to  
56 October 1, 2027, except an adjustment amount consistent with the need to fund  
57 the operating costs of the department and taking into account any annual  
58 percentage increase in the total of the volumetric equivalent of solid waste  
59 accepted in the prior year at solid waste sanitary landfills and demolition  
60 landfills and solid waste to be transported out of this state for disposal that is  
61 accepted at transfer stations. No annual increase during October 1, 2005, to  
62 October 1, 2027, shall exceed the percentage increase measured by the Consumer  
63 Price Index for All Urban Consumers for the United States, or its successor index,  
64 as defined and officially recorded by the United States Department of Labor or  
65 its successor agency and calculated on the percentage of revenues dedicated under  
66 subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment  
67 shall only be made at the discretion of the director, subject to  
68 appropriations. The department shall prescribe rules and regulations governing  
69 the transmittal of fees and verification of waste volumes transported out of state  
70 from transfer stations. Collection costs shall also be established by the

71 department and shall not exceed two percent of the amount collected pursuant to  
72 this subsection. A transfer station with the sole function of separating materials  
73 for recycling or resource recovery activities shall not be subject to the fee imposed  
74 in this subsection.

75         6. Each political subdivision which owns an operational solid waste  
76 disposal area may designate, pursuant to this section, up to two free disposal  
77 days during each calendar year. On any such free disposal day, the political  
78 subdivision shall allow residents of the political subdivision to dispose of any  
79 solid waste which may be lawfully disposed of at such solid waste disposal area  
80 free of any charge, and such waste shall not be subject to any state fee pursuant  
81 to this section. Notice of any free disposal day shall be posted at the solid waste  
82 disposal area site and [in at least one newspaper of general circulation in the  
83 political subdivision] **on the front page of the political subdivision's**  
84 **website, if it has one**, no later than fourteen days prior to the free disposal  
85 day. **If the political subdivision does not have a website, notice shall be**  
86 **sent not less than fourteen days prior to the free disposal day to the**  
87 **secretary of state who shall publish such notice on the legal notices**  
88 **website, established pursuant to section 493.077, until the date of the**  
89 **free disposal day has passed.**

260.395. 1. After six months from the effective date of the standards,  
2 rules and regulations adopted by the commission pursuant to section 260.370, it  
3 shall be unlawful for any person to transport any hazardous waste in this state  
4 without first obtaining a hazardous waste transporter license. Any person  
5 transporting hazardous waste in this state shall file an application for a license  
6 pursuant to this subsection which shall:

7         (1) Be submitted on a form provided for this purpose by the department  
8 and shall furnish the department with such equipment identification and data as  
9 may be necessary to demonstrate to the satisfaction of the department that  
10 equipment engaged in such transportation of hazardous waste, and other  
11 equipment as designated in rules and regulations pursuant to sections 260.350  
12 to 260.430, is adequate to provide protection of the health of humans and the  
13 environment and to comply with the provisions of any federal hazardous waste  
14 management act and sections 260.350 to 260.430 and the standards, rules and  
15 regulations adopted pursuant to sections 260.350 to 260.430. If approved by the  
16 department, this demonstration of protection may be satisfied by providing  
17 certification that the equipment so identified meets and will be operated in

18 accordance with the rules and regulations of the Missouri public service  
19 commission and the federal Department of Transportation for the transportation  
20 of the types of hazardous materials for which it will be used;

21 (2) Include, as specified by rules and regulations, demonstration of  
22 financial responsibility, including, but not limited to, guarantees, liability  
23 insurance, posting of bond or any combination thereof which shall be related to  
24 the number of units, types and sizes of equipment to be used in the transport of  
25 hazardous waste by the applicant;

26 (3) Include, as specified in rules and regulations, a fee payable to the  
27 state of Missouri which shall consist of an annual application fee, plus an annual  
28 use fee based upon tonnage, mileage or a combination of tonnage and  
29 mileage. The fees established pursuant to this subdivision shall be set to  
30 generate, as nearly as is practicable, six hundred thousand dollars annually. No  
31 fee shall be collected pursuant to this subdivision from railroads that pay a fee  
32 pursuant to subsection 18 of this section. Fees collected pursuant to this  
33 subdivision shall be deposited in the hazardous waste fund created pursuant to  
34 section 260.391.

35 2. If the department determines the application conforms to the provisions  
36 of any federal hazardous waste management act and sections 260.350 to 260.430  
37 and the standards, rules and regulations adopted pursuant to sections 260.350  
38 to 260.430, it shall issue the hazardous waste transporter license with such terms  
39 and conditions as it deems necessary to protect the health of humans and the  
40 environment. The department shall act within ninety days after receipt of the  
41 application. If the department denies the license, it shall issue a report to the  
42 applicant stating the reason for denial of the license.

43 3. A license may be suspended or revoked whenever the department  
44 determines that the equipment is or has been operated in violation of any  
45 provision of sections 260.350 to 260.430 or any standard, rule or regulation, order,  
46 or license term or condition adopted or issued pursuant to sections 260.350 to  
47 260.430, poses a threat to the health of humans or the environment, or is creating  
48 a public nuisance.

49 4. Whenever a license is issued, renewed, denied, suspended or revoked  
50 by the department, any aggrieved person, by petition filed with the  
51 administrative hearing commission within thirty days of the decision, may appeal  
52 such decision as provided by sections 621.250 and 640.013. Once the  
53 administrative hearing commission has reviewed the appeal, the administrative

54 hearing commission shall issue a recommended decision to the commission on  
55 license issuance, renewal, denial, suspension, or revocation. The commission  
56 shall issue its own decision, based on the appeal, for license issuance, renewal,  
57 denial, suspension, or revocation. If the commission changes a finding of fact or  
58 conclusion of law made by the administrative hearing commission, or modifies or  
59 vacates the decision recommended by the administrative hearing commission, it  
60 shall issue its own decision, which shall include findings of fact and conclusions  
61 of law. The commission shall mail copies of its final decision to the parties to the  
62 appeal or their counsel of record. The commission's decision shall be subject to  
63 judicial review pursuant to chapter 536. No judicial review shall be available  
64 until and unless all administrative remedies are exhausted.

65         5. A license shall be issued for a period of one year and shall be renewed  
66 upon proper application by the holder and a determination by the department  
67 that the applicant is in compliance with all provisions of sections 260.350 to  
68 260.430 and all standards, rules and regulations, orders and license terms and  
69 conditions adopted or issued pursuant to sections 260.350 to 260.430.

70         6. A license is not required for the transport of any hazardous waste on  
71 the premises where it is generated or onto contiguous property owned by the  
72 generator thereof, or for those persons exempted in section 260.380. Nothing in  
73 this subsection shall be interpreted to preclude the department from inspecting  
74 unlicensed hazardous waste transporting equipment and to require that it be  
75 adequate to provide protection for the health of humans and the environment.

76         7. After six months from the effective date of the standards, rules and  
77 regulations adopted by the commission pursuant to section 260.370, it shall be  
78 unlawful for any person to construct, substantially alter or operate, including  
79 operations specified in the rules and regulations, a hazardous waste facility  
80 without first obtaining a hazardous waste facility permit for such construction,  
81 alteration or operation from the department. Such person must submit to the  
82 department at least ninety days prior to submitting a permit application a letter  
83 of intent to construct, substantially alter or operate any hazardous waste disposal  
84 facility. The person must file an application within one hundred eighty days of  
85 the filing of a letter of intent unless granted an extension by the  
86 commission. The department shall publish such letter of intent [as specified in  
87 section 493.050 within ten days of receipt of such letter] **on its website**. The  
88 letter shall be published [once each week] for four weeks [in the county where the  
89 hazardous waste disposal facility is proposed]. Once such letter is submitted, all

90 conditions for the permit application evaluation purposes in existence as of the  
91 date of submission shall be deemed frozen, in that no subsequent action by any  
92 person to change such conditions in an attempt to thwart a fair and impartial  
93 decision on the application for a permit shall be allowed as grounds for denial of  
94 the permit. Any person before constructing, substantially altering or operating  
95 a hazardous waste facility in this state shall file an application for a permit  
96 which shall:

97 (1) Be submitted on a form provided for this purpose by the department  
98 and shall furnish the department with plans, specifications and such other data  
99 as may be necessary to demonstrate to the satisfaction of the department that  
100 such facility does or will provide adequate protection of the health of humans and  
101 the environment and does or will comply with the provisions of any federal  
102 hazardous waste management act and sections 260.350 to 260.430 and the  
103 standards, rules and regulations adopted pursuant to sections 260.350 to 260.430;

104 (2) Include plans, designs, engineering reports and relevant data for  
105 construction, alteration or operation of a hazardous waste facility, to be submitted  
106 to the department by a registered professional engineer licensed by this state;

107 (3) Include, as specified by rules and regulations, demonstration of  
108 financial responsibility, including, but not limited to, guarantees, liability  
109 insurance, posting of bond or any combination thereof, which shall be related to  
110 type and size of facility;

111 (4) Include such environmental and geologic information, assessments and  
112 studies as required by the rules and regulations of the commission;

113 (5) Include a fee payable to the state of Missouri which shall not exceed  
114 one thousand dollars, which shall cover the first year of the permit, if issued, but  
115 which is not refundable. If the permit is issued for more than one year, a fee  
116 equal in amount to the first year's fee shall be paid to the state of Missouri prior  
117 to issuance of the permit for each year the permit is to be in effect beyond the  
118 first year;

119 (6) The department shall supervise any field work undertaken to collect  
120 geologic and engineering data for submission with the application. The state  
121 geologist and departmental engineers shall review the geologic and engineering  
122 plans, respectively, and attest to their accuracy and adequacy. The applicant  
123 shall pay all reasonable costs, as determined by the commission, incurred by the  
124 department pursuant to this subsection.

125 8. (1) Prior to issuing or renewing a hazardous waste facility permit, the

126 department shall issue public notice by press release or advertisement and shall  
127 notify all record owners of adjoining property by mail directed to the last known  
128 address, and the village, town or city, if any, and the county in which the  
129 hazardous waste facility is located; and, upon request, shall hold a public hearing  
130 after public notice as required in this subsection at a location convenient to the  
131 area affected by the issuance of the permit.

132 (2) Prior to issuing or renewing a hazardous waste disposal facility permit  
133 the department shall issue public notice by press release and advertisement and  
134 shall notify all record owners of property, within one mile of the outer boundaries  
135 of the site, by mail directed to the last known address; and shall hold a public  
136 hearing after public notice as required in this subsection at a location convenient  
137 to the area affected by the issuance of the permit.

138 9. If the department determines that the application conforms to the  
139 provisions of any federal hazardous waste management act and sections 260.350  
140 to 260.430 and the standards, rules and regulations adopted pursuant to sections  
141 260.350 to 260.430, it shall issue the hazardous waste facility permit, with such  
142 terms and conditions and require such testing and construction supervision as it  
143 deems necessary to protect the health of humans or the environment. The  
144 department shall act within one hundred eighty days after receipt of the  
145 application. If the department denies the permit, it shall issue a report to the  
146 applicant stating the reason for denial of a permit.

147 10. A permit may be suspended or revoked whenever the department  
148 determines that the hazardous waste facility is, or has been, operated in violation  
149 of any provision of sections 260.350 to 260.430 or any standard, rule or  
150 regulation, order or permit term or condition adopted or issued pursuant to  
151 sections 260.350 to 260.430, poses a threat to the health of humans or the  
152 environment or is creating a public nuisance.

153 11. Whenever a permit is issued, renewed, denied, suspended or revoked  
154 by the department, any aggrieved person, by petition filed with the  
155 administrative hearing commission within thirty days of the decision, may appeal  
156 such decision as provided by sections 621.250 and 640.013. Once the  
157 administrative hearing commission has reviewed the appeal, the administrative  
158 hearing commission shall issue a recommended decision to the commission on  
159 permit issuance, renewal, denial, suspension, or revocation. The commission  
160 shall issue its own decision, based on the appeal, for permit issuance, renewal,  
161 denial, suspension, or revocation. If the commission changes a finding of fact or

162 conclusion of law made by the administrative hearing commission, or modifies or  
163 vacates the decision recommended by the administrative hearing commission, it  
164 shall issue its own decision, which shall include findings of fact and conclusions  
165 of law. The commission shall mail copies of its final decision to the parties to the  
166 appeal or their counsel of record. The commission's decision shall be subject to  
167 judicial review pursuant to chapter 536, except that the court of appeals district  
168 with territorial jurisdiction coextensive with the county where the hazardous  
169 waste facility is to be located or is located shall have original jurisdiction. No  
170 judicial review shall be available until and unless all administrative remedies are  
171 exhausted.

172 12. A permit shall be issued for a fixed term, which shall not exceed ten  
173 years in the case of any land disposal facility, storage facility, incinerator, or  
174 other treatment facility. Nothing in this subsection shall preclude the  
175 department from reviewing and modifying a permit at any time during its  
176 term. Review of any application for a permit renewal shall consider  
177 improvements in the state of control and measurement technology as well as  
178 changes in applicable regulations. Each permit issued pursuant to this section  
179 shall contain such terms and conditions as the department determines necessary  
180 to protect human health and the environment, and upon proper application by the  
181 holder and a determination by the department that the applicant is in compliance  
182 with all provisions of sections 260.350 to 260.430 and all standards, rules and  
183 regulations, orders and permit terms and conditions adopted or issued pursuant  
184 to sections 260.350 to 260.430.

185 13. A hazardous waste facility permit is not required for:

186 (1) On-site storage of hazardous wastes where such storage is exempted  
187 by the commission by rule or regulation; however, such storage must conform to  
188 the provisions of any federal hazardous waste management act and sections  
189 260.350 to 260.430 and the applicable standards, rules and regulations adopted  
190 pursuant to sections 260.350 to 260.430 and any other applicable hazardous  
191 materials storage and spill-prevention requirements provided by law;

192 (2) A publicly owned treatment works which has an operating permit  
193 pursuant to section 644.051 and is in compliance with that permit;

194 (3) A resource recovery facility which the department certifies uses  
195 hazardous waste as a supplement to, or substitute for, nonwaste material, and  
196 that the sole purpose of the facility is manufacture of a product rather than  
197 treatment or disposal of hazardous wastes;

198 (4) That portion of a facility engaged in hazardous waste resource  
199 recovery, when the facility is engaged in both resource recovery and hazardous  
200 waste treatment or disposal, provided the owner or operator can demonstrate to  
201 the department's satisfaction and the department finds that such portion is not  
202 intended and is not used for hazardous waste treatment or disposal.

203 14. Facilities exempted pursuant to subsection 13 of this section must  
204 comply with the provisions of subdivisions (3) to (7) of section 260.390 and such  
205 other requirements, to be specified by rules and regulations, as are necessary to  
206 comply with any federal hazardous waste management act or regulations  
207 hereunder. Generators who use such an exempted facility shall keep records of  
208 hazardous wastes transported, except by legal flow through sewer lines, to the  
209 facility and submit such records to the department in accordance with the  
210 provisions of section 260.380 and the standards, rules and regulations adopted  
211 pursuant to sections 260.350 to 260.430. Any person, before constructing,  
212 altering or operating a resource recovery facility in this state shall file an  
213 application for a certification. Such application shall include:

214 (1) Plans, designs, engineering reports and other relevant information as  
215 specified by rule that demonstrate that the facility is designed and will operate  
216 in a manner protective of human health and the environment; and

217 (2) An application fee of not more than five hundred dollars for a facility  
218 that recovers waste generated at the same facility or an application fee of not  
219 more than one thousand dollars for a facility that recovers waste generated at  
220 off-site sources. Such fees shall be deposited in the hazardous waste fund created  
221 in section 260.391. The department shall review such application for conformance  
222 with applicable laws, rules and standard engineering principles and  
223 practices. The applicant shall pay to the department all reasonable costs, as  
224 determined by the commission, incurred by the department pursuant to this  
225 subsection. All such funds shall be deposited in the hazardous waste fund  
226 created in section 260.391.

227 15. The owner or operator of any hazardous waste facility in existence on  
228 September 28, 1977, who has achieved federal interim status pursuant to 42  
229 U.S.C. Section 6925(e), and who has submitted to the department Part A of the  
230 federal facility permit application, may continue to receive and manage hazardous  
231 wastes in the manner as specified in the Part A application, and in accordance  
232 with federal interim status requirements, until completion of the administrative  
233 disposition of a permit application submitted pursuant to sections 260.350 to

234 260.430. The department may at any time require submission of, or the owner  
235 or operator may at any time voluntarily submit, a complete application for a  
236 permit pursuant to sections 260.350 to 260.430 and commission regulations. The  
237 authority to operate pursuant to this subsection shall cease one hundred eighty  
238 days after the department has notified an owner or operator that an application  
239 for permit pursuant to sections 260.350 to 260.430 must be submitted, unless  
240 within such time the owner or operator submits a completed application  
241 therefor. Upon submission of a complete application, the authority to operate  
242 pursuant to this subsection shall continue for such reasonable time as is required  
243 to complete the administrative disposition of the permit application. If a facility  
244 loses its federal interim status, or the Environmental Protection Agency requires  
245 the owner or operator to submit Part B of the federal application, the department  
246 shall notify the owner or operator that an application for a permit must be  
247 submitted pursuant to this subsection. In addition to compliance with the federal  
248 interim status requirements, the commission shall have the authority to adopt  
249 regulations requiring persons operating pursuant to this subsection to meet  
250 additional state interim status requirements.

251 16. No person, otherwise qualified pursuant to sections 260.350 to 260.430  
252 for a license to transport hazardous wastes or for a permit to construct,  
253 substantially alter or operate a hazardous waste facility, shall be denied such  
254 license or permit on the basis of a lack of need for such transport service or such  
255 facility because of the existence of other services or facilities capable of meeting  
256 that need; except that permits for hazardous waste facilities may be denied on  
257 determination made by the department that the financial resources of the persons  
258 applying are such that the continued operation of the sites in accordance with  
259 sections 260.350 to 260.430 cannot be reasonably assured or on determination  
260 made by the department that the probable volume of business is insufficient to  
261 ensure and maintain the solvency of then existing permitted hazardous waste  
262 facilities.

263 17. All hazardous waste landfills constructed after October 31, 1980, shall  
264 have a leachate collection system. The rules and regulations of the commission  
265 shall treat and protect all aquifers to the same level of protection. The provisions  
266 of this subsection shall not apply to the disposal of tailings and slag resulting  
267 from mining, milling and primary smelting operations.

268 18. Any railroad corporation as defined in section 388.010 that transports  
269 any hazardous waste as defined in section 260.360 or any hazardous substance

270 as defined in section 260.500 shall pay an annual fee of three hundred fifty  
271 dollars. Fees collected pursuant to this subsection shall be deposited in the  
272 hazardous waste fund created in section 260.391.

260.405. 1. Unless prohibited by any federal hazardous waste  
2 management act, the commission may grant individual variances from the  
3 requirements of sections 260.350 to 260.430 whenever it is found, upon  
4 presentation of adequate proof, that compliance with any provision of sections  
5 260.350 to 260.430 or any standard, rule or regulation, order or license or permit  
6 term or condition adopted or issued hereunder will result in an arbitrary and  
7 unreasonable taking of property or in the practical closing and elimination of any  
8 lawful business, occupation or activity, in either case without sufficient  
9 corresponding benefit or advantage to the people; except that, no variance shall  
10 be granted where the effect of a variance will permit the continuance of a  
11 condition which unreasonably poses a present or potential threat to the health of  
12 humans or other living organisms; and except, also, that any variance so granted  
13 shall not be so construed as to relieve the person who receives the variance from  
14 any liability imposed by other law for the commission or maintenance of a  
15 nuisance or damage to the property or rights of any person.

16 2. In determining under what conditions and to what extent a variance  
17 may be granted, the commission shall weigh the equities involved and the  
18 advantages and disadvantages to the applicant and to those affected by the  
19 hazardous waste management practices of the applicant.

20 3. Variances shall be granted for a period of time and under such terms  
21 and conditions as shall be specified by the commission in its order. In no event  
22 shall the variance be granted for a period of time greater than one year and shall  
23 not be renewable unless circumstances can be shown which preclude compliance  
24 within the one-year period of the variance and the renewal will not result in an  
25 unreasonable risk to the health of humans or the environment.

26 4. (1) Any person seeking a variance shall file a petition for a variance  
27 with the department. A filing fee of fifty dollars shall be paid to the state of  
28 Missouri with each petition.

29 (2) Upon the receipt of a request for a variance deemed substantive by the  
30 department, the department shall by mail notify all record owners of property  
31 within one mile of the outer boundaries of the site, the county, and the village,  
32 town or city within which the facility for which the variance is proposed is  
33 located. If the variance is substantive, as determined by regulation, the

34 department shall notify the public through press release and a notice [placed in  
35 a newspaper of general circulation serving the area within which the facility is  
36 located] **published on the front page of its website.** The department shall  
37 promptly investigate the petition and make a recommendation to the commission  
38 within sixty days after the petition is received as to whether the variance should  
39 be granted or denied. The department shall promptly notify the petitioner of its  
40 action and at the same time shall issue public notice by press release or  
41 advertisement and shall notify all record owners of adjoining property by mail  
42 directed to the last known address and the village, town or city, if any, and the  
43 county which is the location of the facility for which the variance is sought.

44           5. If the variance is deemed to be substantive, the commission shall hold  
45 a public hearing on the variance as provided in section 260.400. If the variance  
46 is deemed to be nonsubstantive, a hearing as provided in section 260.400 shall be  
47 held by the commission if requested by the petitioner within thirty days of the  
48 date of notice of the recommendation of the department. If the commission grants  
49 the variance without a hearing, the matter shall be passed upon at a public  
50 meeting no sooner than thirty days from the date of notice of the recommendation  
51 of the department, except that upon petition, filed within thirty days from the  
52 date of the recommendation, by any person aggrieved by the granting of the  
53 variance, a hearing shall be held and such petitioner shall become a party to the  
54 proceeding. In any hearing under this section the burden of proof shall be on the  
55 person petitioning for a variance.

56           6. The commission may require the filing of a bond as a condition for the  
57 issuance of a variance in an amount determined by the commission to be  
58 sufficient to insure compliance with the terms and conditions of the  
59 variance. The bond shall be signed by the applicant as principal and by a  
60 corporate surety licensed to do business in the state of Missouri and approved by  
61 the commission. The commission may require that the bond shall remain in effect  
62 until the terms and conditions of the variance are met and the provisions of  
63 sections 260.350 to 260.430 and rules and regulations promulgated hereunder are  
64 complied with.

65           7. Upon failure to comply with the terms and conditions of any bond or  
66 of any variance as specified by the commission, the variance may be revoked or  
67 modified or the bond may be revoked, or both, by the commission after a hearing  
68 held upon not less than thirty days written notice. The notice shall be served  
69 upon all persons who will be subjected to greater restrictions if the variance is

70 revoked or modified or who have filed with the department a written request for  
71 notification.

72 8. Any decision of the commission made pursuant to a hearing held under  
73 this section is subject to judicial review as provided in section 260.415.

260.460. 1. Any owner or operator of a site proposed for listing in the  
2 registry, or listed in the registry pursuant to section 260.440, may petition the  
3 director for deletion of such site, modification of the site classification or  
4 modification of any information regarding such site. No site shall be listed on the  
5 registry until after the resolution of any appeal initiated under this section.

6 2. Within ninety days after the submittal of such petition, the commission  
7 may convene a hearing to review the action of the director. No less than thirty  
8 days prior to the hearing, the commission shall cause a notice of hearing to be  
9 published [in a newspaper of general circulation in the county in which the site  
10 is located] **on the front page of its website, if it has one. If the**  
11 **commission does not have a website, notice shall be sent no less than**  
12 **thirty days prior to the hearing to the secretary of state who shall**  
13 **publish such notice on the legal notices website, established pursuant**  
14 **to section 493.077, until the date of the hearing has passed.** The  
15 commission shall also notify in writing any owner or operator of the site no less  
16 than thirty days prior to the hearing.

17 3. No later than thirty days following receipt of the complete record or  
18 following the decision not to hold a hearing, the commission shall provide the  
19 owner or operator with a written determination accompanied by reason therefor  
20 regarding action taken on the petition. All final decisions of the commission shall  
21 be reviewable under chapter 536.

22 4. The department shall, within ten days of any determination, notify the  
23 local governments of jurisdiction whenever a change is made in the registry  
24 pursuant to this section.

262.410. Whenever a majority of two-thirds of the members of any society  
2 organized under the provisions of sections 262.290 to 262.540 shall, at an annual  
3 meeting, declare such society dissolved, or if from any other cause said society  
4 shall be dissolved or fail to meet and pursue the objects of the society for the  
5 period of five consecutive years, then the real estate and all the other property  
6 held by it shall be sold for cash in hand, at public auction, before the courthouse  
7 door of the county, after thirty days' notice [given in some newspaper published  
8 in the county, if there be one, and, if not, by ten printed advertisements set up

9 in ten public places in the county,] describing the property to be sold, and the  
10 time, place and terms of sale. **Such notice shall be published on the front**  
11 **page of the society's website, if it has one. If the society does not have**  
12 **a website, notice shall be sent to the secretary of state who shall**  
13 **publish such notice on the legal notices website, established pursuant**  
14 **to section 493.077, for a period of thirty days.** Such sale shall be conducted  
15 by the directors, or a majority of them, chosen and elected as provided by sections  
16 262.290 to 262.540, and the proceeds of such sales shall, after payment of all  
17 expenses, be divided among the members of such society in proportion to stock  
18 held.

262.583. 1. The council of the respective counties shall have the following  
2 powers and duties:

3 (1) Determine the number of elective council positions for each district  
4 provided that no district shall have less than one council member and there shall  
5 not be less than ten or more than twenty members elected to the council;

6 (2) Nominate at least two citizens residing within the district for each  
7 elected council position;

8 (3) Determine the council positions to be filled for a one-year term and  
9 those to be filled for a two-year term when necessary under the provisions of  
10 subsection 2 of section 262.567;

11 (4) Set the date or dates, and places of the elections in the respective  
12 districts to be held in January of each year and set the dates and places for the  
13 bimonthly meetings of the council and the bimonthly meetings of the officers and  
14 may set the date and place of other meetings of the council or officers;

15 (5) Provide ballots and make all necessary arrangements for the holding  
16 of elections within each of the districts within the county;

17 (6) Give notice to the farm organizations selected to have representation  
18 on the council and to the towns and cities entitled to have representation thereon,  
19 at least thirty days before each annual election of council members and give  
20 notice to any organization, town or city in the event a vacancy occurs in the  
21 position on the council for which it shall make appointment;

22 (7) Give all notices and publications required by sections 262.550 to  
23 262.620 [and select the newspaper or newspapers in which publication of the  
24 notices shall be made] **in the manner required by such sections.**

25 2. At the first annual meeting after taking office the council shall elect  
26 from its elected and appointed members a chairman, a vice chairman, a secretary,

27 and a treasurer.

28           3. All officers of the council shall, within five days after their election,  
29 take and sign the usual oath of public officers which shall be filed in the office of  
30 the county clerk.

31           4. The council shall meet at least bimonthly and special meetings may be  
32 called by the chairman or by five members of the council by giving written notice  
33 to all members of the council of the date, time and place of meeting not less than  
34 ten days prior to the day of the meeting.

35           5. The officers of the council shall meet bimonthly in the months in which  
36 the council does not have a regular meeting for the purpose of making  
37 requisitions to the county commission for the amount of the month's expenditures  
38 and for allowing and paying authorized accounts and passing upon routine  
39 matters, but no other business of the council shall be transacted at such officers'  
40 meetings.

41           6. Members of the council and the officers thereof shall receive no  
42 compensation for their services as members or officers of the council. Members  
43 of the council and the officers thereof shall be entitled to their actual expenses  
44 incurred on account of council business, provided all such expenses shall be  
45 approved by the council.

262.620. Any public notice required to be given under any of the  
2 provisions of sections 262.550 to 262.620 shall be given by publishing a copy  
3 thereof **on the front page of the website of the entity required to give**  
4 **notice, if it has a website, for a period of** at least one [time in a newspaper  
5 published within the county and having a general circulation therein and if there  
6 be no such newspaper within the county, then in some newspaper having a  
7 general circulation within the county] **week. If the entity required to give**  
8 **notice does not have a website, notice shall be sent to the secretary of**  
9 **state who shall publish such notice on the legal notices website,**  
10 **established pursuant to section 493.077, for a period of at least one**  
11 **week.** Any notice required to be given to any council member shall be given by  
12 personal service or by mailing a copy thereof to the council member, provided that  
13 any council member attending any meeting shall be deemed to have waived  
14 service of notice of such meeting. No notice shall be required of regular council  
15 meetings or of regular meetings of the officers or of any special meeting of the  
16 council the date and place of which has been set and recorded in a prior meeting  
17 of the council. Any notice to be given to the county commission shall be given by

18 delivery of a copy thereof to the clerk of the commission. Notice to organizations  
19 selected by the council to have members on the council and cities and towns  
20 entitled to have members on the council shall be given by delivering a copy  
21 thereof to the principal officers of the organization or to the mayor of the city or  
22 town or by mailing the same to the person to be served.

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

2 (1) "Agricultural products", an agricultural, horticultural, viticultural, or  
3 vegetable product, growing of grapes that will be processed into wine, bees, honey,  
4 fish or other aquacultural product, planting seed, livestock, a livestock product,  
5 a forestry product, poultry or a poultry product, either in its natural or processed  
6 state, that has been produced, processed, or otherwise had value added to it in  
7 this state;

8 (2) "Blighted area", that portion of the city within which the legislative  
9 authority of such city determines that by reason of age, obsolescence, inadequate,  
10 or outmoded design or physical deterioration have become economic and social  
11 liabilities, and that such conditions are conducive to ill health, transmission of  
12 disease, crime or inability to pay reasonable taxes;

13 (3) "Department", the department of agriculture;

14 (4) "Domesticated animal", cattle, calves, sheep, swine, ratite birds  
15 including but not limited to ostrich and emu, llamas, alpaca, buffalo, bison, elk  
16 documented as obtained from a legal source and not from the wild, goats, or  
17 horses, other equines, or rabbits raised in confinement for human consumption;

18 (5) "Grower UAZ", a type of UAZ:

19 (a) That can either grow produce, raise livestock, or produce other  
20 value-added agricultural products;

21 (b) That does not exceed fifty laying hens, six hundred fifty broiler  
22 chickens, or thirty domesticated animals;

23 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not  
24 limited to ostrich and emu, aquatic products as described in section 277.024,  
25 llamas, alpaca, buffalo, bison, elk documented as obtained from a legal source and  
26 not from the wild, goats, or horses, other equines, or rabbits raised in  
27 confinement for human consumption;

28 (7) "Locally grown", a product that was grown or raised in the same  
29 county or city not within a county in which the UAZ is located or in an adjoining  
30 county or city not within a county. For a product raised or sold in a city not  
31 within a county, locally grown also includes an adjoining county with a charter

32 form of government with more than nine hundred fifty thousand inhabitants and  
33 those adjoining said county;

34 (8) "Meat", any edible portion of livestock or poultry carcass or part  
35 thereof;

36 (9) "Meat product", anything containing meat intended for or capable of  
37 use for human consumption, which is derived, in whole or in part, from livestock  
38 or poultry;

39 (10) "Mobile unit", the same as motor vehicle as defined in section  
40 301.010;

41 (11) "Poultry", any domesticated bird intended for human consumption;

42 (12) "Processing UAZ", a type of UAZ:

43 (a) That processes livestock, poultry, or produce for human consumption;

44 (b) That meets federal and state processing laws and standards;

45 (c) Is a qualifying small business approved by the department;

46 (13) "Qualifying small business", those enterprises which are established  
47 within an Urban Agricultural Zone subsequent to its creation, and which meet  
48 the definition established for the Small Business Administration and set forth in  
49 Section 121.201 of Part 121 of Title 13 of the Code of Federal Regulations;

50 (14) "Value-added agricultural products", any product or products that are  
51 the result of:

52 (a) Using an agricultural product grown in this state to produce a meat  
53 or dairy product in this state;

54 (b) A change in the physical state or form of the original agricultural  
55 product;

56 (c) An agricultural product grown in this state which has had its value  
57 enhanced by special production methods such as organically grown products; or

58 (d) A physical segregation of a commodity or agricultural product grown  
59 in this state that enhances its value such as identity preserved marketing  
60 systems;

61 (15) "Urban agricultural zone" or "UAZ", a zone within a metropolitan  
62 statistical area as defined by the United States Office of Budget and Management  
63 that has one or more of the following entities that is a qualifying small business  
64 and approved by the department, as follows:

65 (a) Any organization or person who grows produce or other agricultural  
66 products;

67 (b) Any organization or person that raises livestock or poultry;

68 (c) Any organization or person who processes livestock or poultry;

69 (d) Any organization that sells at a minimum seventy-five percent locally  
70 grown food;

71 (16) "Vending UAZ", a type of UAZ:

72 (a) That sells produce, meat, or value-added locally grown agricultural  
73 goods;

74 (b) That is able to accept food stamps under the provisions of the  
75 Supplemental Nutrition Assistance Program as a form of payment; and

76 (c) Is a qualifying small business that is approved by the department for  
77 an UAZ vendor license.

78 2. (1) A person or organization shall submit to any incorporated  
79 municipality an application to develop an UAZ on a blighted area of land. Such  
80 application shall demonstrate or identify on the application:

81 (a) If the person or organization is a grower UAZ, processing UAZ,  
82 vending UAZ, or a combination of all three types of UAZs provided in this  
83 paragraph, in which case the person or organization shall meet the requirements  
84 of each type of UAZ in order to qualify;

85 (b) The number of jobs to be created;

86 (c) The types of products to be produced; and

87 (d) If applying for a vending UAZ, the ability to accept food stamps under  
88 the provisions of the Supplemental Nutrition Assistance Program if selling  
89 products to consumers.

90 (2) A municipality shall review and modify the application as necessary  
91 before either approving or denying the request to establish an UAZ.

92 (3) Approval of the UAZ by such municipality shall be reviewed five and  
93 ten years after the development of the UAZ. After twenty-five years, the UAZ  
94 shall dissolve.

95 If the municipality finds during its review that the UAZ is not meeting the  
96 requirements set out in this section, the municipality may dissolve the UAZ.

97 3. The governing body of any municipality planning to seek designation  
98 of an urban agricultural zone shall establish an urban agricultural zone  
99 board. The number of members on the board shall be seven. One member of the  
100 board shall be appointed by the school district or districts located within the area  
101 proposed for designation of an urban agricultural zone. Two members of the  
102 board shall be appointed by other affected taxing districts. The remaining four  
103 members shall be chosen by the chief elected officer of the municipality. The four

104 members chosen by the chief elected officer of the municipality shall all be  
105 residents of the county or city not within a county in which the UAZ is to be  
106 located, and at least one of such four members shall have experience in or  
107 represent organizations associated with sustainable agriculture, urban farming,  
108 community gardening, or any of the activities or products authorized by this  
109 section for UAZs.

110 4. The school district member and the two affected taxing district  
111 members shall each have initial terms of five years. Of the four members  
112 appointed by the chief elected official, two shall have initial terms of four years,  
113 and two shall have initial terms of three years. Thereafter, members shall serve  
114 terms of five years. Each member shall hold office until a successor has been  
115 appointed. All vacancies shall be filled in the same manner as the original  
116 appointment. For inefficiency or neglect of duty or misconduct in office, a  
117 member of the board may be removed by the applicable appointing authority.

118 5. A majority of the members shall constitute a quorum of such board for  
119 the purpose of conducting business and exercising the powers of the board and for  
120 all other purposes. Action may be taken by the board upon a vote of a majority  
121 of the members present.

122 6. The members of the board annually shall elect a chair from among the  
123 members.

124 7. The role of the board shall be to conduct the activities necessary to  
125 advise the governing body on the designation of an urban agricultural zone and  
126 any other advisory duties as determined by the governing body. The role of the  
127 board after the designation of an urban agricultural zone shall be review and  
128 assessment of zone activities.

129 8. Prior to the adoption of an ordinance proposing the designation of an  
130 urban agricultural zone, the urban agricultural board shall fix a time and place  
131 for a public hearing and notify each taxing district located wholly or partially  
132 within the boundaries of the proposed urban agricultural zone. The board shall  
133 send, by certified mail, a notice of such hearing to all taxing districts and political  
134 subdivisions in the area to be affected and shall publish notice of such hearing  
135 [in a newspaper of general circulation in the area to be affected by the  
136 designation] **on the front page of its website, if it has one, for a period of**  
137 **at least twenty days prior to the hearing but not more than thirty days prior to**  
138 **the hearing. If the board does not have a website, notice shall be sent at**  
139 **least twenty days but no more than thirty days prior to the hearing to**

140 **the secretary of state who shall publish such notice on the legal notices**  
141 **website, established pursuant to section 493.077, until the date of the**  
142 **hearing has passed.** Such notice shall state the time, location, date, and  
143 purpose of the hearing. At the public hearing any interested person or affected  
144 taxing district may file with the board written objections to, or comments on, and  
145 may be heard orally in respect to, any issues embodied in the notice. The board  
146 shall hear and consider all protests, objections, comments, and other evidence  
147 presented at the hearing. The hearing may be continued to another date without  
148 further notice other than a motion to be entered upon the minutes fixing the time  
149 and place of the subsequent hearing.

150 9. Following the conclusion of the public hearing required under  
151 subsection 8 of this section, the governing authority of the municipality may  
152 adopt an ordinance designating an urban agricultural zone.

153 10. The real property of the UAZ shall not be subject to assessment or  
154 payment of ad valorem taxes on real property imposed by the cities affected by  
155 this section, or by the state or any political subdivision thereof, for a period of up  
156 to twenty-five years as specified by ordinance under subsection 9 of this section,  
157 except to such extent and in such amount as may be imposed upon such real  
158 property during such period, as was determined by the assessor of the county in  
159 which such real property is located, or, if not located within a county, then by the  
160 assessor of such city, in an amount not greater than the amount of taxes due and  
161 payable thereon during the calendar year preceding the calendar year during  
162 which the urban agricultural zone was designated. The amounts of such tax  
163 assessments shall not be increased during such period so long as the real  
164 property is used in furtherance of the activities provided under the provisions of  
165 subdivision (15) of subsection 1 of this section. At the conclusion of the period of  
166 abatement provided by the ordinance, the property shall then be reassessed. If  
167 only a portion of real property is used as an UAZ, then only that portion of real  
168 property shall be exempt from assessment or payment of ad valorem taxes on  
169 such property, as provided by this section.

170 11. If the water services for the UAZ are provided by the municipality, the  
171 municipality may authorize a grower UAZ to pay wholesale water rates for the  
172 cost of water consumed on the UAZ. If available, the UAZ may pay fifty percent  
173 of the standard cost to hook onto the water source.

174 12. (1) Any local sales tax revenues received from the sale of agricultural  
175 products sold in the UAZ, or any local sales tax revenues received by a mobile

176 unit associated with a vending UAZ selling agricultural products in the  
177 municipality in which the vending UAZ is located, shall be deposited in the urban  
178 agricultural zone fund established in subdivision (2) of this subsection. An  
179 amount equal to one percent shall be retained by the director of revenue for  
180 deposit in the general revenue fund to offset the costs of collection.

181 (2) There is hereby created in the state treasury the "Urban Agricultural  
182 Zone Fund", which shall consist of money collected under subdivision (1) of this  
183 subsection. The state treasurer shall be custodian of the fund. In accordance  
184 with sections 30.170 and 30.180, the state treasurer may approve  
185 disbursements. The fund shall be a dedicated fund and, upon appropriation, shall  
186 be used for the purposes authorized by this section. Notwithstanding the  
187 provisions of section 33.080 to the contrary, any moneys remaining in the fund  
188 at the end of the biennium shall not revert to the credit of the general revenue  
189 fund. The state treasurer shall invest moneys in the fund in the same manner  
190 as other funds are invested. Any interest and moneys earned on such  
191 investments shall be credited to the fund. Fifty percent of fund moneys shall be  
192 made available to school districts. The remaining fifty percent of fund moneys  
193 shall be allocated to municipalities that have urban agricultural zones based upon  
194 the municipality's percentage of local sales tax revenues deposited into the  
195 fund. The municipalities shall, upon appropriation, provide fund moneys to  
196 urban agricultural zones within the municipality for improvements. School  
197 districts may apply to the department for money in the fund to be used for the  
198 development of curriculum on or the implementation of urban farming practices  
199 under the guidance of the University of Missouri extension service and a certified  
200 vocational agricultural instructor. The funds are to be distributed on a  
201 competitive basis within the school district or districts in which the UAZ is  
202 located pursuant to rules to be promulgated by the department, with special  
203 consideration given to the relative number of students eligible for free and  
204 reduced-price lunches attending the schools within such district or districts.

205 13. Any rule or portion of a rule, as that term is defined in section  
206 536.010, that is created under the authority delegated in this section shall  
207 become effective only if it complies with and is subject to all of the provisions of  
208 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
209 nonseverable and if any of the powers vested with the general assembly pursuant  
210 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
211 a rule are subsequently held unconstitutional, then the grant of rulemaking

212 authority and any rule proposed or adopted after August 28, 2013, shall be  
213 invalid and void.

214 14. The provisions of this section shall not apply to any county with a  
215 charter form of government and with more than three hundred thousand but  
216 fewer than four hundred fifty thousand inhabitants.

263.245. 1. Subject to voter approval under section 263.247, all owners  
2 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;

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

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

12 shall control all brush growing on such owner's property that is designated as the  
13 county right-of-way or county maintenance easement part of such owner's  
14 property and which is adjacent to any county road. Such brush shall be cut,  
15 burned, or otherwise destroyed as often as necessary in order to keep such lands  
16 accessible for purposes of maintenance and safety of the county road and to  
17 prevent brush from interfering with any 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 due on such landowner's real and  
31 personal property tax assessment and be collected as state and county taxes are

32 collected by law and paid to the county commission and credited to the county  
33 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 in writing using any mail  
37 service with delivery tracking and an address supplied by the officer who  
38 prepares the tax list and shall allow the owner of the land thirty days from the  
39 date of delivery to eradicate all such brush growing on land designated as the  
40 county right-of-way or county maintenance easement part of such owner's land  
41 and which is adjacent to the county road. In the event that the property owner  
42 cannot be located by mail, notice shall be [placed in a newspaper of general  
43 circulation in the county in which the land is located] **published on the front**  
44 **page of the commission's website, if it has one, for a period of** at least  
45 thirty days before the county commission removes the brush pursuant to  
46 subsection 2 of this section, **provided that if the county commission does**  
47 **not have a website, notice shall be sent at least thirty days before the**  
48 **commission removes the brush to the secretary of state who shall**  
49 **publish such notice on the legal notices website, established pursuant**  
50 **to section 493.077.** Such property owner shall be granted an automatic  
51 thirty-day extension due to hardship by notifying the county commission that  
52 such owner cannot comply with the requirements of this section, due to hardship,  
53 within the first thirty-day period. The property owner may be granted a second  
54 extension by a majority vote of the county commission. There shall be no further  
55 extensions. For the purposes of this subsection, "hardship" may be financial,  
56 physical or any other condition that the county commission deems to be a valid  
57 reason to allow an extension of time to comply with the requirements of this  
58 section.

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

66 5. The county right-of-way or county maintenance easement shall extend  
67 fifteen feet from the center of the county road or the distance set forth in the

68 original conveyance, whichever is greater. For purposes of this subsection, the  
 69 "center of the county road" shall be the point equidistant from both edges of the  
 70 drivable ground of the road in its current condition.

71 6. In the event a county is required to obtain a land survey to enforce this  
 72 section, the costs of such survey shall be divided equally between the county and  
 73 the landowner.

263.247. 1. Section 263.245 shall become effective only in those counties  
 2 described in subsection 1 of section 263.245 in which the governing body of the  
 3 county submits to the voters of the county, at a regularly scheduled countywide  
 4 election, a proposal to implement the provisions of section 263.245. The  
 5 governing body of the county shall give notice of the election by publication [in  
 6 a newspaper of general circulation in the county] **on the front page of the**  
 7 **governing body's website, if it has one**, for [two consecutive weeks, the last  
 8 insert of which shall be within ten days of the election] **a period of twenty-**  
 9 **four days prior to the election. If the governing body does not have a**  
 10 **website, notice shall be sent at least twenty-four days prior to the**  
 11 **election to the secretary of state who shall publish such notice on the**  
 12 **legal notices website, established pursuant to section 493.077, until the**  
 13 **date of the election has passed.**

14 2. The ballot of submission shall include, but not be limited to, the  
 15 following language:

16 Shall the county of \_\_\_\_\_ (county's name) enforce brush control  
 17 adjacent to county roads?

18  YES  NO

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

22 3. If a majority of the votes cast at the election are in favor of such  
 23 proposal, section 263.245 shall become effective in that county. If a majority of  
 24 the votes cast at the election are opposed to such proposal, section 263.245 shall  
 25 not become effective in that county.

26 4. The governing body of any county in which the provisions of section  
 27 263.245 are in effect may, on its own motion, call for an election to repeal the  
 28 implementation of section 263.245 in that county. The election shall be held at  
 29 the same time and in the same manner as an election to implement section  
 30 263.245 in the county as prescribed in subsections 1 to 3 of this section, except

31 that the ballot of submission shall include, but not be limited to, the following  
32 language:

33 Shall the county of \_\_\_\_\_ (county's name) discontinue enforcement  
34 of brush control adjacent to county roads?

35  YES  NO

263.255. 1. Upon the petition of one hundred landowners in any county  
2 the county commission shall declare that a threat exists to the agricultural  
3 economy of the county by reason of the growth and infestation of a species of  
4 grass, *Sorghum halepense*, commonly known as "Johnson grass". After such  
5 declaration there shall be submitted to the qualified voters of the county at the  
6 next general election or a special election called for that purpose, the question of  
7 enforcing the provisions of sections 263.255 to 263.267. The commission shall  
8 give notice of the election by publication [in a newspaper published in the county]  
9 **on the front page of its website, if it has one**, for [three weeks  
10 consecutively, the last insert of which shall be at least ten days] **a period of**  
11 **thirty-one days** before the day of the election. **If the commission does not**  
12 **have a website, notice shall be sent at least thirty-one days prior to the**  
13 **election to the secretary of state who shall publish such notice on the**  
14 **legal notices website, established pursuant to section 493.077, until the**  
15 **date of the election has passed.** There shall be written or printed on each  
16 ballot voted at said election the following: "For Enforcing the Law Controlling and  
17 Eradicating Johnson Grass""Against Enforcing the Law Controlling and  
18 Eradicating Johnson Grass". At any such election, the voting, making returns  
19 thereof, and casting up the result shall be governed in all respects by the laws  
20 applicable to general elections for state and county purposes.

21 2. If a majority of the votes cast at the election are in favor of enforcing  
22 the law controlling and eradicating Johnson grass, the clerk of the county  
23 commission shall enter upon the county commission's records the result of the  
24 election and within ten days after the election, shall notify the state director of  
25 agriculture of the result of the election. If a majority of the votes cast at the  
26 election are not in favor of enforcing such law, the question shall not be  
27 resubmitted for at least two years after the election.

263.257. 1. The state director of agriculture shall within thirty days after  
2 receipt of the notice from the clerk of the county commission as provided in  
3 subsection 2 of section 263.255 declare such county a "Johnson Grass  
4 Extermination Area" and the director of agriculture shall cause suitable notice

5 to be published [in a newspaper in the county] **on the front page of the**  
6 **department's website for a period of** three consecutive weeks. The notice  
7 shall contain, among other things, that the county has been declared a Johnson  
8 grass extermination area and that all property owners in the county shall, not  
9 later than April thirtieth of the subsequent year, take steps toward controlling  
10 and eradicating Johnson grass on all lands owned by them or under their control.

11 2. The state director of agriculture shall within ten days after receipt of  
12 the notice provided in subsection 1 appoint a three-man county weed control  
13 board, composed of citizens of the county, to serve as advisers and to assist in the  
14 administration of sections 263.255 to 263.267, and to perform such other duties  
15 as prescribed by the director of agriculture. Members of the board shall receive  
16 no salary but shall be fairly reimbursed by the county commission for necessary  
17 expenses incurred in performance of their duties.

263.454. 1. The state director of agriculture shall within thirty days after  
2 receipt of the notice from the clerk of the county commission as provided in  
3 subsection 2 of section 263.452 declare such county a "Noxious Weed Control  
4 Area" and the county commission shall cause suitable notice to be published [in  
5 a newspaper of general circulation in the county] **on the front page of its**  
6 **website, if it has one, for a period of** three consecutive weeks. **If the**  
7 **commission does not have a website, notice shall be sent to the**  
8 **secretary of state who shall publish such notice on the legal notices**  
9 **website, established pursuant to section 493.077, for a period of three**  
10 **consecutive weeks.** The notice shall contain the fact that the county has been  
11 declared a noxious weed control area, a list of all noxious weeds and a statement  
12 that all property owners in the county shall, not later than the April thirtieth  
13 immediately following the publication of the notice, take steps toward controlling  
14 noxious weeds on all lands owned by them or under their control.

15 2. The county commission of any county declared a noxious weed control  
16 area shall, within ten days after such declaration, appoint a county weed control  
17 board, composed of three citizens of the county, to serve as advisors and to assist  
18 in the administration of sections 263.450 to 263.474, and to perform such other  
19 duties related to the control of noxious weeds as prescribed by the county  
20 commission. Members of the board shall receive no salary but shall be fairly  
21 reimbursed by the county commission for actual and necessary expenses incurred  
22 in performance of their duties. Appointments to the county weed control board  
23 shall be for terms of three years, except that of the initial appointments, one

24 person shall be appointed for one year, one person shall be appointed for two  
25 years and one person shall be appointed for three years. Each year thereafter,  
26 one person shall be appointed to fill the expired term.

263.456. 1. Each county weed control board shall have the following  
2 duties:

3 (1) To control noxious weeds and to prevent their regrowth and  
4 reinfestation, by means of appropriate chemical control or biological control or  
5 both, on all lands in the county other than lands owned by a public utility and  
6 lands, rights-of-way, and easements appurtenant or incidental to lands controlled  
7 by any railroad, the department of transportation, the department of natural  
8 resources or the department of conservation;

9 (2) To employ methods of control and for the prevention of the regrowth  
10 and reinfestation of noxious weeds as directed by the county commission;

11 (3) To comply with all orders promulgated by the county commission  
12 pursuant to the provisions of sections 263.450 to 263.474;

13 (4) To inspect all lands in the county for compliance with the provisions  
14 of sections 263.450 to 263.474;

15 (5) To inform itself of the origin, nature and appearance of noxious weeds  
16 and the manner in which they are spread, and shall follow recommendations of  
17 the University of Missouri college of agriculture as to the best and approved  
18 method to control and prevent the spread of noxious weeds.

19 2. The director of agriculture may cooperate with and may enter into  
20 cooperative agreements with state and federal agencies and departments for the  
21 furtherance of the control of noxious weeds. The county commission shall make  
22 orders following a public hearing for carrying out the provisions and requirements  
23 of sections 263.450 to 263.474, including orders which designate a weed as  
24 noxious.

25 3. The county weed control board, under the supervision of the county  
26 commission, shall inspect or cause to be inspected all lands of the county each  
27 year during which the county is classed as a noxious weed control area. The  
28 board shall publish notice of such inspection [at least once and] **on the front**  
29 **page of its website, if it has one, for a period of** at least one week prior to  
30 such inspection [in a newspaper of general circulation within the county]. **If the**  
31 **board does not have a website, notice shall be sent at least one week**  
32 **prior to the inspection to the secretary of state who shall publish such**  
33 **notice on the legal notices website, established pursuant to section**

34 **493.077, until the date of the inspection has passed.** The county weed  
35 control board or the designated representative of the board may enter or exit all  
36 lands in the county in making an inspection or performing any other duties  
37 imposed by sections 263.450 to 263.474, and for these purposes the county weed  
38 control board, or its agents, servants, or employees may enter on such lands  
39 without being liable to an action of trespass, and shall have such official  
40 immunity as exists at common law for any misfeasance or damages occurring in  
41 connection with the execution of the duties imposed by sections 263.450 to  
42 263.474. Notwithstanding any provision of law to the contrary, the county weed  
43 control board shall be liable for any misfeasance or damages caused by its agents,  
44 servants, or employees in connection with the execution of the duties imposed by  
45 sections 263.450 to 263.474; and the agents, servants, or employees of the weed  
46 control board shall be entitled to indemnification from the noxious weed fund for  
47 any misfeasance or damages occurring in connection with the execution of the  
48 duties imposed by sections 263.450 to 263.474. The landowner shall owe no duty  
49 of care to such persons, except that which the landowner owes to trespassers. If  
50 the landowner will not control the noxious weeds, the county commission may  
51 enter the land and control such weeds, and the county commission shall keep an  
52 accurate record of the expenses incurred in controlling noxious weeds, and shall  
53 verify such statement under seal of the county commission, and transmit the  
54 same to the officer whose duty it is or may be to extend state and county taxes  
55 on tax books or bills against real estate and such officer shall extend the  
56 aggregate expenses so charged against each tract of land as a special tax, which  
57 shall then become a lien on the lands and be collected as state and county taxes  
58 are collected by law and paid to the county commission and credited to the county  
59 control fund. All failures to comply with the provisions of sections 263.450 to  
60 263.474 shall be reported to the prosecuting attorney of the county and it shall  
61 be his duty to prosecute all violations of sections 263.450 to 263.474 in the  
62 manner provided in section 263.460.

263.517. 1. The department may designate by regulation one or more  
2 areas of this state as eradication zones where boll weevil eradication programs  
3 will be undertaken.

4 2. The department may promulgate reasonable regulations regarding  
5 areas where cotton cannot be planted within an eradication zone when there is  
6 reason to believe it will jeopardize the success of the program or present a hazard  
7 to public health or safety.

8           3. The department may issue regulations prohibiting the planting of  
9 noncommercial cotton in such elimination zones and requiring that all growers  
10 of commercial cotton in the eradication zones participate in a program of boll  
11 weevil eradication including cost sharing as prescribed in the regulations.

12           4. Notice of such prohibition and requirement shall be given by  
13 publication [for one day each week] **on the front page of the department's**  
14 **website, for a period of three successive weeks** [in a newspaper having general  
15 circulation in the affected area].

16           5. When a grower fails to meet the requirements of regulations  
17 promulgated by the department, the department shall have authority in  
18 eradication zones to destroy cotton not in compliance with such regulations.

267.595. 1. When in the opinion of the state veterinarian the quarantine  
2 of an area is essential to:

3           (1) Confine an outbreak of a highly contagious and communicable disease  
4 affecting livestock, animals or birds as defined in sections 267.560 to 267.660; or

5           (2) When necessary for the initiation and enforcement of control measures  
6 for testing or vaccination of livestock, animals or birds within the area; or

7           (3) For the slaughter of exposed and infected animals; or

8           (4) When necessary to conform with federal regulations in effect for the  
9 cooperative control and eradication of the disease; or

10           (5) When necessary in order to avoid embargo against the movement of  
11 livestock out of the free areas within the state into other states;

12 and the state veterinarian so notifies the director of agriculture of such fact, the  
13 director of agriculture or the state veterinarian acting for the director of  
14 agriculture with the approval of the governor, may order the area  
15 quarantined. Such order shall set forth the terms and conditions that are to be  
16 met by the owner of livestock within areas affected by the order.

17           2. The notice of an order of quarantine against the movement of animals  
18 or birds from the area shall be publicized [in the newspapers and] **on the** radios  
19 serving the area. **Notice shall additionally be published on the front page**  
20 **of the state veterinarian's website, if it has one. If the state**  
21 **veterinarian does not have a website, notice shall be sent to the**  
22 **secretary of state who shall publish such notice on the legal notices**  
23 **website, established pursuant to section 493.077.**

24           3. The department shall have the authority to designate the type and kind  
25 of immunizing agent or tests that are to be applied for the control and eradication

26 of the disease and to prohibit the use, by anyone, of those immunizing agents  
27 which in the judgment of the state veterinarian may not effectively and  
28 expeditiously bring about the control of the disease.

29         4. When in the judgment of the state veterinarian the movement of  
30 livestock as defined in sections 267.560 to 267.660 from an area or section within  
31 another state favors the introduction of disease into Missouri and it is known that  
32 the livestock sanitary officials of the state have not quarantined the area or are  
33 not controlling the movement of the livestock out of such areas, the director of  
34 agriculture, upon notice of such fact from the state veterinarian of Missouri, may  
35 impose restrictions or full embargo against the movement of any and all livestock  
36 from such areas within another state until the movement of livestock therefrom  
37 and into Missouri no longer favors the introduction of the disease.

38         5. An order setting forth the restrictions or complete embargo against the  
39 movement of livestock from an area within another state or from the entire state  
40 shall be effective upon notice in writing or by telegram to the livestock sanitary  
41 official of the state affected.

42         6. All public stockyards and other markets including traders and dealers,  
43 licensed to operate in Missouri, shall cooperate with the department when a  
44 quarantine is imposed upon an area within Missouri or restrictions are invoked  
45 against the entry of livestock from specified areas in other states.

271.100. If the property [be] is appraised at fifteen dollars or upward, the  
2 taker-up shall, within ten days after posting any animal, cause notice thereof to  
3 be published [in some newspaper of the county, or, if there be none, then of an  
4 adjoining county] **on the legal notices website, established pursuant to**  
5 **section 493.077**. Such notice shall be:

6         Taken up by \_\_\_\_\_ and posted before \_\_\_\_\_, an associate circuit  
7         judge of \_\_\_\_\_ County, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year  
8         \_\_\_\_\_, the following described property: (here insert the valuation  
9         and description as given by the appraisers)[];

10 which notice shall be inserted in said paper for two consecutive weeks].

272.370. The county commission may on its own motion and shall upon  
2 the petition of one hundred real estate owners of ten acres or more of the county  
3 submit to the voters at a general or special election the proposition for the  
4 adoption by the county of the provisions of sections 272.210 to 272.370. The  
5 commission shall cause notice of the election to be published [in a newspaper  
6 published within the county, or if no newspaper is published within the county,

7 in a newspaper published in an adjoining county,] **on the front page of its**  
8 **website, if it has one**, for [three weeks consecutively, the last insertion of  
9 which shall be] **a period of** at least [ten] **thirty-one** days before the day of the  
10 election, and by posting printed notices thereof at three of the most public places  
11 in each township in the county. **If the commission does not have a website,**  
12 **notice shall be sent at least thirty-one days before the day of the**  
13 **election to the secretary of state who shall publish such notice on the**  
14 **legal notices website, established pursuant to section 493.077, until the**  
15 **date of the election has passed.** If a majority of the voters voting on the  
16 proposition vote in favor of the adoption of the provisions of sections 272.210 to  
17 272.370 the county commission shall issue an order declaring the adoption. From  
18 and after the issuance of the order the provisions of sections 272.210 to 272.370  
19 shall be in full force and effect in the county and the provisions of sections  
20 272.010 to 272.140 shall be suspended in the county.

273.170. 1. Upon the filing of a petition signed by one hundred or more  
2 voters of any county and presented to the county commission at any regular or  
3 special session thereof the county commission shall order the question, as to  
4 whether or not there should be adopted the law creating a license tax on dogs,  
5 submitted to the voters, to be voted upon at the next election.

6 2. The question shall be submitted in substantially the following form:  
7 Shall there be a license tax on dogs?

8 3. If the majority of the votes cast upon the question be in favor of the  
9 license tax on dogs, the county commission shall enter the result of the  
10 submission of the question upon its records and give notice thereof by publication  
11 [in some newspaper printed and published in such county and] **on the front**  
12 **page of its website, if it has one. If the commission does not have a**  
13 **website, notice shall be sent to the secretary of state who shall publish**  
14 **such notice on the legal notices website, established pursuant to section**  
15 **493.077.** Such law shall become operative from the time such publication is  
16 made.

273.180. 1. Upon the filing of a petition signed by one hundred or more  
2 voters of any county and presented to the county commission at any regular or  
3 special session thereof, it shall be the duty of the county commission to order the  
4 question, as to whether or not there should be repealed the law, creating a license  
5 tax on dogs, submitted to the voters, to be voted upon at the next election. Upon  
6 the receiving of such petition, it shall be the duty of the county commission to

7 make an order as herein recited.

8 2. The question shall be submitted in substantially the following form:

9 Shall the license tax on dogs be repealed?

10 3. If the majority of the votes cast upon the subject be in favor of  
11 repealing the license tax on dogs, the county commission shall spread the result  
12 of the submission of the question upon its records and give notice thereof by  
13 publication [in some newspaper printed and published in such county and] **on**  
14 **the front page of its website, if it has one. If the commission does not**  
15 **have a website, notice shall be sent to the secretary of state who shall**  
16 **publish such notice on the legal notices website, established pursuant**  
17 **to section 493.077.** The law providing for a license tax on dogs shall not be  
18 operative in such county from the time such publication is made.

274.100. In its bylaws each association shall provide for one or more  
2 regular meetings annually. The board of directors shall have the right to call a  
3 special meeting at any time; and ten percent of the members may file a petition  
4 stating the specific business to be brought before the association and demand a  
5 special meeting at any time. Such meetings must thereupon be called by the  
6 directors. Notice of all meetings, together with a statement of the purposes  
7 thereof, shall be mailed to each member at least ten days prior to the meeting;  
8 provided, however, that the bylaws may require instead that such notice may be  
9 given by publication [in a newspaper of general circulation, published at the  
10 principal place of business of the association] **on the board's website, if it has**  
11 **one, or on the legal notices website established pursuant to section**  
12 **493.077.**

278.190. The notice of hearing on the formation of a subdistrict shall be  
2 by publication [once each week for two consecutive weeks in some newspaper of  
3 general circulation published in the county, the last publication of which shall be]  
4 **on the front page of the board of soil and water conservation district's**  
5 **website, if it has one, not less than [ten] twenty-four days prior to the day**  
6 **set for the hearing on the petition. If the board of soil and water**  
7 **conservation district supervisors does not have a website, notice shall**  
8 **be sent twenty-four days prior to the hearing to the secretary of state**  
9 **who shall publish such notice on the legal notices website, established**  
10 **pursuant to section 493.077, until the date of the hearing has**  
11 **passed.** Proof of service shall be made by affidavit of the publisher, and be on  
12 file with the secretary of the soil and water district at the time the hearing

13 begins. Notice of the referendum shall be made in the same manner.

287.872. 1. The division shall:

2 (1) Notify the corporation of the existence of an insolvent employer within  
3 a reasonable period of time, but not later, in any event, than ten working days  
4 after it receives notice of the determination of insolvency;

5 (2) Upon request of the board of directors, provide the corporation with  
6 a statement of the annual modified standard premiums of each member employer;

7 (3) Set up procedures to ensure the cooperation of the director and  
8 employees of the division with the board and individual self-insurers acting under  
9 this section wherever possible.

10 2. The division may:

11 (1) Require that the corporation notify the member employers and any  
12 other interested parties of the determination of insolvency and of their rights  
13 under sections 287.860 to 287.885. Such notification shall be by mail to the last  
14 known address thereof when available; but, if sufficient information for  
15 notification by mail is not available, notice by publication [in a newspaper of  
16 general circulation in accordance with the applicable law pertaining to same] **on**  
17 **the division's website** shall be sufficient;

18 (2) Suspend or revoke the authority of any member employer failing to  
19 pay an assessment when due or failing to comply with the plan of operation to  
20 self-insure in this state. As an alternative, the division may levy a penalty on  
21 any member employer failing to pay an assessment when due. Such penalty shall  
22 not exceed five percent of the unpaid assessment per month;

23 (3) Revoke the designation of any servicing facility, including third-party  
24 administrators, if the division, in consultation and agreement with the  
25 corporation, finds that claims are being handled in an unsatisfactory manner.

304.130. 1. For the purpose of promoting the public safety, health and  
2 general welfare and to protect life and property, the county commission in all  
3 counties of the first class is empowered to adopt, by order or ordinance,  
4 regulations to control vehicular traffic upon the public roads and highways in the  
5 unincorporated territory of such counties and to establish reasonable speed  
6 regulations in congested areas upon such public roads and highways in the  
7 unincorporated territory of such counties. Such regulations shall not be  
8 inconsistent with the provisions of the general motor vehicle laws of this state.

9 2. Except as provided in subsection 3 of this section, before the adoption  
10 of such regulations, the county commission shall hold at least three public

11 hearings thereon, fifteen days' notice of the time and place of which shall be  
12 published [in at least two newspapers having a general circulation within the  
13 county, and] **on the front page of the commission's website, if it has one.**  
14 **If the commission does not have a website, notice shall be sent fifteen**  
15 **days prior to each hearing to the secretary of state who shall publish**  
16 **such notice on the legal notices website, established pursuant to section**  
17 **493.077, until the date of the hearing has passed.** Notice of such hearing  
18 shall also be posted at least fifteen days in advance thereof in four conspicuous  
19 places in the county; provided, however, that any regulations respecting stop  
20 signs, signal lights and speed limits on state or federal highways shall be  
21 approved by the state highways and transportation commission before the same  
22 shall become effective.

23           3. Regulations relating solely to increasing speed limits shall be exempt  
24 from the procedural requirements of subsection 2 of this section and shall take  
25 effect immediately upon approval of the county commission.

26           4. The regulations adopted shall be codified, printed and distributed for  
27 public use; provided, however, that adequate signs displaying the speed limit  
28 must be posted along the highways at the points along such highways where such  
29 speed limits begin and end.

305.310. 1. The authority may operate any authority airport and may  
2 charge and collect rents, rates or other compensation for any use thereof or for  
3 any service rendered by the authority in the operation thereof pursuant to such  
4 contracts for such terms, not exceeding forty years, as the authority shall  
5 determine, which terms may begin in futuro, provided that, subject to the  
6 capacity thereof, the landing field, landing strips, and services of any authority  
7 airport shall be available to any person without unjust or unreasonable  
8 discrimination as to services and charges for landing and takeoff by any aircraft.

9           2. The authority may grant to any person concessions or privileges in any  
10 part of any authority airport, other than the landing field and landing strips, and  
11 any related facilities for the control and safe operation of aircraft, the sheltering,  
12 servicing or repair of aircraft, the receiving, discharging, sheltering, feeding and  
13 supplemental transportation of passengers, the parking of motor vehicles, and the  
14 receipt, transfer, storage and discharge of any cargo or for any purpose  
15 reasonably incident to any of the foregoing, provided that any leases and any  
16 grants of concessions or privileges may be for such terms, not exceeding twenty  
17 years, as the authority shall determine, and any such term may begin in futuro.

18           3. The authority may regulate, to the extent not regulated by federal law  
19 or regulations, the navigation of aircraft over any authority airport and the  
20 perimeter area of such airport, the approach of aircraft to and their takeoff from  
21 any authority airport, and the use of any airport or related facilities so as to be  
22 consistent with the safe and efficient operation of the airport.

23           4. No city, town, county, or other political subdivision, located within the  
24 authority boundaries which owns an airport, may sell, give title or interest in,  
25 franchise, lease, contract for operation or maintenance, or otherwise convey, its  
26 airport to or with any other state, authority or political subdivision without the  
27 prior approval of the county airport authority.

28           5. All purchases, rentals, or leases of all goods, supplies, insurance,  
29 services, bonds, wares, commodities, or other items, tangible or intangible, by or  
30 for the authority, shall be based on competitive bids. The authority shall  
31 advertise for bids [in at least one newspaper of general circulation in the area  
32 served by the authority] **on the front page of its website, if it has one, for**  
33 **a period of** at least five days before bids for the purchases, rentals, or leases are  
34 to be opened. **If the authority does not have a website, notice shall be**  
35 **sent at least five days before bids are to be opened to the secretary of**  
36 **state who shall publish such notice on the legal notices website,**  
37 **established pursuant to section 493.077.** All bids shall be mailed or  
38 delivered to the office of the authority so as to reach it before the time set for  
39 opening bids. The purchase shall be let to the lowest and best bidders. The  
40 authority may reject the bids and advertise for new bids. Purchases where the  
41 estimated expenditure is less than one thousand dollars may be made without the  
42 securing of bids.

          305.525. 1. The authority may operate any authority airport and may  
2 charge and collect rents, rates or other compensation for any use thereof or for  
3 any service rendered by the authority in the operation thereof pursuant to such  
4 contracts for such terms, not exceeding forty years, as the authority shall  
5 determine, which terms may begin in futuro, provided that, subject to the  
6 capacity thereof, the landing field, landing strips, and services of any authority  
7 airport shall be available to any person without unjust or unreasonable  
8 discrimination as to services and charges for landing and takeoff by any aircraft.

9           2. The authority may grant to any person concessions or privileges in any  
10 part of any authority airport, other than the landing field and landing strips, and  
11 any related facilities for the control and safe operation of aircraft, the sheltering,

12 servicing or repair of aircraft, the receiving, discharging, sheltering, feeding and  
13 supplemental transportation of passengers, the parking of motor vehicles, and the  
14 receipt, transfer, storage and discharge of any cargo or for any purpose  
15 reasonably incident to any of the foregoing, provided that any leases and any  
16 grants of concessions or privileges may be for such terms, not exceeding twenty  
17 years, as the authority shall determine and any such term may begin in futuro.

18 3. The authority may regulate, to the extent not regulated by federal law  
19 or regulations, the navigation of aircraft over any authority airport and the  
20 perimeter area of such airport, the approach of aircraft to and their takeoff from  
21 any authority airport, and the use of any airport or related facilities so as to be  
22 consistent with the safe and efficient operation of the airport.

23 4. No city, town, county, or other political subdivision, located within the  
24 authority boundaries which owns an airport, may sell, give title or interest in,  
25 franchise, lease, contract for operation or maintenance, or otherwise convey, its  
26 airport to or with any other state, authority or political subdivision without the  
27 prior approval of the Missouri-St. Louis metropolitan airport authority.

28 5. All purchases, rentals, or leases of all goods, supplies, insurance,  
29 services, bonds, wares, commodities, or other items, tangible or intangible, by or  
30 for the authority, shall be based on competitive bids. The authority shall  
31 advertise for bids [in at least two newspapers of general circulation in the area  
32 served by the authority] **on the front page of its website, if it has one, at**  
33 **least five days before bids for the purchases, rentals, or leases are to be opened.**  
34 **If the authority does not have a website, notice shall be sent, at least**  
35 **five days before the bids are to be opened, to the secretary of state who**  
36 **shall publish such notice on the legal notices website, established**  
37 **pursuant to section 493.077.** All bids shall be mailed or delivered to the office  
38 of the authority so as to reach it before the time set for opening bids. The  
39 purchase shall be let to the lowest and best bidders. The authority may reject the  
40 bids and advertise for new bids. Purchases where the estimated expenditure is  
41 less than one thousand dollars may be made without the securing of bids.

305.575. 1. It is hereby found that an airport hazard endangers the lives  
2 and property of users of the airport and of occupants of land in its vicinity and  
3 impairs the utility of the airport and the public investment therein. Accordingly,  
4 it is hereby declared that the creation or establishment of an airport hazard is a  
5 public nuisance and an injury to the community served by the airport and it is  
6 therefore necessary in the interest of the public health, safety and general welfare

7 that the creation or establishment of airport hazards be prevented to the extent  
8 legally possible. The authority may for airspace clearance and navigational  
9 purposes provide for the zoning of all territory within two miles of the boundaries  
10 of an instrument authority airport and within one mile of the boundaries of a  
11 noninstrument authority airport for the purpose and intent of preventing or  
12 eliminating hazards on the ground and in the air which obstruct or interfere with  
13 the use of an authority airport, such as natural and man-made obstructions,  
14 lights, smoke and electronic interferences.

15 2. No such zoning regulation shall limit any existing use or require the  
16 reduction in height of any existing structure without the owner's consent or the  
17 payment of compensation for damages or loss resulting therefrom.

18 3. It is further declared that both the prevention of the creation or  
19 establishment of airport hazards and the elimination, removal, alteration,  
20 mitigation, abatement, or marking, lighting or shielding of existing airport  
21 hazards are public purposes for which the authority may expend funds and  
22 acquire land or property rights therein.

23 4. The chairman shall establish an airport zoning committee consisting  
24 of five members of the authority, not more than one of which shall be  
25 representatives of the same area within the boundaries of the authority. Each  
26 member so appointed shall serve as a member of the committee during his term  
27 as member of the authority. The committee shall recommend the adoption of  
28 zoning regulations and hear appeals for the zoning of authority airports.

29 5. Before any zoning regulations are made or changed, except permissible  
30 variances, the committee shall hold at least one public hearing at which any  
31 interested person may appear in person or by counsel to present his views. The  
32 public hearings shall be held only after notice thereof has been given by  
33 publication [in a newspaper having general circulation within the area subject to  
34 the zoning regulations once each week] **on the front page of the committee's**  
35 **website, if it has one, for a period of four consecutive weeks next preceding**  
36 **the time set for the hearing and by posting the same notice in ten conspicuous**  
37 **places within the area, and all costs of the publication shall be paid for by the**  
38 **authority. If the committee does not have a website, notice shall be sent**  
39 **four weeks next preceding the time set for the hearing to the secretary**  
40 **of state who shall publish such notice on the legal notices website,**  
41 **established pursuant to section 493.077, until the date set for the**  
42 **hearing has passed.**

43           6. Zoning regulations of the authority shall be adopted, decided, revised  
44 or altered, only upon the affirmative vote of a majority of those members of the  
45 committee present at the public hearing or at some meeting within thirty days  
46 thereafter at which at the time of voting a majority of the entire committee is  
47 present. In the event of conflict between any airport zoning regulations adopted  
48 pursuant to the provisions of this section and some other permissible zoning  
49 regulation, the more stringent limitation or requirement shall govern and prevail.

50           7. All airport zoning regulations adopted by the authority under sections  
51 305.500 to 305.585 shall be enforced by the city or county agency in which the  
52 zoning is applicable and which has the duty of enforcing zoning and building  
53 regulations within their area. The authority shall provide each city and county  
54 zoning agency with maps, charts, and visual displays as necessary and convenient  
55 for a coordinated, efficient and effective enforcement. The authority shall provide  
56 each city and county zoning agency technical advice and representation when so  
57 requested for the purposes of sections 305.500 to 305.585.

58           8. Any person, firm or corporation desiring to erect any structure or to  
59 change any existing structure or to permit any natural growth in variance of  
60 zoning regulations made pursuant to the provisions of this section shall apply for  
61 permission to make such variance with the authority. Such variances shall be  
62 allowed if a literal application or enforcement of the regulations would result in  
63 practical difficulty or unnecessary hardship and the relief granted would not be  
64 contrary to the public interest but would do substantial justice and be in  
65 accordance with the spirit of the regulations and the provisions of sections  
66 305.500 to 305.585, but any variance shall be subject to such reasonable  
67 conditions as the airport zoning board may deem necessary to effectuate the  
68 purpose of this section. In granting any variance, the authority shall require, and  
69 the person, firm, or corporation seeking the variance shall install, operate and  
70 maintain thereon, at the expense of said person, firm, or corporation seeking the  
71 variance, such markers, lights and shielding as may be necessary to indicate to  
72 flyers the presence of any hazard, obstruction and interference which may result  
73 from the variance.

74           9. Any person, firm or corporation or any political subdivision which  
75 believes it has been aggrieved by any decision regarding zoning regulations made  
76 by the airport authority may appeal to the circuit court of the county in which the  
77 zoning regulations applies for judicial review of the regulation and the method  
78 in which it was adopted. The action must be begun within thirty days after the

79 regulation becomes effective, and the court shall hear the issues and make its  
80 determination in the same manner as judicial review may be had for any other  
81 administrative decision.

82 10. Any person, firm or corporation violating any of the provisions of  
83 sections 305.500 to 305.585 or acting contrary to any zoning regulation which may  
84 be adopted pursuant to the provisions of sections 305.500 to 305.585 is guilty of  
85 a misdemeanor, and upon conviction thereof shall be punished as provided by  
86 law, and each day of violation of any such zoning regulation constitutes a  
87 separate offense.

88 11. No such zoning regulation shall limit any existing use without the  
89 owner's consent or the payment of compensation for damages or loss resulting  
90 therefrom in the manner prescribed by chapter 523.

311.140. If a majority of the votes cast on the question be for the sale of  
2 intoxicating liquor, containing alcohol in excess of five percent by weight, by the  
3 drink at retail for consumption on the premises where sold, such intoxicating  
4 liquors may be sold under the provisions of existing laws regulating the sale  
5 thereof and the procuring of a license for that purpose[; and]. If a majority of the  
6 votes cast on the question be against the sale of intoxicating liquor, containing  
7 alcohol in excess of five percent by weight, by the drink at retail for consumption  
8 on the premises where sold, the board of aldermen, city council or other proper  
9 authorities of such incorporated city submitting the question shall publish the  
10 result [once a week] **on the front page of its website, if it has one, for a**  
11 **period of four consecutive weeks** [in the same newspaper in which the notice of  
12 submission of the question was published, and]. **If the board of aldermen,**  
13 **city council, or proper authority does not have a website, notice shall**  
14 **be sent to the secretary of state who shall publish such notice on the**  
15 **legal notices website, established pursuant to section 493.077, for a**  
16 **period of four consecutive weeks.** The provisions of this chapter shall take  
17 effect and be in force from and after the date of the last insertion of the  
18 publication last above referred to; and provided further, that no license to sell  
19 intoxicating liquor, by the drink at retail for consumption on the premises where  
20 sold, other than malt liquor containing not to exceed five percent of alcohol by  
21 weight, shall be granted during the time of publication last above mentioned;  
22 provided further, that this law shall not be construed to interfere with any license  
23 issued before the date of the filing of the petition for the submission of the  
24 question, but such license may run until the date of its expiration and shall not

25 be renewed. The election in this chapter provided for, and the result thereof, may  
26 be contested in the same manner as is now provided for by law for the contest of  
27 elections of county officers in this state, by any voter of such incorporated city in  
28 which said election shall be held, by an action to contest, and which shall be  
29 brought against the city holding such election.

311.840. 1. Whenever any intoxicating liquor or other property having a  
2 value of more than fifty dollars is seized as contraband under any section of the  
3 liquor control law, the officer seizing such property, or the supervisor of liquor  
4 control, if the seizure is made by one of his agents, shall commence an action in  
5 the circuit court of the county in which such property is seized by filing a petition  
6 in the office of the clerk of said court in the name of the state of Missouri as  
7 plaintiff against the person from whom the property was seized as defendant, and  
8 there shall be a rebuttable presumption that said property is the property of the  
9 defendant from whom it was seized. Said petition shall describe the property  
10 seized and the circumstances of the seizure and shall pray the court to make an  
11 order, declaring said liquor or other property to be contraband and directing said  
12 seizing officer or the supervisor of liquor control, if the seizure was made by the  
13 supervisor or one of his agents, to sell said property at public or private sale,  
14 subject to the approval of the said circuit court. A summons shall be issued and  
15 process served on the defendant as in other civil suits. The defendant shall file  
16 his answer within thirty days after service of process upon him, whether such  
17 service is personal service, service by mail, or service by publication. After  
18 defendant's time for filing answer has expired, the court shall fix a day for  
19 hearing and said action shall be heard by the court without a jury and shall be  
20 conducted, except as otherwise in this chapter provided, as other cases under the  
21 code of civil procedure of the state of Missouri.

22 2. However, in addition to any other process provided by the civil code, the  
23 clerk of the circuit court shall cause to be published [one time in some newspaper  
24 having a general circulation in the county where the action is pending, or if there  
25 be no newspaper of general circulation in the county, then in some newspaper of  
26 an adjoining county,] a notice to all persons whom it may concern that said  
27 petition has been filed in said court, briefly describing the property seized, the  
28 time and circumstances of the seizure, the person from whom seized, and stating  
29 that any person claiming any interest in the property may, upon his own request,  
30 be made a party to the action and assert any claim he may have thereto within  
31 thirty days after the publication of said notice. **Such notice shall be**

32 **published on the front page of the circuit court's website, if it has one.**  
33 **If the circuit court does not have a website, notice shall be sent to the**  
34 **secretary of state who shall publish such notice on the legal notices**  
35 **website, established pursuant to section 493.077.**

36 3. Any person claiming any interest in said property may intervene in  
37 said action within thirty days after the publication of said notice, setting forth  
38 any claim he may have to said property.

39 4. The court shall render such judgment as to it shall seem meet and just,  
40 and if it shall appear that any person who has made claim to said property is the  
41 owner thereof and was ignorant of the illegal use thereof and such illegal use was  
42 without his connivance or consent, express or implied, or if the court shall find  
43 that said property was not being illegally used at the time of seizure, the court  
44 shall relieve said property from forfeiture and restore it to the rightful owner, or  
45 if it shall appear that the claimant is the holder of a bona fide lien against the  
46 property, and that he was ignorant of the illegal use thereof and that such use  
47 was without his connivance or consent, express or implied, the court shall, first,  
48 if the lien so established is equal to or more than the value of the property, order  
49 said property to be delivered to the lienor. Or, if the property is valued at more  
50 than the established lien and all costs of proceedings and sale, an order shall be  
51 made for the sale of said property by the seizing officer or by the supervisor of  
52 liquor control, if the seizure was made by him or one of his agents, at public or  
53 private sale, subject to the approval of the court, and out of the proceeds of such  
54 sale shall be paid: Storage, if any, the lien, the cost of the proceedings, and the  
55 residue, if any, shall be paid into the general revenue fund of the state of  
56 Missouri. If it shall be determined that no person, other than the defendant, has  
57 any interest in said property or that the person or persons having any interest  
58 in said property knew of or connived or gave consent, express or implied, to the  
59 illegal use thereof, and if it shall be found by the court that said property was,  
60 at the time it was seized, being illegally used and was contraband, as declared by  
61 any section of the liquor control law of the state of Missouri, the said property  
62 shall be declared to be forfeited to the state of Missouri, and the court shall order  
63 the officer who seized said property or the supervisor of liquor control, if the  
64 property was seized by one of his agents, to sell said property at public or private  
65 sale, subject to the approval of the court, and out of the proceeds of said sale shall  
66 be paid: The cost of storage, if any, cost of the proceedings of the case and the  
67 balance thereof shall be paid into the general revenue fund of the state of

68 Missouri.

69           5. Appeals shall be allowed from the judgment of the circuit court as in  
70 other civil actions.

71           6. Whenever any liquor is sold under the provisions of this section, the  
72 officer selling it shall procure the proper excise stamps from the director of  
73 revenue and attach them to the container thereof, unless such liquor is already  
74 properly stamped, and he shall be reimbursed for the cost of said stamps out of  
75 the proceeds of the sale.

76           7. Under no circumstances shall the officer commencing said action on  
77 behalf of the state be liable for any costs or storage.

78           8. The supervisor of liquor control and his agents and any other officer  
79 authorized to make seizures of contraband under the liquor control law are each  
80 hereby authorized and empowered to call upon the prosecuting attorneys of the  
81 respective counties and the circuit attorney of the city of St. Louis and the  
82 attorney general of the state of Missouri to represent them in any proceeding  
83 hereunder, and thereafter it shall be the duty of such prosecuting or circuit  
84 attorney or the attorney general to proceed on behalf of the officer making such  
85 call according to the provisions of this chapter.

          322.100. The county health commissioner shall prepare the regulations  
2 authorized to be adopted under the provisions of sections 322.090 to 322.130 and  
3 shall, before submitting the same to the county commission for adoption, hold at  
4 least one public hearing thereon, fifteen days' notice of the time and place of  
5 which shall be published [in at least one newspaper having general circulation  
6 within the county and] **on the front page of the commission's website, if**  
7 **it has one. If the commission does not have a website, fifteen days'**  
8 **notice shall be sent to the secretary of state who shall publish such**  
9 **notice on the legal notices website, established pursuant to section**  
10 **493.077, until the date of the hearing has passed.** Notice of such hearing  
11 shall also be posted at least fifteen days in advance thereof in four conspicuous  
12 places in the county.

          341.130. For the purpose of promoting health, safety and the general  
2 welfare and to carry into effect the purposes and provisions of sections 341.090  
3 to 341.220, the county commission is hereby empowered to adopt by order rules  
4 and regulations for the installations and inspections of all public or private water  
5 or plumbing facilities and appurtenances and all installations relating thereto,  
6 sewers, sewer systems, water or sewer connections, septic tank or sewage settling

7 tank or device, and all installations related thereto. The regulations shall contain  
8 a schedule of fees to be charged for inspections which are required to be made  
9 under the provisions of sections 341.090 to 341.220. [It shall be the duty of] The  
10 board of plumbing and sewer inspection [to] **shall** prepare a code of regulations  
11 approved by the department of health which shall be submitted to the county  
12 commission for adoption. Before the adoption of such code of regulations, the  
13 board shall hold at least one public hearing thereon, fifteen days' notice of the  
14 time and place of which shall be published [in at least one newspaper having  
15 general circulation within the county and] **on the front page of the its**  
16 **website, if it has one. If the board does not have a website, fifteen days'**  
17 **notice shall be sent to the secretary of state who shall publish such**  
18 **notice on the legal notices website, established pursuant to section**  
19 **493.077, until the date of the hearing has passed.** Notice of such hearing  
20 shall also be posted at least fifteen days in advance thereof in four conspicuous  
21 places in the county.

347.141. 1. A dissolved limited liability company may dispose of the  
2 known claims against it in accordance with subsections 1 and 2 of this  
3 section. The dissolved limited liability company shall notify its known claimants  
4 in writing of the dissolution at any time after its effective date. The written  
5 notice must do all of the following:

- 6 (1) Describe information that must be included in a claim;
- 7 (2) Provide a mailing address where a claim may be sent;
- 8 (3) State the deadline, which may not be fewer than ninety days from the  
9 effective date of the written notice, by which the dissolved limited liability  
10 company must receive the claim; and
- 11 (4) State that the claim will be barred if not received by the deadline.

12 2. Notwithstanding other provisions of law, including laws regarding  
13 permissibility of third-party claims, to the contrary, a claim against a limited  
14 liability company dissolved without fraudulent intent is barred if either of the  
15 following occurs:

- 16 (1) A claimant who was given written notice under subsection 1 of this  
17 section does not deliver the claim to the dissolved limited liability company by the  
18 deadline; or
- 19 (2) A claimant whose claim was rejected by the dissolved limited liability  
20 company does not commence a proceeding to enforce the claim within one  
21 hundred and twenty days from the effective date of the rejection notice.

22 For purposes of this subsection, "claim" does not include a contingent liability or  
23 a claim based on an event occurring after the effective date of dissolution.

24 3. A dissolved limited liability company may dispose of the unknown  
25 claims against it by filing a notice of winding up in accordance with subsections  
26 3 and 4 of this section. The notice of winding up shall meet all of the following  
27 requirements:

28 (1) Be published [one time in a newspaper of general circulation in the  
29 county where the dissolved limited liability company's principal office, or if not  
30 in this state, its registered office, is or was located] **on the front page of the**  
31 **company's website, if it has one. If the company does not have a**  
32 **website, notice shall be sent to the secretary of state who shall publish**  
33 **such notice on the legal notices website, established pursuant to section**  
34 **493.077;**

35 (2) Be published one time in a publication of statewide circulation whose  
36 audience is primarily persons engaged in the practice of law in this state and  
37 which is published not less than four times per year;

38 (3) Be published one time in the Missouri Register;

39 (4) Contain a request that persons with claims against the limited  
40 liability company present them in accordance with the notice of winding up;

41 (5) Describe the information that must be included in a claim and provide  
42 a mailing address where the claim may be sent; and

43 (6) State that a claim against the limited liability company will be barred  
44 unless a proceeding to enforce the claim is commenced within three years after  
45 the publication of the notice.

46 4. Notwithstanding other provisions of law, including laws regarding  
47 permissibility of third-party claims, to the contrary, if a limited liability company  
48 dissolved without fraudulent intent files a notice of winding up in accordance  
49 with subsection 2 of section 347.137 and publishes such notice in accordance with  
50 subsection 3 of this section, the claim of each of the following claimants is barred  
51 unless the claimant commences a proceeding to enforce the claim against the  
52 dissolved limited liability company within three years after the date the notice  
53 of winding up is filed or published, whichever occurs later:

54 (1) A claimant who did not receive written notice under subsection 1 of  
55 this section;

56 (2) A claimant whose claim was timely sent to the dissolved limited  
57 liability company but not acted on; or

58 (3) A claimant whose claim is contingent or based on an event occurring  
59 after the effective date of dissolution.

60 5. A claim may be enforced under this section in either of the following  
61 ways:

62 (1) Against the dissolved limited liability company, to the extent of its  
63 undistributed assets; or

64 (2) If the assets have been distributed in liquidation, against a member  
65 of the dissolved limited liability company to the extent of the member's pro rata  
66 share of the claim or the limited liability company assets distributed to the  
67 member in liquidation, whichever is less, but a member's total liability for all  
68 claims under this section shall not exceed the total amount of assets distributed  
69 to the member in liquidation.

70 6. For purposes of this section, "fraudulent intent" shall be established if  
71 it is shown that the sole or primary purpose of the dissolution was to defraud  
72 members, creditors or others.

73 7. Notwithstanding any other provision of this chapter to the contrary,  
74 except as provided in subsection 8 of this section, a claim against a limited  
75 liability company dissolved pursuant to this chapter for which claim the limited  
76 liability company has a contract of insurance which will indemnify the limited  
77 liability company for any adverse result from such claim:

78 (1) Is not subject to the provisions of subsections 1 to 6 of this section and  
79 may not be barred by compliance with subsections 1 to 6 of this section;

80 (2) May be asserted at any time within the statutory period otherwise  
81 provided by law for such claims;

82 (3) May be asserted against, and service of process had upon, the  
83 dissolved limited liability company for whom the court, at the request of the party  
84 bringing the suit, shall appoint a defendant ad litem.

85 8. Judgments obtained in suits filed and prosecuted pursuant to  
86 subsection 7 of this section shall only be enforceable against one or more  
87 contracts of insurance issued to the limited liability company, its officers,  
88 directors, agents, servants or employees, indemnifying them, or any of them,  
89 against such claims.

347.145. 1. Every action for the involuntary dissolution of a limited  
2 liability company brought by the attorney general shall be commenced either in  
3 the circuit court of the county in which the registered office of the limited liability  
4 company is located or, if no such address is on file with the secretary, in the

5 circuit court of Cole County. Summons shall issue and be served as in other civil  
6 actions.

7         2. If process is returned "not found", the attorney general shall cause  
8 publication to be made [as in other civil cases in a newspaper of general  
9 circulation in the county where the registered office of the limited liability  
10 company is located, containing] **on the front page of its website for a period**  
11 **of two successive weeks. Such publication shall contain** a notice of the  
12 pendency of the action, the title of the court, the title of the action, and the date  
13 on or after which default may be entered. The attorney general may include in  
14 one notice the names of any number of limited liability companies against which  
15 actions are then pending in the same court. The attorney general shall cause a  
16 copy of such notice to be mailed to the registered agent of the limited liability  
17 company as shown on the records of the secretary within ten days after the [first]  
18 publication thereof.

19         3. The certificate of the attorney general of the mailing of the notice shall  
20 be prima facie evidence of such notice. [Such notice shall be published at least  
21 once a week for two successive weeks, and the first publication may begin at any  
22 time after the summons has been returned.] Unless a limited liability company  
23 has been served with summons, no default shall be taken against it earlier than  
24 thirty days after the first publication of the notice.

351.482. 1. After dissolution is authorized pursuant to section 351.462,  
2 351.464 or 351.466, or it has been dissolved pursuant to section 351.486, a  
3 corporation may also publish notice of its dissolution and request that persons  
4 with claims against the corporation present them in accordance with the notice.

5         2. The notice shall:

6         (1) Be published [one time in a newspaper of general circulation in the  
7 county where the corporation's principal office, or, if none in this state, its  
8 registered office, is or was last located] **on the front page of the**  
9 **corporation's website, if it has one. If the corporation does not have a**  
10 **website, notice shall be sent to the secretary of state who shall publish**  
11 **such notice on the legal notices website, established pursuant to section**  
12 **493.077;**

13         (2) Be published one time in a publication of statewide circulation whose  
14 audience is primarily persons engaged in the practice of law in this state and  
15 which is published not less than four times per year;

16         (3) At the request of the corporation, be published by the secretary of

17 state in an electronic format accessible to the public;

18 (4) Describe the information that must be included in a claim and provide  
19 a mailing address where the claim may be sent; and

20 (5) State that a claim against the corporation will be barred unless a  
21 proceeding to enforce the claim is commenced within two years after the  
22 publication of the notice.

23 3. Other rules of law, including rules on the permissibility of third-party  
24 claims, to the contrary notwithstanding, if a corporation dissolved without  
25 fraudulent intent publishes notices in accordance with subsection 2 of this  
26 section, the claim of each of the following claimants is barred unless the claimant  
27 commences a proceeding to enforce the claim against the dissolved corporation  
28 within two years after the publication date of whichever of the notices was  
29 published last:

30 (1) A claimant who did not receive written notice pursuant to section  
31 351.478;

32 (2) A claimant whose claim was timely sent to the dissolved corporation  
33 but not acted on;

34 (3) A claimant whose claim is contingent or based on an event occurring  
35 after the effective date of dissolution.

36 4. A claim may be enforced pursuant to this section only:

37 (1) Against the dissolved corporation, to the extent of its undistributed  
38 assets; or

39 (2) If the assets have been distributed in liquidation, against a  
40 shareholder of the dissolved corporation to the extent of the shareholder's pro  
41 rata share of the claim or the corporate assets distributed to the shareholder in  
42 liquidation, whichever is less, but a shareholder's total liability for all claims  
43 pursuant to this section may not exceed the total amount of assets distributed to  
44 the shareholder.

45 5. For purposes of this section, "fraudulent intent" shall be established if  
46 it is shown that the sole or primary purpose of the authorization for dissolution  
47 or the dissolution was to defraud shareholders, creditors or others.

352.200. 1. Upon the filing of such petition an order shall be made by the  
2 court, if filed in term time, or by the clerk, if filed in vacation, requiring all  
3 persons interested in such association to show cause, if any they have, why such  
4 association should not be dissolved on or before a day or term, of said court  
5 therein named.

6           2. The officers of said association, the various members, or any other  
7 person interested may enter their voluntary appearance in said court at the time  
8 of filing such petition, and all members who reside in the county where said  
9 petition has been filed and all creditors and persons having unexecuted contracts  
10 with said association, and who reside in said county who do not enter their  
11 voluntary appearance in said court shall be notified by summons, under the hand  
12 and seal of the clerk of the court, reciting the filing of said petition, its general  
13 purpose and nature, and citing them to appear in said court on a day to be named  
14 in said writ to show cause, if any they have, against such dissolution, such day  
15 being fixed not less than twenty-one days nor more than thirty days after the  
16 filing of said petition.

17           3. In addition to said summons, notice of a general nature and cause of  
18 said application shall be given to all other members, creditors, and persons  
19 having unexecuted contracts with said association, by publication [in some  
20 newspaper of general circulation in said county, for at least five consecutive  
21 insertions in a daily newspaper, or at least one insertion each week for three  
22 weeks consecutively in a weekly newspaper, and proof of such service and  
23 publication shall be made before any order is made upon such petition] **on the**  
24 **front page of the association's website, if it has one, for a period of**  
25 **three successive weeks. If the association does not have a website,**  
26 **notice shall be sent to the secretary of state who shall publish such**  
27 **notice on the legal notices website, established pursuant to section**  
28 **493.077, for a period of three successive weeks.**

29           4. The court shall have the power to continue such application for service  
30 upon all interested parties from time to time, to issue new writs if necessary,  
31 according to the practice therein.

354.290. 1. Every examiner shall make a full and true report of every  
2 examination made by him **or her**, verified by his **or her** oath, which examination  
3 shall comprise only facts appearing upon the books, papers, records or documents  
4 of the corporation subject to the provisions of sections 354.010 to 354.380, or  
5 ascertained from the testimony sworn to by its officers or agents or other persons  
6 examined under oath, concerning its affairs and such conclusions and  
7 recommendations as may reasonably be warranted from the facts so disclosed.

8           2. The director shall grant a hearing to the corporation examined before  
9 filing any report and may withhold any report from public inspection for such  
10 time as he **or she** deems proper, and may, if he **or she** deem it for the interest

11 of the public to do so, publish any report or the result of any examination as  
12 contained therein [in one or more newspapers of the state] **on the front page**  
13 **of the department of insurance, financial institutions and professional**  
14 **registration's website.**

355.626. 1. Unless this chapter, the articles, bylaws, or the board of  
2 directors or members acting pursuant to subsection 3 of this section, require a  
3 greater vote or voting by class, a plan of merger to be adopted must be approved:

4 (1) By the board;

5 (2) By the members, if any, by two-thirds of the votes cast or a majority  
6 of the voting power, whichever is less; and

7 (3) In writing by any person or persons whose approval is required by a  
8 provision of the articles authorized by section 355.606 for an amendment to the  
9 articles or bylaws.

10 2. If the corporation does not have members, the merger must be approved  
11 by a majority of the directors in office at the time the merger is approved. In  
12 addition the corporation shall provide notice of any directors' meeting at which  
13 such approval is to be obtained in accordance with subsection 3 of section  
14 355.386. The notice must also state that the purpose, or one of the purposes, of  
15 the meeting is to consider the proposed merger.

16 3. The board may condition its submission of the proposed merger, and  
17 the members may condition their approval of the merger, on receipt of a higher  
18 percentage of affirmative votes or on any other basis.

19 4. If the board seeks to have the plan approved by the members at a  
20 membership meeting, the corporation shall give notice to its members of the  
21 proposed membership meeting in accordance with section 355.251. The notice  
22 must also state that the purpose, or one of the purposes, of the meeting is to  
23 consider the plan of merger and contain or be accompanied by a copy or summary  
24 of the plan. The copy or summary of the plan for members of the surviving  
25 corporation shall include any provision that, if contained in a proposed  
26 amendment to the articles of incorporation or bylaws, would entitle members to  
27 vote on the provision. The copy or summary of the plan for members of the  
28 disappearing corporation shall include a copy or summary of the articles and  
29 bylaws which will be in effect immediately after the merger takes effect.

30 5. If the board seeks to have the plan approved by the members by written  
31 consent or written ballot, the material soliciting the approval shall contain or be  
32 accompanied by a copy or summary of the plan. The copy or summary of the plan

33 for members of the surviving corporation shall include any provision that, if  
34 contained in a proposed amendment to the articles of incorporation or bylaws,  
35 would entitle members to vote on the provision. The copy or summary of the plan  
36 for members of the disappearing corporation shall include a copy or summary of  
37 the articles and bylaws which will be in effect immediately after the merger takes  
38 effect.

39 6. Voting by a class of members is required on a plan of merger if the plan  
40 contains a provision that, if contained in a proposed amendment to articles of  
41 incorporation or bylaws, would entitle the class of members to vote as a class on  
42 the proposed amendment under section 355.566 or 355.601. The plan is approved  
43 by a class of members by two-thirds of the votes cast by the class or a majority  
44 of the voting power of the class, whichever is less.

45 7. After a merger is adopted, and at any time before articles of merger are  
46 filed, the planned merger may be abandoned, subject to any contractual rights,  
47 without further action by members or other persons who approved the plan in  
48 accordance with the procedure set forth in the plan of merger or, if none is set  
49 forth, in the manner determined by the board of directors.

50 8. A nonprofit corporation having residents who have paid into the  
51 corporation for services or other charges in excess of fifty percent of the  
52 corporation's operating expenses may not change or alter the purpose or  
53 organization of the corporation unless notice of the proposed change is published  
54 at least thirty days in advance of the change or alteration [in a newspaper of  
55 general circulation in the county where the residential facility is located] and a  
56 copy of the notice is conspicuously posted at the residential facility no later than  
57 thirty days prior to said change or alteration. **Publication of notice shall be  
58 posted on the front page of the corporation's website, if it has one, for  
59 a period of thirty days prior to the change or alteration. If the  
60 corporation does not have a website, notice shall be sent to the  
61 secretary of state who shall publish such notice on the legal notices  
62 website, established pursuant to section 493.077, for a period of thirty  
63 days prior to the change or alteration.**

355.701. 1. A dissolved corporation may also publish notice of its  
2 dissolution and request that persons with claims against the corporation present  
3 them in accordance with the notice.

4 2. The notice shall:

5 (1) Be published [one time in a newspaper of general circulation in the

6 county where the dissolved corporation's principal office, or, if none in this state,  
7 its registered office, is or was last located] **on the front page of the**  
8 **corporation's website, if it has one. If the corporation does not have a**  
9 **website, notice shall be sent to the secretary of state who shall publish**  
10 **such notice on the legal notices website, established pursuant to section**  
11 **493.077;**

12 (2) Be published one time in a publication of statewide circulation whose  
13 audience is primarily persons engaged in the practice of law in this state and  
14 which is published not less than four times per year;

15 (3) Describe the information that must be included in a claim and provide  
16 a mailing address where the claim may be sent; and

17 (4) State that a claim against the corporation will be barred unless a  
18 proceeding to enforce the claim is commenced within two years after the  
19 publication of the notice.

20 3. Other rules of law, including rules on the permissibility of third-party  
21 claims, to the contrary notwithstanding, if a corporation which is dissolved after  
22 authorization and which has been dissolved without fraudulent intent publishes  
23 notices in accordance with subsection 2 of this section, the claim of each of the  
24 following claimants is barred unless the claimant commences a proceeding to  
25 enforce the claim against the dissolved corporation within two years after the  
26 publication date of whichever of the notices was published last:

27 (1) A claimant who did not receive written notice under section 355.696;

28 (2) A claimant whose claim was timely sent to the dissolved corporation  
29 but not acted on;

30 (3) A claimant whose claim is contingent or based on an event occurring  
31 after the effective date of dissolution.

32 4. A claim may be enforced under this section only:

33 (1) Against the dissolved corporation, to the extent of its undistributed  
34 assets; or

35 (2) If the assets have been distributed in liquidation, against a  
36 shareholder of the dissolved corporation to the extent of his pro rata share of the  
37 claim or the corporate assets distributed to him in liquidation, whichever is less,  
38 but a shareholder's total liability for all claims under this section may not exceed  
39 the total amount of assets distributed to him.

40 5. For purposes of this section, "fraudulent intent" shall be established if  
41 it is shown that the sole or primary purpose of the authorization for dissolution

42 or the dissolution was to defraud shareholders, creditors or others.

359.481. 1. Upon the winding up of a limited partnership, the assets shall  
2 be distributed as follows:

3 (1) To creditors, including partners who are creditors, to the extent  
4 permitted by law, in satisfaction of liabilities of the limited partnership other  
5 than liabilities for distributions to partners under section 359.321 or 359.351;

6 (2) Except as provided in the partnership agreement, to partners and  
7 former partners in satisfaction of liabilities for distributions under section  
8 359.321 or 359.351; and

9 (3) Except as provided in the partnership agreement, to partners first for  
10 the return of their contributions and secondly respecting their partnership  
11 interests, in the proportions in which the partners share in distributions.

12 2. A dissolved limited partnership may dispose of the unknown claims  
13 against it by filing a notice of winding up in accordance with this subsection. The  
14 notice of winding up shall [meet all of the following requirements]:

15 (1) Be published [one time in a newspaper of general circulation in the  
16 county where the corporation's principal office, or, if none in this state, its  
17 registered office, is or was last located] **on the front page of the**  
18 **partnership's website, if it has one. If the partnership does not have a**  
19 **website, notice shall be sent to the secretary of state who shall publish**  
20 **such notice on the legal notices website, established pursuant to section**  
21 **493.077;**

22 (2) Be published one time in the Missouri Register;

23 (3) Be published one time in a publication of statewide circulation whose  
24 audience is primarily persons engaged in the practice of law in this state and  
25 which is published not less than four times per year;

26 (4) Contain a request that persons with claims against the partnership  
27 present them in accordance with the notice of winding up;

28 (5) Describe the information that must be included in a claim and provide  
29 a mailing address where the claim may be sent; and

30 (6) State that a claim against the partnership will be barred unless a  
31 proceeding to enforce the claim is commenced within three years after the  
32 publication of the notice.

361.480. 1. The director of finance, deputy director of finance, liquidating  
2 agent, receiver or other person or persons lawfully in charge of the property and  
3 business of any closed bank or trust company is authorized, upon the order of the

4 circuit court in and for the county in which the principal office of the bank or  
5 trust company is located, to borrow money in the name of the delinquent  
6 corporations and to issue evidences of indebtedness therefor and to renew the  
7 indebtedness and to secure the repayment of the same by the mortgage, pledge,  
8 transfer in trust and/or hypothecation of any or all of the property of the bank or  
9 trust company, whether real, personal or mixed, superior to any charge thereon  
10 for expenses of liquidation, as provided in section 361.410.

11         2. These loans may be obtained and used for the purposes of facilitating  
12 liquidation, protecting or preserving the assets in his charge, expediting the  
13 making of distributions to depositors and other creditors, providing for the  
14 expenses of administration and liquidation or aiding in the reopening or  
15 reorganization of the bank or trust company, or its merger or consolidation with  
16 another bank or trust company, or the sale of all or any part of its assets.

17         3. The director of finance, deputy director of finance, liquidating agent,  
18 receiver or other person or persons lawfully in charge of the property and  
19 business of the bank or trust company shall be under no personal obligation to  
20 repay any loans so made and shall have power to take any and all actions  
21 necessary or proper to consummate the loan and to provide for the repayment  
22 thereof and to give bond, when required, for the faithful performance of all  
23 undertakings in connection therewith.

24         4. The director of finance, deputy director of finance, liquidating agent,  
25 receiver or other person or persons in charge of the property and business of the  
26 bank or trust company shall make application to the circuit court for approval of  
27 the loan and the giving of security therefor. Notice of the applications shall be  
28 given by publication [once each week] **on the front page of the division's**  
29 **website for a period** two consecutive weeks in each case[, upon any weekday of  
30 the week, in a newspaper of general circulation in the county]. Hearing on the  
31 application shall be had not less than ten days after the first publication of the  
32 notice. At the hearing upon the application any stockholder, depositor or other  
33 creditor of the bank or trust company shall have the right to appear and be heard  
34 thereon. Prior to the obtaining of the court order the director of finance, deputy  
35 director of finance, liquidating agent, receiver or other person or persons lawfully  
36 in charge of the property and business of the bank or trust company may make  
37 application or negotiate for the loan or loans subject to the obtaining of the court  
38 order.

361.510. 1. When the director shall have taken possession of such

2 corporation, and shall have determined to liquidate its affairs, he **or she** shall  
3 notify all persons who may have claims against such corporation to present same  
4 to him **or her** and make proper proof thereof within four months from the date  
5 of said notice and at a place specified therein, and shall specify in said notice the  
6 last date for presenting said proofs.

7         2. He **or she** shall cause said notice to be mailed to all persons whose  
8 names appear as creditors upon the books of the corporation. He **or she** shall  
9 also cause said notice to be [inserted weekly in such newspapers as he may  
10 direct] **published on the division's website, if it has one, for a period of**  
11 three consecutive months, [the first insertion thereof to be published] more than  
12 ninety days before the last day fixed in said notice for presenting proof of claims.  
13 **If the division does not have a website, notice shall be sent to the**  
14 **secretary of state who shall publish such notice on the legal notices**  
15 **website, established pursuant to section 493.077, for a period of three**  
16 **consecutive months.**

17         3. After the date specified in such notice as the last date for presenting  
18 proof of claims the director shall have no power to accept any claim.

361.580. 1. Whenever the director shall have paid to each creditor of any  
2 stock corporation whose claim has been duly proved the full amount of such  
3 claim, and shall have made proper provision for claims in litigation and not  
4 finally determined, and shall have paid all the expenses of liquidation, he **or she**  
5 shall call a meeting of the stockholders of such corporation by causing notice of  
6 the time and place of such meeting to be published [at least once a week] **on the**  
7 **front page of the division's website for a period of** three successive weeks  
8 [in one or more newspapers selected by him and published in the county or city  
9 where the principal office of such corporation is located].

10         2. At such meeting, the stockholders shall determine whether the director  
11 shall continue as liquidator to wind up the affairs of such corporation, or whether  
12 the stockholders themselves shall elect an agent or agents for that purpose.

13         3. In determining these matters, the stockholders shall vote by ballot in  
14 person or by proxy. Each share of stock shall be entitled to one vote and the vote  
15 of a majority of the issued stock shall be necessary to a determination.

362.044. 1. Stockholders' meetings may be held at such place, within this  
2 state, as may be prescribed in the bylaws. In the absence of any such provisions,  
3 all meetings shall be held at the principal banking house of the bank or trust  
4 company.

5           2. An annual meeting of stockholders for the election of directors shall be  
6 held on a day which each bank or trust company shall fix by its bylaws; and if no  
7 day be so provided, then on the second Monday of January.

8           3. Special meetings of the stockholders may be called by the directors or  
9 upon the written request of the owners of a majority of the stock.

10           4. Notice of annual or special stockholders' meetings shall state the place,  
11 day and hour of the meeting, and shall be published at least ten days prior to the  
12 meeting [and once a week after the first publication with the last publication  
13 being not more than seven days before the day fixed for such meeting, in some  
14 daily or weekly newspaper printed and published in the city or town in which the  
15 bank or trust company is located, and if there be none, then in some newspaper  
16 printed and published in the county in which the bank or trust company is  
17 located, and if there be none, then in some newspaper printed and published in  
18 an adjoining county] **on the front page of the bank or trust company's**  
19 **website, if it has one. If the bank or trust company does not have a**  
20 **website, notice shall be sent at least ten days prior to the meeting to**  
21 **the secretary of state who shall publish such notice on the legal notices**  
22 **website, established pursuant to section 493.077, until the date of the**  
23 **meeting has passed.** A written or printed copy of the notice shall be delivered  
24 personally or mailed to each stockholder at least ten but not more than fifty days  
25 prior to the day fixed for the meeting, and shall state, in addition to the place,  
26 day and hour, the purpose of any special meeting or an annual meeting at which  
27 the stockholders will consider a change in the par value of the corporation stock,  
28 the issuance of preferred shares, a change in the number of directors, an increase  
29 or reduction of the capital stock of the bank or trust company, a change in the  
30 length of the corporate life, an extension or change of its business, a change in its  
31 articles to avail itself of the privileges and provisions of this chapter, or any other  
32 change in its articles in any way not inconsistent with the provisions of this  
33 chapter. Any stockholder may waive notice by causing to be delivered to the  
34 secretary during, prior to or after the meeting a written, signed waiver of notice,  
35 or by attending such meeting except where a stockholder attends a meeting for  
36 the express purpose of objecting to the transaction of any business because the  
37 meeting is not lawfully called or convened.

38           5. Unless otherwise provided in the articles of incorporation, a majority  
39 of the outstanding shares entitled to vote at any meeting represented in person  
40 or by proxy shall constitute a quorum at a meeting of stockholders; provided, that

41 in no event shall a quorum consist of less than a majority of the outstanding  
42 shares entitled to vote, but less than a quorum shall have the right successively  
43 to adjourn the meeting to a specified date no longer than ninety days after the  
44 adjournment, and no notice need be given of the adjournment to shareholders not  
45 present at the meeting. Every decision of a majority of the quorum shall be valid  
46 as a corporate act of the bank or trust company unless a larger vote is required  
47 by this chapter.

48           6. (1) The stockholders of the bank or trust company may approve  
49 business by proxy and cancel any stockholders' meeting, provided:

50           (a) The stockholders are sent notice of such stockholders' meeting and a  
51 proxy referred to in this section;

52           (b) Within such proxy the stockholders are given the opportunity to  
53 approve or disapprove the cancellation of such stockholders' meeting;

54           (c) At least eighty percent of such bank or trust company's stock is voted  
55 by proxy; and

56           (d) All stockholders voting by proxy vote to cancel such stockholders'  
57 meeting.

58           (2) No business shall be voted on by proxy other than that expressly set  
59 out and clearly explained by the proxy material. If such stockholders' meeting is  
60 cancelled by proxy, notice of such cancellation shall be sent to all stockholders at  
61 least five days prior to the date originally set for such stockholders' meeting. The  
62 corporate secretary shall reflect all proxy votes by subject and in chronological  
63 order in the board of directors' minute book. The notice for such stockholders'  
64 meeting shall state the effective date of any of the following: new directors'  
65 election, change in corporate structure and any other change requiring  
66 stockholder approval.

67           7. The voting shareholder or shareholders of the bank or trust company  
68 may transact all business required at an annual or special stockholders' meeting  
69 by unanimous written consent.

362.295. 1. Within ten days after service upon it of the notice provided  
2 for by section 361.130, every bank and trust company shall make a written report  
3 to the director, which report shall be in the form and shall contain the matters  
4 prescribed by the director and shall specifically state the items of capital,  
5 deposits, specie and cash items, public securities and private securities, real  
6 estate and real estate securities, and such other items as may be necessary to  
7 inform the public as to the financial condition and solvency of the bank or trust

8 company, or which the director may deem proper to include therein. In lieu of  
9 requiring direct filing of reports of condition, the director may accept reports of  
10 condition or their equivalent as filed with federal regulatory agencies and may  
11 require verification and the filing of supplemental information as the director  
12 deems necessary.

13 2. Every report shall be verified by the oaths of the president or vice  
14 president and cashier or secretary or assistant cashier or assistant secretary, and  
15 the verification shall state that the report is true and correct in all respects to the  
16 best of the knowledge and belief of the persons verifying it, and the report shall  
17 be attested by three directors, and shall be a report of the actual condition of the  
18 bank or trust company at the close of business on the day designated and which  
19 day shall be prior to the call. If the director of finance obtains the data pursuant  
20 to subsection 3 of section 361.130, the director may rely on the verification  
21 provided to the federal regulatory agency.

22 3. Every report, exclusive of the verification, shall, within thirty days  
23 after it shall have been filed with the director, be published by the bank or trust  
24 company [in one newspaper of the place where its place of business is located, or  
25 if no newspaper is published there, in a newspaper of general circulation in the  
26 town and community in which the bank or trust company is located; the  
27 newspaper to be designated by the board of directors and a copy of the  
28 publication, with the affidavit of the publisher thereto, shall be attached to the  
29 report; provided, if the bank or trust company is located in a town or city having  
30 a population exceeding ten thousand inhabitants, then the publication must be  
31 in a daily newspaper, if published in that city; but if the bank or trust company  
32 is located in a town or city having a population of ten thousand inhabitants or  
33 less, then the publication may be in either a daily or weekly newspaper published  
34 in the town or city as aforesaid; and] **on the front page of its website, if it**  
35 **has one. If the bank or trust company does not have a website, every**  
36 **report, exclusive of verification, shall be sent, at least thirty days after**  
37 **it has been filed, to the secretary of state who shall publish such report**  
38 **on the legal notices website, established pursuant to section 493.077.** In  
39 all cases a copy of the statement shall be posted in the banking house accessible  
40 to all.

41 4. The bank and trust company shall also make such other special reports  
42 to the director as he may from time to time require, in such form and at such date  
43 as may be prescribed by him, and the report shall, if required by him, be verified

44 in such manner as he may prescribe.

45           5. If the bank or trust company shall fail to make any report required by  
46 this section on or before the day designated for the making thereof, or shall fail  
47 to include therein any matter required by the director, the bank or trust company  
48 shall forfeit to the state the sum of one hundred dollars for every day that the  
49 report shall be delayed or withheld, and for every day that it shall fail to report  
50 any omitted matter, unless the time therefor shall have been extended by the  
51 director. Should any president, cashier or secretary of the bank or trust company  
52 or any director thereof fail to make the statement so required of him or them, or  
53 willfully and corruptly make a false statement, he or they, and each of them,  
54 shall be deemed guilty of a misdemeanor, and, upon conviction thereof, upon  
55 information, punished by a fine for each offense not exceeding five hundred  
56 dollars and not less than one hundred dollars, or by imprisonment not less than  
57 one or more than twelve months in the city or county jail, or by both such fine  
58 and imprisonment.

59           6. A bank or trust company may provide each written report required to  
60 be published free of charge to the public; and when each bank or trust company  
61 notifies their customers that such information is available; and when one copy of  
62 such information is available to each person that requests it, the newspaper  
63 publication provisions of this section shall not be enforced against such bank or  
64 trust company.

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

2           (1) "Affiliated entity", with respect to any bank or trust company, means  
3 any other bank or trust company at least eighty percent of the voting stock of  
4 which is owned or otherwise controlled by a corporation which also owns at least  
5 eighty percent of the voting stock of or otherwise controls the bank or trust  
6 company;

7           (2) "Bank", any bank organized under the provisions of this chapter which  
8 is duly authorized to exercise trust powers, and any national bank which is  
9 authorized to exercise such powers under the laws of the United States and which  
10 has its principal place of business in Missouri, including a national bank whose  
11 operations are limited to providing trust and other fiduciary services and related  
12 activities;

13           (3) "Fiduciary capacity", any capacity resulting from an appointment,  
14 designation or undertaking to act alone or jointly with others primarily for the  
15 benefit of others in matters connected with such appointment, designation or

16 undertaking and includes, but is not limited to, acting as a trustee, including  
17 trustee of a common trust fund; executor; administrator; personal representative;  
18 registrar or transfer agent with respect to stocks, bonds or other evidences of  
19 indebtedness of any corporation, association, state, municipality, or public  
20 authority; guardian; conservator; custodian; assignee; depositary; receiver; agent,  
21 including escrow agent or agent for the investment of money; attorney-in-fact; or  
22 any other similar capacity. The term "fiduciary capacity" includes all  
23 appointments and designations to any such capacity upon the death of a person  
24 serving in such capacity or upon the happening of any other future event;

25 (4) "Trust company", any trust company or bank organized under the laws  
26 of this state which is duly authorized to exercise trust powers.

27 2. Notwithstanding any other provision of law to the contrary, a bank or  
28 trust company may transfer by assignment to an affiliated entity any or all of the  
29 fiduciary capacities of such bank or trust company, without any order of or other  
30 action by any court or any consent or other approval of any interested person,  
31 except as provided in subsection 5 of this section, upon the prior approval of the  
32 director of finance and provided that such bank or trust company complies with  
33 the provisions of this section. The assignment may designate all fiduciary  
34 capacities, a general class or classes of fiduciary capacities, or specified individual  
35 accounts or other particularly identified fiduciary capacities.

36 3. The bank or trust company, together with the affiliated entity, shall file  
37 an application for approval of the transfer of fiduciary capacities with the director  
38 of finance together with such other information as the director of finance may  
39 deem necessary. Before the director of finance issues an order approving the  
40 transfer of fiduciary capacities, the bank or trust company shall also file proof in  
41 a form satisfactory to the director of finance that the bank or trust company has  
42 given written notice, including a summary of the provisions of subsection 5 of this  
43 section relating to objections to the transfer of the fiduciary accounts, of the  
44 proposed transfer by certified mail, at least thirty days prior to the filing of such  
45 proof, to all persons, firms, organizations or corporations who are known to it to  
46 be living or existing grantors under each affected trust or other fiduciary account  
47 or, if there is no such known living or existing grantor, to each living or existing  
48 beneficiary thereof known to it to have received any distribution transmitted by  
49 the bank or trust company with respect to such fiduciary account in the calendar  
50 year of the giving of such notice or the immediately preceding calendar year. If  
51 any living or existing grantor or any such beneficiary delivers to the bank or trust

52 company any communication regarding the proposed transfer, the bank or trust  
53 company shall furnish the director of finance with a copy of such communication  
54 together with any accompanying documents. If the director of finance shall  
55 determine that the affiliated entity has the authority to act in such fiduciary  
56 capacities and is qualified to do so and that the transfer of such fiduciary  
57 capacities to the affected entity will not materially adversely affect the  
58 administration of the fiduciary accounts, he shall issue an order approving such  
59 transfer of fiduciary capacities.

60 4. After the director of finance issues an order approving the transfer of  
61 fiduciary capacities, the bank or trust company shall publish a notice of the  
62 transfer of fiduciary capacities pursuant to this section [in a newspaper of general  
63 circulation in the county or city in which its main banking house or principal  
64 place of business, respectively, is located] **on the front page of its website, if  
65 it has one. If the bank or trust company does not have a website, notice  
66 shall be sent to the secretary of state who shall publish such notice on  
67 the legal notices website, established pursuant to section 493.077.** Upon  
68 the sixtieth day after the date of such publication, the transfer by assignment of  
69 fiduciary capacities shall be effective except with respect to any such fiduciary  
70 capacities which are then the subject of notice of objection pursuant to subsection  
71 5 of this section.

72 5. Within sixty days after the publication of notice of the approval by the  
73 director of finance of the transfer of fiduciary capacities pursuant to subsection  
74 4 of this section, any person who was entitled to receive a written notice pursuant  
75 to subsection 3 of this section may give written notice to the bank or trust  
76 company objecting to the transfer of the fiduciary account in which such person  
77 has an interest, and the bank or trust company shall petition the circuit court of  
78 the county or city in which the notice was published to determine whether the  
79 transfer of the fiduciary capacity to the affiliated entity will materially adversely  
80 affect the administration of such fiduciary account. After notice to all interested  
81 parties and a hearing on the issues, the circuit court may appoint a new fiduciary  
82 to succeed the bank or trust company if it finds that the transfer of the fiduciary  
83 capacity to the affiliated entity will materially adversely affect the administration  
84 of the fiduciary account and that the appointment of a new fiduciary is in the best  
85 interests of the beneficiaries of such fiduciary account and, if the court does not  
86 so find, it shall direct the bank or trust company to transfer by assignment such  
87 fiduciary capacity to the affiliated entity.

88           6. Each appointment or other designation to a fiduciary capacity of a bank  
89 or trust company in a trust, will or other instrument executed after the effective  
90 date of any transfer by such bank or trust company pursuant to this section of all  
91 fiduciary capacities or a general class of fiduciary capacities in which such  
92 appointment or other designation is included shall be deemed an appointment or  
93 other designation of the affiliated entity substituted for such bank or trust  
94 company, except where the trust, will or other instrument by which such  
95 appointment or other designation is made expressly negates the provisions of this  
96 section.

97           7. On the effective date of the transfer of fiduciary capacities pursuant to  
98 this section, the transferring bank or trust company shall be released from all  
99 transferred fiduciary duties and shall cease to act in all such transferred  
100 fiduciary capacities, except that such transferring bank or trust company shall  
101 not be relieved of any liabilities arising out of a breach of fiduciary duty occurring  
102 prior to such effective date. The transferring bank or trust company shall file an  
103 itemized accounting of any assets and liabilities in each transferred fiduciary  
104 account with the successor fiduciary upon the effective date of the transfer. The  
105 failure by the bank or trust company to give any notice required by subsection 3  
106 hereof with respect to any fiduciary account shall not affect the validity of the  
107 transfer of fiduciary capacities pursuant to this section with respect to any other  
108 fiduciary account.

362.332. 1. As used in this section, the following words and phrases shall  
mean:

2           (1) "Bank", any bank subject to the provisions of chapter 362, which is  
3 duly authorized to exercise trust powers, and any national bank which is  
4 authorized to exercise trust powers under the laws of the United States and  
5 which has its principal place of business in Missouri, including a national bank  
6 whose operations include providing trust and other fiduciary services and related  
7 activities;

8           (2) "Beneficiary", any person or entity which benefits from, or has a  
9 present or future interest in, any money or property administered by a person  
10 with a fiduciary obligation;

11           (3) "Director", the director of the division of finance;

12           (4) "Fiduciary obligation", any obligation of any bank or trust company to  
13 a person or entity resulting from an appointment, designation or undertaking to  
14 act alone or jointly with others primarily for the benefit of others in matters

15 connected with such appointment, designation or undertaking, and including, but  
16 is not limited to, acting as a trustee of a trust, including a testamentary or  
17 nontestamentary trust, or a trustee of a common trust fund; executor;  
18 administrator; personal representative; guardian; conservator; custodian;  
19 assignee; depository; receiver; attorney-in-fact; registrar or transfer agent with  
20 respect to stocks, bonds or other evidences of indebtedness of any corporation,  
21 association, state, municipality, or public authority; agent, including escrow agent  
22 or agent for the investment of money; or in any other similar capacity. The term  
23 "fiduciary obligation" includes any obligation occurring as a result of an  
24 appointment or designation to any foregoing capacity upon the death of a person  
25 serving in such capacity or upon the happening of any other future event;

26 (5) "Transferee", a bank or trust company assuming fiduciary obligations  
27 pursuant to this section from a transferor;

28 (6) "Transferor", a bank or trust company transferring fiduciary  
29 obligations pursuant to this section to a transferee;

30 (7) "Trust company", any trust company or bank organized under the laws  
31 of this state which is duly authorized to exercise trust powers.

32 2. Notwithstanding any other provision of law to the contrary, a bank or  
33 trust company may transfer by assignment to another bank or trust company any  
34 or all of the fiduciary obligations of such bank or trust company, without any  
35 order of or other action by any court or any consent or other approval of any  
36 interested person, except as provided in subsection 5 of this section, upon the  
37 prior approval of the director and provided that the transferor and transferee  
38 comply with the provisions of this section. The assignment may encompass all  
39 fiduciary obligations, a general class or classes of fiduciary obligations, or  
40 specified individual accounts or other particularly identified fiduciary obligations.

41 3. The transferor, transferee or any beneficiary on behalf of all  
42 beneficiaries jointly shall file an application for approval of the transfer of a  
43 fiduciary obligation with the director, and shall provide all relevant information  
44 as the director may deem necessary. The transferee shall also file proof with the  
45 director that the transferee has given written notice by certified mail of the  
46 proposed transfer, including a summary of the provisions of subsection 5 of this  
47 section relating to objections to the transfer of the fiduciary obligation, at least  
48 thirty days and not more than sixty days prior to the filing of the application, to  
49 the transferor, all persons, firms, organizations or corporations who are known  
50 to the applicant to be living or existing grantors under each affected trust or

51 other fiduciary obligation, or if there is no such known living or existing grantor,  
52 to each living or existing beneficiary thereof known to the transferee. If any  
53 living or existing grantor or any such beneficiary delivers to the applicant any  
54 communication regarding the proposed transfer, the applicant shall furnish the  
55 director with a copy of such communication together with any accompanying  
56 documents. If the director determines that the transferee has the authority and  
57 is qualified to complete the fiduciary obligation, and that the transfer of the  
58 fiduciary obligation will not materially adversely affect the fiduciary obligation,  
59 he shall issue an order approving the transfer of the fiduciary obligation. If the  
60 director fails to approve or deny the transfer of the fiduciary obligation within  
61 thirty days of the date of the filing of the application with the director, the  
62 application shall be deemed approved by the director.

63 4. If the director approves the transfer of a fiduciary obligation, within  
64 twenty days of the approval, the transferee shall publish a notice of the transfer  
65 of the fiduciary obligation pursuant to this section [in a newspaper of general  
66 circulation in the county or city where the transferor's main banking house or  
67 principal place of business, respectively, is located] **on the front page of its**  
68 **website, if it has one. If the bank or trust company does not have a**  
69 **website, notice shall be sent to the secretary of state who shall publish**  
70 **such notice on the legal notices website, established pursuant to section**  
71 **493.077.** The transfer of the fiduciary obligation shall be effective upon the  
72 thirtieth day after the date of such publication except with respect to any  
73 fiduciary obligation which upon that date is the subject of notice of objection  
74 made pursuant to subsection 5 of this section.

75 5. Within thirty days after the publication of notice of approval by the  
76 director of the transfer of a fiduciary obligation pursuant to subsection 4 of this  
77 section, any grantor or beneficiary who was entitled to receive a written notice  
78 pursuant to subsection 3 of this section may give written notice to the transferee  
79 objecting to the transfer of the fiduciary obligation in which such person has an  
80 interest. In order to complete the transfer, the transferee may petition the  
81 probate division of the circuit court of the county or city not within a county in  
82 which the notice was published to determine whether the transfer of the fiduciary  
83 capacity will materially adversely affect the administration of the fiduciary  
84 account. After notice to all interested parties and a hearing on the issues, the  
85 circuit court may deny the relief sought by the petitioning transferee and not  
86 transfer the fiduciary obligation to the petitioning transferee, may appoint a new

87 fiduciary to succeed the transferor if the court finds that the appointment of a  
88 new fiduciary is in the best interests of the beneficiaries of the fiduciary  
89 obligation but that the transfer of the fiduciary obligation to the petitioning  
90 transferee will materially adversely affect the administration of the fiduciary  
91 account, or shall order the transferor to transfer by assignment the fiduciary  
92 obligation to the petitioning transferee.

93           6. On the effective date of the transfer of a fiduciary obligation pursuant  
94 to this section, the transferor shall be released from all transferred fiduciary  
95 obligations and all liability relating to such transferred fiduciary obligations, and  
96 shall cease to act regarding all such transferred fiduciary obligations, except that  
97 such transferor shall not be relieved of any liabilities arising out of a breach of  
98 a fiduciary obligation occurring prior to such effective date. The transferor shall  
99 file an itemized accounting of all assets and liabilities in each transferred  
100 fiduciary account with the transferee upon the effective date of the  
101 transfer. Notwithstanding the provision of any law or the provision of any  
102 agreement to the contrary, the transferor shall not impose fees relating to the  
103 transfer of the fiduciary obligation in excess of the actual cost to the transferor  
104 of the transfer of the fiduciary obligation. The failure by a bank or trust company  
105 to give any notice required by subsection 3 of this section with respect to any  
106 fiduciary account shall not affect the validity of the transfer of a fiduciary  
107 obligation pursuant to this section with respect to any other fiduciary obligation  
108 or account.

109           7. Any appointment or other designation of a bank or trust company to a  
110 fiduciary obligation in a trust, will or other instrument shall be deemed to be  
111 made based only on facts and circumstances in existence on the date and at the  
112 time that the appointment or designation is made, and the director or a court,  
113 when considering the transfer of a fiduciary obligation, shall consider whether the  
114 transferee has the authority to complete the fiduciary obligation and is qualified  
115 to do so, the effect of the transfer of the fiduciary obligation including whether  
116 the transfer of the fiduciary obligation will materially adversely affect the  
117 fiduciary obligation, and whether the transfer of the fiduciary obligation is in the  
118 best interests of the beneficiaries of the fiduciary obligation.

          362.485. Every bank and trust company doing a safe deposit business and  
2 every safe deposit company owned by a bank or trust company shall be entitled  
3 to the following special remedies in enforcing the liabilities and rights of  
4 depositories or lessors and of renters or lessees of boxes:

5 (1) Whenever such company doing a safe deposit business receives  
6 personal property upon deposit, as bailee, and issues a receipt therefor, it is a  
7 warehouseman as to this property and all existing statutes and laws affecting  
8 warehousemen shall apply to these deposits, and the corporation shall have a lien  
9 on the deposit or the proceeds thereof to the same extent and with the same  
10 effect, and enforceable in the same manner, as provided by law with reference to  
11 warehousemen.

12 (2) (a) The lessor shall have a lien upon the contents of any safe deposit  
13 box for the rental thereon. If the lessee shall not pay the rent within thirty days  
14 after the same is due, then the lessor, after giving not less than sixty days'  
15 written notice to the lessee, personally or by registered or certified mail delivered  
16 to the latest address shown upon the safe deposit records of the lessor, of its  
17 intention to sell the contents of the box for the payment of rent and expenses may  
18 open the box forcibly and remove the contents in the presence of two of its  
19 employees, one of whom shall be an officer thereof. The lessor then shall retain  
20 such contents for at least ninety days thereafter and the lessor then may sell any  
21 part or all of such contents at public sale by giving notice [thereof in like manner  
22 as notice is required as provided in chapter 493 for two successive weeks in a  
23 newspaper qualified to publish such notice, and ] **on the front page of its**  
24 **website, if it has one, for a period of two successive weeks. If the lessor**  
25 **does not have a website, notice shall be sent to the secretary of state**  
26 **who shall publish such notice on the legal notices website, established**  
27 **pursuant to section 493.077, for a period of two successive weeks. The**  
28 **lessor shall** retain from the proceeds of sale the rental due it, the costs of  
29 opening and repairing the box, and the costs of sale. Any remaining balance shall  
30 be disposed of in accordance with the provisions of sections 447.500 to 447.595.

31 (b) If the lessee shall fail to surrender possession of any box within thirty  
32 days from the date of the termination of the lease, then the lessor, after giving  
33 not less than sixty days' written notice to the lessee, personally or by registered  
34 or certified mail delivered to the latest address shown upon the safe deposit  
35 records of the lessor, of its intention to enter the box, remove the contents and  
36 sell the same, may open the box forcibly and remove its contents in the presence  
37 of two of its employees, one of whom shall be an officer thereof. The lessor then  
38 shall retain such contents for at least ninety days thereafter and the lessor then  
39 may sell any part or all of such contents at public sale by giving notice thereof in  
40 like manner as notice is required in paragraph (a) of subdivision (2) of this

41 section, and retain from the proceeds of sale the costs of opening and repairing  
42 such box, the costs of sale and any other amounts due to lessor. Any article, item,  
43 or document without apparent market value may be destroyed after two years  
44 from the date of giving or mailing the required notice. Any remaining balance  
45 shall be disposed of in accordance with the provisions of sections 447.500 to  
46 447.595.

369.094. 1. An annual meeting of the members of each mutual association  
2 shall be held on a date fixed by the bylaws of the association or, if none is so  
3 fixed, on the fourth Monday in March. A failure to hold the annual meeting at  
4 the time so specified shall not work a forfeiture or dissolution of the  
5 association. Special meetings may be called by the board of directors, the  
6 president, or the secretary upon the written request of members entitled to cast  
7 at least one-tenth of all the votes which all members are entitled to cast at the  
8 particular meeting, or by such other officers or persons as may be provided in the  
9 bylaws.

10 2. Notice of the annual meeting of members shall be published [once] not  
11 less than ten days nor more than thirty days before the date of the meeting [in  
12 a newspaper published in the city or county where the principal office of the  
13 association is located. Notice for any special meeting shall be so published once  
14 not less than ten nor more than thirty days before the date of the meeting] **on**  
15 **the front page of the association's website, if it has one. If the**  
16 **association does not have a website, notice shall be sent not less than**  
17 **ten days nor more than thirty days before the date of the meeting to**  
18 **the secretary of state who shall publish such notice on the legal notices**  
19 **website, established pursuant to section 493.077, until the date of the**  
20 **meeting has passed.** All notices shall state the place, day and hour, and if a  
21 special meeting of members, the purpose of the meeting. The purpose of an  
22 annual meeting need be stated in the notice only to the extent required by other  
23 provisions of sections 369.010 to 369.369.

24 3. Each member shall have one vote plus an additional vote for each one  
25 hundred dollars or fraction thereof of the withdrawal value of the accounts of  
26 such member in excess of one hundred dollars. The association may by its bylaws  
27 limit the number of votes to which any member may be entitled.

28 4. Any number of the members present in person or by proxy at any  
29 meeting shall constitute a quorum for the transaction of business. A majority of  
30 all votes cast at any meeting of members shall determine any question unless

31 sections 369.010 to 369.369 specifically provide otherwise. A proxy not limited  
32 as to duration shall continue in effect until revoked in writing and in case of  
33 death or mental incapacity of the member until notice thereof is received by the  
34 association in writing. Proxies shall be filed with the secretary of the association  
35 not less than five days before the meeting.

36 5. Accounts standing in the name of a fiduciary may be voted either in  
37 person or by proxy of the fiduciary. A member whose account is pledged is  
38 entitled to vote, in person or by proxy, until the account has been transferred on  
39 the books of the association and thereafter the transferee shall be entitled to vote  
40 in person or by proxy.

41 6. Except as provided in this chapter all meetings of the stockholders of  
42 capital stock associations shall be held as prescribed and shall be governed by the  
43 provisions of the general and business corporation law of Missouri.

369.104. Every association shall publish annually, in accordance with  
2 regulations promulgated by the director of the division of finance, [in a  
3 newspaper of general circulation in the county in which its home office is located]  
4 **on the front page of its website, if it has one**, and shall deliver to each  
5 member of a mutual association and to each stockholder of a capital stock  
6 association upon application therefor, a statement of its financial condition in the  
7 form prescribed by the director of the division of finance. **If an association**  
8 **does not have a website, the statement shall be sent to the secretary of**  
9 **state who shall publish such statement on the legal notices website,**  
10 **established pursuant to section 493.077.**

369.192. Every association doing a safe deposit business shall be entitled  
2 to the following special remedies in enforcing the liabilities and rights of  
3 depositories or lessors and of renters or lessees of boxes:

4 (1) Whenever such association doing a safe deposit business receives  
5 personal property upon deposit, as bailee, and issues a receipt therefor, it is a  
6 warehouseman as to this property, and all existing statutes and laws affecting  
7 warehousemen shall apply to these deposits, and the association shall have a lien  
8 on the deposit or the proceeds thereof to the same extent and with the same  
9 effect, and enforceable in the same manner, as provided by law with reference to  
10 warehousemen;

11 (2) The association shall have a lien upon the contents of any safe deposit  
12 box for the rental thereon. If the lessee shall not pay the rent within thirty days  
13 after the same is due, then the association, after giving not less than sixty days'

14 written notice to the lessee, personally or by registered or certified mail delivered  
15 to the latest address shown upon the safe deposit records of the association, of its  
16 intention to sell the contents of the box for the payment of rent and expenses may  
17 open the box forcibly and remove the contents in the presence of two of its  
18 employees, one of whom shall be an officer thereof. The association then shall  
19 retain such contents for at least ninety days thereafter and the association then  
20 may sell any part or all of such contents at public sale by [giving] **publishing**  
21 notice [thereof in like manner as notice is required as provided in chapter 493]  
22 for two successive weeks [in a newspaper qualified to publish such notice, and]  
23 **on the front page of its website, if it has one. If the association does**  
24 **not have a website, notice shall be sent to the secretary of state who**  
25 **shall publish such notice on the legal notices website, established**  
26 **pursuant to section 493.077, for a period of two successive weeks. The**  
27 **association shall** retain from the proceeds of sale the rental due it, the costs of  
28 opening and repairing the box, and the costs of sale. Any remaining balance shall  
29 be disposed of in accordance with the provisions of sections 447.500 to 447.595;

30 (3) If the lessee shall fail to surrender possession of any box within thirty  
31 days from the date of the termination of the lease, then the association, after  
32 giving not less than sixty days' written notice to the lessee, personally or by  
33 registered or certified mail delivered to the latest address shown upon the safe  
34 deposit records of the association, of its intention to enter the box, remove the  
35 contents and sell the same, may open the box forcibly and remove its contents in  
36 the presence of two of its employees, one of whom shall be an officer thereof. The  
37 association then shall retain such contents for at least ninety days thereafter and  
38 the association then may sell any part or all of such contents at public sale by  
39 giving notice thereof in like manner as notice is required in subdivision (2) of this  
40 section, and retain from the proceeds of sale the costs of opening and repairing  
41 such box, the costs of sale and any other amounts due to the association. Any  
42 article, item or document without apparent market value may be destroyed after  
43 two years from the date of giving or mailing the required notice. Any remaining  
44 balance shall be disposed of in accordance with the provisions of sections 447.500  
45 to 447.595.

369.349. 1. When the director of the division of finance determines to  
2 liquidate an association, the director shall file a petition in the circuit court of the  
3 county in which the principal office of the association is located setting forth the  
4 facts. If the court finds that under the law the director is entitled to liquidate the

5 association, the court shall thereupon appoint the director as receiver. The  
6 director shall cause an inventory of all the assets of the association to be filed  
7 with the court and shall cause notice to be [given by publication, once a week,]  
8 **published on the front page of the division's website for a period** four  
9 successive weeks [in some newspaper of general circulation published at or near  
10 the principal place of business in the state of such association to]. **Such notice**  
11 **shall require** all persons having claims against the association as creditors, or  
12 otherwise, [requiring them] to present and file their claims and make legal proof  
13 thereof at a place and within a time designated in such [publication] **notice**. The  
14 time shall be not less than six months after the [first] publication. Within ten  
15 days after the [first] publication, the director shall cause a copy of such notice to  
16 be mailed to all persons whose names appear of record upon the association's  
17 books as creditors.

18         2. All claims, demands, or causes of action of creditors against the  
19 association or against any property owned or held by it in trust or otherwise must  
20 be presented to the director in writing, verified by the claimant or someone on the  
21 claimant's behalf, within the period specified in the notice for the presentation  
22 of claims whether or not an action is pending to enforce any such claim or  
23 demand. The director shall not approve any claim not so presented and any such  
24 claim, demand or cause of action not so presented is forever barred. Upon the  
25 expiration of the time fixed for the presentation of claims, the director shall  
26 prepare a full and complete schedule of all claims presented specifying by classes  
27 those that have been approved and those that have been disapproved and file the  
28 same with the court.

29         3. Not later than five days after the time of filing the schedule of claims  
30 with the court, written notice shall be mailed to all claimants whose claims have  
31 been rejected. Petition to enforce the payment of or to establish any rejected  
32 claim must be filed in the liquidation proceeding and service had upon the  
33 director within four months from and after the date of filing of the schedule of  
34 claims or all such actions are forever barred.

35         4. Any account holder without presenting a claim is entitled to any  
36 liquidating dividends declared, to the extent and in the proper relative order of  
37 priority, on any claim shown by the books of the association to exist in the  
38 account holder's favor against the association.

39         5. Claims of creditors shall bear interest at the rate provided by law on  
40 judgments from the date the director takes possession of the business, property

41 and assets of the association.

42           6. The filing of the petition under subsection 1 operates to stay or dissolve  
43 all actions or attachments instituted or levied within thirty days next preceding  
44 the taking of possession of such association by the director under section 369.344  
45 or under this section, and pending the process of liquidation, no attachment or  
46 execution shall be levied or lien created upon any of the property of the  
47 association.

48           7. In liquidating the affairs of the association, the director may:

49           (1) Take possession of all property and assets, collect all money due to and  
50 claims of the association and give receipt thereof;

51           (2) Release or reconvey all real or personal property pledged,  
52 hypothecated or transferred in trust as security for loan;

53           (3) Approve and pay all just and equitable claims;

54           (4) Commence and prosecute all actions and proceedings necessary to  
55 enforce liquidation;

56           (5) Compound bad or doubtful debts or claims, borrow money, sell, convey  
57 or transfer real or personal property on order of the court;

58           (6) In the name of the association, or in the director's own name,  
59 prosecute and defend any suit or other legal proceeding;

60           (7) In the name of the association, or in the director's own name as  
61 director, execute, acknowledge, and deliver any and all deeds, assignments,  
62 releases and other instruments necessary and proper to effectuate any sale of real  
63 or personal property or other transaction in connection with the liquidation of the  
64 association. Any deed, assignment, release or other instrument executed  
65 pursuant to this section is valid and effectual for all purposes as though it were  
66 executed by the officers of such association with the authority of its board of  
67 directors; and

68           (8) With the approval of the court, abandon any bad or doubtful debt or  
69 claim on any property of the association.

70           8. The director may appoint one or more special deputies to assist in the  
71 duties of liquidation and distribution and may also employ such special legal  
72 counsel, accountants and assistants as may be needed and required and fix their  
73 salaries and compensation subject to the approval of the court. All such salaries  
74 and compensation and such reasonable and necessary expenses as may be  
75 incurred in the liquidation shall be paid by the director from the funds of the  
76 association in the director's hands. Such expenses shall include that part of the

77 salary of the director and of the director's deputies, examiners, accountants and  
78 other assistants and that part of the general expenses of the director's office as  
79 fairly represent, in the opinion of the director, the proportion properly  
80 attributable to such liquidation.

81           9. From the net realization of assets, the director, subject to the approval  
82 of the court, shall pay dividends in liquidation to the creditors in order of  
83 preference. All remaining assets of a mutual association shall be distributed to  
84 the account holders in proportion to the amounts of their respective accounts as  
85 of the date liquidation began. All remaining assets of a capital stock association  
86 shall be distributed to the stockholders in accordance with their stock ownership.

87           10. Any money due to but unclaimed by any person shall be deposited  
88 with the director. The owner, the owner's heirs or personal representative may  
89 claim any funds so deposited by proof of ownership satisfactory to the director at  
90 any time within ten years. Earnings on such funds during possession by the  
91 director shall be used to defray expenses of the director's office, and the owner,  
92 the owner's heirs and personal representatives shall have no claim  
93 thereto. Money not so claimed in ten years shall be delivered to the state  
94 treasurer from whom the owner, the owner's heirs or personal representative may  
95 claim such funds upon proof of ownership satisfactory to the state treasurer.

96           11. On the payment of a final dividend in liquidation, the director shall  
97 prepare and file with the court a full and final statement of liquidation including  
98 a summary of the receipts and disbursements which shall be filed with the court  
99 and in the office of the director. After hearing and approval by the court, the  
100 liquidation shall be closed. The order of the court approving the final settlement  
101 on liquidation shall provide for the destruction or other disposition of the books  
102 and records of the association or pertaining to the liquidation of the association,  
103 and the court may declare the association dissolved as a corporation. A copy of  
104 the order dissolving the association as a corporation shall be filed with the  
105 secretary of state.

375.201. 1. Any insurance company organized or incorporated under the  
2 laws of this state may amend its charter, articles of incorporation or association,  
3 or declaration of organization from time to time in any and as many respects as  
4 may be desired; provided, that its articles as amended contain only such  
5 provisions as might be lawfully contained in the original articles if made at the  
6 time of making the amendment.

7           2. (1) In particular and without limitation upon the general power of

8 amendment, an insurance company may amend its articles from time to time so  
9 as:

10 (a) To change its name;

11 (b) To change the place where the principal office for the transaction of  
12 its business is located;

13 (c) To change its period of duration;

14 (d) To change, enlarge or diminish its purposes;

15 (e) To increase or decrease the number of its directors or trustees;

16 (f) To increase or decrease the aggregate number of shares or shares of  
17 any class which the corporation has authority to issue;

18 (g) To increase or decrease the par value of the authorized shares of any  
19 class, whether issued or unissued; provided, that if the par value of issued shares  
20 is increased there shall be transferred to stated capital at the time of such  
21 increase an amount of surplus equal to the aggregate amount by which the par  
22 value is increased;

23 (h) To exchange, classify, reclassify or cancel all or any part of its shares  
24 whether issued or unissued;

25 (i) To change the designation of all or any part of its shares, whether  
26 issued or unissued, and to change the preferences, qualifications, limitations,  
27 restrictions and special or relative rights including convertible rights in respect  
28 of all or any part of its shares whether issued or unissued;

29 (j) To create a new class or classes of stock and to define the preferences,  
30 qualifications, limitation, restrictions, and the special or relative rights of the  
31 shares of such new class or classes; provided that the authorized number of  
32 shares of any class or classes without voting rights shall not exceed a ratio of two  
33 shares of such class or classes without voting rights to one share of the voting  
34 stock of the company outstanding at the time the amendment is voted upon by  
35 the stockholders;

36 (k) To establish, limit or deny shareholders the preemptive right to  
37 acquire additional shares of capital stock, whether then or thereafter authorized.

38 (2) In no event, however, may the par value per share of the authorized  
39 shares of any class of stock be less than one dollar.

40 3. Amendment of articles shall be made in the following manner:

41 (1) The board of directors or other governing body may adopt a resolution  
42 setting forth the proposed amendment and directing that it be submitted to a vote  
43 at a meeting of the shareholders, members, or other group of persons entitled to

44 vote thereon, which may be either an annual or special meeting; except that the  
45 proposed amendment need not be adopted by the board of directors and may be  
46 directly submitted to any annual or special meeting of the shareholders, members  
47 or other group of persons entitled to vote thereon.

48 (2) Written or printed notice setting forth the proposed amendment or a  
49 summary of the changes to be effected thereby shall be given to each shareholder,  
50 member or other person entitled to vote thereon of record. In the case of a  
51 mutual insurance company, notice, including the time and place at which such  
52 meeting will be held, may, in lieu of such written or printed notice, be given by  
53 publication made by the company [in two daily newspapers, one of which shall be  
54 published in the City of St. Louis or the city of Kansas City,] **on its website, if**  
55 **it has one**, for at least [once a week for] two weeks before the time appointed for  
56 the meeting. **If the company does not have a website, notice may be sent**  
57 **to the secretary of state who shall publish such notice on the legal**  
58 **notices website, established pursuant to section 493.077, until the date**  
59 **of the meeting has passed.**

60 (3) At the meeting a vote of those entitled to vote shall be taken on the  
61 proposed amendment. The proposed amendment shall be adopted upon receiving  
62 the affirmative vote of a majority of all of those entitled to vote at the meeting  
63 either in person or by proxy or may be adopted upon a specified vote if contained  
64 in the articles or other provision of law which shall not be less than a majority;  
65 except that in the case of a mutual insurance company, the proposed amendment  
66 shall be adopted upon the affirmative vote of a majority of the members voting  
67 at the meeting in person or by proxy.

375.355. 1. Any insurance company organized under the laws of this state  
2 may hereafter, with the approval of the director first obtained,

3 (1) Organize any subsidiary insurance company in which it shall own and  
4 hold not less than a majority of the common stock; or

5 (2) Acquire control of another insurance company by purchase, merger or  
6 otherwise, regardless of the domicile of any company so organized or acquired, for  
7 the purpose of operating any such company under a plan of common control.

8 2. Whenever any insurance company shall propose under the provisions  
9 of this section to acquire control of another insurance company by purchase,  
10 merger or otherwise or to dispose of any stock so purchased or so acquired, it  
11 shall present its petition to the director setting forth the terms and conditions of  
12 the proposed acquisition or disposition and praying for the approval of the

13 acquisition or disposition. The director shall thereupon issue an order of notice,  
14 requiring notice to be given, to the policyholders of a mutual company and  
15 stockholders of a stock company, of the pendency of the petition, and the time and  
16 place at which the same will be heard, by publication of the order of notice [in  
17 two daily newspapers designated by the director] **on the front page of the**  
18 **company's website, if it has one,** for at least [once a week for] two weeks  
19 before the time appointed for the hearing upon the petition; and any further  
20 notice which the director may require shall be given by the petitioners. **If the**  
21 **company does not have a website, notice shall be sent to the secretary**  
22 **of state who shall publish such notice on the legal notices website,**  
23 **established pursuant to section 493.077, for a period of two weeks.** At  
24 the time and place fixed in the notice, or at such time and place as shall be fixed  
25 by adjournment, the director shall proceed with the hearing, and may make such  
26 examination into the affairs and conditions of the companies as he **or she** may  
27 deem proper. For the purpose of making the examination, or having the same  
28 made, the director may employ the necessary clerical, actuarial, legal, and other  
29 assistance. The director of the department of insurance, financial institutions  
30 and professional registration of this state shall have the same power to summon  
31 and compel the attendance and testimony of witnesses and the production of  
32 books and papers at the hearing as by law granted in examinations of  
33 companies. Any policyholder or stockholder of the company or companies may  
34 appear before the director and be heard in reference to the petition. The director,  
35 if satisfied that the proposed acquisition or disposition was properly approved  
36 after notice as required by the articles and bylaws of the company or companies,  
37 and that the interest of the policyholders of the company or companies is  
38 protected, and that no reasonable objection exists as to the acquisition or  
39 disposition, and that the acquisition will not tend to substantially lessen  
40 competition or create a monopoly, shall approve and authorize the proposed  
41 acquisition or disposition. All expenses and costs incident to the proceedings  
42 under this subsection shall be paid by the company or companies bringing the  
43 petition.

44           3. The shares of any subsidiary life insurance company acquired or held  
45 under the provisions of this section by a parent life insurance company organized  
46 under the provisions of chapter 376 shall be eligible for deposit by the parent life  
47 insurance company as provided in section 376.170 at a value no greater than the  
48 proportion of the capital and surplus of the subsidiary company as shown by its

49 last annual statement filed in the state of its domicile represented by the shares  
50 held by the parent life insurance company, but only to the extent that the capital  
51 and surplus is represented by cash or securities of the kind and type eligible for  
52 deposit under the provisions of section 376.170 and other applicable statutes.

53 4. (1) The provisions of this section shall not apply to the acquisition or  
54 disposition by purchase, sale or otherwise of not less than the majority of the  
55 stock of any insurance company domiciled outside of the state of Missouri, if the  
56 consideration involved in such acquisition or disposition does not exceed the  
57 following threshold:

58 (a) With respect to an insurance holding company, so long as such  
59 consideration does not exceed the lesser of three percent of its consolidated assets  
60 or twenty percent of its consolidated stockholders' equity as of the thirty-first day  
61 of December of the preceding year according to its consolidated balance sheet  
62 prepared in accordance with generally accepted accounting principles and audited  
63 by independent certified accountants in accordance with generally acceptable  
64 auditing standards; or

65 (b) With respect to an insurance company organized under the laws of this  
66 state, so long as such consideration does not exceed the lesser of three percent of  
67 its assets or ten percent of its capital and surplus as of the thirty-first day of  
68 December of the preceding year according to its balance sheet prepared in  
69 accordance with accounting practices prescribed or permitted by the department  
70 of insurance, financial institutions and professional registration and in conformity  
71 with the practices of the National Association of Insurance Commissioners and  
72 audited by independent certified accountants in accordance with generally  
73 acceptable auditing standards.

74 (2) In calculating the amount of consideration involved in such acquisition  
75 or disposition for the purposes of subdivision (1) of this subsection, there shall be  
76 included total net moneys or other consideration expended, and obligations  
77 assumed in the acquisition or disposition, including all organizational expenses  
78 and contributions to capital and surplus of such insurance company domiciled  
79 outside of the state of Missouri, whether represented by the purchase of capital  
80 stock or issuance of other securities. For the purposes of this subsection, the  
81 term "insurance holding company" means a domestic insurance holding company  
82 in which the majority of stock is owned by a domestic insurance company, or a  
83 domestic insurance holding company which owns the majority of the stock of a  
84 domestic insurance company.

375.480. 1. When any company, which has on deposit the securities  
2 named in section 376.170 with the director of the department of insurance,  
3 financial institutions and professional registration, shall desire to relinquish and  
4 cease its business in this state, said director shall, upon application of such  
5 company, under the oath of the president or vice president and secretary or  
6 assistant secretary, give notice of such intention [in any newspaper of general  
7 circulation published in the county or city in which said company is located, if it  
8 is a company of this state, or in some newspaper published in the city of St.  
9 Louis, if it is a company of another state or government, at least twice a week]  
10 **on the front page of the company's website, if it has one, for six weeks.**  
11 **If the company does not have a website, notice shall be sent to the**  
12 **secretary of state who shall publish such notice on the legal notices**  
13 **website, established pursuant to section 493.077, for a period of six**  
14 **weeks.**

15 2. After such publication he shall deliver up and transfer to said company  
16 the securities held by him and belonging to the company; but before making such  
17 transfer, the director shall be satisfied, by an examination of the books and  
18 papers of such company, to be made by himself or some competent person to be  
19 appointed by him, or by the oath of the acting president and secretary or  
20 assistant secretary of said company if it be a company organized under the laws  
21 of this state, that all debts and liabilities of every kind that are due, or may  
22 become due, upon all contracts or agreements made with the policyholders in said  
23 company, or in any company reinsured by said company, if the deposit is that of  
24 a reinsured company and is held for the security of the policyholders of said  
25 reinsured company under sections 375.010 to 375.920, are released, satisfied or  
26 extinguished; or if it be a company not organized under the laws of this state,  
27 that all debts and liabilities of every kind, whether fixed or contingent, due or  
28 that may become due to this state or to any county or municipality or citizen  
29 thereof, are released, satisfied or extinguished; and the said director may, from  
30 time to time, authorize the delivery in the manner aforesaid, to such company or  
31 its assigns, of any portion of such securities, on being satisfied in the manner and  
32 form aforesaid, that all debts and liabilities of every kind as aforesaid are less  
33 than one-half the amount of the said securities which are retained.

375.777. 1. The director shall:

2 (1) Notify the association of the existence of an insolvent insurer not later  
3 than three days after he receives notice of the determination of the insolvency;

4           (2) Upon request of the board of directors, provide the association with a  
5 statement of the net direct written premiums of each member insurer; and

6           (3) Notify the agents of the insolvent insurer of the determination of  
7 insolvency and of the insureds' rights under sections 375.771 to 375.779. Such  
8 notification shall be by first class mail at their last known address, where  
9 available, but if sufficient information for notification by mail is not available,  
10 notice by publication [in a newspaper of general circulation] **on the front page**  
11 **of the department's website** shall be sufficient.

12           2. The director may require each agent of the insolvent insurer to give  
13 prompt written notice, by first class mail, at the insured's last known address, to  
14 each insured of the insolvent insurer for whom he was agent of record, provided  
15 the agent has received the notification of subsection 1 of this section.

16           3. It is unlawful for any member insurer to fail to pay an assessment  
17 when due or fail to comply with the plan of operation. Every day in which the  
18 member insurer fails to pay is a separate violation.

19           4. If the director determines that a person has engaged, is engaging in,  
20 or has taken a substantial step toward engaging in an act, practice or course of  
21 business constituting a violation of this section or a rule adopted or order issued  
22 pursuant thereto, or that a person has materially aided or is materially aiding an  
23 act, practice, omission, or course of business constituting a violation of this  
24 section or a rule adopted or order issued pursuant thereto, the director may issue  
25 such administrative orders as authorized under section 374.046. A violation of  
26 this section is a level two violation under section 374.049. The director may also  
27 suspend or revoke the license or certificate of authority of such person for any  
28 willful violation.

29           5. If the director believes that a person has engaged, is engaging in, or  
30 has taken a substantial step toward engaging in an act, practice or course of  
31 business constituting a violation of this section or a rule adopted or order issued  
32 pursuant thereto, or that a person has materially aided or is materially aiding an  
33 act, practice, omission, or course of business constituting a violation of this  
34 section or a rule adopted or order issued pursuant thereto, the director may  
35 maintain a civil action for relief authorized under section 374.048. A violation of  
36 this section is a level two violation under section 374.049.

375.1185. 1. Unless the court otherwise directs, the liquidator shall give  
2 or cause to be given notice of the liquidation order as soon as possible:

3           (1) By first class mail and either by telegram or telephone to the director

4 of the department of insurance, financial institutions and professional  
5 registration of each state in which the insurer is doing business;

6 (2) By first class mail to any guaranty association or foreign guaranty  
7 association which is or may become obligated as a result of the liquidation;

8 (3) By first class mail to all known insurance agents of the insurer;

9 (4) By first class mail to all persons known or reasonably expected to have  
10 claims against the insurer including all policyholders, at their last known address  
11 as indicated by the records of the insurer; and

12 (5) By publication [in a newspaper of general circulation in the county in  
13 which the insurer has its principal place of business and in such other locations  
14 as the liquidator deems appropriate] **on the front page of the liquidator's**  
15 **website, if it has one. If the liquidator does not have a website, notice**  
16 **shall be sent to the secretary of state who shall publish such notice on**  
17 **the legal notices website, established pursuant to section 493.077.**

18 2. Notice under subsection 1 of this section to agents of the insurer and  
19 to potential claimants who are policyholders shall include, where applicable,  
20 notice that coverage by state guaranty associations may be available for all or  
21 part of policy benefits in accordance with applicable state guaranty laws.

22 3. The liquidator shall promptly provide to the guaranty association such  
23 information concerning the identities and addresses of such policyholders and  
24 their policy coverages as may be within the liquidator's possession or control, and  
25 otherwise cooperate with guaranty associations to assist them in providing to  
26 such policyholders timely notice of the guaranty associations' coverage of policy  
27 benefits including, as applicable, coverage of claims and continuation or  
28 termination of coverage.

376.050. The persons mentioned in section 376.010 shall be designated as  
2 "corporators", and such corporators, desiring to form a company for the purpose  
3 of transacting the business mentioned in said section, or any part of the same,  
4 shall file in the office of the director of the department of insurance, financial  
5 institutions and professional registration a declaration signed by each of said  
6 corporators, setting forth the place of residence of each of them, and their  
7 intention to form a corporation for the purpose of transacting the business  
8 aforesaid, which declaration shall comprise a copy of the charter proposed to be  
9 adopted by them; and they shall publish [once in each week, or oftener,] for at  
10 least four weeks[, in a newspaper of general circulation, published in the county  
11 where such corporation is proposed to be located,] a notice of the filing of such

12 declaration, together with a copy of the same, **on the legal notices website,**  
13 **established pursuant to section 493.077.**

376.070. Whenever the incorporators have filed the declaration required by  
2 section 376.050 [and also the proof of publication therein required by the affidavit  
3 of the publisher of the newspaper in which the publication was made,] his  
4 foreman or clerk, with the director of the department of insurance, financial  
5 institutions and professional registration, the director shall submit the  
6 declaration to the attorney general of this state for examination, and if it is found  
7 by him to be in accordance with the provisions of sections 376.010 to 376.670 and  
8 not inconsistent with the constitution and laws of this state and the United  
9 States, he shall so certify and deliver it back to the director. The director shall  
10 cause the declaration [and affidavit,] with the certificate of the attorney  
11 general[,] to be recorded in a book kept for that purpose, and furnish a certified  
12 copy of the same to the incorporators, and also file a certified copy of the same with  
13 the secretary of state, who, upon payment to the director of revenue of the tax  
14 required by section 351.065, shall issue a certificate of incorporation, upon the  
15 receipt of which they become a body politic and corporate, and may proceed to  
16 organize in the manner set forth in their charter, and to open books for  
17 subscription to the capital stock of the company, and keep the same open until  
18 the whole amount specified in the charter is subscribed. No company shall issue  
19 policies or transact any business of any kind or nature whatsoever, except as  
20 aforesaid, until it has fully complied with the requirements of sections 376.010  
21 to 376.670.

376.110. Whenever the incorporators have filed the declaration required by  
2 section 376.050 [and also proof of the publication therein required by the affidavit  
3 of the publisher of the newspaper in which the publication was made,] his  
4 foreman or clerk, with the director, the director shall submit the declaration to  
5 the attorney general of this state for examination, and if he finds it is in  
6 accordance with the provisions of sections 376.010 to 376.670, and not  
7 inconsistent with the constitution and laws of this state, and of the United States,  
8 he shall so certify and deliver it back to the director. The director shall cause the  
9 said declaration [and affidavit] with the certificate of the attorney general, to be  
10 recorded in a book kept for that purpose and furnish a certified copy of the same  
11 to the incorporators, and also file a certified copy of the same with the secretary of  
12 state, who, upon payment to the director of revenue of the sum of seventy-five  
13 dollars, shall issue a certificate of incorporation, upon the receipt of which they

14 become a body politic and corporate, and may proceed to organize in the manner  
15 set forth in their charter, and to open books and receive proposals and  
16 agreements for assurance and premiums for the same on deposit, and issue  
17 receipts therefor, and to keep such books open until the whole amount specified  
18 in its charter is received. It is not lawful for such company to issue policies or  
19 transact any business of any kind, except as aforesaid, until it fully complies with  
20 the requirements of sections 376.120, 376.130 and 376.290.

376.150. When such incorporators propose to form a stock and mutual  
2 company for the purposes designated in section 376.010, the charter comprised  
3 in the declaration named in section 376.050 shall set forth all the particulars  
4 mentioned in section 376.060 in regard to the formation of corporations on the  
5 joint stock plan; and in addition thereto it shall state:

6 (1) The extent, if any, to which the policyholders shall participate in the  
7 election of directors and in the management of the company, and the manner in  
8 which they shall do so;

9 (2) The time for which it is proposed to remain a stock and mutual  
10 company, provided it be intended to limit the same, and the manner of changing  
11 into a mutual or stock company, if such change is proposed; but no such change  
12 shall be made unless by two-thirds majority of all the votes cast at a meeting held  
13 for that purpose, such meeting to be called by a special notice, stating its object;  
14 which notice shall be published [for at least once a week] **on the legal notices**  
15 **website, established pursuant to section 493.077, for a period of four**  
16 **weeks[, in a newspaper of general circulation, and published in the county or city**  
17 **where such company is located].**

377.240. 1. When any such corporation, company or association shall  
2 desire to relinquish its business in this state, the director shall, on application  
3 of such corporation under oath of its president or principal officer and secretary  
4 or actuary, give notice of such intention [at least twice in a newspaper of general  
5 circulation published at the state capitol] **on the front page of the entity's**  
6 **website, if it has one. If the entity does not have a website, notice shall**  
7 **be sent to the secretary of state who shall publish such notice on the**  
8 **legal notices website, established pursuant to section 493.077.**

9 2. After such publication he shall deliver up to said corporation the  
10 securities, or any portion thereof, held by him belonging to such corporation upon  
11 being satisfied that all the debts and liabilities of every kind are paid or provided  
12 for.

379.025. Corporations may be formed for the purpose of doing business  
2 mentioned in section 379.010, either on the stock or mutual plan; and every  
3 corporation so formed on the mutual plan shall have the word "mutual" affixed  
4 to the name which it assumes; and it shall not be lawful for any corporation so  
5 formed to do business on any other plan than that upon which it is organized, or  
6 for a corporation formed upon the mutual plan in any manner to use its name or  
7 to make publication thereof, unless the word "mutual" be affixed thereto in plain  
8 letters of the size of the letters in which the balance of the name is printed; and  
9 no such corporation shall adopt the name of any existing company or corporation  
10 transacting the same kind of business, or a name so similar as to be calculated  
11 to mislead the public; and the mutual companies shall not issue policies known  
12 as stock policies, or do business as joint stock companies, or upon the joint stock  
13 plan; but any mutual company upon a majority vote of its members present at an  
14 annual meeting, or at any special meeting called for that purpose after one week's  
15 notice by advertisement [in one or more newspapers printed and published in the  
16 city or county where the chief office of said company is located] **on the front**  
17 **page of its website, if it has one**, may charge and receive for the mutual  
18 benefit of all its policyholders cash in payment of premiums on such of its policies  
19 as shall be, by a majority vote of such meeting, determined upon. **If a mutual**  
20 **company does not have a website, notice required by this section shall**  
21 **be sent one week prior to the meeting to the secretary of state who**  
22 **shall publish such notice on the legal notices website, established**  
23 **pursuant to section 493.077, until the date of the meeting has passed.**

379.030. The persons mentioned in section 379.010 shall be designated as  
2 "incorporators", and any such incorporators desiring to form a company for the  
3 purpose of transacting the business mentioned in said section, upon either of the  
4 plans named in section 379.025, shall file in the office of the director of the  
5 department of insurance, financial institutions and professional registration a  
6 declaration, signed by each of such incorporators, setting forth their intention to  
7 form a corporation for the purpose of transacting the business aforesaid[,  
8 which]. **The** declaration shall comprise a copy of the articles of incorporation or  
9 association proposed to be adopted by them[; and they]. **The incorporators**  
10 shall publish a notice of such intention [once in each week, or oftener] **on the**  
11 **legal notices website, established pursuant to section 493.077, for a**  
12 **period of** at least four weeks, [in a newspaper of general circulation, published  
13 in the county where such corporation is proposed to be located].

379.040. Whenever the incorporators shall have filed the declaration  
2 required by section 379.030, [and also proof of the publication therein required,  
3 by the affidavit of the publisher of the newspaper in which the publication was  
4 made, his foreman or clerk, with the director, it shall be the duty of] the director  
5 [to] **shall** submit such declaration to the attorney general of this state for  
6 examination, and if it shall be found by him to be in accordance with the  
7 provisions of sections 379.010 to 379.160, and not inconsistent with the  
8 constitution and laws of this state and the United States, he shall so certify, and  
9 deliver it back to the director, who shall record the declaration[, affidavit,] and  
10 the certificate of the attorney general[,] in a book kept for that purpose, and shall  
11 furnish a certified copy of the same to the incorporators, and shall also file a  
12 certified copy of the same with the secretary of state, who, upon payment to the  
13 state director of revenue of the tax required by section 351.065, shall issue a  
14 certificate of incorporation, upon the receipt of which they may proceed to  
15 organize in the manner set forth in their charter, and to open books for  
16 subscription to the capital stock of the company, and keep the same open until  
17 the whole amount specified in the charter is subscribed; but it shall not be lawful  
18 for such companies to issue policies or transact any business of any kind or  
19 nature whatever, except as aforesaid, until they have fully complied with the  
20 requirements of sections 379.050 and 379.055.

379.065. Whenever the incorporators shall have filed the declaration  
2 required by section 379.030 [and also proof of the publication therein required,  
3 by the affidavit of the publisher of the newspaper in which the publication was  
4 made, his foreman or clerk, with the director, it shall be the duty of said] **the**  
5 director [to] **shall** submit such declaration to the attorney general of this state  
6 for examination; and if it shall be found by him to be in accordance with the  
7 provisions of sections 379.010 to 379.160, and not inconsistent with the  
8 constitution and laws of this state and of the United States, he shall so certify  
9 and deliver it back to the director, who shall cause the said declaration [and  
10 affidavit], with the certificate of the attorney general, to be recorded in a book to  
11 be kept for that purpose, and shall furnish a certified copy of the same to the  
12 incorporators, and shall also file a certified copy of the same with the secretary of  
13 state, who, upon payment to the state director of revenue of the sum of  
14 seventy-five dollars, shall issue a certificate of incorporation, upon the receipt of  
15 which they may proceed to organize in the manner set forth in their articles of  
16 incorporation or association, to open books and receive subscriptions to the

17 policyholders' surplus mentioned in section 379.010 and issue receipts therefor,  
18 and to keep such books open until the whole amount specified in its articles of  
19 incorporation or association is received; but it shall not be lawful for such  
20 company to issue policies or transact any business of any kind, except as  
21 aforesaid, until it has fully complied with the requirements of sections 379.070  
22 and 379.075.

379.095. 1. The board of directors of every mutual insurance company  
2 organized under the provisions of sections 379.010 to 379.160 shall have the  
3 power, as often as they shall deem it necessary in order to settle the losses  
4 insured against, and the expenses and other liabilities of the company, to make  
5 an assessment upon the premium notes given by persons effecting insurance of  
6 the company.

7 2. Such assessment shall be made upon each and every note held by the  
8 company at the time of the assessment, and which has been in existence for one  
9 year prior to the date of the assessment, and shall be for a sum upon each note  
10 which bears the same ratio to the whole amount to be raised by the assessment  
11 that the full sum for which such note was given bears to the full amount for  
12 which all the notes assessed were given.

13 3. The amount so assessed upon each note shall be due and payable  
14 within thirty days after the publication of a notice of such assessment, and after  
15 written notice of the same to the maker of such note has been deposited in the  
16 post office, postage prepaid, or delivered to him in person; and the amount of said  
17 assessment, when paid, shall in every case be endorsed upon said note at the time  
18 of the payment.

19 4. The publication of the above notice shall be made [in some newspaper  
20 of general circulation, published in the county or city where said company shall  
21 have its principal office] **on the front page of the company's website, if it**  
22 **has one**, and shall set forth the full aggregate amount for which all the premium  
23 notes held by the company were given, upon which the assessment is made, the  
24 amount of losses adjusted and unpaid, the amount of losses claimed but  
25 unadjusted, giving the names of claimants, the amount of expenses accrued and  
26 unpaid, and the amount of cash on hand. **If the company does not have a**  
27 **website, notice shall be sent to the secretary of state who shall publish**  
28 **such notice on the legal notices website, established pursuant to section**  
29 **493.077.**

30 5. If any person shall neglect or refuse to pay the sum so assessed upon

31 him, for thirty days after the publication and mailing or delivery of said notices,  
32 the directors of said company may sue for and recover the whole amount of his  
33 premium note held by the company, with costs of suit.

34 6. No person shall, in any case, be liable upon any premium note on  
35 account of any and all claims and assessments upon the same for an amount  
36 greater than the face of such note.

379.530. After drafting the proposed articles of association, it shall be the  
2 duty of the directors of said company to call a special meeting, if a stock company,  
3 of its stockholders; if a mutual company, of its policyholders; or if a stock and  
4 mutual company, of its stockholders and its policyholders in the mutual  
5 department, by a notice, which shall be published [at least once a week in some  
6 newspaper of general circulation in the city, county or town in which said  
7 company is located, the first insertion to be] **on the front page of the**  
8 **company's website, if it has one**, not less than sixty days[, the last to be not  
9 less than one nor more than six days,] previous to the day on which such meeting  
10 shall be held[, but if there be no newspaper published therein, then in some  
11 newspaper published in the next nearest county, and by posting up a handbill in  
12 the office of said company;]. **If the company does not have a website,**  
13 **notice shall be sent, not less than sixty days previous to the day on**  
14 **which the meeting will be held, to the secretary of state who shall**  
15 **publish such notice on the legal notices website, established pursuant**  
16 **to section 493.077, until the day of the meeting has passed.** Said notice  
17 shall state the time and place of the meeting and the objects thereof, and shall  
18 further state where a draft of the proposed articles of association can be seen and  
19 examined.

379.570. 1. On the filing of said petition with the clerk of said court, it  
2 shall be the duty of said clerk to cause a notice to be published [in some  
3 newspaper published in the county where the cause is pending, and if there is no  
4 newspaper published in said county, then in some newspaper published in the  
5 next nearest county] **on the front page of the court's website, if it has one**,  
6 addressed to all whom it may concern, and setting forth the filing of said petition  
7 and stating briefly the object and general nature of the petition and that a  
8 judgment and decree will be entered in said cause at the next term of the said  
9 court after due publication of said notice, as prayed in said petition.

10 2. And at the next term of said court after due publication of said notice,  
11 as herein provided, the court shall hear the said petition and the evidence which

12 may be produced by the petitioner and by any person interested in such company  
13 as a stockholder, if it be a stock company, or as a policyholder if it be a mutual  
14 company, or as a stockholder or a policyholder in its mutual department if it be  
15 a stock and mutual company, at the time originally limited by law or its charter  
16 for the termination of the corporate existence of such company who has not  
17 assented to or ratified such reorganization and extension and continuance of the  
18 corporate existence of such company, and shall make and enter its judgment and  
19 decree ascertaining and determining the number and names of the persons who  
20 were stockholders if it be a stock company, or who were policyholders if it be a  
21 mutual company, or who were stockholders or policyholders in its mutual  
22 department if it be a stock and mutual company, of said company at the time  
23 originally limited by law or its charter for the termination of its corporate  
24 existence who have not assented to or ratified such reorganization and extension  
25 and continuance of the corporate existence of such company and the value of their  
26 respective equitable interests or proportions in its net assets at that time, and  
27 authorizing and directing such company to pay to them respectively the value of  
28 their equitable interests or proportions in such net assets as thus ascertained and  
29 determined in full satisfaction of their respective claims and interests in such net  
30 assets; and thereupon payment by said company to such stockholders or  
31 policyholders of the value of their respective equitable interests or proportions in  
32 such net assets as thus ascertained and determined such stockholders or  
33 policyholders shall have no further claims or interests in such assets of said  
34 company; provided, that the court may, if it deem it advisable, refer the matter  
35 to some suitable person as referee to hear said matter and ascertain and report  
36 to the court his findings concerning the same, as in other cases.

379.600. After drafting the proposed articles of association, it shall be the  
2 duty of the directors of said company to call a special meeting, if a stock company,  
3 of its stockholders, if a mutual company, of its policyholders, or if a stock and  
4 mutual company, of its stockholders and its policyholders in the mutual  
5 department, by a notice, which shall be published [at least once a week in some  
6 newspaper of general circulation in the city, county or town in which said  
7 company is located, the first insertion to be] **on the front page of the**  
8 **company's website, if it has one**, not less than sixty days[, the last to be not  
9 less than one or more than six days] previous to the day on which such meeting  
10 shall be held[, but if there be no newspaper published therein, then in some  
11 newspaper published in the next nearest county, and by posting up a handbill in

12 the office of said company;]. **If the company does not have a website,**  
13 **notice shall be sent not less than sixty days previous to the day on**  
14 **which the meeting will be held to the secretary of state who shall**  
15 **publish such notice on the legal notices website, established pursuant**  
16 **to section 493.077, until the date of the meeting has passed.** Said notice  
17 shall state the time and place of the meeting and the objects thereof, and shall  
18 further state where a draft of the proposed articles of association can be seen and  
19 examined.

380.041. 1. Each Missouri mutual insurance company shall elect a board  
2 of at least five directors, each of whom shall be the owner of property insurance  
3 in the company. The directors shall be elected by a majority vote of the members  
4 voting at the annual meeting of the members for a term of not less than one year  
5 nor more than three years. The directors shall elect from their number a  
6 president and vice president. The directors shall also select a secretary,  
7 treasurer and such additional officers as they may deem necessary, who may or  
8 may not be members of the company. The offices of secretary and treasurer may  
9 be occupied by one person.

10 2. Each Missouri mutual insurance company shall hold an annual meeting  
11 of its members on the date and time and at the place specified in its articles of  
12 incorporation; immediately thereafter, a separate meeting of the board of  
13 directors shall be held. If the articles of incorporation are silent as to the date,  
14 time and place of the annual meetings, those meetings shall be held on the first  
15 Monday in February and shall be held at the registered office of the corporation.

16 3. Notice of the annual meeting of the members shall be sent with or  
17 mailed with each policy, and shall be stamped or printed on the policy. Notice of  
18 the annual meeting shall also be published [once a week] **on the front page of**  
19 **the company's website, if it has one, for a period of two weeks** before the  
20 date of the meeting [in some daily or weekly newspaper published in the county  
21 where the principal home office of the company is located]. **If the company**  
22 **does not have a website, notice shall be sent two weeks before the**  
23 **meeting to the secretary of state who shall publish such notice on the**  
24 **legal notices website, established pursuant to section 493.077, until the**  
25 **date of the meeting has passed.**

380.151. Any two or more Missouri mutual insurance companies operating  
2 under the provisions of sections 380.011 to 380.151 may unite and become  
3 incorporated in one corporate body, with or without any dissolution or division of

4 the funds of either corporation; or any such corporation may transfer its  
5 engagements, funds and property to any other such corporation and upon such  
6 terms as may be agreed upon by three-fourths of the members of each of the  
7 bodies who are either present in person or by proxy at the meeting of the  
8 members convened for that purpose by notice, stating the object of the meeting,  
9 sent by first class mail to every member, and by a general notice[, appearing  
10 daily at least one week or weekly] **published on the front page of each of**  
11 **the company's websites, if they have them, for a period of** at least two  
12 weeks [in a newspaper published in the county where the principal home office  
13 of the company is located; but]. No such transfer shall prejudice any right of any  
14 creditor of any such corporation to have payment of his debt out of the assets and  
15 property thereof. **If any of the companies do not have a website, notice**  
16 **shall be sent two weeks before the meeting to the secretary of state who**  
17 **shall publish such notice on the legal notices website, established**  
18 **pursuant to section 493.077, until the date of the meeting has passed.**

380.321. 1. Whenever two companies propose to merge under the  
2 provisions of section 380.281 and their membership has approved the plan of  
3 merger, a petition shall be presented to the director, accompanied by the articles  
4 of merger, and praying for the approval or modification of the plan of merger.

5 2. The director shall review the petition and may waive any hearing if he  
6 **or she** finds the proposed merger does not prejudice the interests of the  
7 policyholders of the companies.

8 3. If the director deems it necessary, he **or she** shall issue an order of  
9 notice, requiring notice to be given, to the policyholders of the company, of the  
10 pendency of the petition, and the time and place at which the same will be heard,  
11 by publication of the order of notice [in not less than two daily newspapers  
12 designated by the director, at least one of which shall be published in the city of  
13 Jefferson City,] **on the front page of the department of insurance,**  
14 **financial institutions and professional registration's website or the**  
15 **legal notices website, established pursuant to section 493.077, for a**  
16 **period of** at least [once a week for] two successive weeks [on the same day of  
17 each week, the last notice appearing not more than five calendar days before the  
18 time appointed for the hearing upon the petition and any further notice which the  
19 director may require to be given by the petitioners].

20 4. At the time and place fixed in the notice, or at such time and place as  
21 shall be fixed by order of the director, or by recess from time to time or

22 adjournment, the director shall proceed with the hearing, and may make such  
23 examination into the affairs and conditions of the companies as is proper. The  
24 director may summon and compel the attendance and testimony of witnesses and  
25 the production of books and papers at the hearing. Any policyholder or member  
26 of the company or companies or any member of the public with an interest may  
27 appear at the hearing and be heard in reference to the petition.

28           5. The director, if satisfied that the interests of the policyholders of the  
29 companies are properly protected, and that no reasonable objections exist thereto,  
30 may approve and authorize the proposed merger, or order such modification  
31 thereof as may seem best for the interests of the policyholders.

32           6. Expenses and costs incident to the proceeding under the provisions of  
33 this section shall be paid by the company or companies bringing the petition upon  
34 order of the director.

          386.800. 1. No municipally owned electric utility may provide electric  
2 energy at retail to any structure located outside the municipality's corporate  
3 boundaries after July 11, 1991, unless:

4           (1) The structure was lawfully receiving permanent service from the  
5 municipally owned electric utility prior to July 11, 1991; or

6           (2) The service is provided pursuant to an approved territorial agreement  
7 under section 394.312;

8           (3) The service is provided pursuant to lawful municipal annexation and  
9 subject to the provisions of this section; or

10           (4) The structure is located in an area which was previously served by an  
11 electrical corporation regulated under chapter 386, and chapter 393, and the  
12 electrical corporation's authorized service territory was contiguous to or inclusive  
13 of the municipality's previous corporate boundaries, and the electrical  
14 corporation's ownership or operating rights within the area were acquired in total  
15 by the municipally owned electrical system prior to July 11, 1991. In the event  
16 that a municipally owned electric utility in a city with a population of more than  
17 one hundred twenty-five thousand located in a county of the first class not having  
18 a charter form of government and not adjacent to any other county of the first  
19 class desires to serve customers beyond the authorized service territory in an area  
20 which was previously served by an electrical corporation regulated under the  
21 provisions of chapter 386, and chapter 393, as provided in this subdivision, the  
22 municipally owned utility shall apply to the public service commission for an  
23 order assigning nonexclusive service territories. The proposed service area shall

24 be contiguous to the authorized service territory which was previously served by  
25 an electrical corporation regulated under the provisions of chapter 386, and  
26 chapter 393, as a condition precedent to the granting of the application. The  
27 commission shall have one hundred twenty days from the date of application to  
28 grant or deny the requested order. The commission may grant the order upon a  
29 finding that granting of the applicant's request is not detrimental to the public  
30 interest. In granting the applicant's request the commission shall give due  
31 regard to territories previously granted to other electric suppliers.

32         2. Any municipally owned electric utility may extend, pursuant to lawful  
33 annexation, its service territory to include any structure located within a newly  
34 annexed area which has not received permanent service from another supplier  
35 within ninety days prior to the effective date of the annexation.

36         3. When a municipally owned electric utility desires to extend its service  
37 territory to include any structure located within a newly annexed area which has  
38 received permanent service from another supplier within ninety days prior to the  
39 effective date of the annexation, it shall:

40             (1) Notify by publication [in a newspaper of general circulation] **on the**  
41 **legal notices website, established pursuant to section 493.077**, the record  
42 owner of said structure, and notify in writing any affected electric supplier and  
43 the public service commission, within sixty days after the effective date of the  
44 annexation its desire to extend its service territory to include said structure; and

45             (2) Within six months after the effective date of the annexation receive the  
46 approval of the municipality's governing body to begin negotiations pursuant to  
47 section 394.312 with any affected electric supplier.

48         4. Upon receiving approval from the municipality's governing body  
49 pursuant to subsection 3 of this section, the municipally owned electric utility and  
50 the affected electric supplier shall meet and negotiate in good faith the terms of  
51 the territorial agreement and any transfers or acquisitions, including, as an  
52 alternative, granting the affected electric supplier a franchise or authority to  
53 continue providing service in the annexed area. In the event that the affected  
54 electric supplier does not provide wholesale electric power to the municipality, if  
55 the affected electric supplier so desires, the parties shall also negotiate,  
56 consistent with applicable law, regulations and existing power supply agreements,  
57 for power contracts which would provide for the purchase of power by the  
58 municipality from the affected electric supplier for an amount of power equivalent  
59 to the loss of any sales to customers receiving permanent service at structures

60 within the annexed areas which are being sought by the municipally owned  
61 electric utility. The parties shall have no more than one hundred eighty days  
62 from the date of receiving approval from the municipality's governing body within  
63 which to conclude their negotiations and file their territorial agreement with the  
64 commission for approval under the provisions of section 394.312. The time period  
65 for negotiations allowed under this subsection may be extended for a period not  
66 to exceed one hundred eighty days by a mutual agreement of the parties and a  
67 written request with the public service commission.

68           5. For purposes of this section, the term "fair and reasonable  
69 compensation" shall mean the following:

70           (1) The present-day reproduction cost, new, of the properties and facilities  
71 serving the annexed areas, less depreciation computed on a straight-line basis;  
72 and

73           (2) An amount equal to the reasonable and prudent cost of detaching the  
74 facilities in the annexed areas and the reasonable and prudent cost of  
75 constructing any necessary facilities to reintegrate the system of the affected  
76 electric supplier outside the annexed area after detaching the portion to be  
77 transferred to the municipally owned electric utility; and

78           (3) Four hundred percent of gross revenues less gross receipts taxes  
79 received by the affected electric supplier from the twelve-month period preceding  
80 the approval of the municipality's governing body under the provisions of  
81 subdivision (2) of subsection 3 of this section, normalized to produce a  
82 representative usage from customers at the subject structures in the annexed  
83 area; and

84           (4) Any federal, state and local taxes which may be incurred as a result  
85 of the transaction, including the recapture of any deduction or credit; and

86           (5) Any other costs reasonably incurred by the affected electric supplier  
87 in connection with the transaction.

88           6. In the event the parties are unable to reach an agreement under  
89 subsection 4 of this section, within sixty days after the expiration of the time  
90 specified for negotiations, the municipally owned electric utility may apply to the  
91 commission for an order assigning exclusive service territories within the annexed  
92 area and a determination of the fair and reasonable compensation amount to be  
93 paid to the affected electric supplier under subsection 5 of this  
94 section. Applications shall be made and notice of such filing shall be given to all  
95 affected parties pursuant to the rules and regulations of the commission

96 governing applications for certificates of public convenience and necessity. Unless  
97 otherwise ordered by the commission for good cause shown, the commission shall  
98 rule on such applications not later than one hundred twenty days after the  
99 application is properly filed with the secretary of the commission. The  
100 commission shall hold evidentiary hearings to assign service territory between  
101 affected electric suppliers inside the annexed area and to determine the amount  
102 of compensation due any affected electric supplier for the transfer of plant,  
103 facilities or associated lost revenues between electric suppliers in the annexed  
104 area. The commission shall make such determinations based on findings of what  
105 best serves the public interest and shall issue its decision by report and  
106 order. Review of such commission decisions shall be governed by sections 386.500  
107 to 386.550. The payment of compensation and transfer of title and operation of  
108 the facilities shall occur within ninety days after the order and any appeal  
109 therefrom becomes final unless the order provides otherwise.

110 7. In reaching its decision under subsection 6 of this section, the  
111 commission shall consider the following factors:

112 (1) Whether the acquisition or transfers sought by the municipally owned  
113 electric utility within the annexed area from the affected electric supplier are, in  
114 total, in the public interest, including consideration of rate disparities between  
115 the competing electric suppliers and issues of unjust rate discrimination among  
116 customers of a single electric supplier if the rates to be charged in the annexed  
117 areas are lower than those charged to other system customers; and

118 (2) The fair and reasonable compensation to be paid by the municipally  
119 owned electric utility, to the affected electric supplier with existing system  
120 operations within the annexed area, for any proposed acquisitions or transfers;  
121 and

122 (3) Any effect on system operation, including, but not limited to, loss of  
123 load and loss of revenue; and

124 (4) Any other issues upon which the municipally owned electric utility and  
125 the affected electric supplier might otherwise agree, including, but not limited to,  
126 the valuation formulas and factors contained in subsections 4, 5 and 6, of this  
127 section, even if the parties could not voluntarily reach an agreement thereon  
128 under those subsections.

129 8. The commission is hereby given all necessary jurisdiction over  
130 municipally owned electric utilities and rural electric cooperatives to carry out  
131 the purposes of this section consistent with other applicable law; provided,

132 however, the commission shall not have jurisdiction to compel the transfer of  
133 customers or structures with a connected load greater than one thousand  
134 kilowatts. The commission shall by rule set appropriate fees to be charged on a  
135 case-by-case basis to municipally owned electric utilities and rural electric  
136 cooperatives to cover all necessary costs incurred by the commission in carrying  
137 out its duties under this section.

388.290. 1. Any two or more railroad companies in this state, existing  
2 under either general or special laws, and owning railroads constructed wholly or  
3 in part, which, when completed and connected, will form in the whole or in the  
4 main one continuous line of railroad, are hereby authorized to consolidate in the  
5 whole or in the main, and form one company owning and controlling such  
6 continuous line of road, with all the powers, rights, privileges and immunities,  
7 and subject to all the obligations and liabilities to the state, or otherwise, which  
8 belonged to or rested upon either of the companies making such consolidation. In  
9 order to accomplish such consolidation, the companies interested may enter into  
10 contract fixing the terms and conditions thereof, which shall first be ratified and  
11 approved by a majority in interest of all the stock held in each company or road  
12 proposing to consolidate, at a meeting of the stockholders regularly called for the  
13 purpose, or by the approval, in writing, of the persons or parties holding and  
14 representing a majority of such stock.

15 2. A certified copy of such articles of agreement, with the corporate name  
16 to be assumed by the new company, shall be filed with the secretary of state,  
17 when the consolidation shall be considered duly consummated, and a certified  
18 copy from the office of the secretary of state shall be deemed conclusive evidence  
19 thereof.

20 3. The board of directors of the several companies may then proceed to  
21 carry out such contract according to its provisions, calling in the certificates of  
22 stock then outstanding in the several companies or roads, and issuing certificates  
23 of stock in the new consolidated company, under such corporate name as may  
24 have been adopted; provided, however, that the foregoing provisions of this  
25 section shall not be construed to authorize the consolidation of any railroad  
26 companies or roads, except when by such consolidation a continuous line of roads  
27 is secured, running in the whole or in the main in the same general direction; and  
28 provided, it shall not be lawful for said roads to consolidate in the whole or in  
29 part, when by so doing it will deprive the public of the benefit of competition  
30 between said roads.

31           4. And in case any such railroad companies shall consolidate or attempt  
32 to consolidate their roads contrary to the provisions of this section, such  
33 consolidation shall be void, and any person or party aggrieved, whether  
34 stockholder or not, may bring action against them in the circuit court of any  
35 county through which such road may pass, which court shall have jurisdiction in  
36 the case and power to restrain by injunction or otherwise.

37           5. And in case any railroad in this state shall hereafter intersect any such  
38 consolidated road, said road or roads shall have the right to run their freight cars  
39 without breaking bulk upon said consolidated road, and such consolidated road  
40 shall transact the business of said intersecting or connecting road or roads on fair  
41 and reasonable terms.

42           6. Before any railroad companies shall consolidate their roads, under the  
43 provisions of this section, they shall each file with the secretary of state a  
44 resolution accepting the provisions thereof, to be signed by their respective  
45 presidents and attested by their respective secretaries, under the seal of their  
46 respective companies, which resolution shall have been passed by a majority vote  
47 of the stock of each, at a meeting of the stockholders to be called for the purpose  
48 of considering the same[.]. Sixty days' public notice of the time, place and  
49 purpose of such meeting [having been given by advertisement in some newspaper  
50 printed in the county where the general offices of said company or companies of  
51 this state are situated] **shall be given on each company's website, if it has**  
52 **one. If a company does not have a website, notice shall be sent sixty**  
53 **days before the meeting to the secretary of state who shall publish such**  
54 **notice on the legal notices website, established pursuant to section**  
55 **493.077, until the date of the hearing has passed.**

          391.020. Every corporation formed under the provisions of this chapter  
2 shall have power:

3           (1) To construct or maintain and operate its railroad along, across or over  
4 the streets of any incorporated city or town or the roads of any county; provided,  
5 the consent thereto of the municipal authorities of such city or town or the county  
6 commission of such county is first obtained; provided, municipal authorities of  
7 cities or towns shall not grant the right-of-way over, along or across any street,  
8 except upon the petition of the owners of the land representing more than  
9 one-half the frontage of the street or so much thereof as is sought to be used for  
10 streetcar purposes, and when the street or parts thereof that is sought to be used  
11 shall be more than one mile in extent, no petition of landowners shall be valid

12 unless the same shall be signed by the owners of the land representing more than  
13 one-half the frontage of each mile and of the fraction of the mile, if any, in excess  
14 of the whole mile measuring from the initial point named in such petition such  
15 street or parts thereof sought to be used for such purposes;

16 (2) To operate its road by animal, cable, electric or other motive power, as  
17 the consent of the use of which said power may be obtained from the public  
18 authorities of such city, town or county;

19 (3) To receive and collect such fares for the transportation of persons,  
20 express and mails as may be provided in the said consent of said public  
21 authorities of such city, town or county given as aforesaid;

22 (4) To acquire by grant a right-of-way not to exceed fifty feet in width over  
23 private property, and to construct or maintain and operate its roads thereon;

24 (5) To purchase and acquire depots, powerhouse sites or terminals;

25 (6) To issue bonds payable in such amount and at such times and places  
26 as it deems best, and may dispose of the same for the purposes of its  
27 incorporation, and to secure payment of the same, may mortgage its property, real  
28 and personal, and also the franchise of the company;

29 (7) To purchase, lease or acquire by other lawful contract, which shall  
30 include the right to purchase the capital stock and bonds of other street railroad  
31 companies, and to hold and dispose of the same, and to hold, use and operate any  
32 street railroad or roads, with all and singular its or their franchises and  
33 properties of every description belonging to any other street railroad corporation  
34 or corporations; provided, that such purchase, lease or other contract be  
35 authorized or approved by the vote of the holders of two-thirds in amount of the  
36 capital stock of the company so purchasing, leasing or otherwise contracting  
37 therefor at a meeting called for that purpose upon twenty days' notice published  
38 [in some newspaper of the city or county where the general office of such street  
39 railroad company may be located] **on the front page of the corporation's**  
40 **website, if it has one**, or by written notice mailed to the last known address of  
41 each registered stockholder twenty days before such meeting; and provided  
42 further, such roads connect with or intersect each other, so as to allow a single  
43 passage one way over each road for a single fare. **If the corporation does not**  
44 **have a website, notice of a meeting called pursuant to this subdivision**  
45 **shall be sent twenty days before the meeting to the secretary of state**  
46 **who shall publish such notice on the legal notices website, established**  
47 **pursuant to section 493.077, until the date of the meeting has passed;**

48 (8) To sell, lease or dispose of by any other lawful contract, to any other  
49 street railroad company, its railroad rights, franchises, including the right to be  
50 a corporation, and all and singular its other properties of every character and  
51 description; provided, that such sale, lease or other contract disposing of its  
52 railroad, franchises and other properties, shall be first authorized or approved by  
53 the vote of two-thirds in amount of the holders of its capital stock at a regular or  
54 called meeting of its stockholders convened pursuant to such notice as is required  
55 in subdivision (7) **of this section**;

56 (9) To have and enjoy all such other powers and franchises as are usually  
57 had, enjoyed and exercised by street railroad companies in addition to the powers  
58 herein enumerated.

392.040. 1. There shall be an annual election of directors to serve for the  
2 ensuing year, notice of which, appointing a time and place, shall be given by the  
3 directors chosen, as provided by law, for the first annual election, and thereafter  
4 by their successors in office[; which]. Notice shall be published not less than  
5 twenty days [previous thereto in a newspaper published in the county where the  
6 principal office of the company shall be situated] **prior to the election on the  
7 front page of the company's website, if it has one. If the company does  
8 not have a website, notice shall be sent twenty days prior to the  
9 election to the secretary of state who shall publish such notice on the  
10 legal notices website, established pursuant to section 493.077, until the  
11 date of the election has passed.** The directors shall hold their offices for one  
12 year and until their successors are duly elected and qualified.

13 2. They shall elect one of their number to be president of the company,  
14 and may appoint such other officers and agents as may be prescribed by the  
15 articles of association or bylaws of the company.

393.040. 1. Upon the presenting of the petition mentioned in section  
2 393.030 to the circuit judge, he shall order the petition filed and a summons to  
3 issue, giving such owners at least ten days' notice of the time when said petition  
4 will be heard, which summons shall be served by the sheriff of the county, in the  
5 same manner as writs of summons are or may be by law required to be served.

6 2. If the name or residence of the owners be unknown, or if the owners,  
7 or any of them, do not reside in the state, notice of the time of hearing of the  
8 petition, reciting the substance of the petition and the day fixed for the hearing  
9 thereof, shall be given by publication **on the front page of the circuit court's  
10 website, if it has one** for a period three weeks consecutively, prior to the time

11 of hearing the petition[, in a newspaper published in the county in which the  
12 proceedings are pending, if one is published in the county, or if no newspaper is  
13 published in such county, or if the publisher shall refuse to publish the same on  
14 tender of his usual charges for advertising, then posting up said notice for three  
15 consecutive weeks at the door of the courthouse of the county wherein the lands,  
16 or any portion of them, lie]. **If the circuit court does not have a website,  
17 notice shall be sent, three weeks prior to the time of hearing the  
18 petition, to the secretary of state who shall publish such notice on the  
19 legal notices website, established pursuant to section 493.077, until the  
20 date of the hearing has passed.**

393.760. 1. Each participating municipality shall, in accordance with the  
2 provisions of chapter 115, order an election to be held whereby the qualified  
3 electors in such participating municipality shall approve or disapprove the  
4 issuance of its bonds to finance its individual interest in the project. The  
5 participating municipality may not order such an election until it has received a  
6 report from an independent consulting engineer as defined in section 327.181 for  
7 the purpose of determining the economic and engineering feasibility of any  
8 proposed project the costs of which are to be financed through the issuance of  
9 bonds. The report of the consulting engineer shall be provided to and approved  
10 by the legislative body and executive of each such participating municipality and  
11 such report shall be open to public inspection and shall be the subject of a public  
12 hearing in each participating municipality. Notice of the time and place of each  
13 such hearing shall be published [in a daily newspaper of general circulation  
14 within each such participating municipality] **on the front page of the  
15 municipality's website, if it has one. If the municipality does not have  
16 a website, notice shall be sent to the secretary of state who shall  
17 publish such notice on the legal notices website, established pursuant  
18 to section 493.077.** Interested parties may appear and fully participate in such  
19 hearings.

20 2. Each participating municipality shall notify the election authority or  
21 authorities responsible for conducting elections within such participating  
22 municipality in accordance with chapter 115.

23 3. The question shall be submitted in substantially the following form:

24 OFFICIAL BALLOT

25 Shall (name of participating municipality) issue its (type) revenue  
26 bonds in an amount not to exceed \$\_\_\_\_\_ for the purpose of paying

27 its share of the cost of participating in (describe project)?

28  YES

NO

29 If you are in favor of the resolution, place an "X" in the box opposite "Yes".

30 If you are opposed to the question, place an "X" in the box opposite "No".

31 4. If the issuance of the bonds is approved by at least a majority of the  
32 qualified electors voting thereon in the participating municipality, the  
33 participating municipality shall declare the result of the election and cause the  
34 bonds to be issued.

35 5. Each participating municipality shall bear all expenses associated with  
36 the elections in such participating municipality.

37 6. In the case of purchasing or leasing, constructing, installing, and  
38 operating reservoirs, pipelines, wells, check dams, pumping stations, water  
39 purification plants, and other facilities for the production, wholesale distribution,  
40 and utilization of water, the commission may provide for a vote by the governing  
41 body of each contracting municipality. Such vote shall require the approval of  
42 three-quarters of all governing bodies of the contracting municipalities. The  
43 commission may not order such a vote until it has engaged and received a report  
44 from an independent consulting engineer as defined in section 327.181 for the  
45 purpose of determining the economic and engineering feasibility of any proposed  
46 project the costs of which are to be financed through the issuance of bonds. The  
47 report of the consulting engineer shall be provided to and approved by the  
48 legislative body and executive of each contracting municipality participating in  
49 the project and such report shall be open to public inspection and shall be the  
50 subject of a public hearing in each municipality participating in the  
51 project. Notice of the time and place of each such hearing shall be published [in  
52 a daily newspaper of general circulation within each municipality] **on the front**  
53 **page of the municipality's website, if it has one. If the municipality**  
54 **does not have a website, notice shall be sent to the secretary of state**  
55 **who shall publish such notice on the legal notices website, established**  
56 **pursuant to section 493.077.** Interested parties may appear and fully  
57 participate in such hearings. Each contracting municipality shall vote by  
58 ordinance or resolution and such ordinance or resolution shall approve the  
59 issuance of revenue bonds by the joint municipal water commission in an amount  
60 not to exceed a specified amount.

393.855. A nonprofit sewer company which has commenced business may  
2 dissolve voluntarily and wind up its affairs in the following manner:

3 (1) The board of directors shall first recommend that the company be  
4 dissolved voluntarily and thereafter the proposition that the company be  
5 dissolved shall be submitted to the members of the company at any annual or  
6 special meeting, the notice of which shall set forth such proposition. The  
7 proposed voluntary dissolution shall be deemed to be approved upon the  
8 affirmative vote of not less than a majority of the members;

9 (2) Upon such approval, a certificate of election to dissolve, herein  
10 designated the "certificate", shall be executed and acknowledged in duplicate on  
11 behalf of the company by its president or vice president, and its corporate seal  
12 shall be affixed thereto and attested by its secretary. The certificate shall state:

13 (a) The name of the nonprofit sewer company;

14 (b) The address of its principal office;

15 (c) The names and addresses of its directors; and

16 (d) The total number of members of the company and the number of  
17 members who voted for and against the voluntary dissolution of the company.

18 The president or vice president executing the certificate shall also make and  
19 annex thereto an affidavit stating that the provisions of this subdivision and  
20 subdivision (1) of this section were duly complied with. Such certificate and  
21 affidavit shall be submitted to the secretary of state for filing;

22 (3) Upon the filing of the certificate and affidavit by the secretary of state,  
23 the company shall cease to carry on its business except insofar as may be  
24 necessary for the winding up thereof, but its corporate existence shall continue  
25 until articles of dissolution have been filed by the secretary of state;

26 (4) After the filing of the certificate and affidavit by the secretary of state  
27 the board of directors shall immediately cause notice of the winding up  
28 proceedings to be mailed to each known creditor and claimant and to be published  
29 **[once a week] on the front page of the company's website, if it has one,**  
30 **for a period of two successive weeks [in a newspaper of general circulation in**  
31 **the county in which the principal office of the company is located]. If the**  
32 **company does not have a website, notice shall be sent to the secretary**  
33 **of state who shall publish such notice on the legal notices website,**  
34 **established pursuant to section 493.077, for a period of two successive**  
35 **weeks;**

36 (5) The board of directors shall become trustees and have full power to  
37 wind up and settle the affairs of the company and shall proceed to collect the  
38 debts owing to the company, convey and dispose of its property and assets, pay,

39 satisfy, and discharge its debts, obligations, and liabilities, and do all other  
40 things required to liquidate its business and affairs, and after paying or  
41 adequately providing for the payment of all its debts, obligations and liabilities,  
42 shall distribute the remainder of its property and assets among its members in  
43 proportion to the aggregate patronage of each such member during the seven  
44 years next preceding the date of such filing of the certificate, or, if the company  
45 shall not have been in existence for such period, during the period of its  
46 existence; and

47 (6) (a) When all debts, liabilities and obligations of the company have  
48 been paid and discharged or adequate provision shall have been made therefor,  
49 and all of the remaining property and assets of the company shall have been  
50 distributed to the members pursuant to the provisions of sections 393.825 to  
51 393.861 and section 393.175, the board of directors shall authorize the execution  
52 of articles of dissolution which shall thereupon be executed and acknowledged on  
53 behalf of the company by its president or vice president, and its corporate seal  
54 shall be affixed thereto and attested by its secretary. Such articles of dissolution  
55 shall recite in the caption that they are executed pursuant to sections 393.825 to  
56 393.861 and section 393.175 and shall state:

- 57 a. The name of the nonprofit sewer company;
- 58 b. The address of the principal office of the company;
- 59 c. That the company has heretofore delivered to the secretary of state a  
60 certificate of election to dissolve and the date on which the certificate was filed  
61 by the secretary of state in the records of his office;
- 62 d. That all debts, obligations and liabilities of the company have been paid  
63 and discharged or that adequate provision has been made therefor;
- 64 e. That all the remaining property and assets of the company have been  
65 distributed among the members in accordance with the provisions of sections  
66 393.825 to 393.861 and section 393.175; and
- 67 f. That there are no actions or suits pending against the company;

68 (b) The president or vice president executing the articles of dissolution  
69 shall also make and annex thereto an affidavit stating that the provisions of this  
70 section were duly complied with;

71 (c) Such articles of dissolution and affidavit, accompanied by proof of the  
72 publication required in this section, shall be submitted to the secretary of state  
73 for filing.

393.945. A nonprofit water company which has commenced business may

2 dissolve voluntarily and wind up its affairs in the following manner:

3 (1) The board of directors shall first recommend that the company be  
4 dissolved voluntarily and after such recommendation the proposition that the  
5 company be dissolved shall be submitted to the members of the company at any  
6 annual or special meeting, the notice of which shall set forth such  
7 proposition. The proposed voluntary dissolution shall be deemed to be approved  
8 upon the affirmative vote of not less than a majority of the members;

9 (2) Upon such approval, a certificate of election to dissolve, designated as  
10 the certificate, shall be executed and acknowledged in duplicate on behalf of the  
11 company by its president or vice president, and its corporate seal shall be affixed  
12 thereto and attested by its secretary. The certificate shall state:

13 (a) The name of the nonprofit water company;

14 (b) The address of its principal office;

15 (c) The names and addresses of its directors; and

16 (d) The total number of members of the company and the number of  
17 members who voted for and against the voluntary dissolution of the company.

18 The president or vice president executing the certificate shall also make and  
19 annex to such certificate an affidavit stating that the provisions of this  
20 subdivision and subdivision (1) of this section were duly complied with. Such  
21 certificate and affidavit shall be submitted to the secretary of state for filing;

22 (3) Upon the filing of the certificate and affidavit by the secretary of state,  
23 the company shall cease to carry on its business except as necessary for the  
24 winding up of such business, but its corporate existence shall continue until  
25 articles of dissolution have been filed by the secretary of state;

26 (4) After the filing of the certificate and affidavit by the secretary of state  
27 the board of directors shall immediately cause notice of the winding up  
28 proceedings to be mailed to each known creditor and claimant. Such notice shall  
29 be published [once a week] **on the front page of the company's website, if**  
30 **it has one, for a period of two successive weeks** [in a newspaper of general  
31 circulation in the county in which the principal office of the company is located].  
32 **If the company does not have a website, notice shall be sent to the**  
33 **secretary of state who shall publish such notice on the legal notices**  
34 **website, established pursuant to section 493.077, for a period of two**  
35 **successive weeks;**

36 (5) The board of directors shall become trustees and have full power to  
37 wind up and settle the affairs of the company and shall proceed to collect the

38 debts owing to the company, convey and dispose of its property and assets, pay,  
39 satisfy and discharge its debts, obligations and liabilities and do all other things  
40 required to liquidate its business and affairs, and after paying or adequately  
41 providing for the payment of all its debts, obligations and liabilities, shall  
42 distribute the remainder of its property and assets either:

43 (a) Among its members in proportion to the aggregate patronage of each  
44 such member during the seven years next preceding the date of such filing of the  
45 certificate, or, if the company shall not have been in existence for such period,  
46 during the period of its existence; or

47 (b) For one or more exempt purposes as provided in Section 501(c)(3) of  
48 the Internal Revenue Code of 1986, as amended, or to the federal government or  
49 to the state or a local government or a political subdivision of the state for a  
50 public purpose; and

51 (6) (a) When all debts, liabilities and obligations of the company have  
52 been paid and discharged or adequate provision shall have been made for the  
53 payment of such debts, liabilities and obligations and all of the remaining  
54 property and assets of the company shall, pursuant to sections 393.900 to 393.951  
55 and pursuant to the articles of incorporation of the company, have been  
56 distributed to the members pursuant to sections 393.900 to 393.951, the board of  
57 directors shall authorize the execution of articles of dissolution which shall then  
58 be executed and acknowledged on behalf of the company by its president or vice  
59 president, and its corporate seal shall be affixed thereto and attested by its  
60 secretary. Such articles of dissolution shall recite in the caption that they are  
61 executed pursuant to sections 393.900 to 393.951 and shall state:

- 62 a. The name of the nonprofit water company;
- 63 b. The address of the principal office of the company;
- 64 c. That the company has heretofore delivered to the secretary of state a  
65 certificate of election to dissolve and the date on which the certificate was filed  
66 by the secretary of state in the records of his office;
- 67 d. That all debts, obligations and liabilities of the company have been paid  
68 and discharged or that adequate provision has been made for the payment of such  
69 debts, obligations and liabilities;
- 70 e. That all the remaining property and assets of the company have been  
71 distributed pursuant to sections 393.900 to 393.951 and the articles of  
72 incorporation of the company; and
- 73 f. That there are no actions or suits pending against the company.

74 (b) The president or vice president executing the articles of dissolution  
75 shall also make and annex to such articles an affidavit stating that the provisions  
76 of this section were duly complied with.

77 (c) Such articles of dissolution and affidavit, accompanied by proof of the  
78 publication required in this section, shall be submitted to the secretary of state  
79 for filing.

394.240. 1. A cooperative which has not commenced business may  
2 dissolve voluntarily by delivering to the secretary of state articles of dissolution,  
3 executed and acknowledged in duplicate on behalf of the cooperative by a majority  
4 of the incorporators, which shall state:

5 (1) The name of the cooperative;

6 (2) The address of its principal office;

7 (3) The date of its incorporation;

8 (4) That the cooperative has not commenced business;

9 (5) That the amount, if any, actually paid in on account of membership  
10 fees, less any part thereof disbursed for necessary expenses, has been returned  
11 to those entitled thereto and that all easements shall have been released to the  
12 grantors;

13 (6) That no debt of the cooperative remains unpaid; and

14 (7) That a majority of the incorporators elect that the cooperative be  
15 dissolved.

16 2. Such articles of dissolution shall be submitted to the secretary of state  
17 for filing as provided in this chapter.

18 3. A cooperative which has commenced business may dissolve voluntarily  
19 and wind up its affairs in the following manner:

20 (1) The board of directors shall first recommend that the cooperative be  
21 dissolved voluntarily and thereafter the proposition that the cooperative be  
22 dissolved shall be submitted to the members of the cooperative at any annual or  
23 special meeting the notice of which shall set forth such proposition. The proposed  
24 voluntary dissolution shall be deemed to be approved upon the affirmative vote  
25 of not less than a majority of the members;

26 (2) Upon such approval, a certificate of election to dissolve, herein  
27 designated the "certificate", shall be executed and acknowledged in duplicate on  
28 behalf of the cooperative by its president or vice president, and its corporate seal  
29 shall be affixed thereto and attested by its secretary. The certificate shall state:

30 (a) The name of the cooperative;

31 (b) The address of its principal office;

32 (c) The names and addresses of its directors; and

33 (d) The total number of members of the cooperative and the number of  
34 members who voted for and against the voluntary dissolution of the  
35 cooperative. The president or vice president executing the certificate shall also  
36 make and annex thereto an affidavit stating that the provisions of subsection 3  
37 were duly complied with. Such certificate and affidavit shall be submitted to the  
38 secretary of state for filing as provided in this chapter;

39 (3) Upon the filing of the certificate and affidavit by the secretary of state,  
40 the cooperative shall cease to carry on its business except insofar as may be  
41 necessary for the winding up thereof, but its corporate existence shall continue  
42 until articles of dissolution have been filed by the secretary of state;

43 (4) After the filing of the certificate and affidavit by the secretary of state  
44 the board of directors shall immediately cause notice of the winding up  
45 proceedings to be mailed to each known creditor and claimant and to be published  
46 **[once a week] on the front page of the cooperative's website, if it has one,**  
47 **for a period of two successive weeks [in a newspaper of general circulation in**  
48 **the county in which the principal office of the cooperative is located]. If the**  
49 **cooperative does not have a website, notice shall be sent to the**  
50 **secretary of state who shall publish such notice on the legal notices**  
51 **website, established pursuant to section 493.077, for a period of two**  
52 **successive weeks;**

53 (5) The board of directors shall become trustees and have full power to  
54 wind up and settle the affairs of the cooperative and shall proceed to collect the  
55 debts owing to the cooperative, convey and dispose of its property and assets, pay,  
56 satisfy, and discharge its debts, obligations, and liabilities, and do all other  
57 things required to liquidate its business and affairs, and after paying or  
58 adequately providing for the payment of all its debts, obligations and liabilities,  
59 shall distribute the remainder of its property and assets among its members in  
60 proportion to the aggregate patronage of each such member during the seven  
61 years next preceding the date of such filing of the certificate, or, if the cooperative  
62 shall not have been in existence for such period, during the period of its  
63 existence; and

64 (6) (a) When all debts, liabilities and obligations of the cooperative have  
65 been paid and discharged or adequate provision shall have been made therefor,  
66 and all of the remaining property and assets of the cooperative shall have been

67 distributed to the members pursuant to the provisions of this section, the board  
68 of trustees shall authorize the execution of articles of dissolution which shall  
69 thereupon be executed and acknowledged on behalf of the cooperative by its  
70 president or vice president, and its corporate seal shall be affixed thereto and  
71 attested by its secretary. Such articles of dissolution shall recite in the caption  
72 that they are executed pursuant to this chapter and shall state:

- 73           a. The name of the cooperative;  
74           b. The address of the principal office of the cooperative;  
75           c. That the cooperative has heretofore delivered to the secretary of state  
76 a certificate of election to dissolve and the date on which the certificate was filed  
77 by the secretary of state in the records of his office;  
78           d. That all debts, obligations and liabilities of the cooperative have been  
79 paid and discharged or that adequate provision has been made therefor;  
80           e. That all the remaining property and assets of the cooperative have been  
81 distributed among the members in accordance with the provisions of this section;  
82 and  
83           f. That there are no actions or suits pending against the cooperative.

84           (b) The president or vice president executing the articles of dissolution  
85 shall also make and annex thereto an affidavit stating that the provisions of this  
86 subsection were duly complied with;

87           (c) Such articles of dissolution and affidavit accompanied by proof of the  
88 publication required in this subsection, shall be submitted to the secretary of  
89 state for filing as provided in this chapter.

400.7-210. (a) Except as otherwise provided in subsection (b), a  
2 warehouse's lien may be enforced by public or private sale of the goods, in bulk  
3 or in packages, at any time or place and on any terms that are commercially  
4 reasonable, after notifying all persons known to claim an interest in the  
5 goods. The notification shall include a statement of the amount due, the nature  
6 of the proposed sale, and the time and place of any public sale. The fact that a  
7 better price could have been obtained by a sale at a different time or in a method  
8 different from that selected by the warehouse is not of itself sufficient to establish  
9 that the sale was not made in a commercially reasonable manner. The warehouse  
10 sells in a commercially reasonable manner if the warehouse sells the goods in the  
11 usual manner in any recognized market therefore, sells at the price current in  
12 that market at the time of the sale, or otherwise sells in conformity with  
13 commercially reasonable practices among dealers in the type of goods sold. A sale

14 of more goods than apparently necessary to be offered to ensure satisfaction of the  
15 obligation is not commercially reasonable, except in cases covered by the  
16 preceding sentence.

17 (b) A warehouse may enforce its lien on goods, other than goods stored by  
18 a merchant in the course of its business, only if the following requirements are  
19 satisfied:

20 (1) All persons known to claim an interest in the goods shall be notified.

21 (2) The notification shall include an itemized statement of the claim, a  
22 description of the goods subject to the lien, a demand for payment within a  
23 specified time not less than ten days after receipt of the notification, and a  
24 conspicuous statement that unless the claim is paid within that time the goods  
25 will be advertised for sale and sold by auction at a specified time and place.

26 (3) The sale shall conform to the terms of the notification.

27 (4) The sale shall be held at the nearest suitable place to where the goods  
28 are held or stored.

29 (5) After the expiration of the time given in the notification, an  
30 advertisement of the sale shall be published [once a week] **on the front page**  
31 **of the warehouse's website, if it has one, for a period** two weeks  
32 consecutively [in a newspaper of general circulation where the sale is to be held].  
33 **If the warehouse does not have a website, notice shall be sent to the**  
34 **secretary of state who shall publish such notice on the legal notices**  
35 **website, established pursuant to section 493.077, for a period of two**  
36 **weeks consecutively.** The advertisement shall include a description of the  
37 goods, the name of the person on whose account the goods are being held, and the  
38 time and place of the sale. The sale shall take place at least fifteen days after the  
39 [first] publication. [If there is no newspaper of general circulation where the sale  
40 is to be held, the advertisement shall be posted at least ten days before the sale  
41 in not fewer than six conspicuous places in the neighborhood of the proposed  
42 sale.]

43 (c) Before any sale pursuant to this section, any person claiming a right  
44 in the goods may pay the amount necessary to satisfy the lien and the reasonable  
45 expenses incurred in complying with this section. In that event, the goods may  
46 not be sold but shall be retained by the warehouse subject to the terms of the  
47 receipt and this article.

48 (d) A warehouse may buy at any public sale held pursuant to this section.

49 (e) A purchaser in good faith of goods sold to enforce a warehouse's lien

50 takes the goods free of any rights of persons against which the lien was valid,  
51 despite the warehouse's noncompliance with this section.

52 (f) A warehouse may satisfy its lien from the proceeds of any sale  
53 pursuant to this section but shall hold the balance, if any, for delivery on demand  
54 to any person to which the warehouse would have been bound to deliver the  
55 goods.

56 (g) The rights provided by this section are in addition to all other rights  
57 allowed by law to a creditor against a debtor.

58 (h) If a lien is on goods stored by a merchant in the course of its business,  
59 the lien may be enforced in accordance with subsection (a) or (b).

60 (i) A warehouse is liable for damages caused by failure to comply with the  
61 requirements for sale under this section and, in case of willful violation, is liable  
62 for conversion.

411.360. 1. Any public warehouseman may, on the written request of the  
2 owner of any grain stored in a special bin, upon the surrender of the receipt, or  
3 receipts therefor, be permitted to dry, clean, or otherwise change the condition or  
4 value of any such lot of grain; but in such case it shall only be delivered as such  
5 separate lot, without reference to the grade it may be made by such process of  
6 drying or cleaning. Nothing in this section, however, shall prevent any public  
7 warehouseman from removing grain within his warehouse for its preservation or  
8 safekeeping, but no warehouseman shall be held liable for damage to grain stored  
9 in special bins by heating, unless such damage be caused by the negligence of the  
10 warehouseman.

11 2. In case any public warehouseman shall discover that any portion of the  
12 grain stored in a special bin in his warehouse is out of condition or becoming so,  
13 and it is not in his power to preserve the same, he shall immediately give notice  
14 to the owner, if known, and if not known, by public notice by advertising [in a  
15 newspaper of general circulation in the vicinity in which such warehouse is  
16 situated, and by posting a] **on the front page of the warehouse's website,**  
17 **if the warehouse has a website. If the warehouse does not have a**  
18 **website, notice shall be sent to the secretary of state, who shall publish**  
19 **such notice on the legal notices website, established pursuant to section**  
20 **493.077. Notice shall additionally be posted** on the warehouse bulletin board  
21 or other public place of its actual condition, as near as he can ascertain. He shall  
22 state in such notice:

23 (1) The kind and grade of grain;

- 24 (2) The bin in which it is stored;
- 25 (3) The description of the warehouse receipts outstanding upon which  
26 such grain will be delivered, giving the numbers, amount, and date of each;
- 27 (4) The name of the party for whom such grain was stored;
- 28 (5) The date it was received and the amount of it.

29 3. The enumeration of receipts and identification of grain so described  
30 shall embrace as nearly as possible the quantity of grain contained in such bins;  
31 and such grain shall be delivered upon the return and cancellation of such  
32 receipts, and the unreceipted grain upon the request of the owner or holder of the  
33 receipt or receipts.

34 4. Nothing herein contained shall be held to relieve the public  
35 warehouseman from exercising proper care and vigilance in preserving such grain  
36 after such publication of its condition, but such grain shall be kept separate and  
37 apart from all direct contact with other grain, and shall not be mixed with other  
38 grain while in storage in such warehouse.

39 5. Nothing in this section shall be construed so as to permit any public  
40 warehouseman to deliver any grain stored in a special bin or by itself, as provided  
41 in this chapter, to any but the owners of the lot or the holder of the warehouse  
42 receipt or receipts.

411.671. 1. Any person operating a public warehouse in Missouri under  
2 this chapter, who desires to discontinue the operation of a public warehouse, shall  
3 notify by first class mail all holders of warehouse receipts, all parties storing  
4 grain in the warehouse, [and] all parties with whom the warehouseman has  
5 executed deferred payment or deferred pricing agreements in accordance with the  
6 provisions of this chapter[, and by advertising in a newspaper of general  
7 circulation in the county in which the warehouse is situated], and the director of  
8 the state department of agriculture. **Notice shall additionally be published**  
9 **on the front page of the warehouse's website, if it has one**, at least thirty  
10 days prior to the date of [his] intention to discontinue the public grain warehouse  
11 business. **If the warehouse does not have a website, notice shall be sent**  
12 **to the secretary of state who shall publish such notice on the legal**  
13 **notices website, established pursuant to section 493.077.** The owners of  
14 the grain shall sell to the warehouseman or remove, or cause to be removed, their  
15 grain from the warehouse or the obligations may be assumed by a successor  
16 warehouseman before the termination of the license. In the case of a successor,  
17 producers or others may allow the original warehouseman to transfer the storage

18 obligation to the successor. No assumption by a successor of any obligations of  
19 the predecessor warehouseman shall be valid unless the successor is duly licensed  
20 as required by this chapter prior to the assumption, and the depositor agrees to  
21 such assumption by the successor. Such assumption by a successor shall not  
22 relieve the predecessor warehouseman of the storage obligations in the event of  
23 default therein by the successor unless both the successor and terminating  
24 warehouseman have complied with all provisions of this section. If for any cause  
25 the grain is not sold to the warehouseman or removed from the warehouse or the  
26 obligation assumed by a successor, the warehouseman discontinuing business  
27 shall sell the grain at the best market price obtainable and deposit the funds with  
28 a bank authorized to do business in Missouri to be held for the account of the  
29 depositor and shall make a full detailed report of the same to the director. If and  
30 when the depositor, or holder of claim, appears and presents a valid claim to the  
31 bank for the funds so deposited, the bank shall deliver the funds to the claimant.

32         2. At the director's discretion, a warehouse license may be deemed to be  
33 invalid upon the change of ownership, cessation of operations, change of partners  
34 in a partnership, change of corporate structure of a corporation or sale. Every  
35 licensed warehouseman shall immediately notify the department as to any such  
36 change and, when requested to do so by the director, shall, deliver his license and  
37 all unused warehouse receipts to the office of the department, together with a  
38 notarized statement accounting for all receipts and setting forth the  
39 arrangements made with depositors for final disposition of the grain in storage  
40 and for fulfilling the obligations of the retiring warehouseman. In the case of a  
41 successor, the successor shall apply for a new license and execute a successor's  
42 agreement. When there is a change of ownership or cessation of operations, the  
43 director may cause an audit and examination to be made.

415.415. 1. The operator of a self-service storage facility has a lien on all  
2 personal property stored within each leased space for rent, labor, or other  
3 charges, and for expenses reasonably incurred in sale of such personal property,  
4 as provided in sections 415.400 to 415.425. The lien established by this  
5 subsection shall have priority over all other liens except those liens that have  
6 been perfected and recorded on personal property. The rental agreement shall  
7 contain a statement, in bold type, advising the occupant of the existence of such  
8 lien and that property stored in the leased space may be sold to satisfy such lien  
9 if the occupant is in default, and that any proceeds from the sale of the property  
10 which remain after satisfaction of the lien will be paid to the state treasurer if

11 unclaimed by the occupant within one year after the sale of the property.

12           2. If the occupant is in default for a period of more than forty-five days,  
13 the operator may enforce the lien granted in subsection 1 of this section and sell  
14 the property stored in the leased space for cash. Sale of the property stored on  
15 the premises may be done at a public or private sale, may be done as a unit or in  
16 parcels, or may be by way of one or more contracts, and may be at any time or  
17 place and on any terms as long as the sale is done in a commercially reasonable  
18 manner in accordance with the provisions of section 400.9-627. The operator may  
19 otherwise dispose of any property which has no commercial value.

20           3. The proceeds of any sale made under this subsection shall be applied  
21 to satisfy the lien, with any surplus being held for delivery on demand to the  
22 occupant or any other lienholders which the operator knows of or which are  
23 contained in the statement filed by the occupant pursuant to subsection 3 of  
24 section 415.410 for a period of one year after receipt of proceeds of the sale and  
25 satisfaction of the lien. No proceeds shall be paid to an occupant until such  
26 occupant files a sworn affidavit with the operator stating that there are no other  
27 valid liens outstanding against the property sold and that he or she, the  
28 occupant, shall indemnify the operator for any damages incurred or moneys paid  
29 by the operator due to claims arising from other lienholders of the property  
30 sold. After the one-year period set in this subsection, any proceeds remaining  
31 after satisfaction of the lien shall be considered abandoned property to be  
32 reported and paid to the state treasurer in accordance with laws pertaining to the  
33 disposition of unclaimed property.

34           4. Before conducting a sale under subsection 2 of this section, the operator  
35 shall:

36           (1) At least forty-five days before any disposition of property under this  
37 section, which shall run concurrently with subsection 2 of this section, notify the  
38 occupant and each lienholder which is contained in any statement filed by the  
39 occupant pursuant to subsection 3 of section 415.410 of the default by first-class  
40 mail or electronic mail at the occupant's or lienholder's last known address, and  
41 shall notify any third-party owner identified by the occupant pursuant to  
42 subsection 3 of section 415.410;

43           (2) No sooner than ten days after mailing the notice required in  
44 subdivision (1) of this subsection, mail a second notice of default, by verified mail  
45 or electronic mail, to the occupant at the occupant's or lienholder's last known  
46 address, which notice shall include:

47 (a) A statement that the contents of the occupant's leased space are  
48 subject to the operator's lien;

49 (b) A statement of the operator's claim, indicating the charges due on the  
50 date of the notice, the amount of any additional charges which shall become due  
51 before the date of release for sale and the date those additional charges shall  
52 become due;

53 (c) A demand for payment of the charges due within a specified time, not  
54 less than ten days after the date on which the second notice was mailed;

55 (d) A statement that unless the claim is paid within the time stated, the  
56 contents of the occupant's space will be sold after a specified time; and

57 (e) The name, street address and telephone number of the operator, or a  
58 designated agent whom the occupant may contact, to respond to the notice;

59 (3) At least seven days before the sale, advertise the time, place and terms  
60 of the sale [in a newspaper of general circulation in the jurisdiction where the  
61 sale is to be held. Such advertisement shall be in the classified section of the  
62 newspaper and shall state that the items will be released for sale] **on the front  
63 page of the facility's website, if it has one. If the facility does not have  
64 a website, notice shall be sent to the secretary of state who shall  
65 publish such notice on the legal notices website, established pursuant  
66 to section 493.077.**

67 5. If the property is a vehicle, watercraft, or trailer and rent and other  
68 charges remain unpaid for sixty days, the owner may treat the vehicle,  
69 watercraft, or trailer as an abandoned vehicle and have the vehicle, watercraft,  
70 or trailer towed from the self-service storage facility. When the vehicle,  
71 watercraft, or trailer is towed from the self-service storage facility, the owner  
72 shall not be liable for the vehicle, watercraft, or trailer for any damages to the  
73 motor vehicle, watercraft, or trailer once the tower takes possession of the  
74 property.

75 6. At any time before a sale under this section, the occupant may pay the  
76 amount necessary to satisfy the lien and redeem the occupant's personal property.

417.250. Persons engaged in manufacturing, bottling or selling liquids in  
2 vessels with their name branded, engraved, blown or otherwise produced thereon,  
3 may file in the office of the recorder of deeds of the city or county in which the  
4 principal place of business of said persons is situated, and also in the office of the  
5 secretary of state, a description of the name so used by them, and shall publish  
6 such description [once in each of] **on the front page of the person's website,**

7 **if the person has one, for a period of** four successive weeks [in a newspaper  
8 published in the city or county in which said description has been filed]. **If the**  
9 **person does not have a website, the description shall be sent to the**  
10 **secretary of state who shall publish it on the legal notices website,**  
11 **established pursuant to section 493.077, for a period of four successive**  
12 **weeks.**

417.300. 1. Any person engaged in manufacturing, bottling, or selling  
2 milk, buttermilk; cream or ice cream in any kind of receptacle, having the name  
3 of such person or other mark or device printed, stamped, engraved, etched, blown,  
4 painted or otherwise permanently fixed upon the same, may file in the office of  
5 the secretary of state for record a description of the name, mark or device so used;  
6 and cause such description to be [printed once each week] **published on the**  
7 **front page of the person's website, if the person has one, for a period of**  
8 three successive weeks [in a newspaper published in the county in which the  
9 principal place of business of such person is located, or if the principal place of  
10 business of such person is located in another state, then in the county wherein  
11 the principal office or depot of such person within the state of Missouri is  
12 located]. **If the person does not have a website, the description shall be**  
13 **sent to the secretary of state who shall publish it on the legal notices**  
14 **website, established pursuant to section 493.077, for a period of three**  
15 **successive weeks.**

16 2. It shall be the duty of the secretary of state to issue to the person so  
17 filing for record a description of such name, mark or device in his office, to duly  
18 attest a certificate of the record of the same, for which he shall receive the fee  
19 prescribed by statute for the issuance of certificates.

20 3. In all prosecutions under sections 417.300 to 417.360 such certificate  
21 shall be prima facie evidence of the adoption and ownership of such name, mark  
22 or device and of the right of the person named therein to adopt and use the same.

426.150. The court shall, by such order as the circumstances of the case  
2 may require, direct the clerk to give notice of the exhibition and filing of such  
3 accounts, for such time and in such [public newspapers] **manner** as it shall  
4 appoint, and that such accounts will be allowed by the court at a certain time to  
5 be stated in such notice, unless good cause to the contrary be shown.

426.180. The assignee shall give notice of the time and place of adjusting  
2 and allowing demands against the estate of his assignor, by advertisement  
3 published [in some newspaper printed in the county, or, if there be none, in the

4 one nearest the place where the inventory is filed] **on the front page of the**  
5 **assignee's website, if the assignee has one, for a period of** four weeks  
6 successively[, the last insertion to be at least one week before the appointed day;  
7 and also,]. **If the assignee does not have a website, notice shall be sent**  
8 **to the secretary of state who shall publish such notice on the legal**  
9 **notices website, established pursuant to section 493.077, for a period of**  
10 **four weeks successively.** Whenever the residence of any of the creditors is  
11 known to him, by letter addressed to such creditors at their known or usual  
12 places of abode, at least four weeks before the appointed day. The assignee shall  
13 attend at the place designated in said notice in person, on said day, and shall  
14 remain in attendance at said place on said day, and during two consecutive days  
15 thereafter, and shall commence the adjustment and allowance of demands against  
16 the trust fund at nine o'clock a.m., and continue the same until five o'clock p.m.,  
17 of each of said three days; and all creditors who, after being notified as aforesaid,  
18 shall not attend at the place designated during the said term, and lay before the  
19 assignee the nature and amount of their demands, shall be precluded from any  
20 benefit of said estate; but the hearing on any demand presented at the time may  
21 be continued, for good cause shown, to such time as is deemed right; provided,  
22 that any creditor who shall fail to lay his claim before said assignee during said  
23 term, on account of sickness, absence from the state, or any other good cause,  
24 may, at any time before the declaration of the final dividend, file and prove up  
25 his claim, and the same may be allowed, and the remaining dividends paid  
26 thereon, as in the case of other allowed claims.

426.320. As soon as practicable, and not exceeding one month after the  
2 time for an allowance of demands had under this chapter, the assignee or  
3 assignees shall pay upon the demands allowed, according to their right, as much  
4 as the means on hand will permit, after reserving enough for proper fees, costs,  
5 expenses and demands, whose trial is legally continued or removed; and as often  
6 thereafter as a dividend of five percent can be paid upon the demands allowed as  
7 aforesaid, the assignee or assignees shall give notice thereof by publication **on**  
8 **the front page of the assignee's website, if the assignee has one, for a**  
9 **period of one week**[, in the same newspaper in which was published the notice  
10 for allowance of demands, or in such other newspaper as the court, or judge  
11 thereof in vacation, may direct; and]. **If the assignee does not have a**  
12 **website, notice shall be sent to the secretary of state who shall publish**  
13 **such notice on the legal notices website, established pursuant to section**

14 **493.077, for a period of one week.** If such assignee or assignees shall neglect  
15 or refuse to make payment out of such trust fund, as in this section required, for  
16 more than three days after the same have become due and have been demanded  
17 by the person entitled thereto, his agent or attorney, or if he or they shall in any  
18 wise neglect or refuse to comply with the provisions of this section, he or they  
19 shall, for every such neglect or refusal, forfeit and pay to the person aggrieved  
20 five percent per month interest on such sum as such person was entitled to at the  
21 time of such demand, to be recovered by motion in the court having jurisdiction  
22 of said assignment; and any judgment rendered by said court, on the hearing of  
23 such motion, shall be against said assignee or assignees and his or their  
24 securities on their trust, provided for in this chapter; and such assignee or  
25 assignees shall, in addition to such forfeiture, be subject to be dismissed from his  
26 or their trust by said court, for such neglect and refusal, on motion and citation  
27 for that purpose.

426.350. When any assignee becomes satisfied that it is no longer  
2 advantageous to the creditors of his assignor to keep the assignment open, he  
3 may apply to the circuit court in whose clerk's office the inventory is filed for a  
4 discharge from his trust, upon a notice of his intention to make such application,  
5 stating the time thereof, which notice shall be published [in the newspaper  
6 aforesaid] **on the front page of the assignee's website, if the assignee has**  
7 **one, for a period of** at least six weeks next before such time, at which time he  
8 may file his petition in said court for such discharge[; which]. **If the assignee**  
9 **does not have a website, notice shall be sent to the secretary of state**  
10 **who shall publish it on the legal notices website, established pursuant**  
11 **to section 493.077, for a period of at least six weeks.** The petition, verified  
12 by his affidavit, shall set forth the disposition made of the assets of the  
13 assignment to him; what portion of them remains on hand, and their condition;  
14 the amount realized from the assets; the particular disposition of such amount;  
15 the demands allowed, particularly, with their respective amounts and owners'  
16 names, and the sums paid on each, with an offer to deliver into the charge of the  
17 court what remains of the assets and the evidence thereof, and accompanied with  
18 all vouchers therewith connected.

430.100. 1. Such sale shall be held only after giving not less than twenty  
2 days' notice, [first,] by mailing a copy of notice, by registered mail, if the address  
3 is known, addressed to the owner for whom such expenditure of labor, material,  
4 skill or services are performed, in which case a return receipt shall be evidence

5 of due notice[; second] **and** by [not less than two publications in some newspaper  
6 of general circulation where the property was received and is to be sold, the last  
7 publication to be not less than twenty days prior to the date of sale; third, if no  
8 newspaper be published within the county, then by posting, not less than twenty  
9 days prior to the date of sale, five handbills in different places within the  
10 township, one of which shall be posted where the property was received and is to  
11 be sold] **publication on the front page of the circuit court's website, if it  
12 has one. If the circuit court does not have a website, twenty days'  
13 notice shall be sent to the secretary of state who shall publish such  
14 notice on the legal notices website, established pursuant to section  
15 493.077.**

16 2. The form of notice shall be substantially as follows:

17 NOTICE

18 Notice is hereby given that on (insert date), a sale will be held at  
19 (insert place), to sell the following articles to enforce a lien existing  
20 under the laws of the State of Missouri against such articles for  
21 labor, services, skill or material expended upon such articles at the  
22 request of the following designated persons, unless such articles  
23 are redeemed prior to the date of said sale:

	Description of		
25	Name of Owner	Article	Amount of lien
26	_____	_____	_____
27	_____	_____	_____
28			_____
29			Name of Lienor

30 3. A separate notice need not be published for each lien to be enforced, but  
31 several may be combined in one publication.

430.160. The lien provided for in section 430.150 shall be enforced as  
2 follows: The person claiming the lien shall file in circuit court, before a circuit  
3 or associate circuit judge, in the county in which he resides, a statement duly  
4 verified by himself, his agent or attorney, setting forth his account and a  
5 description of the property on which the lien is claimed, and thereupon the court  
6 shall issue a summons, as in ordinary civil actions, returnable forthwith; and  
7 upon a return of the summons, duly served, shall set the cause for hearing at any  
8 time after the lapse of one day. If summons be returned "defendant not found",  
9 and if it be proved to the satisfaction of the court that the defendant is not a

10 resident of the county, the court shall order a notice of the proceedings to be  
11 published **on the front page of the court's website, if it has one**, for a  
12 **period of** three successive days[, in a daily newspaper, if one be published in the  
13 county, and if there be none, then once in a weekly, if such be published in the  
14 county; and if no paper be published in the county, then by six handbills put up  
15 in six public places in the county,] notifying the defendant of the filing and the  
16 particulars of the account, the description of the property on which the lien is  
17 claimed, its whereabouts, and the day and place set for the hearing of the cause,  
18 which shall be at least ten days from the day of the [last] publication of the  
19 notice [or the posting thereof; and]. **If the court does not have a website,**  
20 **notice shall be sent to the secretary of state who shall publish such**  
21 **notice on the legal notices website, established pursuant to section**  
22 **493.077, for a period of three successive days.** The proof of such publication  
23 or of the posting of such notice shall be filed in the court on or before the day of  
24 trial. When the defendant shall have been summoned or notified as aforesaid, the  
25 cause shall, on the day fixed for trial, be tried as any ordinary case before an  
26 associate circuit judge or a circuit judge, as the case may be. If the judgment be  
27 for the plaintiff, the court shall order the property upon which the lien shall have  
28 been found to exist to be sold to satisfy the same. If the lien be not established,  
29 and the defendant shall not have been summoned, or shall not have voluntarily  
30 appeared to the action, the cause shall be dismissed at the cost of the plaintiff. If  
31 the defendant shall have been summoned, or shall have appeared to the action,  
32 and the plaintiff shall have established an indebtedness on the account sued on,  
33 but shall have failed to establish the lien claimed, the judgment shall be for the  
34 plaintiff for such indebtedness, but the cost of suit, or any part thereof, may be  
35 taxed against him.

430.170. The owner or keeper of any stallion, jack or bull may advertise  
2 the terms upon which he will let any such animal to service, by publication  
3 thereof [in some newspaper of the county where such animal is kept] **or the**  
4 **legal notices website, established pursuant to section 493.077**, for sixty  
5 days during the season of each year, or by printed handbills conspicuously posted  
6 during such period, in four or more public places in said county, including the  
7 place where such animal is kept; and the publication or posting as aforesaid of  
8 the terms of such service shall impart notice thereof to the owner of any female  
9 animal served by such stallion, jack or bull during any such season; and in all  
10 actions and controversies in respect to the foal or other product of such service,

11 the owner of such female animal so served shall be deemed to have accepted and  
12 assented to said terms, when so advertised and published or posted as provided  
13 herein.

433.160. If the principal in the bond shall be absent from the state for the  
2 period of six months, the publication of the notice and petition [in some  
3 newspaper printed in this state] **on the legal notices website, established**  
4 **pursuant to section 493.077, for a period of** four weeks successively, shall be  
5 sufficient service of the notice.

443.110. Whenever any security instrument heretofore or hereafter  
2 executed, providing for the issue of a series of notes or bonds aggregating one  
3 hundred thousand dollars or more not including interest or interest notes or  
4 coupons secured in whole or in part by property located in this state, by its terms  
5 confers authority upon the trustee or trustees therein named, or either of them,  
6 to release the property or any part thereof encumbered by any such security  
7 instrument from the lien thereof, such release may be so made and it shall be the  
8 duty of the recorder of deeds of the county in which the property so released from  
9 such security instrument shall be situated to accept and record in the proper  
10 records any deed of release executed and duly acknowledged by such trustee,  
11 pursuant to the authority conferred by such security instrument, releasing the  
12 whole or any part of such mortgaged property; provided, however, that in the case  
13 of a security instrument which shall not have been qualified under the Federal  
14 Trust Indenture Act of 1939, as from time to time amended, no such release shall  
15 be made unless such security instrument shall contain a provision requiring that  
16 the amount due under the security instrument or the amount of money or other  
17 consideration received from the sale of the property described in such release or  
18 such portion thereof as may be stipulated in such security instrument shall be  
19 deposited with some banking firm or banking corporation or trust company  
20 named in such security instrument for the benefit of the holders of such notes or  
21 bonds, or a provision requiring that there shall have been reinvested in property  
22 subject to the lien of such security instrument an amount of money equal to the  
23 value of the property so released; provided, however, if there shall have been such  
24 reinvestments as provided by the terms of such security instrument, which shall  
25 not have been qualified under the Federal Trust Indenture Act of 1939, as from  
26 time to time amended, there shall be filed with the recorder of deeds, together  
27 with the aforesaid release, a certificate that at a meeting of the bondholders or  
28 noteholders, held at the place named in the security instrument for the payment

29 of the principal of such bonds or notes, after publication of notice of such meeting  
30 **on the front page of the recorder of deeds' website, if it has one, or on**  
31 **the legal notices website, established pursuant to section 493.077, for a**  
32 **period of** two weeks [in some newspaper regularly published at such place], less  
33 than a majority in interest of the bonds or notes represented at such meeting  
34 voted against such release or a certificate that none of the bonds or notes were  
35 represented at such meeting. Such certificate shall be made by the person who  
36 shall at such meeting be elected chairman thereof, and upon the filing thereof the  
37 recorder of deeds shall record said release as aforesaid; and provided further, that  
38 if the mortgaged property be subject to several security instruments, and upon  
39 the sale of only a part of the property covered by such security instruments, the  
40 amount of money or other consideration received from the sale of the property  
41 described in such release shall have been deposited with the banking firm or  
42 banking corporation or trust company named in the first security instrument for  
43 the benefit of the holders of the notes or bonds thereby secured in the order of  
44 their priority, and the excess if any, for the benefit of the holders of notes or  
45 bonds secured by the subsequent security instruments in the order of their  
46 priority, and such depository shall so certify, then the property so sold may be  
47 released by the trustees in each of the security instruments, which confer  
48 authority upon the trustee or trustees therein named to release such property  
49 from the lien of such security instruments.

443.320. The notice required by section 443.310 shall set forth the date  
2 and book and page of the record of such mortgages or deeds of trust, the grantors,  
3 the time, terms and place of sale, and a description of the property to be sold, and  
4 shall be [given by advertisement, inserted for at least twenty times, and  
5 continued to the day of the sale, in some daily newspaper, in counties having  
6 cities of fifty thousand inhabitants or more, and in all other counties such notice  
7 shall be given by advertisement in some weekly newspaper published in such  
8 county for four successive issues, the last insertion to be not more than one week  
9 prior to the day of sale, or in some daily, triweekly or semiweekly paper published  
10 in such county at least once a week for four successive weeks. Such notice shall  
11 appear on the same day of each week, the last insertion to be not more than one  
12 week prior to the day of sale, and if there be no newspaper published in such  
13 county or city, such notice shall be published in the nearest newspaper thereto  
14 in this state] **published on the front page of the recorder of deeds'**  
15 **website, if it has one, for a period of four successive weeks. If the**

16 **recorder of deeds does not have a website, notice shall be sent to the**  
17 **secretary of state who shall publish such notice on the legal notices**  
18 **website, established pursuant to section 493.077, for a period of four**  
19 **successive weeks.** Nothing in this section shall be construed to authorize the  
20 giving of any shorter notice than that required by such mortgage or deed of  
21 trust. [Where the property to be sold lies wholly or in part within the corporate  
22 limits of any city having or that may hereafter have a population of fifty thousand  
23 inhabitants or more, then the notice provided for in this section shall be  
24 published in a daily newspaper in such city and where the property to be sold lies  
25 wholly or in part within the corporate limits of a city extending into two or more  
26 counties, then the notice provided for in this section shall be published in some  
27 newspaper published in the county in which the property lies, in the manner  
28 provided in this section for publication in such county, even though such property  
29 may lie in a city having a population of fifty thousand inhabitants or  
30 more. Where the property to be sold is located in more than one county, the  
31 notices required in this section shall be published in each county in which a part  
32 of the property is located. Other provisions of this section to the contrary  
33 notwithstanding, in any county of the first class not having a charter form of  
34 government and containing a portion of a city with a population over three  
35 hundred fifty thousand and in any county of the second class containing a portion  
36 of a city with a population over three hundred fifty thousand, the notice  
37 requirements of section 443.310 and this section may be met by advertisement in  
38 some weekly newspaper published in such counties for four successive issues, the  
39 last insertion to be not more than one week prior to the date of the sale.]

444.110. 1. Every person, company or corporation desiring to carry on any  
2 of the mining operations provided for in section 444.100 shall give at least thirty  
3 days' notice of such intention by notice [printed and] published [in some  
4 newspaper printed in such town, city or village wherein such mining operations  
5 are proposed to be carried on, or if no newspaper be printed in such city, town or  
6 village, then in some newspaper printed in said county, or if no newspaper be  
7 printed in such county, then by written or printed handbills posted up in six  
8 public places in the city, town or village wherein such mining operations are  
9 proposed to be carried on] **on the front page of its website, if it has one. If**  
10 **the person, company, or corporation does not have a website, notice**  
11 **shall be sent to the secretary of state who shall publish such notice on**  
12 **the legal notices website, established pursuant to section 493.077, for**

13 **a period of at least thirty days.**

14           2. Such notice shall contain an accurate description of the locality where  
15 such mining operations are to be carried on, giving the number of lot and block,  
16 and shall also state the nature of such mining operations, and name some day the  
17 circuit court in said county is in session when such person, company or  
18 corporation will offer for filing and approval the indemnity bond provided for in  
19 this chapter.

          444.535. 1. In addition to the other powers and duties prescribed by law,  
2 the commission shall adopt and promulgate rules and regulations adequate to  
3 require the operator, with respect to strip mining of coal, to:

4           (1) Restore, within a reasonable time, any area which has been mined  
5 upon prime farmland to equivalent or higher levels of yield as nonmined prime  
6 farmland in the surrounding area under equivalent levels of management, and  
7 in connection therewith:

8           (a) Segregate the A horizon of the natural soil, except where it can be  
9 shown that other available soil materials will create a final soil having a greater  
10 productive capacity; and if not utilized immediately, stockpile this material  
11 separately from other spoil, and provide needed protection from wind and water  
12 erosion or contamination by other acid or toxic materials;

13           (b) Segregate the B horizon of the natural soil, or underlying C horizons  
14 or other strata, or a combination of such horizons or other strata that are shown  
15 to be both texturally and chemically suitable for plant growth and that can be  
16 shown to be equally or more favorable for plant growth than the B horizon, in  
17 sufficient quantities to create in the regraded final soil a root zone of comparable  
18 depth and quality to that which existed in the natural soil; and if not utilized  
19 immediately, stockpile this material separately from other spoil, and provide  
20 needed protection from wind and water erosion or contamination by other acid or  
21 toxic materials;

22           (c) Replace and regrade the root zone material described in paragraph (b)  
23 of this subdivision with proper compaction and uniform depth over the regraded  
24 spoil material; and

25           (d) Redistribute and grade in a uniform manner the surface soil horizon  
26 described in paragraph (a) of this subdivision;

27           (e) Nothing in this subdivision shall apply to any permit issued prior to  
28 August 3, 1977, or to any revisions or renewals thereof, or to any existing strip  
29 mining operations for which a permit was issued prior to August 3, 1977;

30 (f) For the purposes of this subdivision, "prime farmland" shall mean that  
31 land which historically has been used for intensive agricultural purposes, and  
32 which meets the technical criteria established by the United States Secretary of  
33 Agriculture on the basis of such factors as moisture availability, temperature  
34 regime, chemical balance, permeability, surface layer composition, susceptibility  
35 to flooding, and erosion characteristics, as first published at 42 Federal Register  
36 42359, August 23, 1977;

37 (2) Restore the affected land to a condition capable of supporting the uses  
38 which it was capable of supporting prior to any mining, or higher or better uses  
39 of which there is reasonable likelihood, so long as such use or uses do not present  
40 any actual or probable hazard to public health or pose any actual or probable  
41 threat of water diminution or pollution, and the permit applicant's declared  
42 proposed land use following reclamation is not deemed to be impractical or  
43 unreasonable, inconsistent with applicable land use policies and plans, involves  
44 unreasonable delay in implementation, or is violative of federal, state or local law;

45 (3) Backfill, compact, where advisable to ensure stability or to prevent  
46 leaching of toxic materials, and grade in order to restore the approximate original  
47 contour of the land with all highwalls, spoil piles and depressions eliminated,  
48 unless small depressions are needed in order to retain moisture to assist  
49 revegetation; provided, however, that in strip mining which is carried out at the  
50 same location over a substantial period of time where the operation transects the  
51 coal deposit, and the thickness of the coal deposit relative to the volume of the  
52 overburden is large and where the operator demonstrates that the overburden  
53 and other spoil and waste materials at a particular point in the permit area or  
54 otherwise available from the entire permit area are insufficient, giving due  
55 consideration to volumetric expansion, to restore the approximate original  
56 contour, the operator, at a minimum, shall backfill, grade and compact, where  
57 advisable, using all available overburden and other spoil and waste materials to  
58 attain the lowest practicable grade but not more than the angle of repose, to  
59 provide adequate drainage and to cover all acid-forming and other toxic materials,  
60 in order to achieve an ecologically sound land use compatible with the  
61 surrounding region; and provided, further, that in strip mining where the volume  
62 of overburden is large relative to the thickness of the coal deposit and where the  
63 operator demonstrates that due to volumetric expansion the amount of  
64 overburden and other spoil and waste materials removed in the course of the  
65 mining operation is more than sufficient to restore the approximate original

66 contour, the operator shall after restoring the approximate contour, backfill,  
67 grade and compact, where advisable, the excess overburden and other spoil and  
68 waste materials to attain the lowest grade but not more than the angle of repose,  
69 and to cover all acid-forming and other toxic materials, in order to achieve an  
70 ecologically sound land use compatible with the surrounding region, and that  
71 such overburden and spoil shall be shaped and graded in such a way as to  
72 prevent slides, erosion, and water pollution and is revegetated in accordance with  
73 the requirements of sections 444.500 to 444.755;

74 (4) Remove the topsoil from the land in a separate layer, replace it on the  
75 backfill area, or if not utilized immediately, segregate it in a separate pile from  
76 other spoil and when the topsoil is not replaced on a backfill area within a time  
77 short enough to avoid deterioration of the topsoil, maintain a successful cover by  
78 quick growing plants or other means thereafter so that the topsoil is preserved  
79 from wind and water erosion, remains free of any contamination by any other acid  
80 or toxic material, and is in a usable condition for sustaining vegetation when  
81 restored during reclamation, except if topsoil is of insufficient quantity or of poor  
82 quality for sustaining vegetation, or if other strata can be shown to be more  
83 suitable for vegetation requirements, then the operator shall remove, segregate  
84 and preserve in a like manner such other strata which are best able to support  
85 vegetation;

86 (5) Minimize the disturbances to the prevailing hydrologic balance at the  
87 mine site and in associated off-site areas and to the quality and quantity of water  
88 in surface and ground water systems both during and after strip mining  
89 operations and during reclamation by:

90 (a) Avoiding acid or other toxic mine drainage by such measures as, but  
91 not limited to:

92 a. Preventing or removing water from contact with toxin producing  
93 deposits;

94 b. Treating drainage to reduce toxic content which adversely affects  
95 downstream water upon being released to watercourses; casing, sealing or  
96 otherwise managing boreholes, shafts, and wells and keep acid or other toxic  
97 drainage from entering ground and surface waters;

98 (b) Conducting strip mining operations so as to prevent, to the extent  
99 possible using the best technology available, additional contributions of  
100 suspended solids to stream flow, or runoff outside the permit area, but in no  
101 event shall contributions be in excess of requirements set by applicable state or

102 federal laws;

103 (c) Constructing any siltation structures pursuant to paragraph (b) of this  
104 subdivision prior to commencement of strip mining operations, such structures  
105 to be certified by a registered professional engineer to be constructed as designed  
106 and approved in the reclamation plan;

107 (d) Cleaning out and removing temporary or large settling ponds or other  
108 siltation structures from drainways after disturbed areas are revegetated and  
109 stabilized, and depositing the silt and debris at a site and in a manner approved  
110 by the commission;

111 (e) Restoring recharge capacity of the mined area to approximate  
112 premining conditions;

113 (f) Avoiding channel deepening or enlargement in operations requiring the  
114 discharge of water from mines;

115 (g) Such other actions as the commission may prescribe;

116 (6) Design, locate, construct, operate, maintain, enlarge, modify and  
117 remove or abandon, in accordance with the standards and criteria developed by  
118 the United States Secretary of the Interior pursuant to section 515(f) of Public  
119 Law 95-87, all existing and new coal mine waste piles consisting of mined wastes,  
120 tailings, coal processing wastes, or other liquid and solid wastes, and used either  
121 temporarily or permanently as dams or embankments;

122 (7) Ensure that explosives are used only in accordance with existing state  
123 and federal law and the regulations promulgated by the commission, which shall  
124 include provisions to:

125 (a) Require adequate advance [written] notice by the operator to local  
126 governments and residents who might be affected by the use of such explosives  
127 by publication of the planned blasting schedule [in a newspaper of general  
128 circulation in the locality] **on the front page of the commission website, if**  
129 **it has one**, and by mailing a copy of the proposed blasting schedule to every  
130 resident living within one-half mile of the proposed blasting site and by providing  
131 daily notice to residents or occupiers in such area prior to any blasting. **If the**  
132 **commission does not have a website, notice shall be sent to the**  
133 **secretary of state who shall publish such notice on the legal notices**  
134 **website, established pursuant to section 493.077;**

135 (b) Require the operator to maintain for a period of at least three years  
136 and make available for public inspection upon request a log detailing the location  
137 of the blast, the pattern and depth of the drill holes, the amount of explosives

138 used per hole, and the order and length of delay in the blast;

139 (c) Limit the kind of explosives and detonating equipment, the size, the  
140 timing and frequency of blasts based upon the physical conditions at the site so  
141 as to prevent injury to persons, damage to public and private property outside the  
142 permit area, adverse impacts on any underground mine, and change in the  
143 course, channel or availability of ground or surface water outside the permit area;

144 (d) Require that all blasting operations be conducted by trained and  
145 competent persons as certified by the commission;

146 (e) Provide that upon the request of a resident or owner of a man-made  
147 dwelling or structure within one-half mile of any portion of the permitted area the  
148 operator shall conduct a preblasting survey of such structures and submit the  
149 survey to the commission and a copy to the resident or owner making the  
150 request. The area of the survey shall be decided by the commission and shall  
151 include such provisions as the United States Secretary of Interior shall  
152 promulgate;

153 (8) Establish on the regraded areas and all other lands affected, a diverse,  
154 effective and permanent vegetative cover of the same seasonal variety native to  
155 the area of land to be affected and capable of self-regeneration and plant  
156 succession at least equal in extent of cover to the natural vegetation of the area;  
157 except that introduced species may be used in the revegetation process where  
158 desirable and necessary to achieve the approved postmining land use plan;  
159 provided, however, that when the commission issues a written finding approving  
160 a long-term, intensive, agricultural postmining land use as part of the mining and  
161 reclamation plan, the commission may grant an exception to the requirement of  
162 permanent vegetative cover.

163 2. With respect to steep-slope strip mining, commission regulations shall  
164 provide, in addition to those general reclamation standards required by  
165 subsection 1 of this section, the following:

166 (1) Ensure that no debris, abandoned or disabled equipment, spoil  
167 material, or waste mineral matter be placed on the downslope below the bench  
168 or mining cut; provided, that spoil material in excess of that required for the  
169 reconstruction of the approximate original contour under the provisions of  
170 subdivision (3) of subsection 1 of this section or subdivision (2) of this subsection  
171 below shall be permanently stored in accordance with the following standards:

172 (a) Spoil is transported and placed in a controlled manner in position for  
173 concurrent compaction and in such a way to assure mass stability and to prevent

174 mass movement;

175 (b) The areas of disposal are within the bonded permit area and all  
176 organic matter shall be removed immediately prior to spoil placement;

177 (c) Appropriate surface and internal drainage systems and diversion  
178 ditches are used so as to prevent spoil erosion and movement;

179 (d) The disposal area does not contain springs, natural watercourses or  
180 wet weather seeps unless lateral drains are constructed from the wet areas to the  
181 main underdrains in such a manner that filtration of the water into the spoil pile  
182 will be prevented;

183 (e) If placed on a slope, the spoil is placed upon the most moderate slope  
184 among those upon which, in the judgment of the commission, the spoil could be  
185 placed in compliance with all the requirements of sections 444.500 to 444.755,  
186 and shall be placed, where possible, upon or above a natural terrace, bench, or  
187 berm, if such placement provides additional stability and prevents mass  
188 movement;

189 (f) Where the toe of the spoil rests on a downslope, a rock toe buttress, of  
190 sufficient size to prevent mass movement, is constructed;

191 (g) The final configuration is compatible with the natural drainage  
192 patterns and surroundings and suitable for intended uses;

193 (h) Design of the spoil disposal area is certified by a registered  
194 professional engineer in conformance with professional standards; and

195 (i) All other provisions of sections 444.500 to 444.755 are met;

196 (2) Complete backfilling with spoil materials shall be required to cover  
197 completely the highwall and return the site to the approximate original contour,  
198 which material will maintain stability following mining and reclamation;

199 (3) The operator may not disturb land above the top of the highwall unless  
200 the commission finds that such disturbance will facilitate compliance with the  
201 reclamation standards of this section; provided, however, that the land disturbed  
202 above the highwall shall be limited to the amount necessary to facilitate the  
203 compliance;

204 (4) For the purposes of this subsection, the term "steep slope" is any slope  
205 greater than twenty degrees or such lesser slope as may be defined by the  
206 commission after consideration of soil, climate, and other characteristics of the  
207 state or a region of the state;

208 (5) The provisions of this subsection shall not apply to those situations in  
209 which an operator is mining on flat or gently rolling terrain, on which an

210 occasional steep slope is encountered through which the mining operation is to  
211 proceed, leaving a plain or predominantly flat area.

212           3. The commission may grant a variance from the requirement to restore  
213 to approximate original contour set forth in subdivision (2) of subsection 2 of this  
214 section where the owner of the surface knowingly requests in writing, as part of  
215 the permit application, that such a variance be granted so as to render the land,  
216 after reclamation, suitable for an industrial, commercial, residential, or public  
217 use, including recreational facilities, upon the following conditions:

218           (1) After consultation with the appropriate land use planning agencies,  
219 if any, the potential use of the affected land is deemed to constitute an equal or  
220 better economic or public use;

221           (2) The reclamation plan, included with the variance application, is  
222 designed and certified by a registered professional engineer in conformance with  
223 professional standards that the plan will assure the stability, drainage, and  
224 configuration necessary for the intended use of the site;

225           (3) After approval by the director of staff of the clean water commission  
226 of the department of natural resources, the watershed of the affected land is  
227 deemed to be improved;

228           (4) Only such amount of spoil is placed off the mine bench as is necessary  
229 to achieve the planned postmining land use, ensure stability of the spoil retained  
230 on the bench, meet all other requirements of sections 444.500 to 444.755, and all  
231 spoil placement off the mine bench must comply with paragraphs (a) through (i)  
232 of subdivision (1) of subsection 2 of this section;

233           (5) Watershed control of the area is improved, and complete backfilling  
234 with spoil materials shall be required to cover completely the highwall, which  
235 material will maintain stability following mining and reclamation.

236           4. The person seeking a variance under the provisions of subsection 3 of  
237 this section shall do so by filing a petition for variance with the director. The  
238 director shall investigate the petition and make a recommendation to the  
239 commission as to the disposition thereof. Upon receiving the recommendation of  
240 the director, if the recommendation is against the granting of a variance, a  
241 hearing shall be held, if requested by the petitioner within thirty days of the  
242 director's recommendation, as provided in section 444.690. If the recommendation  
243 of the director is for the granting of a variance, the commission may do so without  
244 hearing, except that upon the petition of any person who is or would be aggrieved  
245 by the granting of a variance, before or within thirty days after the commission's

246 action, a hearing shall be held as provided in section 444.690. In any hearing  
247 under this section the burden of proof shall be on the person petitioning for a  
248 variance.

249 5. Any variance granted pursuant to subsection 3 of this section shall run  
250 concurrently with the permit year. A variance may be extended from year to year  
251 by affirmative action of the commission; provided, however, that no variance may  
252 be extended unless the operator affirmatively demonstrates that the proposed  
253 development is proceeding in accordance with the terms of the reclamation plan.

254 6. The variance shall be granted upon such terms and conditions as the  
255 commission deems appropriate to ensure compliance with the provisions of  
256 sections 444.500 to 444.755. Upon failure to comply with the terms and  
257 conditions of any variance as specified by the commission, the variance may be  
258 revoked or modified by the commission after a hearing held upon not less than  
259 thirty days' written notice to the operator, the owner of the surface, and any other  
260 person who has filed with the director a written request for such  
261 notification. The hearing shall be held in accordance with section 444.690.

262 7. Nothing contained in this section shall apply to:

263 (1) The extraction of coal by a landowner for his **or her** own  
264 noncommercial use from land owned or leased by him **or her**;

265 (2) The extraction of coal as an incidental and noncommercial part of  
266 federal, state, or local government-financed highway or other construction;

267 (3) The extraction of coal incidental to the extraction of other minerals  
268 where coal does not exceed sixteen and two-thirds percent of the mineral tonnage  
269 removed for commercial use or sale; and

270 (4) Any strip mining operation where the operator removes no more than  
271 two hundred fifty tons of coal from any one location within twelve consecutive  
272 months.

444.600. 1. All applications for a permit shall be filed with the director  
2 who shall promptly investigate the application and make a decision within thirty  
3 days after the application is received as to whether the permit should be issued  
4 or denied. If the director is not satisfied with the information supplied by the  
5 applicant, he or she shall recommend denial of the permit. The director shall  
6 promptly notify the applicant of this action and at the same time publish a notice  
7 of the decision [in any newspaper with general circulation in the counties where  
8 the land is located] **on the front page of the commission's website, if it has**  
9 **one**, and shall send notice to those persons registered with the director pursuant

10 to section 444.720. **If the commission does not have a website, notice**  
11 **shall be sent to the secretary of state who shall publish such notice on**  
12 **the legal notices website, established pursuant to section 493.077.** The  
13 director's decision shall be deemed to be the decision of the director of the  
14 department of natural resources and shall be subject to appeal to the  
15 administrative hearing commission as provided by sections 621.250 and 640.013.

16 2. Whenever a strip mine operator permit provided under section 444.540  
17 is issued, denied, suspended, or revoked by the department of natural resources,  
18 any aggrieved person, by petition filed with the administrative hearing  
19 commission within thirty days of the decision, may appeal such decision as  
20 provided by sections 621.250 and 640.013. For purposes of an appeal, the  
21 administrative hearing commission may consider, based on competent and  
22 substantial scientific evidence on the record, whether an interested party's health,  
23 safety, or livelihood will be unduly impaired by the issuance, denial, suspension,  
24 or revocation of the permit. The administrative hearing commission may also  
25 consider, based on competent and substantial scientific evidence on the record,  
26 whether the operator has demonstrated, during the five-year period immediately  
27 preceding the date of the permit application, a pattern of noncompliance at other  
28 locations in Missouri that suggests a reasonable likelihood of future acts of  
29 noncompliance. In determining whether a reasonable likelihood of noncompliance  
30 will exist in the future, the administrative hearing commission may look to past  
31 acts of noncompliance in Missouri, but only to the extent they suggest a  
32 reasonable likelihood of future acts of noncompliance. Such past acts of  
33 noncompliance in Missouri, in and of themselves, are an insufficient basis to  
34 suggest a reasonable likelihood of future acts of noncompliance. In addition, such  
35 past acts shall not be used as a basis to suggest a reasonable likelihood of future  
36 acts of noncompliance unless the noncompliance has caused or has the potential  
37 to cause a risk to human health or to the environment, or has caused or has  
38 potential to cause pollution, or was knowingly committed, or is defined by the  
39 United States Environmental Protection Agency as other than minor. If a  
40 hearing petitioner demonstrates or the administrative hearing commission finds  
41 either present acts of noncompliance or a reasonable likelihood that the permit  
42 seeker or the operations of associated persons or corporations in Missouri will be  
43 in noncompliance in the future, such a showing will satisfy the noncompliance  
44 requirement in this subsection. In addition, such basis must be developed by  
45 multiple noncompliances of any environmental law administered by the Missouri

46 department of natural resources at any single facility in Missouri that resulted  
47 in harm to the environment or impaired the health, safety, or livelihood of  
48 persons outside the facility. For any permit seeker that has not been in business  
49 in Missouri for the past five years, the administrative hearing commission may  
50 review the record of noncompliance in any state where the applicant has  
51 conducted business during the past five years. Once the administrative hearing  
52 commission has reviewed the appeal, the administrative hearing commission shall  
53 issue a recommended decision to the commission on permit issuance, denial,  
54 suspension, or revocation. The commission shall issue its own decision, based on  
55 the appeal, for permit issuance, denial, suspension, or revocation. If the  
56 commission changes a finding of fact or conclusion of law made by the  
57 administrative hearing commission, or modifies or vacates the decision  
58 recommended by the administrative hearing commission, it shall issue its own  
59 decision, which shall include findings of fact and conclusions of law. The  
60 commission shall mail copies of its final decision to the parties to the appeal or  
61 their counsel of record. The commission's decision shall be subject to judicial  
62 review pursuant to chapter 536, except that the court of appeals district with  
63 territorial jurisdiction coextensive with the county where the mine is located or  
64 is to be located shall have original jurisdiction. No judicial review shall be  
65 available until and unless all administrative remedies are exhausted.

444.720. 1. No rule or regulation or any amendment or repeal thereof  
2 adopted pursuant to sections 444.500 to 444.755 shall be adopted except after a  
3 public hearing to be held after thirty days' prior notice by advertisement [in any  
4 two newspapers of general statewide circulation and any newspapers with general  
5 circulation in the counties with strip mining operations,] of the date, time and  
6 place of hearing and opportunity given to the public to be heard. **Such**  
7 **advertisement shall be published on the front page of the commission's**  
8 **website, if it has one. If the commission does not have a website, notice**  
9 **shall be sent to the secretary of state who shall publish such notice on**  
10 **the legal notices website, established pursuant to section 493.077, until**  
11 **the date of the hearing has passed.** In addition, at least thirty days prior to  
12 the scheduled date of the hearing, notice shall be sent by mail to any person who  
13 has registered with the director at least forty-five days prior to the scheduled  
14 date of the hearing, for purposes of such hearings in accordance with procedures  
15 prescribed by the commission.

16 2. At the hearing, opportunity to be heard by the commission with respect

17 to the subject thereof shall be afforded any interested person upon written  
18 request to the commission, addressed to the director, no later than seven days  
19 prior to the hearing, and may be afforded to other persons if convenient. In  
20 addition, any interested persons, whether or not heard, may submit, within seven  
21 days subsequent to the hearings, a written statement of their views. The  
22 commission may solicit the views, in writing, of persons who may be affected by,  
23 or interested in, proposed rules or regulations. Any person heard or represented  
24 at the hearing or making written request for notice shall be given written notice  
25 of the action of the commission with respect to the subject thereof.

26         3. Any rule or regulation or amendment or repeal thereof shall not be  
27 deemed adopted or in force and effect until it has been approved in writing by at  
28 least four members of the commission. A rule or regulation or an amendment or  
29 repeal thereof shall not become effective until a certified copy thereof has been  
30 filed with the secretary of state as provided in chapter 536.

31         4. Any rule or regulation or any amendment or repeal thereof which is  
32 adopted by the commission may differ in its terms and provisions as between  
33 particular types of topography and areas of the state.

444.772. 1. Any operator desiring to engage in surface mining shall make  
2 written application to the director for a permit.

3         2. Application for permit shall be made on a form prescribed by the  
4 commission and shall include:

- 5           (1) The name of all persons with any interest in the land to be mined;
- 6           (2) The source of the applicant's legal right to mine the land affected by  
7 the permit;
- 8           (3) The permanent and temporary post office address of the applicant;
- 9           (4) Whether the applicant or any person associated with the applicant  
10 holds or has held any other permits pursuant to sections 444.500 to 444.790, and  
11 an identification of such permits;
- 12           (5) The written consent of the applicant and any other persons necessary  
13 to grant access to the commission or the director to the area of land affected  
14 under application from the date of application until the expiration of any permit  
15 granted under the application and thereafter for such time as is necessary to  
16 assure compliance with all provisions of sections 444.500 to 444.790 or any rule  
17 or regulation promulgated pursuant to them. Permit applications submitted by  
18 operators who mine an annual tonnage of less than ten thousand tons shall be  
19 required to include written consent from the operator to grant access to the

20 commission or the director to the area of land affected;

21 (6) A description of the tract or tracts of land and the estimated number  
22 of acres thereof to be affected by the surface mining of the applicant for the next  
23 succeeding twelve months; and

24 (7) Such other information that the commission may require as such  
25 information applies to land reclamation.

26 3. The application for a permit shall be accompanied by a map in a scale  
27 and form specified by the commission by regulation.

28 4. The application shall be accompanied by a bond, security or certificate  
29 meeting the requirements of section 444.778, a geologic resources fee authorized  
30 under section 256.700, and a permit fee approved by the commission not to exceed  
31 one thousand dollars. The commission may also require a fee for each site listed  
32 on a permit not to exceed four hundred dollars for each site. If mining operations  
33 are not conducted at a site for six months or more during any year, the fee for  
34 such site for that year shall be reduced by fifty percent. The commission may  
35 also require a fee for each acre bonded by the operator pursuant to section  
36 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the  
37 per-acre fee on all acres bonded by a single operator that exceed a total of two  
38 hundred acres shall be reduced by fifty percent. In no case shall the total fee for  
39 any permit be more than three thousand dollars. Permit and renewal fees shall  
40 be established by rule, except for the initial fees as set forth in this subsection,  
41 and shall be set at levels that recover the cost of administering and enforcing  
42 sections 444.760 to 444.790, making allowances for grants and other sources of  
43 funds. The director shall submit a report to the commission and the public each  
44 year that describes the number of employees and the activities performed the  
45 previous calendar year to administer sections 444.760 to 444.790. For any  
46 operator of a gravel mining operation where the annual tonnage of gravel mined  
47 by such operator is less than five thousand tons, the total cost of submitting an  
48 application shall be three hundred dollars. The issued permit shall be valid from  
49 the date of its issuance until the date specified in the mine plan unless sooner  
50 revoked or suspended as provided in sections 444.760 to 444.790. Beginning  
51 August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a  
52 site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum  
53 fee of three thousand dollars. Fees may be raised as allowed in this subsection  
54 after a regulation change that demonstrates the need for increased fees.

55 5. An operator desiring to have his or her permit amended to cover

56 additional land may file an amended application with the commission. Upon  
57 receipt of the amended application, and such additional fee and bond as may be  
58 required pursuant to the provisions of sections 444.760 to 444.790, the director  
59 shall, if the applicant complies with all applicable regulatory requirements, issue  
60 an amendment to the original permit covering the additional land described in  
61 the amended application.

62           6. An operation may withdraw any land covered by a permit, excepting  
63 affected land, by notifying the commission thereof, in which case the penalty of  
64 the bond or security filed by the operator pursuant to the provisions of sections  
65 444.760 to 444.790 shall be reduced proportionately.

66           7. Where mining or reclamation operations on acreage for which a permit  
67 has been issued have not been completed, the permit shall be renewed. The  
68 operator shall submit a permit renewal form furnished by the director for an  
69 additional permit year and pay a fee equal to an application fee calculated  
70 pursuant to subsection 4 of this section, but in no case shall the renewal fee for  
71 any operator be more than three thousand dollars. For any operator involved in  
72 any gravel mining operation where the annual tonnage of gravel mined by such  
73 operator is less than five thousand tons, the permit as to such acreage shall be  
74 renewed by applying on a permit renewal form furnished by the director for an  
75 additional permit year and payment of a fee of three hundred dollars. Upon  
76 receipt of the completed permit renewal form and fee from the operator, the  
77 director shall approve the renewal. With approval of the director and operator,  
78 the permit renewal may be extended for a portion of an additional year with a  
79 corresponding prorating of the renewal fee.

80           8. Where one operator succeeds another at any uncompleted operation,  
81 either by sale, assignment, lease or otherwise, the commission may release the  
82 first operator from all liability pursuant to sections 444.760 to 444.790 as to that  
83 particular operation if both operators have been issued a permit and have  
84 otherwise complied with the requirements of sections 444.760 to 444.790 and the  
85 successor operator assumes as part of his or her obligation pursuant to sections  
86 444.760 to 444.790 all liability for the reclamation of the area of land affected by  
87 the former operator.

88           9. The application for a permit shall be accompanied by a plan of  
89 reclamation that meets the requirements of sections 444.760 to 444.790 and the  
90 rules and regulations promulgated pursuant thereto, and shall contain a verified  
91 statement by the operator setting forth the proposed method of operation,

92 reclamation, and a conservation plan for the affected area including approximate  
93 dates and time of completion, and stating that the operation will meet the  
94 requirements of sections 444.760 to 444.790, and any rule or regulation  
95 promulgated pursuant to them.

96           10. At the time that a permit application is deemed complete by the  
97 director, the operator shall publish a notice of intent to operate a surface mine  
98 [in any newspaper qualified pursuant to section 493.050 to publish legal notices  
99 in any county where the land is located] **on the website of the person, firm**  
100 **or corporation engaged in or controlling a strip mining operation, if**  
101 **such entity has a website, for a period of four consecutive weeks. If**  
102 **such entity does not have a website, notice shall be sent to the**  
103 **secretary of state who shall publish such notice on the legal notices**  
104 **website, established pursuant to section 493.077, for a period of four**  
105 **consecutive weeks.** If the director does not respond to a permit application  
106 within forty-five calendar days, the application shall be deemed to be  
107 complete. [Notice in the newspaper shall be posted once a week for four  
108 consecutive weeks beginning no more than ten days after the application is  
109 deemed complete.] The operator shall also send notice of intent to operate a  
110 surface mine by certified mail to the governing body of the counties or cities in  
111 which the proposed area is located, and to the last known addresses of all record  
112 landowners whose property is:

113           (1) Within two thousand six hundred forty feet, or one-half mile from the  
114 border of the proposed mine plan area; and

115           (2) Adjacent to the proposed mine plan area, land upon which the mine  
116 plan area is located, or adjacent land having a legal relationship with either the  
117 applicant or the owner of the land upon which the mine plan area is located.

118 The notices shall include the name and address of the operator, a legal  
119 description consisting of county, section, township and range, the number of acres  
120 involved, a statement that the operator plans to mine a specified mineral during  
121 a specified time, and the address of the commission. The notices shall also  
122 contain a statement that any person with a direct, personal interest in one or  
123 more of the factors the director may consider in issuing a permit may request a  
124 public meeting or file written comments to the director no later than fifteen days  
125 following the final public notice publication date. If any person requests a public  
126 meeting, the applicant shall cooperate with the director in making all necessary  
127 arrangements for the public meeting to be held in a reasonably convenient

128 location and at a reasonable time for interested participants, and the applicant  
129 shall bear the expenses.

130 11. The director may approve a permit application or permit amendment  
131 whose operation or reclamation plan deviates from the requirements of sections  
132 444.760 to 444.790 if it can be demonstrated by the operator that the conditions  
133 present at the surface mining location warrant an exception. The criteria  
134 accepted for consideration when evaluating the merits of an exception or variance  
135 to the requirements of sections 444.760 to 444.790 shall be established by  
136 regulations.

137 12. Fees imposed pursuant to this section shall become effective August  
138 28, 2007, and shall expire on December 31, 2024. No other provisions of this  
139 section shall expire.

444.820. 1. Each application for a permit shall be accompanied by a fee:

2 (1) For new surface coal mining permits there shall be an initial fee of one  
3 hundred dollars, plus an acreage fee of either thirty-five dollars or such different  
4 amount as determined by regulation of the commission, for each acre or fraction  
5 thereof of the permit area. Any acreage fee determined by the commission shall  
6 reflect the costs of administering and enforcing this law and the regulations  
7 adopted hereunder, making allowance for federal grants and other sources of  
8 funds, surplus moneys in the mined land conservation fund credited to this law,  
9 and contingencies. For multiple-year permits, the acreage fee shall be paid  
10 annually by dividing the total acres in the permit area by the number of years  
11 covered by the permit and multiplying that number by that year's acreage fee,  
12 and, after the first year, there shall be an annual fee of one hundred dollars. For  
13 the first year of any new permit, the first year's fees shall be paid with the permit  
14 application. Thereafter, through the term of the permit, the annual fee and  
15 acreage fee shall be paid as a condition to and prior to operating for that permit  
16 year. The acreage fee shall be paid only once on any given acre, except in the  
17 case of a revocation; and an allowance shall be given for any acreage fee  
18 previously paid for a permit under sections 444.500 to 444.755 when the land was  
19 not disturbed under said permit;

20 (2) For permit renewal there shall be a basic fee of one hundred dollars  
21 for each year of renewal, to be paid annually;

22 (3) For permit revision there shall be a basic application fee of one  
23 hundred dollars;

24 (4) For application of a successor to a permit there shall be a basic fee of

25 one hundred dollars;

26 (5) For coal exploration permits there shall be an application fee of one  
27 hundred dollars;

28 (6) For surface effects of underground mining there shall be a fee  
29 determined as in subdivision (1) of this subsection;

30 (7) For reinstatement of a permit after suspension there shall be a fee of  
31 one hundred dollars;

32 (8) Any land disturbed subsequent to revocation of a permit which  
33 included such land, shall require a new permit application and fees paid as  
34 determined in subdivision (1) of this subsection, whether such land is to be  
35 disturbed by the same operator or a different operator.

36 2. The permit application shall be submitted in a manner satisfactory to  
37 the commission or the director and shall contain among other things:

38 (1) The names and addresses of:

39 (a) The permit applicant;

40 (b) Every legal owner of record of the property (surface and mineral) to  
41 be mined;

42 (c) The holders of record of any leasehold interest in the property;

43 (d) Any purchaser of record of the property under a real estate contract;

44 (e) The operator if he **or she** is a person different from the applicant; and

45 (f) If any of these are business entities other than a single proprietor, the  
46 names and addresses of the principals, officers, and resident agent;

47 (2) The names and addresses of the owners of record of all surface and  
48 subsurface areas adjacent to any part of the permit area;

49 (3) A statement of any current or previous surface coal mining permits in  
50 the United States held by the applicant and the permit identification and each  
51 pending application;

52 (4) If the applicant is a partnership, corporation, association, or other  
53 business entity, the following where applicable: The names and addresses of  
54 every officer, partner, director, or person performing a function similar to a  
55 director, of the applicant, together with the name and address of any person  
56 owning, of record, 10 percentum or more of any class of voting stock of the  
57 applicant and a list of all names under which the applicant, partner, or principal  
58 shareholder previously operated a surface mining operation within the United  
59 States within the five-year period preceding the date of submission of the  
60 application;

61 (5) A statement of whether the applicant, any subsidiary, affiliate, or  
62 persons controlled by or under common control with the applicant, has ever held  
63 a federal or state mining permit which in the five-year period prior to the date  
64 of submission of the application has been suspended or revoked or has had a  
65 mining bond or similar security deposited in lieu of bond forfeited and, if so, an  
66 explanation of the facts involved;

67 (6) A copy of the applicant's advertisement to be published [in a  
68 newspaper of general circulation in the locality of the proposed site at least once  
69 a week] **on the front page of the commission's website, if it has one, for**  
70 **a period of** four successive weeks, and which includes the ownership, a  
71 description of the exact location and boundaries of the proposed site sufficient so  
72 that the proposed operation is readily locatable by local residents, and the  
73 location of where the application is available for public inspection. **If the**  
74 **commission does not have a website, notice shall be sent to the**  
75 **secretary of state who shall publish such notice on the legal notices**  
76 **website, established pursuant to section 493.077;**

77 (7) A description of the type and method of coal mining operation that  
78 exists or is proposed, the engineering techniques proposed or used, and the  
79 equipment used or proposed to be used;

80 (8) The anticipated or actual starting and termination dates of each phase  
81 of the mining operation and number of acres of land to be affected;

82 (9) An accurate map or plan, to an appropriate scale, clearly showing the  
83 land to be affected as of the date of the application, the area of land within the  
84 permit area upon which the applicant has the legal right to enter and commence  
85 surface mining operations and a statement of those documents upon which the  
86 applicant bases his **or her** legal right to enter and commence surface mining  
87 operations on the area affected, and whether that right is the subject of pending  
88 court litigation; provided, that nothing in this law shall be construed as vesting  
89 in the commission the jurisdiction to adjudicate property title disputes;

90 (10) The name of the watershed and location of the surface stream or  
91 tributary into which surface and pit drainage will be discharged;

92 (11) A determination of the probable hydrologic consequences of the  
93 mining and reclamation operations, both on and off the mine site, with respect  
94 to the hydrologic regime, quantity and quality of water in surface and ground  
95 water systems including the dissolved and suspended solids under seasonal flow  
96 conditions and the collection of sufficient data for the mine site and surrounding

97 areas so that an assessment can be made by the commission of the probable  
98 cumulative impacts of all anticipated mining in the area upon the hydrology of  
99 the area and particularly upon water availability; provided, however, that this  
100 determination shall not be required until such time as hydrologic information on  
101 the general area prior to mining is made available from an appropriate federal  
102 or state agency or person qualified by training or experience to develop such  
103 information; provided further, that the permit shall not be approved until such  
104 information is available and is incorporated into the application;

105 (12) When requested by the commission, the climatological factors that are  
106 peculiar to the locality of the land to be affected, including the average seasonal  
107 precipitation, the average direction and velocity of prevailing winds, and the  
108 seasonal temperature ranges;

109 (13) Accurate maps to an appropriate scale clearly showing (a) the land  
110 to be affected as of the date of application and (b) all types of information set  
111 forth on topographical maps of the United States Geological Survey of a scale of  
112 1:24,000 or 1:25,000 or larger, including all manmade features and significant  
113 known archeological sites existing on the date of application. Such a map or plan  
114 shall, among other things specified by the commission, show all boundaries of the  
115 land to be affected, the boundary lines and names of present owners of record of  
116 all surface areas abutting the permit area, and the location of all buildings within  
117 one thousand feet of the permit area;

118 (14) Cross-section maps or plans of the land to be affected, including the  
119 actual area to be mined, prepared by or under the direction of and certified by a  
120 qualified registered professional engineer, or qualified registered land surveyor,  
121 or professional geologist with assistance from experts in related fields such as  
122 land surveying and landscape architecture, showing pertinent elevation and  
123 location of test borings or core samplings and depicting the following information:  
124 The nature and depth of the various strata of overburden; the location of  
125 subsurface water, if encountered, and its quality; the nature and thickness of any  
126 coal or rider seam above the coal seam to be mined; the nature of the stratum  
127 immediately beneath the coal seam to be mined; all mineral crop lines and the  
128 strike and dip of the coal to be mined, within the area of land to be affected;  
129 existing or previous surface mining limits; the location and extent of known  
130 workings of any underground mines, including mine openings to the surface; the  
131 location of aquifers; the estimated elevation of the water table; the location of  
132 spoil, waste, or refuse areas and topsoil preservation areas; the location of all

133 impoundments for waste or erosion control; any settling or water treatment  
134 facility; constructed or natural drainways and the location of any discharges to  
135 any surface body of water on the area of land to be affected or adjacent thereto;  
136 and profiles at appropriate cross-sections of the anticipated final surface  
137 configuration that will be achieved pursuant to the operator's proposed  
138 reclamation plan;

139 (15) A statement of the result of test borings or core samplings from the  
140 permit area, including logs of the drill holes; the thickness of the coal seam found,  
141 an analysis of the chemical properties of such coal; the sulfur content of any coal  
142 seam; chemical analysis of potentially acid or toxic forming sections of the  
143 overburden; and chemical analysis of the stratum lying immediately underneath  
144 the coal to be mined except that the provisions of this subdivision may be waived  
145 by the commission with respect to the specific application by a written  
146 determination that such requirements are unnecessary;

147 (16) For those lands in the permit application which a reconnaissance  
148 inspection suggests may be prime farm lands, a soil survey shall be made or  
149 obtained according to standards established by the United States Secretary of  
150 Agriculture in order to confirm the exact location of such prime farm lands, if  
151 any;

152 (17) The written consent of the applicant and any other persons necessary  
153 to grant access to the commission or the director to the area of land affected  
154 under application from the date of application until the expiration of any permit  
155 granted under the application and thereafter for such time as is necessary to  
156 assure compliance with all provisions of this law or any rule or regulation  
157 promulgated under them.

158 3. Information pertaining to coal seams, test borings, core samplings, or  
159 soil samples as required by this section shall be made available to any person  
160 with an interest which is or may be adversely affected; provided, that information  
161 which pertains only to the analysis of the chemical and physical properties of the  
162 coal (excepting information regarding such mineral or elemental content which  
163 is potentially toxic in the environment) shall be kept confidential and not made  
164 a matter of public record.

165 4. If the commission finds that the probable total annual production at all  
166 locations of any coal surface mining operator will not exceed one hundred  
167 thousand tons, the determination of probable hydrologic consequences required  
168 by subdivision (11) of subsection 2 and the statement of the result of test borings

169 or core samplings required by subdivision (15) of subsection 2 of this section shall,  
170 upon the written request of the operator, be performed by a qualified public or  
171 private laboratory designated by the commission, and the cost of the preparation  
172 of such determination and statement shall be assumed by the commission.

173         5. Each applicant for a permit shall be required to submit to the  
174 commission as part of the permit application a reclamation plan which shall meet  
175 the requirements of this law.

176         6. Each applicant for a permit shall, simultaneous to filing with the  
177 commission, file a copy of his **or her** application for public inspection with the  
178 recorder of deeds at the courthouse of the county where the mining is proposed  
179 to occur, except for that information pertaining to the coal seam itself.

180         7. Each applicant for a permit shall be required to submit to the  
181 commission as part of the permit application a certificate issued by an insurance  
182 company authorized to do business in the state certifying that the applicant has  
183 a public liability insurance policy in force for the surface mining and reclamation  
184 operations for which such permit is sought. Such policy shall provide for personal  
185 injury and property damage protection in an amount adequate to compensate any  
186 persons damaged as a result of surface coal mining and reclamation operations  
187 including use of explosives. Such policy shall be maintained in full force and  
188 effect during the terms of the permit or any renewal, including the length of all  
189 reclamation operations.

190         8. Each applicant for a permit shall submit to the commission as part of  
191 the permit application a blasting plan which shall outline the procedures and  
192 standards by which the operator will meet the provisions of subdivision (15) of  
193 subsection 2 of section 444.855.

444.850. 1. At the time of submission of an application for a surface coal  
2 mining and reclamation permit, or renewal or revision of an existing permit, the  
3 applicant shall submit a copy of his **or her** advertisement of the ownership,  
4 precise location, and boundaries of the land to be affected. At the time of  
5 submission such advertisement shall be placed by the applicant in a local  
6 newspaper of general circulation in the locality of the proposed surface mine at  
7 least once a week for four consecutive weeks. The director shall within ten days  
8 after the application is filed notify various local governmental bodies, planning  
9 agencies, sewage and water treatment authorities, and water companies in the  
10 locality in which the proposed surface mining will take place, notifying them of  
11 the operator's intention to surface mine a particularly described tract of land and

12 indicating the application's permit number and where a copy of the proposed  
13 mining and reclamation plan may be inspected. These local bodies, agencies,  
14 authorities, or companies may submit written comments within sixty days after  
15 the application is filed on the mining applications with respect to the effect of the  
16 proposed operation on the environment which are within their area of  
17 responsibility. Such comments shall immediately be transmitted to the applicant  
18 by the director and shall be made available to the public at the same locations as  
19 are the mining applications.

20         2. Any person having an interest which is or may be adversely affected or  
21 the officer or head of any federal, state, or local governmental agency or authority  
22 shall have the right to file written objections to the proposed initial or revised or  
23 renewal application for a permit for surface coal mining and reclamation  
24 operation with the director within sixty days after the application is filed. Such  
25 objections shall immediately be transmitted to the applicant by the director and  
26 shall be made available to the public. The applicant or the objector may, within  
27 thirty days after filing of objections, request an informal conference with the  
28 director. The director shall hold an informal conference in the locality of the  
29 proposed mining, if requested, within thirty days of the receipt of such  
30 request. The date, time and location of such informal conference shall be  
31 advertised by the director [in a newspaper of general circulation in the locality]  
32 **on the front page of the commission's website, if it has one, for a period**  
33 **of at least two weeks prior to the scheduled conference date. If the commission**  
34 **does not have a website, notice shall be sent at least two weeks prior**  
35 **to the scheduled conference date to the secretary of state who shall**  
36 **publish such notice on the legal notices website, established pursuant**  
37 **to section 493.077, until the date of the scheduled conference has**  
38 **passed.** The director may arrange with the applicant, upon request by any party  
39 to the administrative proceeding, access to the proposed mining area for the  
40 purpose of gathering information relevant to the proceeding. An electronic or  
41 stenographic record shall be made of the conference proceeding, unless waived by  
42 all parties. Such record shall be maintained and shall be accessible to the parties  
43 until final release of the applicant's performance bond. In the event all parties  
44 requesting the informal conference stipulate agreement prior to the requested  
45 informal conference and withdraw their request, such informal conference need  
46 not be held.

47         3. If an informal conference has been held, the director shall make written

48 findings granting, requiring modification of or denying the permit in whole or in  
49 part and stating the reasons therefor, within sixty days of said conference, and  
50 shall furnish the applicant and all parties to the proceedings a copy of said  
51 findings.

52         4. If there has been no informal conference, the director shall, within sixty  
53 days after the last publication of notice in subsection 1, make written findings  
54 granting, requiring modification of or denying the permit in whole or in part and  
55 stating the reasons therefor, and shall furnish the applicant a copy of said  
56 findings.

57         5. If the application is approved, the permit shall be issued. If the  
58 application is disapproved, specific reasons therefor must be set forth in the  
59 notification. Within thirty days after the applicant is notified of the final decision  
60 of the director on the permit application, the applicant or any person with an  
61 interest which is or may be adversely affected may request a hearing on the  
62 reasons for final determination. The commission shall hold a hearing within  
63 thirty days of such request and provide notification to all interested parties at the  
64 time that the applicant is so notified. Such hearing shall be of record and a  
65 contested case. The chairman may designate one commission member as hearing  
66 officer, or may appoint a member in good standing of the Missouri Bar as hearing  
67 officer to hold the hearing and make recommendations to the commission, but the  
68 commission shall make the final decision thereon, and any commission member  
69 participating in the decision shall review the record before making  
70 decision. Within thirty days after the hearing the commission shall issue and  
71 furnish the applicant, and all persons who participated in the hearing, with the  
72 written decision of the commission granting, requiring modification of or denying  
73 the permit in whole or in part and stating the reasons therefor.

74         6. Where a hearing is requested pursuant to subsection 5 the commission  
75 may, under such conditions as it may prescribe, grant such temporary relief as  
76 it deems appropriate pending final determination of the proceedings if:

77             (1) All parties to the proceedings have been notified and given an  
78 opportunity to be heard on a request for temporary relief;

79             (2) The person requesting such relief shows that there is a substantial  
80 likelihood that he **or she** will prevail on the merits of the final determination of  
81 the proceeding; and

82             (3) Such relief will not adversely affect the public health or safety or cause  
83 significant imminent environmental harm to land, air, or water resources.

84           7. For the purpose of such hearing, the commission or hearing officer may  
85 administer oaths, subpoena witnesses, or written or printed materials, compel  
86 attendance of the witnesses, or production of the materials, and take evidence  
87 including but not limited to site inspections of the land to be affected and other  
88 surface coal mining operations carried on by the applicant in the general vicinity  
89 of the proposed operation. A verbatim record of each public hearing shall be  
90 made, and a transcript made available on the motion of any party or by order of  
91 the commission.

92           8. Any applicant or any person with an interest which is or may be  
93 adversely affected who has participated in the administrative proceedings, and  
94 who is aggrieved by the decision of the commission or if the commission fails to  
95 act within the time limits specified, shall have the right to appeal in accordance  
96 with section 444.900.

444.855. 1. Any permit issued to conduct surface coal mining operations  
2 shall require that such surface coal mining operations will meet all applicable  
3 performance standards of this law, and such other requirements as the  
4 commission shall promulgate.

5           2. General performance standards shall be applicable to all surface coal  
6 mining and reclamation operations and shall require the operation as a minimum  
7 to:

8           (1) Conduct surface coal mining operations so as to maximize the  
9 utilization and conservation of the solid fuel resource being recovered so that  
10 re-affecting the land in the future through surface coal mining can be minimized;

11           (2) Restore the land affected to a condition capable of supporting the uses  
12 which it was capable of supporting prior to any mining, or higher or better uses  
13 of which there is reasonable likelihood, so long as such use or uses do not present  
14 any actual or probable hazard to public health or safety or pose any actual or  
15 probable threat of water diminution or pollution, and the permit applicants'  
16 declared proposed land use following reclamation is not deemed to be impractical  
17 or unreasonable, inconsistent with applicable land use policies and plans, does  
18 not involve unreasonable delay in implementation, and is not violative of federal,  
19 state, or local law;

20           (3) Except as provided in subsection 3, with respect to all surface coal  
21 mining operations backfill, compact (where advisable to insure stability or to  
22 prevent leaching of toxic materials), and grade in order to restore the  
23 approximate original contour of the land with all highwalls, spoil piles, and

24 depressions eliminated (unless small depressions are needed in order to retain  
25 moisture to assist revegetation or as otherwise authorized pursuant to this law);  
26 provided, however, that in surface coal mining which is carried out at the same  
27 location over a substantial period of time where the operation transects the coal  
28 deposit, and the thickness of the coal deposits relative to the volume of the  
29 overburden is large and where the operator demonstrates that the overburden  
30 and other spoil and waste materials at a particular point in the permit area or  
31 otherwise available from the entire permit area is insufficient, giving due  
32 consideration to volumetric expansion, to restore the approximate original  
33 contour, the operator, at a minimum, shall backfill, grade, and compact (where  
34 advisable) using all available overburden and other spoil and waste materials to  
35 attain the lowest practicable grade but not more than the angle of repose, to  
36 provide adequate drainage and to cover all acid-forming and other toxic materials,  
37 in order to achieve an ecologically sound land use compatible with the  
38 surrounding region; and provided further, that in surface coal mining where the  
39 volume of overburden is large relative to the thickness of the coal deposit and  
40 where the operator demonstrates that due to volumetric expansion the amount  
41 of overburden and other spoil and waste materials removed in the course of the  
42 mining operation is more than sufficient to restore the approximate original  
43 contour, the operator shall after restoring the approximate contour, backfill,  
44 grade, and compact (where advisable) the excess overburden and other spoil and  
45 waste materials to attain the lowest grade but not more than the angle of repose,  
46 and to cover all acid-forming and other toxic materials, in order to achieve an  
47 ecologically sound land use compatible with the surrounding region and that such  
48 overburden or spoil shall be shaped and graded in such a way as to prevent  
49 slides, erosion, and water pollution and is revegetated in accordance with the  
50 requirements of this law;

51 (4) Stabilize and protect all surface areas including spoil piles affected by  
52 the surface coal mining and reclamation operation to effectively control erosion  
53 and attendant air and water pollution;

54 (5) Remove the topsoil from the land in a separate layer, replace it on the  
55 backfill area, or if not utilized immediately, segregate it in a separate pile from  
56 other spoil and when the topsoil is not replaced on a backfill area within a time  
57 short enough to avoid deterioration of the topsoil, maintain a successful cover by  
58 quick growing plant or other means thereafter so that the topsoil is preserved  
59 from wind and water erosion, remains free of any contamination by other acid or

60 toxic material, and is in a usable condition for sustaining vegetation when  
61 restored during reclamation, except if topsoil is of insufficient quantity or of poor  
62 quality for sustaining vegetation, or if other strata can be shown to be more  
63 suitable for vegetation requirements, then the operator shall remove, segregate,  
64 and preserve in a like manner such other strata which is best able to support  
65 vegetation;

66 (6) Restore the topsoil or the best available subsoil which is best able to  
67 support vegetation;

68 (7) For all prime farmlands as identified in subdivision (16) of subsection  
69 2 of section 444.820 to be mined and reclaimed, specifications for soil removal,  
70 storage, replacement, and reconstruction shall be established by the commission  
71 and the operator shall, as a minimum, be required to:

72 (a) Segregate the A horizon of the natural soil, except where it can be  
73 shown that other available soil materials will create a final soil having a greater  
74 productive capacity; and if not utilized immediately, stockpile this material  
75 separately from other spoil, and provide needed protection from wind and water  
76 erosion or contamination by other acid or toxic material;

77 (b) Segregate the B horizon of the natural soil, or underlying C horizons  
78 or other strata, or a combination of such horizons or other strata that are shown  
79 to be both texturally and chemically suitable for plant growth and that can be  
80 shown to be equally or more favorable for plant growth than the B horizon, in  
81 sufficient quantities to create in the regraded final soil a root zone of comparable  
82 depth and quality to that which existed in the natural soil; and if not utilized  
83 immediately, stockpile this material separately from other spoil, and provide  
84 needed protection from wind and water erosion or contamination by other acid or  
85 toxic material;

86 (c) Replace and regrade the root zone material described in (b) above with  
87 proper compaction and uniform depth over the regraded spoil material; and

88 (d) Redistribute and grade in a uniform manner the surface soil horizon  
89 described in (a);

90 (8) Create, if authorized in the approved mining and reclamation plan and  
91 permit, permanent impoundments of water on mining sites as part of reclamation  
92 activities only when it is adequately demonstrated that:

93 (a) The size of the impoundment is adequate for its intended purposes;

94 (b) The impoundment dam construction will be so designed as to achieve  
95 necessary stability with an adequate margin of safety compatible with that of

96 structures constructed under Public Law 83-566 (16 U.S.C. 1006);

97 (c) The quality of impounded water will be suitable on a permanent basis  
98 for its intended use and that discharges from the impoundment will not degrade  
99 the water quality below water quality standards established pursuant to  
100 applicable federal and state law in the receiving stream;

101 (d) The level of water will be reasonably stable;

102 (e) Final grading will provide adequate safety and access for proposed  
103 water uses; and

104 (f) Such water impoundments will not result in the diminution of the  
105 quality or quantity of water utilized by adjacent or surrounding landowners for  
106 agricultural, industrial, recreational or domestic uses;

107 (9) Conducting any augering operation associated with surface mining in  
108 a manner to maximize recoverability of mineral reserves remaining after the  
109 operation and reclamation are complete; and seal all auger holes with an  
110 impervious and noncombustible material in order to prevent drainage except  
111 where the commission determines that the resulting impoundment of water in  
112 such auger holes may create a hazard to the environment or the public health or  
113 safety; provided, that the commission may prohibit augering if necessary to  
114 maximize the utilization, recoverability or conservation of the solid fuel resources  
115 or to protect against adverse water quality impacts;

116 (10) Minimize the disturbances to the prevailing hydrologic balance at the  
117 mine-site and in associated offsite areas and to the quality and quantity of water  
118 in surface and ground water systems both during and after surface coal mining  
119 operations and during reclamation by:

120 (a) Avoiding acid or other toxic mine drainage by such measures as, but  
121 not limited to:

122 a. Preventing or removing water from contact with toxic producing  
123 deposits;

124 b. Treating drainage to reduce toxic content which adversely affects  
125 downstream water upon being released to watercourses;

126 c. Casing, sealing, or otherwise managing boreholes, shafts, and wells and  
127 keep acid or other toxic drainage from entering ground and surface waters;

128 (b) a. Conducting surface coal mining operations so as to prevent, to the  
129 extent possible using the best technology currently available, additional  
130 contributions of suspended solids to streamflow, or runoff outside the permit area,  
131 but in no event shall contributions be in excess of requirements set by applicable

132 state or federal law;

133           b. Constructing any siltation structures pursuant to (b) (i) above prior to  
134 commencement of surface coal mining operations, such structures to be certified  
135 by a qualified registered professional engineer to be constructed as designed and  
136 as approved in the reclamation plan;

137           (c) Cleaning out and removing temporary or large settling ponds or other  
138 siltation structures from drainways after disturbed areas are revegetated and  
139 stabilized; and depositing the silt and debris at a site and in a manner approved  
140 by the commission;

141           (d) Restoring recharge capacity of the mined area to approximate  
142 premining conditions;

143           (e) Avoiding channel deepening or enlargement in operations requiring  
144 the discharge of water from mines;

145           (f) Such other actions as the commission may prescribe;

146           (11) With respect to surface disposal of mine wastes, tailings, coal  
147 processing wastes, and other wastes in areas other than the mine working or  
148 excavations, stabilize all waste piles in designated areas through construction in  
149 compacted layers including the use of incombustible and impervious materials if  
150 necessary and assure the final contour of the waste pile will be compatible with  
151 natural surroundings and that the site can and will be stabilized and revegetated  
152 according to the provisions of this law;

153           (12) Refrain from surface coal mining within five hundred feet from active  
154 and abandoned underground mines in order to prevent breakthroughs and to  
155 protect health or safety of miners; provided, that the commission shall permit an  
156 operator to mine near, through or partially through an abandoned underground  
157 mine or closer to an active underground mine if the nature, timing, and  
158 sequencing of the approximate coincidence of specific surface mine activities with  
159 specific underground mine activities are jointly approved by the regulatory  
160 authorities concerned with surface mine regulation and the health and safety of  
161 underground miners, and such operations will result in improved resource  
162 recovery, abatement of water pollution, or elimination of hazards to the health  
163 and safety of the public;

164           (13) Design, locate, construct, operate, maintain, enlarge, modify, and  
165 remove or abandon all existing and new coal mine waste piles consisting of mine  
166 wastes, tailings, coal processing wastes, or other liquid and solid wastes, and  
167 used either temporarily or permanently as dams or embankments. The

168 commission shall promulgate standards and criteria regulating the design,  
169 location, construction, operation, maintenance, enlargement, modification,  
170 removal, and abandonment of new and existing coal mine waste piles referred to  
171 herein and in subdivision (5) of subsection 2 of section 444.860. Such standards  
172 and criteria shall conform to the standards and criteria used by the United States  
173 Chief of Engineers to insure that flood control structures are safe and effectively  
174 perform their intended function. In addition to engineering and other technical  
175 specifications, the standards and criteria must include provisions for: review and  
176 approval of plans and specifications prior to construction, enlargement,  
177 modification, removal, or abandonment; performance of periodic inspections  
178 during construction; performance of periodic safety inspections; and issuance of  
179 notices for required remedial or maintenance work;

180 (14) Insure that all debris, acid-forming materials, toxic materials, or  
181 materials constituting a fire hazard are treated or buried and compacted or  
182 otherwise disposed of in a manner designed to prevent contamination of ground  
183 or surface waters and that contingency plans are developed to prevent sustained  
184 combustion;

185 (15) Insure that explosives are used only in accordance with existing state  
186 and federal law and the regulations promulgated by the commission which shall  
187 include provisions to:

188 (a) Provide adequate advance [written] notice to local governments and  
189 residents who might be affected by the use of such explosives by publication of  
190 the planned blasting schedule [in a newspaper of general circulation in the  
191 locality] **on the legal notices website, established pursuant to section**  
192 **493.077**, and by mailing a copy of the proposed blasting schedule to every  
193 resident living within one-half mile of the proposed blasting site and by providing  
194 daily notice to resident/occupiers in such areas prior to any blasting;

195 (b) Maintain for a period of at least three years and make available for  
196 public inspection upon request a log detailing the location of the blasts, the  
197 pattern and depth of the drill holes, the amount of explosives used per hole, and  
198 the order and length of delay in the blasts;

199 (c) Limit the type of explosives and detonating equipment, the size, the  
200 timing and frequency of blasts based upon the physical conditions of the site so  
201 as to prevent;

202 a. Injury to persons,

203 b. Damage to public and private property outside the permit area,

- 204 c. Adverse impacts on any underground mine, and
- 205 d. Change in the course, channel, or availability of ground or surface
- 206 water outside the permit area;
- 207 (d) Require that all blasting operations be conducted by trained and
- 208 competent persons as certified by the commission;
- 209 (e) Provide that upon the request of a resident or owner of a man-made
- 210 dwelling or structure within one-half mile of any portion of the permitted area the
- 211 applicant or permittee shall conduct a preblasting survey of such structures and
- 212 submit the survey to the commission and a copy to the resident or owner making
- 213 the request. The area of the survey shall be decided by the commission and shall
- 214 include such provisions as the commission shall promulgate;
- 215 (16) Insure that all reclamation efforts proceed in an environmentally
- 216 sound manner and as contemporaneously as practicable with the surface coal
- 217 mining operations; provided, however, that where the applicant proposes to
- 218 combine surface mining operations with underground mining operations to assure
- 219 maximum practical recovery of the mineral resources, the commission may grant
- 220 additional time for specific areas within the reclamation plan from the
- 221 requirement that reclamation efforts proceed as contemporaneously as practicable
- 222 to permit underground mining operations prior to reclamation:
- 223 (a) If the commission finds in writing that:
- 224 a. The applicant has presented, as part of the permit application, specific,
- 225 feasible plans for the proposed underground mining operations;
- 226 b. The proposed underground mining operations are necessary or
- 227 desirable to assure maximum practical recovery of the mineral resource and will
- 228 avoid multiple disturbance of the surface;
- 229 c. The applicant has satisfactorily demonstrated that the plan for the
- 230 underground mining operations conforms to requirements for underground mining
- 231 in the jurisdiction and that permits necessary for the underground mining
- 232 operations have been issued by the appropriate authority;
- 233 d. The areas proposed have been shown by the applicant to be necessary
- 234 for the implementing of the proposed underground mining operations;
- 235 e. No substantial adverse environmental damage, either on-site or offsite,
- 236 will result from the delay in completion of reclamation as required by this law;
- 237 f. Provisions for the offsite storage of spoil will comply with subdivision
- 238 (22) of subsection 2 of section 444.855;
- 239 (b) If the United States Secretary of the Interior has promulgated specific

240 regulations to govern the granting of such additional time and the commission  
241 has imposed such additional requirements as it deems necessary;

242 (c) If additional time granted under the provisions of this subsection are  
243 to be reviewed by the commission not more than three years from the date of  
244 issuance of the permit; and

245 (d) If liability under the bond filed by the applicant with the commission  
246 pursuant to section 444.830 shall be for the duration of the underground mining  
247 operations and until the requirements of subsection 2 of section 444.855 and  
248 section 444.875 have been fully complied with;

249 (17) Insure that the construction, maintenance, and postmining conditions  
250 of access roads into and across the site of operations will control or prevent  
251 erosion and siltation, pollution of water, damage to fish or wildlife or their  
252 habitat, or public or private property;

253 (18) Refrain from the construction of roads or other access ways up a  
254 stream bed or drainage channel or in such proximity to such channel so as to  
255 seriously alter the normal flow of water;

256 (19) Establish on the regraded areas, and all other lands affected, a  
257 diverse, effective, and permanent vegetative cover of the same seasonal variety  
258 native to the area of land to be affected and capable of self-regeneration and plant  
259 succession at least equal in extent of cover to the natural vegetation of the area;  
260 except, that introduced species may be used in the revegetation process where  
261 desirable and necessary to achieve the approved postmining land use plan;

262 (20) Assume the responsibility for successful revegetation, as required by  
263 subdivision (19) above, for a period of five full years after the last year of  
264 augmented seeding, fertilizing, irrigation, or other work in order to assure  
265 compliance with subdivision (19) above, except in those areas where the annual  
266 average precipitation is twenty-six inches or less, then the operator's assumption  
267 of responsibility and liability will extend for a period of ten full years after the  
268 last year of augmented seeding, fertilizing, irrigation, or other work; provided,  
269 that when the commission approves a long-term intensive agricultural postmining  
270 land use, the applicable five-or ten-year period of responsibility for revegetation  
271 shall commence at the date of initial planting for such long-term intensive  
272 agricultural postmining land use; provided further, that when the commission  
273 issues a written finding approving a long-term, intensive, agricultural postmining  
274 land use as part of the mining and reclamation plan, the commission may grant  
275 exception to the provisions of subdivision (19) above;

276 (21) Protect offsite areas from slides or damage occurring during the  
277 surface coal mining and reclamation operations, and not deposit spoil material  
278 or locate any part of the operations or waste accumulations outside the permit  
279 area;

280 (22) Place all excess spoil material resulting from coal surface mining and  
281 reclamation activities in such a manner that:

282 (a) Spoil is transported and placed in a controlled manner in position for  
283 concurrent compaction and in such a way to assure mass stability and to prevent  
284 mass movement;

285 (b) The areas of disposal are within the bonded permit areas, and all  
286 organic matter shall be removed immediately prior to spoil placement;

287 (c) Appropriate surface and internal drainage systems and diversion  
288 ditches are used so as to prevent spoil erosion and movement;

289 (d) The disposal area does not contain springs, natural watercourses or  
290 wet weather seeps unless lateral drains are constructed from the wet areas to the  
291 main underdrains in such a manner that filtration of the water into the spoil pile  
292 will be prevented;

293 (e) If placed on a slope, the spoil is placed upon the most moderate slope  
294 among those upon which, in the judgment of the commission, the spoil could be  
295 placed in compliance with all the requirements of this law and shall be placed,  
296 where possible, upon, or above, a natural terrace, bench, or berm, if such  
297 placement provides additional stability and prevents mass movement;

298 (f) Where the toe of the spoil rests on a downslope, a rock toe buttress, of  
299 sufficient size to prevent mass movement, is constructed;

300 (g) The final configuration is compatible with the natural drainage  
301 pattern and surroundings and suitable for intended uses;

302 (h) Design of the spoil disposal area is certified by a qualified registered  
303 professional engineer in conformance with professional standards; and

304 (i) All other provisions of this law are met;

305 (23) Meet such other criteria as are necessary to achieve reclamation in  
306 accordance with the purposes of this law, taking into consideration the physical,  
307 climatological, and other characteristics of the site;

308 (24) To the extent possible using the best technology currently available,  
309 minimize disturbances and adverse impacts of the operation on fish, wildlife, and  
310 related environmental values, and achieve enhancement of such resources where  
311 practicable; and

312 (25) Provide for an undisturbed natural barrier beginning at the elevation  
313 of the lowest coal seam to be mined and extending from the outslope for such  
314 distance as the commission shall determine shall be retained in place as a barrier  
315 to slides and erosion.

316 3. (1) Where an applicant meets the requirements of subdivisions (2) and  
317 (3) of this subsection a permit without regard to the requirement to restore to  
318 approximate original contour set forth in subdivision (3) of subsection 2 or  
319 subdivision (2) of subsection 4 and subdivision (3) of this section may be granted  
320 for the surface mining of coal where the mining operation will remove an entire  
321 coal seam or seams running through the upper fraction of a mountain, ridge, or  
322 hill (except as provided in paragraph (a) of subdivision (3) hereof) by removing all  
323 of the overburden and creating a level plateau or a gently rolling contour with no  
324 highwalls remaining, and capable of supporting postmining uses in accord with  
325 the requirements of this subsection.

326 (2) In cases where an industrial, commercial, agricultural, residential or  
327 public facility (including recreational facilities) use is proposed for the postmining  
328 use of the affected land, a permit may be granted for a surface mining operation  
329 of the nature described in subdivision (1) where:

330 (a) After consultation with the appropriate land use planning agencies,  
331 if any, the proposed postmining land use is deemed to constitute an equal or  
332 better economic or public use of the affected land, as compared with premining  
333 use;

334 (b) The applicant presents specific plans for the proposed postmining land  
335 use and appropriate assurances that such use will be:

336 a. Compatible with adjacent land uses;  
337 b. Obtainable according to data regarding expected need and market;  
338 c. Assured of investment in necessary public facilities;  
339 d. Supported by commitments from public agencies where appropriate;  
340 e. Practicable with respect to private financial capability for completion

341 of the proposed use;  
342 f. Planned pursuant to a schedule attached to the reclamation plan so as  
343 to integrate the mining operation and reclamation with the postmining land use;  
344 and

345 g. Designed by a registered professional engineer in conformance with  
346 professional standards established to assure the stability, drainage, and  
347 configuration necessary for the intended use of the site;

348 (c) The proposed use will be consistent with adjacent land uses, and  
349 existing state and local land use plans and programs;

350 (d) The commission provides the governing body of the county in which  
351 the land is located and any state or federal agency which the commission, in its  
352 discretion, determines to have an interest in the proposed use, an opportunity of  
353 not more than sixty days to review and comment on the proposed use;

354 (e) All other requirements of this law will be met.

355 (3) In granting any permit pursuant to this subsection the commission  
356 shall require that:

357 (a) The toe of the lowest coal seam and the overburden associated with it  
358 are retained in place as a barrier to slides and erosion;

359 (b) The reclaimed area is stable;

360 (c) The resulting plateau or rolling contour drains inward from the  
361 outslopes except at specified points;

362 (d) No damage will be done to natural watercourses;

363 (e) Spoil will be placed on the mountaintop bench as is necessary to  
364 achieve the planned postmining land use; provided, that all excess spoil material  
365 not retained on the mountaintop shall be placed in accordance with the provisions  
366 of subdivision (22) of subsection 2 of this section;

367 (f) Insure stability of the spoil retained on the mountaintop and meet the  
368 other requirements of this law.

369 (4) The commission shall promulgate specific regulations to govern the  
370 granting of permits in accord with the provisions of this subsection.

371 (5) All permits granted under the provisions of this subsection shall be  
372 reviewed not more than three years from the date of issuance of the permit,  
373 unless the applicant affirmatively demonstrates that the proposed development  
374 is proceeding in accordance with the terms of the approved schedule and  
375 reclamation plan.

376 4. The following performance standards shall be applicable to steep-slope  
377 surface coal mining and shall be in addition to those general performance  
378 standards required by this section; provided, however, that the provisions of this  
379 subsection 4 shall not apply to those situations in which an operator is mining on  
380 flat or gently rolling terrain, on which an occasional steep slope is encountered  
381 through which the mining operation is to proceed, leaving a plain or  
382 predominantly flat area or where an operator is in compliance with provisions of  
383 subsection 3 hereof:

384 (1) Insure that when performing surface coal mining on steep slopes, no  
385 debris, abandoned or disabled equipment, spoil material, or waste mineral matter  
386 is placed on the downslope below the bench or mining cut; provided, that spoil  
387 material in excess of that required for the reconstruction of the approximate  
388 original contour under the provisions of subdivision (3) of subsection 2 of section  
389 444.855 or subdivision (2) of subsection 4 of section 444.855 shall be permanently  
390 stored pursuant to subdivision (22) of subsection 2 of section 444.855;

391 (2) Complete backfilling with spoil material shall be required to cover  
392 completely the highwall and return the site to the approximate original contour,  
393 which material will maintain stability following mining and reclamation;

394 (3) The operator may not disturb land above the top of the highwall unless  
395 the commission finds that such disturbance will facilitate compliance with the  
396 environmental protection standards of this section; provided, however, that the  
397 land disturbed above the highwall shall be limited to that amount necessary to  
398 facilitate said compliance;

399 (4) For the purposes of this subsection 4, the term "steep slope" is any  
400 slope above twenty degrees or such lesser slope as may be defined by the  
401 commission after consideration of soil, climate, and other characteristics of the  
402 area.

403 5. (1) Where an applicant meets the requirements and purposes of this  
404 subsection a permit without regard to the requirement to restore to approximate  
405 original contour may be granted for the surface mining of coal where the owner  
406 of the surface knowingly requests in writing, as a part of the permit application,  
407 that such a permit be granted so as to render the land, after reclamation, suitable  
408 for an industrial, commercial, residential, or public use (including recreational  
409 facilities) in accord with this subsection; provided, that the watershed control of  
410 the area is improved; and further provided, complete backfilling with spoil  
411 material shall be required to cover completely the highwall which material will  
412 maintain stability following mining and reclamation.

413 (2) Such permit may be granted only if:

414 (a) After consultation with the appropriate land use planning agencies,  
415 if any, the potential use of the affected land is deemed to constitute an equal or  
416 better economic or public use;

417 (b) Is designed and certified by a qualified registered professional  
418 engineer in conformance with professional standards established to assure the  
419 stability, drainage and configuration necessary for the intended use of the site;

420 and

421 (c) After approval of the director of the department of natural resources,  
422 the watershed of the affected land is deemed to be improved.

423 (3) In granting a permit pursuant to this subsection the commission shall  
424 require that only such amount of spoil will be placed off the mine bench as is  
425 necessary to achieve the planned postmining land use, insure stability of the spoil  
426 retained on the bench, meet all other requirements of this law, and all spoil  
427 placement off the mine bench must comply with subdivision (22) of subsection 2  
428 of section 444.855.

429 (4) The commission shall promulgate specific regulations to govern the  
430 granting of permits in accord with the provisions of this subsection.

431 (5) All permits granted under the provisions of this subsection shall be  
432 reviewed not more than three years from the date of issuance of the permit,  
433 unless the permittee affirmatively demonstrates that the proposed development  
434 is proceeding in accordance with the terms of the reclamation plan.

444.875. 1. The permittee may file a request with the commission for the  
2 release of all or part of a performance bond or deposit. Within thirty days after  
3 any application for bond release has been filed, the operator shall submit a copy  
4 of an advertisement [placed at least once a week for four successive weeks in a  
5 newspaper of general circulation in the locality of the surface coal mining  
6 operation] **on the front page of the operator's website, if it has one, for**  
7 **a period of four successive weeks. If the operator does not have a**  
8 **website, the advertisement shall be sent to the secretary of state who**  
9 **shall publish such advertisement on the legal notices website,**  
10 **established pursuant to section 493.077, for a period of four successive**  
11 **weeks.** Such advertisement shall be considered part of any bond release  
12 application and shall contain a notification of the precise location of the land  
13 affected, the number of acres, the permit and the date approved, the amount of  
14 the bond filed and the portion sought to be released, and the type and appropriate  
15 dates of reclamation work performed, and a description of the results achieved as  
16 they relate to the operator's approved reclamation plan. In addition, as part of  
17 any bond release application, the applicant shall submit copies of letters which  
18 he **or she** has sent to adjoining property owners, local governmental bodies,  
19 planning agencies, sewage and water treatment authorities, and water companies  
20 in the locality in which the surface coal mining and reclamation activities took  
21 place, notifying them of his **or her** intention to seek release from the bond. At

22 the time of final or phase III bond release submittal, the operator shall include  
23 evidence that an affidavit has been recorded with the recorder of deeds in the  
24 county where the mined land is located, generally describing the parcel or parcels  
25 of land where operations such as underground mining, auger mining, covering of  
26 slurry ponds, or other underground activities occurred which could impact or limit  
27 future use of that land. This requirement shall be applicable to mined land  
28 where phase I reclamation was completed on or after September 1, 1992.

29         2. Upon receipt of the notification and request, the commission shall cause  
30 to be conducted within thirty days an inspection and evaluation of the  
31 reclamation work involved. Such evaluation shall consider, among other things,  
32 the degree of difficulty to complete any remaining reclamation, whether pollution  
33 of surface and subsurface water is occurring, the probability of continuance or  
34 future occurrence of such pollution, and the estimated cost of abating such  
35 pollution. The commission shall notify the permittee in writing of its decision to  
36 release or not to release all or part of the performance bond or deposit within  
37 sixty days from the filing of the request, if no public hearing is held pursuant to  
38 subsection 6 of this section, and if there has been a public hearing held pursuant  
39 to subsection 6 of this section, within thirty days thereafter.

40         3. The commission may release in whole or in part said bond or deposit  
41 if satisfied the reclamation covered by the bond or deposit or portion thereof has  
42 been accomplished according to the following schedule:

43             (1) When the operator completes the backfilling, regrading, and drainage  
44 control of a bonded area in accordance with his **or her** approved reclamation  
45 plan, the release of not more than sixty percentum of the bond or deposit for the  
46 applicable permit area;

47             (2) After revegetation has been established on the regraded mined lands  
48 in accordance with the approved reclamation plan, the release of a portion of the  
49 bond or deposit may be approved. When determining the amount of bond to be  
50 released after successful revegetation has been established, the commission shall  
51 retain that amount of bond for the revegetated area which would be sufficient for  
52 a third party to cover the cost of reestablishing revegetation for the period  
53 specified for operator responsibility in section 444.855 for reestablishing  
54 revegetation. No part of the bond or deposit shall be released under this  
55 subdivision so long as the lands to which the release would be applicable are  
56 contributing suspended solids to streamflow or runoff outside the permit area in  
57 excess of the requirements set by subdivision (10) of subsection 2 of section

58 444.855 or until soil productivity for prime farm lands has returned to equivalent  
59 levels of yield as nonmined land of the same soil type in the surrounding area  
60 under equivalent management practices as determined from the soil survey  
61 performed pursuant to subdivision (16) of subsection 2 of section 444.820. Where  
62 a silt dam is to be retained as a permanent impoundment pursuant to subdivision  
63 (8) of subsection 2 of section 444.855, the portion of bond may be released under  
64 this subdivision so long as provisions for sound future maintenance by the  
65 operator or the landowner have been made with the commission;

66 (3) When the operator has completed successfully all surface coal mining  
67 and reclamation activities, the release of the remaining portion of the bond, but  
68 not before the expiration of the period specified for operator responsibility in  
69 section 444.855; provided, however, that no bond shall be fully released until all  
70 reclamation requirements are fully met.

71 4. If the commission disapproves the application for release of the bond  
72 or portion thereof, the commission shall notify the permittee, in writing, stating  
73 the reasons for disapproval and recommending corrective actions necessary to  
74 secure said release and allowing opportunity for a public hearing unless a hearing  
75 has been held.

76 5. When any application for total or partial bond release is filed, the  
77 commission shall notify the county and/or municipality in which a surface coal  
78 mining operation is located by certified mail within thirty days from the date the  
79 application is filed.

80 6. Any person with a valid legal interest which might be adversely  
81 affected by release of the bond or the responsible officer or head of any federal,  
82 state, or local governmental agency which has jurisdiction by law or special  
83 expertise with respect to any environmental, social, or economic impact involved  
84 in the operation, or is authorized to develop and enforce environmental standards  
85 with respect to such operations shall have the right to file written objections to  
86 the proposed release from bond within sixty days after the application was filed.  
87 If written objections are filed, and a hearing requested, the commission shall  
88 inform all the interested parties of the time and place of the hearing, and the  
89 date, time, and location of such public hearing shall be advertised by the  
90 commission in a newspaper of general circulation in the locality for two  
91 consecutive weeks, and the commission shall hold a public hearing in the locality  
92 of the surface coal mining operation proposed for bond release or in Cole County,  
93 at the option of the objector, within ninety days after the application has been

94 filed.

95           7. For the purpose of such hearing the commission shall have the  
96 authority and is hereby empowered to administer oaths, subpoena witnesses or  
97 written or printed materials, compel the attendance of witnesses, or production  
98 of the materials, and take evidence including, but not limited to, inspections of  
99 the land affected and other surface coal mining operations carried on by the  
100 applicant in the general vicinity. A verbatim record of each public hearing shall  
101 be made, and a transcript made available on the motion of any party or by order  
102 of the commission. The chairman may designate one commission member as  
103 hearing officer, or may appoint a member in good standing of the Missouri bar as  
104 hearing officer to hold the hearing and make recommendations to the commission,  
105 but the commission shall make the final decision thereon and any member  
106 participating in the decision shall review the record before making decision.

          444.925. 1. If the commission, pursuant to an approved state program,  
2 makes a finding of fact that:

3           (1) Land or water resources have been adversely affected by past coal  
4 mining practices; and

5           (2) The adverse effects are at a stage where, in the public interest, action  
6 to restore, reclaim, abate, control, or prevent should be taken; and

7           (3) The owners of the land or water resources where entry must be made  
8 to restore, reclaim, abate, control, or prevent the adverse effects of past coal  
9 mining practices are not known, or readily available; or

10           (4) The owners will not give permission to enter upon such property to  
11 restore, reclaim, abate, control, or prevent the adverse effects of past coal mining  
12 practices; then, upon giving notice by mail to the owners if known or if not known  
13 by posting notice upon the premises and [advertising once in a newspaper of  
14 general circulation in the county in which the land lies] **on the front page of**  
15 **the commission's website, if it has one**, the commission, its agents,  
16 employees, or contractors, shall have the right to enter upon the property  
17 adversely affected by past coal mining practices and any other property to have  
18 access to such property to do all things necessary or expedient to restore, reclaim,  
19 abate, control, or prevent the adverse effects. **If the commission does not**  
20 **have a website, notice shall be sent to the secretary of state who shall**  
21 **publish such notice on the legal notices website, established pursuant**  
22 **to section 493.077.** Such entry shall be construed as an exercise of the police  
23 power for the protection of public health, safety, and general welfare and shall

24 not be construed as an act of condemnation of property nor of trespass  
25 thereon. The moneys expended for such work and the benefits accruing to any  
26 such premises so entered upon shall be chargeable against such land and shall  
27 mitigate or offset any claim in or any action brought by any owner of any interest  
28 in such premises for any alleged damages by virtue of such entry; provided,  
29 however, that this provision is not intended to create new rights of action or  
30 eliminate existing immunities.

31         2. The commission, its agents, employees, or contractors shall have the  
32 right to enter upon any property for the purpose of conducting studies or  
33 exploratory work to determine the existence of adverse effects of past coal mining  
34 practices and to determine the feasibility of restoration, reclamation, abatement,  
35 control, or prevention of such adverse effects. Such entry shall be construed as  
36 an exercise of the police power for the protection of public health, safety, and  
37 general welfare and shall not be construed as an act of condemnation of property  
38 nor trespass thereon.

39         3. The commission may acquire any land, by purchase, donation, or  
40 condemnation, which is adversely affected by past coal mining practices if the  
41 commission determines that acquisition of such land is necessary to successful  
42 reclamation and that:

43             (1) The acquired land, after restoration, reclamation, abatement, control,  
44 or prevention of the adverse effects of past coal mining practices, will serve  
45 recreation and historic purposes, conservation and reclamation purposes or  
46 provide open space benefits; and

47             (2) Permanent facilities such as a treatment plant or a relocated stream  
48 channel will be constructed on the land for the restoration, reclamation,  
49 abatement, control or prevention of the adverse effects of past coal mining  
50 practices; or

51             (3) Acquisition of coal refuse disposal sites and all coal refuse thereon will  
52 serve the purposes of sections 444.915 to 444.940 or that public ownership is  
53 desirable to meet emergency situations and prevent recurrences of the adverse  
54 effects of past coal mining practices.

55         4. Title to all lands acquired pursuant to this section shall be in the name  
56 of the state. The price paid for land acquired under this section shall reflect the  
57 market value of the land as adversely affected by past coal mining practices.

58         5. Where land acquired pursuant to this section is deemed to be suitable  
59 for industrial, commercial, residential, or recreational development, the

60 commission may sell such land by public sale under a system of competitive  
61 bidding, at not less than fair market value and under such other regulations  
62 promulgated to insure that such lands are put to proper use consistent with local  
63 and state land use plans, if any.

64           6. The commission, when requested after appropriate public notice shall  
65 hold a public hearing, with the appropriate notice, in the county or counties in  
66 which lands acquired pursuant to this section are located. The hearings shall be  
67 held at a time which shall afford local citizens and governments the maximum  
68 opportunity to participate in the decision concerning the use or disposition of the  
69 lands after restoration, reclamation, abatement, control, or prevention of the  
70 adverse effects of past coal mining practices.

          446.090. The party applying for the establishment of any corner or corners  
2 shall give notice, in writing, of the time and place of taking such depositions, to  
3 every person or persons who may be the owner of any interest in the lands  
4 adjoining such corner or corners, his **or her** or their agent or attorney, at least  
5 thirty days before the taking of the same. In case the person interested be a  
6 minor or disabled as defined in chapter 475, the notice shall be served on the  
7 conservator of such minor or disabled person. [The publication of such notice in  
8 some newspaper printed in the county, at least three weeks consecutively, the last  
9 insertion to be twenty days before the day of taking depositions, shall be  
10 sufficient notice to nonresidents of the state and all other persons.] **Notice shall**  
11 **be published on the front page of the circuit court's website, if it has**  
12 **one, for a period of at least three consecutive weeks. If the circuit**  
13 **court does not have a website, notice shall be sent to the secretary of**  
14 **state who shall publish such notice on the legal notices website,**  
15 **established pursuant to section 493.077, for a period of three**  
16 **consecutive weeks.**

          447.040. If no owner appear and prove the money or property within forty  
2 days, and the value exceed twenty dollars, the finder shall, within thirty days  
3 thereafter, cause a copy of the description to be [inserted in some newspaper of  
4 general circulation, qualified pursuant to chapter 493, and located in the county  
5 where the money or property was found, once per week] **sent to the secretary**  
6 **of state who shall publish such description on the legal notices website,**  
7 **established pursuant to section 493.077, for a period of three consecutive**  
8 **weeks; and if no owner prove the property within one hundred eighty days after**  
9 **such publication, the same shall vest in the finder.**

447.541. 1. Within two hundred forty days from the due date of the report  
2 required by section 447.539, the treasurer shall cause notice to be published [at  
3 least once each week] **on the legal notices website, established pursuant**  
4 **to section 493.077, for a period of** two successive weeks [in a newspaper of  
5 general circulation as defined in section 493.050 in the county in this state in  
6 which is located the last known address of any person to be named in the notice  
7 no address is listed or if the address is outside this state and the property may  
8 be subject to sale or liquidation, the notice shall be published in the county in  
9 which the holder of the abandoned property has his principal place of business  
10 within this state].

11 2. The published notice shall be entitled "Notice of Names of Persons  
12 Appearing to be Owners of Abandoned Property", and shall contain:

13 (1) The names in alphabetical order and last known addresses, if any, of  
14 persons listed in the report and entitled to notice within the county as specified  
15 in subsection 1 of this section;

16 (2) A statement that information concerning the amount or description of  
17 the property and the name and address of the holder may be obtained by any  
18 persons possessing an interest in the property by addressing an inquiry to the  
19 treasurer;

20 (3) A statement that if proof of claim is not presented by the owner to the  
21 holder and if the owner's right to receive the property is not established to the  
22 treasurer's satisfaction within one year from the date of the delivery of the  
23 property to the treasurer, the abandoned property will be sold as provided in  
24 section 447.558. The treasurer is not required to publish in the notice any items  
25 of less than fifty dollars unless, in the aggregate, the items total fifty or more  
26 dollars for any one individual. The treasurer shall use reasonable diligence to  
27 determine if small items in fact belong to the same individual.

28 3. Within one hundred twenty days from the receipt of the report required  
29 by section 447.539, the treasurer shall mail a notice to each person having an  
30 address listed therein who appears to be entitled to property of the value of fifty  
31 dollars or more presumed abandoned under sections 447.500 to 447.595.

32 4. The mailed notice shall contain:

33 (1) A statement that, according to a report filed with the treasurer,  
34 property is being held by the treasurer to which the addressee appears entitled;  
35 and

36 (2) A statement that, if satisfactory proof of claim is not presented by the

37 owner to the treasurer by the date specified in the published notice, the property  
38 will be sold as provided in section 447.558.

39 5. Subsections 1 and 4 of this section are not applicable to sums payable  
40 on traveler's checks or money orders.

41 6. In addition to the above forms of notice to owners of abandoned  
42 property, the treasurer shall work with other state agencies to provide notice to  
43 holders of their rights and responsibilities pursuant to sections 447.500 to  
44 447.595 by including information regarding Missouri's unclaimed property laws.

447.558. 1. All abandoned property delivered to the treasurer pursuant  
2 to sections 447.500 to 447.595 shall, within two years after the delivery, be sold  
3 by the treasurer to the highest bidder at public sale in whatever manner affords  
4 in the treasurer's judgment the most favorable market for the property  
5 involved. The treasurer may decline the highest bid and reoffer the property for  
6 sale if the treasurer considers the price bid insufficient. The treasurer need not  
7 offer any property for sale if, in the treasurer's opinion, the probable cost of sale  
8 exceeds the value of the property.

9 2. Any sale held pursuant to this section, except for the sale of marketable  
10 securities, shall be preceded by a [single] publication of notice [thereof, at least  
11 three weeks in advance of sale, in a newspaper qualified to publish public notices  
12 as provided in chapter 493, published in the county, or if no such qualified paper  
13 is published in the county, then in a county adjacent to such county, and in the  
14 city, town, or village where the property is to be sold if the property is to be sold  
15 there] **on the legal notices website, established pursuant to section**  
16 **493.077.**

17 3. The purchaser at any sale conducted by the treasurer pursuant to  
18 sections 447.500 to 447.595 shall receive title to the property purchased, free from  
19 all claims of the owner or prior holder thereof and of all persons claiming through  
20 or under them. The treasurer shall execute all documents necessary to complete  
21 the transfer of title.

22 4. The proceeds from the sale of abandoned property pursuant to this  
23 section shall forthwith be deposited in the abandoned funds account.

451.300. The spouse of any person who is under conservatorship may join  
2 with the conservator in making partition of his or her own real estate held in  
3 joint tenancy, or in common, and may, jointly with the conservator, make any  
4 release or other conveyance necessary and proper for that purpose; and he or she  
5 may sell and convey his or her own real estate by joining with the conservator in

6 such sale and conveyance, to be under the order and supervision of the proper  
7 court, and deeds executed jointly by himself or herself and such conservator shall  
8 have the same force and effect as if done with his or her spouse if such spouse  
9 had been under no disability; and in all cases where the real estate of such  
10 person shall be sold by his or her conservator in due conformity to law, he or she  
11 may relinquish his or her right in such real estate as fully as if his or her spouse  
12 joined in the deed of release; and when a person is found to be disabled as defined  
13 in chapter 475, and his or her spouse is the owner of real estate in this state that  
14 he or she desires to convey, then, upon provision made for such disabled person,  
15 according to his or her needs, and according to the ability, situation in life and  
16 circumstances of his or her spouse, and to his or her safely secured under the  
17 order and control of the proper court, the conservator of such disabled person  
18 may, under the order and approval of the court, join in a deed, on behalf of such  
19 disabled person, for the purpose of conveying his or her homestead, interest in  
20 such real estate; and if he or she has no conservator, then the court may appoint  
21 a guardian ad litem pursuant to chapter 475 who may, in like manner, upon the  
22 conditions and under the order of the court, join with the spouse on his or her  
23 behalf in such deed; and such conveyance, when executed, as aforesaid, by either  
24 the conservator or the guardian ad litem and the spouse of such person, shall be  
25 as valid and effectual to convey any land owned by such spouse, including his or  
26 her homestead, and shall have the effect of releasing the spouse's homestead in  
27 the real estate as fully as if he or she had, under no disability, of his or her own  
28 free will, executed and acknowledged the same; provided, that no such order of  
29 conveyance shall be made by the court until application made thereto, in writing,  
30 by such spouse, setting forth the facts, and twenty days' public notice given of the  
31 time and place of hearing such application has been given [by publication in a  
32 weekly newspaper of general circulation published in the county] **on the front**  
33 **page of the circuit court's website, if it has one. If the circuit court**  
34 **does not have a website, notice shall be sent to the secretary of state**  
35 **who shall publish such notice on the legal notices website, established**  
36 **pursuant to section 493.077.**

456.5-505. 1. Whether or not the terms of a trust contain a spendthrift  
2 provision, during the lifetime of the settlor, the property of a revocable trust is  
3 subject to claims of the settlor's creditors.

4 2. With respect to an irrevocable trust without a spendthrift provision, a  
5 creditor or assignee of the settlor may reach the maximum amount that can be

6 distributed to or for the settlor's benefit. If a trust has more than one settlor, the  
7 amount the creditor or assignee of a particular settlor may reach may not exceed  
8 the settlor's interest in the portion of the trust attributable to that settlor's  
9 contribution.

10 3. With respect to an irrevocable trust with a spendthrift provision, a  
11 spendthrift provision will prevent the settlor's creditors from satisfying claims  
12 from the trust assets except:

13 (1) Where the conveyance of assets to the trust was fraudulent as to  
14 creditors pursuant to the provisions of chapter 428; or

15 (2) To the extent of the settlor's beneficial interest in the trust assets, if  
16 at the time the trust became irrevocable:

17 (a) The settlor was the sole beneficiary of either the income or principal  
18 of the trust or retained the power to amend the trust; or

19 (b) The settlor was one of a class of beneficiaries and retained a right to  
20 receive a specific portion of the income or principal of the trust that was  
21 determinable solely from the provisions of the trust instrument.

22 4. In the event that a trust meets the requirements set forth in subsection  
23 3 of this section, a settlor's creditors may not reach the settlor's beneficial  
24 interest in that trust regardless of any testamentary power of appointment  
25 retained by the settlor that is exercisable by the settlor in favor of any appointees  
26 other than the settlor, the settlor's estate, the settlor's creditors, or the creditors  
27 of the settlor's estate.

28 5. Any trustee who has a duty or power to pay the debts of a deceased  
29 settlor may publish a notice [in a newspaper published in the county designated  
30 in subdivision (3) of this subsection once a week] **on the legal notices website,**  
31 **established pursuant to section 493.077,** for four consecutive weeks in  
32 substantially the following form:

33 To all persons interested in the estate of \_\_\_\_\_, decedent. The  
34 undersigned \_\_\_\_\_ is acting as Trustee under a trust the terms of  
35 which provide that the debts of the decedent may be paid by the  
36 Trustee(s) upon receipt of proper proof thereof. The address of the  
37 Trustee is \_\_\_\_\_.

38 All creditors of the decedent are noticed to present their claims to  
39 the undersigned within six (6) months from the date of the first  
40 publication of this notice or be forever barred.

41 \_\_\_\_\_ Trustee

42 (1) If such publication is duly made by the trustee, any debts not  
43 presented to the trustee within six months from the date of the first publication  
44 of the preceding notice shall be forever barred as against the trustee and the  
45 trust property.

46 (2) A trustee shall not be liable to account to the decedent's personal  
47 representative under the provisions of section 461.300 by reason of any debt  
48 barred under the provisions of this subsection.

49 (3) [Such publication shall be in a newspaper published in:

50 (a) The county in which the domicile of the settlor at the time of his or her  
51 death is situated;

52 (b) If the settlor had no domicile in this state at the time of his or her  
53 death, any county wherein trust assets are located; except that, when the major  
54 part of the trust assets in this state consist of real estate, the notice shall be  
55 published in the county in which the real estate or the major part thereof is  
56 located; or

57 (c) If the settlor had no domicile in this state at the time of his or her  
58 death and no trust assets are located therein, the county wherein the principal  
59 place of administration of the trust is located.

60 (4)] For purposes of this subsection, the term "domicile" means the place  
61 in which the settlor voluntarily fixed his or her abode, not for a mere special or  
62 temporary purpose, but with a present intention of remaining there permanently  
63 or for an indefinite term.

64 6. For purposes of this section:

65 (1) During the period the power may be exercised, the holder of a power  
66 of withdrawal is treated in the same manner as the settlor of a revocable trust  
67 to the extent of the property subject to the power; and

68 (2) Upon the lapse, release, or waiver of the power, the holder is treated  
69 as the settlor of the trust only to the extent the value of the property affected by  
70 the lapse, release, or waiver exceeds the greater of the amount specified in  
71 Sections 2041(b)(2), 2514(e) or 2503(b) of the Internal Revenue Code.

72 7. This section shall not apply to a spendthrift trust described, defined,  
73 or established in section 456.014.

470.080. Such scire facias shall be served fifteen days before the return  
2 day thereof, and the court shall make an order, setting forth briefly the contents  
3 of such information, and requiring all persons interested in or claiming title to  
4 said estate to appear and show cause, at the next term of said court, why the

5 same shall not be sold and the proceeds transferred to the state; which order  
6 shall be published for six weeks [in some newspaper printed and published in the  
7 county in which such proceedings are had] **on the front page of the circuit  
8 court's website, if it has one. If the circuit court does not have a  
9 website, notice shall be sent to the secretary of state who shall publish  
10 such notice on the legal notices website, established pursuant to section  
11 493.077.**

472.100. 1. No notice to interested persons need be given except as  
2 specifically provided for in this code or as ordered by the court. When no notice  
3 is required by this code, the court may require such notice as it deems desirable  
4 by a general rule or by an order in a particular case.

5 2. Except as otherwise specifically provided by law, all notices required  
6 by this code or the court to be served upon any person shall be served as the court  
7 directs, by rule or otherwise, in such manner and at such time as to constitute  
8 reasonable notice, in any of the following manners:

9 (1) By delivering to the person, including a minor or a disabled or  
10 incapacitated person not known to have a legally appointed guardian or  
11 conservator, a copy of the notice personally or by leaving a copy at his **or her**  
12 dwelling house or usual place of abode with some person of his **or her** family  
13 over the age of fifteen years, or by delivering a copy to an agent authorized by  
14 appointment or required by law to receive service of process;

15 (2) By publishing a copy of the notice [in some newspaper qualified to  
16 publish legal notices under chapter 493 and having general circulation within the  
17 county in which the court is held for the time required by law or court rule or  
18 order. If no time is fixed by law or by rule of court, the notice shall be published  
19 once each week for four consecutive weeks, the last insertion being at least seven  
20 days before the hearing. The personal representative, or other person at whose  
21 instance any notice by publication is required, may designate the newspaper in  
22 which such notice is to be published; but as to any notice which is necessary to  
23 the jurisdiction of the court, the clerk shall designate the newspaper unless the  
24 personal representative or other person has made such designation and so  
25 informed the clerk in writing before the time for commencement of publication.  
26 If there is no qualified newspaper published in the county, the notice shall be  
27 published in some qualified newspaper published in an adjoining county which  
28 has a general circulation within the county in which the court is held or the  
29 notice shall be given by posting copies thereof in ten public places in the county

30 as the court directs. If a notice, which is required to be published once a week  
31 for more than one time, is published in a daily newspaper, each publication after  
32 the first shall appear on the same day of the week on which the first publication  
33 was made] **on the front page of the circuit court's website, if it has one]**  
34 **the circuit court does not have a website, notice shall be sent to the**  
35 **secretary of state who shall publish such notice on the legal notices**  
36 **website, established pursuant to section 493.077;**

37 (3) By registered or certified mail, addressed to the person to be notified  
38 at his **or her** address within the United States, deposited in the United States  
39 mail, with all postage charges prepaid, and, if ordered by the court, with a return  
40 receipt requested;

41 (4) By ordinary mail, deposited in the United States mail with all postage  
42 charges prepaid at the first class rate, in a sealed envelope or on a post or postal  
43 card, properly addressed, bearing the name and return address of the sender and  
44 otherwise inscribed in accordance with the regulations of the United States Postal  
45 Service to require a return thereof to the sender upon nondelivery to the  
46 addressee;

47 (5) By any combination of the above or as may be provided by the rules  
48 of civil procedure.

49 3. Service by publication is notice to all heirs and devisees, whether  
50 known or unknown or whether residents or nonresidents of this state, spouses  
51 and to all creditors and other persons interested in the estate.

52 4. Provisions in this code for notice to interested persons, other than by  
53 publication, do not require such notice to creditors unless otherwise specifically  
54 required by the code or by the court.

55 5. Service of notice upon a minor or a disabled or incapacitated person  
56 having a legally appointed guardian or conservator, if the fact of the guardianship  
57 or conservatorship is known to the person requiring such service or is disclosed  
58 by the court files or records, shall be made by serving such guardian or  
59 conservator in the manner provided herein for service upon other  
60 persons. Service upon a corporation may be made in the manner provided by law  
61 for the service of summons on corporations in civil actions.

62 6. In all cases where service by publication is required but personal  
63 service or service by registered or certified mail is not ordered, all interested  
64 persons whose names and addresses appear in the court files or records, including  
65 creditors only when ordered by the court, shall be served by ordinary

66 mail. Failure in any such case to mail any notice or failure of any interested  
67 person to receive any mailed notice does not invalidate any order of the court or  
68 deprive the court of jurisdiction.

69 7. Personal service and service by registered or certified mail may be  
70 made by any competent witness, except that service by mail of any process, order  
71 or notice issued by the court shall be made by the clerk, or, if personal service is  
72 required, by the sheriff. Service by publication and by ordinary mail, except  
73 those required by section 473.587, shall be made by the clerk when requested in  
74 writing by the party requiring same, and when furnished with the necessary  
75 information therefor.

76 8. If an attorney has entered his **or her** appearance in writing for any  
77 party in any probate proceeding or matter pending in the court, all notices  
78 required to be served on the party in the proceeding or matter may be served on  
79 the attorney and such service shall be in lieu of service upon the party for whom  
80 the attorney appears. Service on an attorney may be made by ordinary mail or  
81 by leaving a copy of any notice or paper at his **or her** office with his **or her** clerk  
82 or with an attorney employed by or associated with the attorney to be served.

472.110. Proof of service in all cases requiring notice whether by  
2 publication, mailing or otherwise, shall be filed before the hearing. Service made  
3 by a private person shall be proved by the affidavit of the person or by  
4 acknowledgment of service; service made by the clerk, sheriff or other official  
5 shall be proved by certificate or return of service. Proof of service by publication  
6 shall be made in the form of the [affidavit prescribed by section 493.060]  
7 **certificate provided pursuant to section 493.077**. In the case of service by  
8 registered or certified mail, where the court requires a return receipt, the return  
9 receipt shall be attached to the proof of service if a receipt has been received; if  
10 no receipt has been received, or in case a notice served by ordinary mail is  
11 returned to the sender, the court may, in its discretion, order further service on  
12 the party.

473.033. The clerk, as soon as letters testamentary or of administration  
2 are issued, shall cause to be published [in some newspaper] a notice of the  
3 appointment of the personal representative, in which shall be included a notice  
4 to creditors of the decedent to file their claims in the court or be forever  
5 barred. The notice shall be published [once a week] **on the front page of the**  
6 **circuit court's website, if it has one**, for four consecutive weeks. **If the**  
7 **circuit court does not have a website, notice shall be sent to the**

8 **secretary of state who shall publish such notice on the legal notices**  
9 **website, established pursuant to section 493.077, for four consecutive**  
10 **weeks.** The clerk shall send a copy of the notice by ordinary mail to each heir  
11 and devisee whose name and address are shown on the application for letters or  
12 other records of the court, but any heir or devisee may waive notice to such  
13 person by filing a waiver in writing. The personal representative may, but is not  
14 required to, send a copy of the notice by ordinary mail or personal service to any  
15 creditor of the decedent whose claim has not been paid, allowed or disallowed as  
16 provided in section 473.403. Proof of publication of notice under this section and  
17 proof of mailing of notice shall be filed not later than ten days after completion  
18 of the publication. The notice shall be in substantially the following form:

19 To all persons interested in the estate of \_\_\_\_\_, decedent:

20 On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, (the last will of the decedent  
21 having been admitted to probate) \_\_\_\_\_ was appointed the  
22 personal representative of the estate of \_\_\_\_\_, decedent, by the  
23 probate division of the circuit court of \_\_\_\_\_ County, Missouri. The  
24 business address of the personal representative is \_\_\_\_\_, and the  
25 personal representative's attorney is \_\_\_\_\_ of \_\_\_\_\_.

26 All creditors of the decedent are notified to file claims in court  
27 within six months from the date of first publication of this notice  
28 or if a copy of this notice was mailed to, or served upon, such  
29 creditor by the personal representative, then within two months  
30 from the date it was mailed or served, whichever is later, or be  
31 forever barred to the fullest extent permissible by law. Such  
32 six-month period and such two-month period do not extend the  
33 limitation period that would bar claims one year after the  
34 decedent's death, as provided in section 473.444, RSMo, or any  
35 other applicable limitation periods. Nothing in section 473.033,  
36 RSMo, shall be construed to bar any action against a decedent's  
37 liability insurance carrier through a defendant ad litem pursuant  
38 to section 537.021, RSMo.

39 Receipt of this notice by mail should not be construed by the  
40 recipient to indicate that the recipient necessarily has a beneficial  
41 interest in the estate. The nature and extent of any person's  
42 interest, if any, can be determined from the files and records of this  
43 estate in the probate division of the circuit court of \_\_\_\_\_ County,

44 Missouri.

45 Date of the decedent's death was \_\_\_\_\_, 20\_\_\_\_\_

46 Date of first publication is \_\_\_\_\_, 20\_\_\_\_\_

47 \_\_\_\_\_

48 Clerk of the Probate Division

49 of the Circuit Court

50 \_\_\_\_\_ County, Missouri

473.040. When an intestate has left no known heirs, the clerk shall also  
 2 publish a notice[, once a week] for six consecutive weeks [in at least two  
 3 newspapers, published in the places designated by the court,] containing the  
 4 name of the intestate, a description of his **or her** person, the time and place of  
 5 his **or her** death, the place of his **or her** nativity, if known, and the appraised  
 6 amount of his **or her** estate. **Such notice shall be published on the front  
 7 page of the court's website, if it has one. If the court does not have a  
 8 website, notice shall be sent to the secretary of state who shall publish  
 9 such notice on the legal notices website, established pursuant to section  
 10 493.077.**

473.097. 1. Distributees of an estate which consists of personal property  
 2 or real property or both personal and real property have a defeasible right to the  
 3 personal property, and are entitled to the real property of such estate, as provided  
 4 in this section, without awaiting the granting of letters testamentary or of  
 5 administration, if all of the following conditions are met:

6 (1) The value of the entire estate, less liens, debt, and encumbrances, does  
 7 not exceed forty thousand dollars;

8 (2) Thirty days have elapsed since the death of the decedent and no  
 9 application for letters or for administration or for refusal of letters under section  
 10 473.090 is pending or has been granted, or if such refusal has been granted and  
 11 subsequently revoked;

12 (3) A bond, in an amount not less than the value of the personal property,  
 13 approved by the judge or clerk of the probate division is filed by the person  
 14 making the required affidavit conditioned upon the payment of the debts of the  
 15 decedent, including any debts to the state of Missouri, the expenses of funeral  
 16 and burial and compliance with future orders of the court in relation to the estate  
 17 of the decedent; and further conditioned that any part of the property to which  
 18 the distributee is not entitled will be delivered to the persons entitled to the  
 19 property under the law. Liability of the sureties on the bonds provided for in this

20 section terminates unless proceedings against them are instituted within two  
21 years after the bond is filed; except that, the court may dispense with the filing  
22 of a bond if it finds that the same is not necessary;

23 (4) A fee, in the amount prescribed in subsection 1 of section 483.580, and  
24 when required, the publication cost of the notice to creditors are paid or the proof  
25 of payment for such publication is provided to the clerk of the probate division.

26 2. Notwithstanding the limitation periods set out in section 473.050, the  
27 affidavit required by this section may be made by the person designated as  
28 personal representative under the will of the decedent, if a will has been  
29 presented for probate within the limitation periods specified in section 473.050,  
30 otherwise by any distributee entitled to receive property of the decedent any time  
31 after thirty days after decedent's death, and shall set forth all of the following:

32 (1) That the decedent left no will or, if the decedent left a will, that the  
33 will was presented for probate within the limitation periods specified in section  
34 473.050;

35 (2) That all unpaid debts, claims or demands against the decedent or the  
36 decedent's estate and all estate taxes due, if any, on the property transfers  
37 involved have been or will be paid, except that any liability by the affiant for the  
38 payment of unpaid claims or demands shall be limited to the value of the  
39 property received;

40 (3) An itemized description and valuation of property of the decedent. As  
41 used in this subdivision, the phrase "property of the decedent" shall not include  
42 property which was held by the decedent as a tenant by the entirety or a joint  
43 tenant at the time of the decedent's death;

44 (4) The names and addresses of persons having possession of the property;

45 (5) The names, addresses and relationship to the decedent of the persons  
46 entitled to and who will receive, the specific items of property remaining after  
47 payment of claims and debts of the decedent, included in the affidavit;

48 (6) The facts establishing the right to such specific items of property as  
49 prescribed by this section.

50 The certificate of the clerk shall be annexed to or endorsed on the affidavit and  
51 shall show the names and addresses of the persons entitled to the described  
52 property under the facts stated in the affidavit and shall recite that the will of  
53 decedent has been probated or that no will has been presented to the court and  
54 that all estate taxes on the property, if any are due, have been paid.

55 3. A copy of the affidavit and certificate shall be filed in the office of the

56 clerk of the probate division and copies of the affidavit and certificate shall be  
57 furnished by the clerk.

58 4. The distributees mentioned in this section may establish their right to  
59 succeed to the real estate of the decedent by filing a copy of the foregoing affidavit  
60 and certificate of the clerk in the office of the recorder of deeds of each county  
61 where the real property is situated.

62 5. When the value of the property listed in the affidavit is more than  
63 fifteen thousand dollars, the clerk shall cause to be published [in a newspaper of  
64 general circulation within the county which qualifies under chapter 493] a notice  
65 to creditors of the decedent to file their claims in the court or be forever  
66 barred. The notice shall be published [once a week] **on the front page of the**  
67 **court's website, if it has one**, for two consecutive weeks. **If the court does**  
68 **not have a website, notice shall be sent to the secretary of state who**  
69 **shall publish such notice on the legal notices website, established**  
70 **pursuant to section 493.077, for two consecutive weeks.** Proof of  
71 publication of notice pursuant to this section shall be filed not later than ten days  
72 after completion of the publication. The notice shall be in substantially the  
73 following form:

74 To all persons interested in the estate of \_\_\_\_\_, Decedent:

75 On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, a small estate affidavit was  
76 filed by the distributees for the decedent under section 473.097,  
77 RSMo, with the probate division of the circuit court of \_\_\_\_\_  
78 County, Missouri.

79 All creditors of the decedent, who died on \_\_\_\_\_, 20\_\_\_\_\_, are  
80 notified that section 473.444 sets a limitation period that would bar  
81 claims one year after the death of the decedent. A creditor may  
82 request that this estate be opened for administration.

83 Receipt of this notice should not be construed by the recipient to  
84 indicate that the recipient may possibly have a beneficial interest  
85 in the estate. The nature and extent of any person's interest, if any,  
86 may possibly be determined from the affidavit on this estate filed  
87 in the probate division of the circuit court of \_\_\_\_\_ County,  
88 Missouri.

89 Date of first publication is \_\_\_\_\_, 20\_\_\_\_\_

90

91

\_\_\_\_\_  
Clerk of the Probate Division

92 of the Circuit Court  
93 \_\_\_\_\_ County, Missouri

94 6. Upon compliance with the procedure required by this section, the  
95 personal property and real estate involved shall not thereafter be taken in  
96 execution for any debts or claims against the decedent, but such compliance has  
97 the same effect in establishing the right of distributees to succeed to the property  
98 as if complete administration was had; but nothing in this section affects the  
99 right of secured creditors with respect to such property.

100 7. The affiant shall collect the property of decedent described in the  
101 affidavit. The property of decedent shall be liquidated by the affiant to the extent  
102 necessary to pay debts of decedent. If the decedent's property is not sufficient to  
103 pay such debts, abatement of the shares of the distributees shall occur in  
104 accordance with section 473.620. The affiant shall distribute the remaining  
105 property to such persons identified in the affidavit as required in subdivision (5)  
106 of subsection 2 of this section who are entitled to receive the specific items of  
107 personal property, as described in the affidavit, or to have any evidence of such  
108 property transferred to such persons. To the extent necessary to facilitate  
109 distribution, the affiant may liquidate all or part of decedent's property.

473.507. In all public sales of real estate made under this law, the  
2 executor or administrator shall cause a notice containing a particular description  
3 of the real estate to be sold and the street address or approximate direction and  
4 distance from any city or town, and popular name thereof, if any, stating the  
5 time, place and terms of sale, to be published [once a week] for four consecutive  
6 weeks prior to the sale [in some newspaper] **on the legal notices website,**  
7 **established pursuant to section 493.077.** The name of the estate shall be  
8 printed in capital letters in the notice. [The notice shall be published in  
9 accordance with section 472.100 except that the newspaper in which publication  
10 is made must be published in the county in which the land is situated, or if there  
11 is none, in an adjoining county.] Omission of or error in the street address or  
12 approximate direction or distance from any city or town or popular name, or any  
13 of them, shall not affect the validity of the notice.

473.697. Whenever application shall be made to any probate division for  
2 letters of administration upon the estate of any person supposed to be dead,  
3 because of the absence of such person for five consecutive years from the place of  
4 his **or her** last known domicile within this state, or because such person was  
5 exposed to a specific peril of death due to a terrorist event, or because, having

6 been a resident of this state, such person has heretofore gone from and has not  
7 returned to this state for five consecutive years, or, because, having been such  
8 resident of this state, such person shall hereafter go from and shall not return to  
9 this state for five consecutive years, or, because being a resident of this state,  
10 such person shall have so concealed or conducted himself **or herself** within this  
11 state that he **or she** shall not have been heard of for five consecutive years by the  
12 judge of the probate division having jurisdiction of his **or her** estate, or by the  
13 persons interested therein, then said court, if satisfied that the applicant would  
14 be entitled to such letters if the supposed decedent were in fact dead, shall cause  
15 a notice to such supposed deceased person to be published [in a newspaper,  
16 published in the county, once a week] **on the front page of its website, if it**  
17 **has one**, for four consecutive weeks, setting forth the fact that such application  
18 has been made, together with notice that on a day certain, which shall be at least  
19 two weeks after the [last] publication of such notice, the court will hear evidence  
20 concerning the alleged absence of the supposed decedent, and the circumstances  
21 and duration thereof. **If the court does not have a website, notice shall be**  
22 **sent to the secretary of state who shall publish such notice on the legal**  
23 **notices website, established pursuant to section 493.077, for four**  
24 **consecutive weeks.** The persons applying for such letters of administration  
25 shall file a petition stating the facts upon which such application is based and the  
26 place where such supposed deceased person resided when last heard from by him  
27 **or her** or by any person within his **or her** knowledge.

473.703. If satisfied, upon such hearing, that the legal presumption of  
2 death is established, the court shall so declare and it shall forthwith cause notice  
3 thereof to be published [once a week] **on the front page of its website, if it**  
4 **has one**, for four consecutive weeks[, in a newspaper published in the county,  
5 and also, if the court shall find that such supposed decedent resided in or was  
6 possessed of property located in any county in this or any other state at a time  
7 subsequent to his residence in the county in which applications are made, the  
8 notice of such publication shall be published in like manner in such other county].  
9 **If the court does not have a website, notice shall be sent to the**  
10 **secretary of state who shall publish such notice on the legal notices**  
11 **website, established pursuant to section 493.077, for four consecutive**  
12 **weeks.** Such notice shall require the supposed decedent, if alive, or any other  
13 person for him **or her**, to produce to the court, within twelve weeks from the date  
14 of the [last] publication [thereof] **of notice**, satisfactory evidence of the fact that

15 he **or she** is still living[; provided, that where publication is made in a daily  
 16 newspaper, publication for each week after the first shall fall on the  
 17 corresponding day of the week as did the first publication].

475.140. 1. The clerk, as soon as letters of conservatorship of the estate  
 2 of any disabled person are issued, upon the basis of a determination of disability  
 3 other than minority, shall cause to be published [in some newspaper] a notice of  
 4 the appointment of the conservator, in which shall be included a notice to  
 5 creditors of the protectee to file their claims in the court or be forever  
 6 barred. The notice shall be published [once a week] **on the front page of the**  
 7 **court's website, if it has one**, for four consecutive weeks in accordance with  
 8 section 472.100. **If the court does not have a website, notice shall be sent**  
 9 **to the secretary of state who shall publish such notice on the legal**  
 10 **notices website, established pursuant to section 493.077, for four**  
 11 **consecutive weeks.** Such notice shall be in substantially the following form:

12 TO ALL PERSONS INTERESTED IN THE ESTATE OF \_\_\_\_\_, A  
 13 DISABLED PERSON:

14 On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, \_\_\_\_\_ was appointed  
 15 conservator of the estate of \_\_\_\_\_, a person adjudicated disabled  
 16 under the laws of Missouri, by the Probate Division of the Circuit  
 17 Court of \_\_\_\_\_ County, Missouri. The business address of the  
 18 conservator is \_\_\_\_\_. All creditors of said disabled person are  
 19 notified to file their claims in the Probate Division of the Circuit  
 20 Court. Date of first publication \_\_\_\_\_

21 \_\_\_\_\_  
 22 Clerk of the Probate Division of the Circuit Court of  
 23 \_\_\_\_\_ County, Missouri

24 2. The court, in its discretion, may waive publication of notice or defer it  
 25 until a definite date or until further order of the court.

26 3. When a limited conservator has been appointed, the notice shall so  
 27 specify.

479.368. 1. (1) Except for county sales taxes deposited in the county  
 2 sales tax trust fund as defined in section 66.620, any county, city, town, or village  
 3 failing to timely file the required addendums or remit the required excess  
 4 revenues, if applicable, after the time period provided by the notice by the  
 5 director of the department of revenue or any final determination on excess  
 6 revenue by the court in a judicial proceeding, whichever is later, shall not receive

7 from that date any amount of moneys to which the county, city, town, or village  
8 would otherwise be entitled to receive from revenues from local sales tax as  
9 defined in section 32.085.

10 (2) If any county, city, town, or village has failed to timely file the  
11 required addendums, the director of the department of revenue shall hold any  
12 moneys the noncompliant city, town, village, or county would otherwise be  
13 entitled to from local sales tax as defined in section 32.085 until a determination  
14 is made by the director of revenue that the noncompliant city, town, village, or  
15 county has come into compliance with the provisions of sections 479.359 and  
16 479.360.

17 (3) If any county, city, town, or village has failed to remit the required  
18 excess revenue to the director of the department of revenue such general local  
19 sales tax revenues shall be distributed as provided in subsection 1 of section  
20 479.359 by the director of the department of revenue in the amount of excess  
21 revenues that the county, city, town, or village failed to remit.

22 Upon a noncompliant city, town, village, or county coming into compliance with  
23 the provisions of sections 479.359 and 479.360, the director of the department of  
24 revenue shall disburse any remaining balance of funds held under this subsection  
25 after satisfaction of amounts due under section 479.359. Moneys held by the  
26 director of the department of revenue under this subsection shall not be deemed  
27 to be state funds and shall not be commingled with any funds of the state.

28 2. (1) Any city, town, village, or county that participates in the  
29 distribution of local sales tax in sections 66.600 to 66.630 and fails to timely file  
30 the required addendums or remit the required excess revenues, if applicable, after  
31 the time period provided by the notice by the director of the department of  
32 revenue or any final determination on excess revenue by the court in a judicial  
33 proceeding, whichever is later, shall not receive any amount of moneys to which  
34 said city, town, village, or county would otherwise be entitled under sections  
35 66.600 to 66.630. The director of the department of revenue shall notify the  
36 county to which the duties of the director have been delegated under section  
37 66.601 of any noncompliant city, town, village, or county and the county shall  
38 remit to the director of the department of revenue any moneys to which said city,  
39 town, village, or county would otherwise be entitled. No disbursements to the  
40 noncompliant city, town, village, or county shall be permitted until a  
41 determination is made by the director of revenue that the noncompliant city,  
42 town, village, or county has come into compliance with the provisions of sections

43 479.359 and 479.360.

44 (2) If such county, city, town, or village has failed to timely file the  
45 required addendums, the director of the department of revenue shall hold any  
46 moneys the noncompliant city, town, village, or county would otherwise be  
47 entitled to under sections 66.600 to 66.630 until a determination is made by the  
48 director of revenue that the noncompliant city, town, village, or county has come  
49 into compliance with the provisions of sections 479.359 and 479.360.

50 (3) If any county, city, town, or village has failed to remit the required  
51 excess revenue to the director of the department of revenue, the director shall  
52 distribute such moneys the county, city, town, or village would otherwise be  
53 entitled to under sections 66.600 to 66.630 in the amount of excess revenues that  
54 the city, town, village, or county failed to remit as provided in subsection 1 of  
55 section 479.359.

56 Upon a noncompliant city, town, village, or county coming into compliance with  
57 the provisions of sections 479.359 and 479.360, the director of the department of  
58 revenue shall disburse any remaining balance of funds held under this subsection  
59 after satisfaction of amounts due under section 479.359 and shall notify the  
60 county to which the duties of the director have been delegated under section  
61 66.601 that such compliant city, town, village, or county is entitled to  
62 distributions under sections 66.600 to 66.630. If a noncompliant city, town,  
63 village, or county becomes disincorporated, any moneys held by the director of the  
64 department of revenue shall be distributed to the schools of the county in the  
65 same manner that proceeds of all penalties, forfeitures, and fines collected for any  
66 breach of the penal laws of the state are distributed. Moneys held by the director  
67 of the department of revenue under this subsection shall not be deemed to be  
68 state funds and shall not be commingled with any funds of the state.

69 3. In addition to the provisions of subsection 1 of this section, any county  
70 that fails to remit the required excess revenue as required by section 479.359  
71 shall have an election upon the question of disincorporation under Article VI,  
72 Section 5 of the Constitution of Missouri, and any such city, town, or village that  
73 fails to remit the required excess revenue as required by section 479.359 shall  
74 have an election upon the question of disincorporation according to the following  
75 procedure:

76 (1) The election upon the question of disincorporation of such city, town,  
77 or village shall be held on the next general election day, as defined by section  
78 115.121;

79 (2) The director of the department of revenue shall notify the election  
 80 authorities responsible for conducting the election according to the terms of  
 81 section 115.125 and the county governing body in which the city, town, or village  
 82 is located not later than 5:00 p.m. on the tenth Tuesday prior to the election of  
 83 the amount of the excess revenues due;

84 (3) The question shall be submitted to the voters of such city, town, or  
 85 village in substantially the following form:

86 The city/town/village of \_\_\_\_\_ has kept more revenue from fines,  
 87 bond forfeitures, and court costs for municipal ordinance violations  
 88 and minor traffic violations than is permitted by state law and  
 89 failed to remit those revenues to the county school fund. Shall the  
 90 city/town/village of \_\_\_\_\_ be dissolved?

91  YES  NO

92 (4) Upon notification by the director of the department of revenue, the  
 93 county governing body in which the city, town, or village is located shall give  
 94 notice of the election for eight consecutive weeks prior to the election by  
 95 publication [in a newspaper of general circulation published in the city, town, or  
 96 village, or if there is no such newspaper in the city, town, or village, then in the  
 97 newspaper in the county published nearest the city, town, or village] **on its**  
 98 **website, if it has one. If the county governing body does not have a**  
 99 **website, notice shall be sent to the secretary of state who shall publish**  
 100 **such notice on the legal notices website, established pursuant to section**  
 101 **493.077; and**

102 (5) Upon the affirmative vote of a majority of those persons voting on the  
 103 question, the county governing body shall disincorporate the city, town, or village.

492.470. The publication of such notice [in some newspaper printed in this  
 2 state, at least three weeks consecutively, the last insertion to be twenty days  
 3 before the day of taking the depositions] **on the legal notices website,**  
 4 **established pursuant to section 493.077,** shall be sufficient notice to all  
 5 persons residing without the state.

**493.077. 1. The secretary of state shall establish and maintain a**  
 2 **legal notices website. The secretary of state may charge a ten dollar**  
 3 **fee to publish a legal notice or other publication on the legal notice**  
 4 **website.**

5 **2. The legal notices website shall be accessible to the public over**  
 6 **the internet at least ninety percent of the time, twenty-four hours per**

7 day, every day of the year.

8           3. Whenever an individual is unable to access an electronic  
9 publication of a legal notice or other publication, the secretary of state  
10 shall provide a copy of the notice or publication to the individual free  
11 of charge.

12           4. Notices and publications shall remain available on the legal  
13 notices website at least until the last posting date required by law has  
14 expired or until the event described in a notice has taken place,  
15 whichever is later.

16           5. The secretary of state shall create and keep on file an  
17 electronic or paper based certification of the posting required for each  
18 legal notice or other publication. The certification shall state that the  
19 notice or publication was posted from the initial date through either  
20 the last posting date required by law or the date when the event  
21 described in a notice takes place, whichever occurs later. The  
22 certification shall not be required to be notarized. The secretary of  
23 state shall provide a copy of the certification free of charge upon  
24 request.

25           6. Proof of publication of an electronically published legal notice  
26 or publication for the purpose of complying with public notice  
27 requirements shall be satisfied and deemed conclusive upon the  
28 provision of the certification described in subsection 5 of this section  
29 by the person responsible for the electronic publication, stating that  
30 the notice or publication was posted from the initial date until the last  
31 posting date required by law.

32           7. The secretary of state may promulgate rules that are  
33 reasonable and necessary to accomplish the limited duties specifically  
34 delegated in this section. Any rule or portion of a rule, as that term is  
35 defined in section 536.010 that is created under the authority delegated  
36 in this section shall become effective only if it complies with and is  
37 subject to all of the provisions of chapter 536, and, if applicable, section  
38 536.028. This section and chapter 536 are nonseverable and if any of  
39 the powers vested with the general assembly pursuant to chapter 536,  
40 to review, to delay the effective date, or to disapprove and annul a rule  
41 are subsequently held unconstitutional, then the grant of rulemaking  
42 authority and any rule proposed or adopted after August 28, 2019, shall  
43 be invalid and void.

506.160. 1. Service by mail or by publication shall be allowed in all cases  
2 affecting a fund, will, trust estate, specific property, or any interest therein, or  
3 any res or status within the jurisdiction of the court, or in any special proceedings  
4 in which notice by mail or by publication is authorized, including but not limited  
5 to actions to quiet title and actions to ascertain and determine title to real estate.  
6 If the defendant so served does not appear, judgment may be rendered affecting  
7 said property, res or status within the jurisdiction of the court as to said  
8 defendant, but such service shall not warrant a general judgment against such  
9 defendant.

10 2. A party desiring service by mail shall allege and state either in his **or**  
11 **her** verified petition or in a separate affidavit any one or more of the same  
12 specific grounds for substituted service as set forth in subsection 3 **of this**  
13 **section**, or shall state any other facts showing why personal service cannot be  
14 had on the defendant or defendants in this state. Such petition or affidavit shall  
15 be verified by oath of the party or of someone in his **or her** behalf, and shall  
16 state the address of the party to be served by mail. Upon the filing of such  
17 petition or affidavit with the judge or clerk, the clerk shall serve a copy of the  
18 summons and of the petition by registered mail, requesting a return receipt  
19 signed by addressee only, addressed to the defendant at the address furnished by  
20 plaintiff.

21 3. If the plaintiff or other person for plaintiff shall allege in his **or her**  
22 verified petition, or at the time of filing same, or at any time thereafter, shall file  
23 an affidavit stating that part or all of the defendants are nonresidents of the  
24 state, or is a corporation of another state, kingdom or country, and cannot be  
25 personally served in this state in the manner prescribed by law for personal  
26 service, or have absconded or absented themselves from their usual place of abode  
27 in this state, or that they have concealed themselves so that the ordinary process  
28 of law cannot be personally served upon them, and the affidavit or the verified  
29 petition shall state the present known address of the defendant, if known, or in  
30 lieu thereof state that said address of the defendant is unknown, the court or  
31 judge or clerk thereof shall issue an order of publication of notice to such  
32 defendant or defendants, notifying such defendant or defendants of the  
33 commencement of the action, and stating briefly the object and general nature  
34 thereof, and describing the property, if any, to be affected. The notice shall also  
35 contain the name of the court and the names of the parties to the suit, and shall  
36 state the name and address of the attorney for plaintiff, if any, otherwise the

37 plaintiff's address, and shall state that unless said named defendant or  
38 defendants file an answer or other pleading or shall otherwise appear and defend  
39 against the petition within forty-five days after the date of the first publication,  
40 to be stated in the published notice, provided, the court or judge thereof may  
41 extend the date within which any such defendant may plead or otherwise appear  
42 to a date certain beyond such forty-five day limit judgment by default will be  
43 rendered against them. Such notice shall be published [at least once each week]  
44 **on the front page of the court's website, if it has one, for a period of four**  
45 **consecutive weeks [in some newspaper of general circulation published in the**  
46 **county where suit is instituted, if there be such newspaper published there, which**  
47 **the plaintiff or his attorney of record may designate; if no such newspaper be**  
48 **published in such county, then in some such paper published in this state, which**  
49 **the plaintiff or his attorney of record may designate as most likely to give notice**  
50 **to the defendant or defendants to be notified]. If the court does not have a**  
51 **website, the clerk shall send the notice to the secretary of state who**  
52 **shall publish such notice on the legal notices website, established**  
53 **pursuant to section 493.077, for a period of four consecutive weeks.** If  
54 the present known address of the defendant is given, the clerk shall within ten  
55 days after said order of publication mail a copy of the notice to each defendant  
56 whose address has been stated in the affidavit or verified petition. The clerk  
57 shall file a certificate certifying that copies of the notice have been mailed as  
58 required by this section, in all cases where the present known address has been  
59 given, and such certificates shall be conclusive and binding upon the parties.

60 4. When the names of one or more defendants are unknown to plaintiff,  
61 he **or she** may so state in his **or her** verified petition, or in a separate affidavit  
62 for order of publication, and the court or judge or clerk thereof shall issue an  
63 order of publication of notice to the unknown defendant or defendants in the same  
64 manner prescribed in subsection 3 **of this section**, and the notice of publication  
65 shall be published in like manner. It shall be sufficient to name or describe said  
66 unknown defendants as the heirs, grantees, or successors of the person to whom  
67 the property to be affected was last known to have been transferred.

68 5. Whenever publication of notice is ordered for service by mail or by  
69 publication in a newspaper, the court may also in its discretion, order that a  
70 summons be issued and delivered with a copy of the petition to the sheriff or  
71 other person especially appointed to serve the same, for personal service in the  
72 ordinary manner if the same can be had.

73           6. In any of the cases mentioned in subsection 1 **of this section**, the  
74 plaintiff may cause a copy of the petition, with a copy of the summons, to be  
75 delivered to each defendant residing or being without this state, and at any place  
76 within the United States or their territories summoning said defendant to appear  
77 and plead within thirty days after service upon said defendant; and if the  
78 defendant shall refuse to receive such copy of the petition and summons, the offer  
79 of the officer to deliver same to him **or her** or them, and such refusal, shall be  
80 as effectual service as though such copies were actually delivered to such  
81 defendant. Such service may be made by any officer authorized by law to serve  
82 process in civil actions within the state or territory where such service is made,  
83 or by his **or her** deputy, and shall be proved by the affidavit of such officer, or  
84 deputy, stating the time and manner of such service, made before the clerk or  
85 judge of the court of which affiant is an officer. Such clerk or judge shall certify  
86 to the official character of the affiant, and to his **or her** authority to serve  
87 process in civil actions within the state or territory where such service was  
88 made. When such certificate is made by a clerk or judge of a court of record, the  
89 same shall be attested by the seal of such court, and when the same is made by  
90 a judge of a court not of record, the official character of such judge shall also be  
91 certified by the proper officer of the state, under his **or her** official seal. Any  
92 return of service, made and certified as above provided, shall be prima facie  
93 evidence of the facts stated in such return. If the plaintiff, or his **or her** attorney  
94 of record, in any of the causes mentioned in subsection 1 of this section, shall  
95 allege in his **or her** verified petition, or at the time of filing same, or at any time  
96 thereafter shall make the affidavit required by subsection 3 **of this section**, and  
97 shall file in said cause proof of service of process on any defendant or defendants,  
98 in conformity with the provisions of this section, it shall not be necessary for such  
99 plaintiff or plaintiffs to obtain the order for service by mail or by publication  
100 provided for in this section or to procure the publication provided in this section.

506.180. 1. Every officer to whom any writ of process shall be directed  
2 and delivered for service shall make return thereof in writing of the time, place  
3 and manner of service of such writ, and shall sign his **or her** name to such  
4 return.

5           2. If service of such process is, by order of the court, directed to and  
6 delivered to a person, other than an officer, for service, such person shall make  
7 affidavit as to the time, place and manner of his **or her** service thereof.

8           3. Service by mail shall be proved by a certificate of the clerk that he **or**

9 **she** has mailed a copy of the summons and of the petition as required by law and  
10 the order of the court and by the return registered mail receipt mentioned in  
11 subsection 2 of section 506.160, which shall be filed as a paper in the particular  
12 lawsuit.

13 4. Service by publication shall be proved by an affidavit showing the dates  
14 upon which [and the newspaper in which] the notice of publication was published.  
15 A copy of the notice shall be attached to the affidavit which shall be filed in the  
16 cause. The clerk's certificate that he **or she** has mailed a copy of the notice to  
17 each defendant whose address was stated in the motion for order of publication  
18 and the date of the mailing shall likewise be filed.

19 5. No person shall be arrested, held to bail, or imprisoned, on any mesne  
20 process or execution founded upon any civil action whatsoever.

511.420. The order shall be published [in some newspaper printed in this  
2 state] **on the front page of the court's website, if it has one, for a period**  
3 **of three weeks**[, the last insertion to be two weeks before the commencement of  
4 the term at which the parties are required to appear]. **If the court does not**  
5 **have a website, the clerk shall send the notice to the secretary of state**  
6 **who shall publish such notice on the legal notices website, established**  
7 **pursuant to section 493.077, for a period of three consecutive weeks.**

513.205. When real estate shall be taken in execution by an officer, it  
2 shall be his **or her** duty to expose the same to sale at the courthouse door,  
3 having previously given twenty days' notice of the time and place of sale, and  
4 what real estate is to be sold and where situated, by [advertisement in some  
5 newspaper printed in the county which may be designated by the plaintiff or his  
6 attorney of record, if there be one regularly published, weekly or daily, and if not,  
7 by at least six printed or written handbills, signed by such sheriff, and put up in  
8 public places in different parts of the county; and the printer's fee for such  
9 advertisement shall be taxed and paid as other costs] **publication on the front**  
10 **page of the sheriff's website, if there is one. If the sheriff does not**  
11 **have a website, notice shall be sent to the secretary of state who shall**  
12 **publish such notice on the legal notices website, established pursuant**  
13 **to section 493.077, for a period of twenty days;** provided, that in all cities  
14 in this state now or hereafter containing one hundred thousand inhabitants or  
15 more, such sales shall be on the floor of the real estate exchange or at the  
16 courthouse door, as may be announced in said advertisement.

515.520. 1. Upon entry of an order appointing a receiver or upon

2 conversion of a limited receiver to a general receiver pursuant to section 515.515  
3 and within ten business days thereof, or within such additional time as the court  
4 may allow, the receiver shall give notice of the appointment or conversion to all  
5 parties in interest, including the secretary of state for the state of Missouri, and  
6 state and federal taxing authorities. Such notice shall be made by first class mail  
7 and proof of service thereof shall be filed with the court. The content of such  
8 notice shall include:

- 9 (1) The caption reflecting the action in which the receiver is appointed;
- 10 (2) The date the action was filed;
- 11 (3) The date the receiver was appointed;
- 12 (4) The name, address, and contact information of the appointed receiver;
- 13 (5) Whether the receiver is a limited or general receiver;
- 14 (6) A description of the estate property;
- 15 (7) The debtor's name and address and the name and address of the  
16 attorney for the debtor, if any;
- 17 (8) The court address at which pleadings, motions, or other papers may  
18 be filed;
- 19 (9) Such additional information as the court directs; and
- 20 (10) A copy of the court's order appointing the receiver.

21 2. A general receiver shall also give notice of the receivership by  
22 publication [in a newspaper of general circulation published in the county or  
23 counties in which estate property is known to be located once a week for three  
24 consecutive weeks. The first notice shall be published within thirty days after  
25 the date of appointment of the receiver] **on the legal notices website,**  
26 **established pursuant to section 493.077.** The notice of the receivership shall  
27 include the date of appointment of the receiver, the name of the court and the  
28 action number, the last day on which claims may be filed, if established by the  
29 court, and the name and address of the debtor, the receiver, and the receiver's  
30 attorney, if any. For purposes of this section, all intangible property included as  
31 estate property is deemed to be located in the county in which the debtor, if a  
32 natural person, resides, or in which the debtor, if an entity, maintains its  
33 principal administrative offices.

34 3. The debtor shall cooperate with all reasonable requests for information  
35 from the receiver for purposes of assisting the receiver in providing notice  
36 pursuant to subsection 1 of this section. In the court's discretion, the failure of  
37 such debtor to cooperate with any reasonable request for information may be

38 punished as a contempt of court.

523.030. Upon the filing of the petition, a summons shall be issued, giving  
2 such owner at least ten days' notice of the time when said petition will be heard,  
3 which summons shall be served by the sheriff of the county, in the same manner  
4 as writs of summons are or may be by law required to be served. If the name or  
5 residence of the owner is unknown, or if the owners, or any of them, do not reside  
6 within the state, notice of the time of hearing the petition, reciting the substance  
7 of the petition and the day fixed for the hearing thereof, shall be given by  
8 publication [once each week] **on the front page of the court's website, if it**  
9 **has one, for a period of** three consecutive weeks prior to the time of hearing  
10 the petition[, in a newspaper published in the county in which the proceedings  
11 are pending, if one is published in the county, or if no newspaper is published in  
12 the county, or the publisher shall refuse to publish the same on tender of his  
13 usual charges for advertising, then by posting up said notice for three consecutive  
14 weeks at the door of the courthouse of the county wherein the lands or any  
15 portion of them lie]. **If the court does not have a website, the clerk shall**  
16 **send the notice to the secretary of state who shall publish such notice**  
17 **on the legal notices website, established pursuant to section 493.077, for**  
18 **a period of three consecutive weeks.**

523.262. 1. Except as set forth in subsection 2 of this section, the power  
2 of eminent domain shall only be vested in governmental bodies or agencies whose  
3 governing body is elected or whose governing body is appointed by elected officials  
4 or in an urban redevelopment corporation operating pursuant to a redevelopment  
5 agreement with the municipality for a particular redevelopment area, which  
6 agreement was executed prior to or on December 31, 2006.

7 2. A private utility company, public utility, rural electric cooperative,  
8 municipally owned utility, pipeline, railroad or common carrier shall have the  
9 power of eminent domain as may be granted pursuant to the provisions of other  
10 sections of the revised statutes of Missouri. For the purposes of this section, the  
11 term "common carrier" shall not include motor carriers, contract carriers, or  
12 express companies. Where a condemnation by such an entity results in a  
13 displaced person, as defined in section 523.200, the provisions of subsections 3  
14 and 6 to 10 of section 523.205 shall apply unless the condemning entity is subject  
15 to the relocation assistance provisions of the federal Uniform Relocation  
16 Assistance Act.

17 3. Any entity with the power of eminent domain and pursuing the

18 acquisition of property for the purpose of constructing a power generation facility  
19 after December 31, 2006, after providing notice [in a newspaper of general  
20 circulation in the county where the facility is to be constructed] **on the front**  
21 **page of its website, if it has one**, shall conduct a public meeting disclosing the  
22 purpose of the proposed facility prior to making any offer to purchase property in  
23 pursuit thereof or, alternatively, shall provide the property owner with  
24 notification of the identity of the condemning authority and the proposed purpose  
25 for which the condemned property shall be used at the time of making the initial  
26 offer. **If the entity with the power of eminent domain does not have a**  
27 **website, notice shall be sent to the secretary of state who shall publish**  
28 **such notice on the legal notices website, established pursuant to section**  
29 **493.077.**

525.270. 1. If the garnishee disclose in his **or her** answer, and declare  
2 his **or her** belief, that the debt owing by him **or her** to the defendant, or the  
3 supposed property of the defendant in his **or her** hands, has been sold or  
4 assigned to a third person, and the plaintiff contests or disputes the existence,  
5 force or validity of such sale or assignment, the court shall make an order upon  
6 the supposed vendee or assignee, to appear at a designated time and sustain his  
7 **or her** claim to the property or debt.

8 2. A copy of such order shall be served upon him **or her**, as in the case  
9 of a summons, if he **or she** can be found; if not, it shall be published [once a  
10 week] **on the front page of the court's website, if it has one, for a period**  
11 **of three consecutive weeks**[, in some newspaper published in or nearest the  
12 county in which the action is pending], which shall be equivalent to service. **If**  
13 **the court does not have a website, the clerk shall send the notice to the**  
14 **secretary of state who shall publish such notice on the legal notices**  
15 **website, established pursuant to section 493.077, for a period of three**  
16 **consecutive weeks.** If the party so notified fail to appear as required, the  
17 garnishee's averment of such sale or assignment shall be disregarded; but if he  
18 **or she** appear, and, in writing, filed in the cause and verified by affidavit, claim  
19 under such sale or assignment, a trial of his **or her** right shall be had, without  
20 unnecessary delay, upon an issue made thereon; and if the same be determined  
21 in his **or her** favor, the garnishee shall, as to the property or debt in question,  
22 be discharged.

527.200. On the filing of said petition with the clerk of said court, it shall  
2 be the duty of said clerk to cause a notice to be published [in some public

3 newspaper published in the county where the cause is pending, and if there be  
4 no newspaper published in said county, then in some public newspaper published  
5 nearest to the county seat of said county] **on the front page of the court's**  
6 **website, if it has one**, addressed to all whom it may concern, and setting forth  
7 the filing of said petition, a description of the lands in said petition described,  
8 and the estate or interest claimed therein by said petitioner or petitioners, and  
9 that a decree will be entered in said cause at the next term of said court after the  
10 due publication of said notice, and the title or interest to or in said land adjudged  
11 to said petitioner or petitioners, according to the prayer of said petition[; which  
12 said]. **Such** notice shall be published [once a week] for **a period of** at least four  
13 weeks[, the last insertion to be at least four weeks prior to the term of said court;  
14 and]. **If the court does not have a website, the clerk shall send the**  
15 **notice to the secretary of state who shall publish such notice on the**  
16 **legal notices website, established pursuant to section 493.077, for a**  
17 **period of four weeks.** If any person or persons shall be in possession of said  
18 lands in the petition described, then a copy of the notice shall be duly served  
19 upon such person or persons, at least twenty days previous to said regular term  
20 of said court, subsequent to the publication of said notice, as herein provided;  
21 and at the next term of said court after the due publication of said notice, the  
22 petitioner or petitioners may produce and submit to the court such evidence and  
23 proof of title or interest to or in the said lands in the petition described, as he **or**  
24 **she** may be able, and also touching and concerning the loss or destruction of his  
25 **or her** said deed or other evidence of title in and to the lands; which evidence  
26 and proofs shall be taken, and proceedings had, after the form and practice and  
27 proceedings in civil cases in said court.

527.290. 1. Public notice of such a change of name shall be [given at least  
2 three times in a newspaper published in the county where such person is  
3 residing.] **published on the front page of the court's website, if it has**  
4 **one. If the court does not have a website, notice shall be sent to the**  
5 **secretary of state who shall publish such notice on the legal notices**  
6 **website, established pursuant to section 493.077. In any event, notice**  
7 **shall be published** within twenty days after the order of court is made[, and if  
8 no newspaper is published in the person's or any adjacent county, then such  
9 notice shall be given in a newspaper published in the City of St. Louis, or at the  
10 seat of government].

11 2. Public notice of such name change through publication as required in

12 subsection 1 of this section shall not be required, and any system operated by the  
13 judiciary that is designed to provide public case information electronically shall  
14 not post the name change, if the petitioner is:

15 (1) The victim of a crime, the underlying factual basis of which is found  
16 by the court on the record to include an act of domestic violence, as defined in  
17 section 455.010;

18 (2) The victim of child abuse, as defined in section 210.110; or

19 (3) The victim of domestic violence by a family or household member, as  
20 defined in section 455.010.

578.100. 1. Whoever engages on Sunday in the business of selling or sells  
2 or offers for sale on such day, at retail, motor vehicles; clothing and wearing  
3 apparel; clothing accessories; furniture; housewares; home, business or office  
4 furnishings; household, business or office appliances; hardware; tools; paints;  
5 building and lumber supply materials; jewelry; silverware; watches; clocks;  
6 luggage; musical instruments and recordings or toys; excluding novelties and  
7 souvenirs; is guilty of a misdemeanor and shall upon conviction for the first  
8 offense be sentenced to pay a fine of not exceeding one hundred dollars, and for  
9 the second or any subsequent offense be sentenced to pay a fine of not exceeding  
10 two hundred dollars or undergo confinement not exceeding thirty days in the  
11 county jail in default thereof.

12 2. Each separate sale or offer to sell shall constitute a separate offense.

13 3. Information charging violations of this section shall be brought within  
14 five days after the commission of the alleged offense and not thereafter.

15 4. The operation of any place of business where any goods, wares or  
16 merchandise are sold or exposed for sale in violation of this section is hereby  
17 declared to be a public and common nuisance.

18 5. Any county of this state containing all or part of a city with a  
19 population of over four hundred thousand may exempt itself from the application  
20 of this section by submission of the proposition to the voters of the county at a  
21 general election or a special election called for that purpose, and the proposition  
22 receiving a majority of the votes cast therein. The proposal to exempt the county  
23 from the provisions of this section shall be submitted to the voters of the county  
24 upon a majority vote of the governing body of the county or when a petition  
25 requesting the submission of the proposal to the voters and signed by a number  
26 of qualified voters residing in the county equal to eight percent of the votes cast  
27 in the county in the next preceding gubernatorial election is filed with the

28 governing body of the county. The ballot of submission shall contain, but not be  
29 limited to, the following language:

30  FOR the exemption of \_\_\_\_\_ County from the Sunday sales law

31  AGAINST the exemption of \_\_\_\_\_ County from the Sunday

32 sales law

33 If a majority of the votes cast on the proposal by the qualified voters voting  
34 thereon in the county are in favor of the proposal, then the provisions of this  
35 section shall no longer apply within that county. If a majority of the votes cast  
36 on the proposal by the qualified voters voting thereon in the county are opposed  
37 to the proposal, then the provisions of this section shall continue to apply and be  
38 enforced within that county. The exemption of any county from the provisions of  
39 this section shall not become effective in that county until the results of the vote  
40 exempting the county have been filed with the secretary of state and with the  
41 revisor of statutes and have been certified as received by those officers. The  
42 revisor of statutes shall note which counties are exempt from the provisions of  
43 this section in the Missouri revised statutes.

44 6. In addition to any other method of exemption provided by law, the  
45 governing body of any county of this state may exempt itself from the application  
46 of this section by order or ordinance of the governing body of the county after  
47 public hearing upon the matter. Such public hearing shall be preceded by public  
48 notice which shall[, at a minimum,] be published [at least three different times  
49 in the newspaper with the greatest circulation in the county] **on the front page**  
50 **of the governing body's website, if it has one, for a period of at least**  
51 **three consecutive weeks. If the governing body does not have a**  
52 **website, notice shall be sent to the secretary of state who shall publish**  
53 **such notice on the legal notices website, established pursuant to section**  
54 **493.077, until the date of the hearing has passed.** Upon such order or  
55 ordinance becoming effective, such county shall be exempt from the provisions of  
56 this section and no election or other method of exemption shall be required. The  
57 exemption of any county from the provisions of this section by order or ordinance  
58 shall not become effective in that county until the order or ordinance has been  
59 filed with the secretary of state and the revisor of statutes and has been certified  
60 as received by those officers. The revisor of statutes shall note which counties are  
61 exempt from the provisions of this section in the Missouri revised statutes.

640.015. 1. All provisions of the law to the contrary notwithstanding, all  
2 rules that prescribe environmental conditions or standards promulgated by the

3 department of natural resources, a board or a commission, pursuant to authorities  
4 granted in this chapter and chapters 260, 278, 319, 444, 643, and 644, the  
5 hazardous waste management commission in chapter 260, the state soil and  
6 water districts commission in chapter 278, the Missouri mining commission in  
7 chapter 444, the safe drinking water commission in this chapter, the air  
8 conservation commission in chapter 643, and the clean water commission in  
9 chapter 644 shall cite the specific section of law or legal authority. The rule shall  
10 also be based on the regulatory impact report provided in this section.

11 2. The regulatory impact report required by this section shall include:

12 (1) A report on the peer-reviewed scientific data used to commence the  
13 rulemaking process;

14 (2) A description of persons who will most likely be affected by the  
15 proposed rule, including persons that will bear the costs of the proposed rule and  
16 persons that will benefit from the proposed rule;

17 (3) A description of the environmental and economic costs and benefits of  
18 the proposed rule;

19 (4) The probable costs to the agency and to any other agency of the  
20 implementation and enforcement of the proposed rule and any anticipated effect  
21 on state revenue;

22 (5) A comparison of the probable costs and benefits of the proposed rule  
23 to the probable costs and benefits of inaction, which includes both economic and  
24 environmental costs and benefits;

25 (6) A determination of whether there are less costly or less intrusive  
26 methods for achieving the proposed rule;

27 (7) A description of any alternative method for achieving the purpose of  
28 the proposed rule that were seriously considered by the department and the  
29 reasons why they were rejected in favor of the proposed rule;

30 (8) An analysis of both short-term and long-term consequences of the  
31 proposed rule;

32 (9) An explanation of the risks to human health, public welfare, or the  
33 environment addressed by the proposed rule;

34 (10) The identification of the sources of scientific information used in  
35 evaluating the risk and a summary of such information;

36 (11) A description and impact statement of any uncertainties and  
37 assumptions made in conducting the analysis on the resulting risk estimate;

38 (12) A description of any significant countervailing risks that may be

39 caused by the proposed rule; and

40 (13) The identification of at least one, if any, alternative regulatory  
41 approaches that will produce comparable human health, public welfare, or  
42 environmental outcomes.

43 3. The department, board, or commission shall develop the regulatory  
44 impact report required by this section using peer-reviewed and published data or  
45 when the peer-reviewed data is not reasonably available, a written explanation  
46 shall be filed at the time of the rule promulgation notice explaining why the  
47 peer-reviewed data was not available to support the regulation. If the  
48 peer-reviewed data is not available, the department must provide all scientific  
49 references and the types, amount, and sources of scientific information that was  
50 used to develop the rule at the time of the rule promulgation notice.

51 4. The department, board, or commission shall publish [in at least one  
52 newspaper of general circulation, qualified pursuant to chapter 493, with an  
53 average circulation of twenty thousand or more and] on the department, board,  
54 or commission website a notice of availability of any regulatory impact report  
55 conducted pursuant to this section and shall make such assessments and analyses  
56 available to the public by posting them on the department, board, or commission  
57 website. The department, board, or commission shall allow at least sixty days for  
58 the public to submit comments and shall post all comments and respond to all  
59 significant comments prior to promulgating the rule.

60 5. The department, board, or commission shall file a copy of the regulatory  
61 impact report with the joint committee on administrative rules concurrently with  
62 the filing of the proposed rule pursuant to section 536.024.

63 6. If the department, board, or commission fails to conduct the regulatory  
64 impact report as required for each proposed rule pursuant to this section, such  
65 rule shall be void unless the written explanation delineating why the  
66 peer-reviewed data was not available has been filed at the time of the rule  
67 promulgation notice.

68 7. Any other provision of this section to the contrary notwithstanding, the  
69 department, board, or commission referenced in subsection 1 of this section may  
70 adopt a rule without conducting a regulatory impact report if the director of the  
71 department determines that immediate action is necessary to protect human  
72 health, public welfare, or the environment; provided, however, in doing so, the  
73 department, board, or commission shall be required to provide written  
74 justification as to why it deviated from conducting a regulatory impact report and

75 shall complete the regulatory impact report within one hundred eighty days of the  
76 adoption of the rule.

77 8. The provisions of this section shall not apply if the department adopts  
78 environmental protection agency rules and rules from other applicable federal  
79 agencies without variance.

640.120. 1. The department of natural resources shall require tests for  
2 those contaminants in water which are included in the state drinking water  
3 regulations, for those contaminants included in the national primary drinking  
4 water regulations, for those contaminants for which monitoring is otherwise  
5 required pursuant to the provisions of the federal Safe Drinking Water Act, and  
6 for any other contaminants which the department of natural resources finds may  
7 be hazardous to public health.

8 2. A water system shall be tested for each contaminant at the frequency  
9 required under federal drinking water regulations or a flexible monitoring  
10 program allowed under the federal Safe Drinking Water Act, as amended, unless  
11 the department determines, after public notice and comment, that testing at a  
12 greater frequency for that contaminant is necessary to protect the health of  
13 persons served by that system. In an emergency situation, the director may order  
14 more frequent testing in order to protect the public health.

15 3. Water sampling conducted pursuant to this section for lead or other  
16 contaminants suspected to be originating in privately owned plumbing attached  
17 to the water system shall include a representative number of first draw samples  
18 collected at the tap. Samples taken from private property not part of the  
19 facilities owned by a public water system may be taken only with the permission  
20 of the owner or lessee of the property.

21 4. The department of natural resources may authorize variances and  
22 exemptions from state primary water regulations.

23 5. Duly authorized representatives of the department of natural resources,  
24 with prior notice, may enter at reasonable times upon any private or public  
25 property to inspect and investigate conditions relating to the construction,  
26 maintenance and operation of a public water supply, and take samples for  
27 analysis. If the director or the director's representative has probable cause to  
28 believe that a public water supply system is located on any premises, the director  
29 or the director's representative shall be granted entry for the purpose of  
30 inspection and sample collection. Should entry be denied, a suitably restricted  
31 search warrant, upon a showing of probable cause in writing and upon oath, shall

32 be issued by any judge or associate circuit judge having jurisdiction to any  
33 representative of the department to enable the director or the director's  
34 representative to make such inspections.

35         6. The department of natural resources shall publish annually a census  
36 of Missouri public water systems. The department shall make available for public  
37 review for each public water system the most recent level found of each  
38 contaminant for which it is required to test pursuant to subsection 1 of this  
39 section. The department shall notify the public annually by press release  
40 [directed to the newspaper or newspapers of general circulation or radio stations  
41 in the area served by each community water system] as to the availability of an  
42 annual report on the condition of drinking water quality. **Such report shall be**  
43 **published on the front page of the department's website.** The report shall  
44 describe testing procedures, identify contaminants tested for and the levels of  
45 contamination found, and indicate trends which have been observed in water  
46 quality in public water systems.

47         7. Only lead-free materials, as determined by the department by rule,  
48 shall be used in construction and repair of any public water system and on  
49 plumbing in any building in this state which is connected to any public water  
50 system; provided, however, that lead may be used to repair lead joints connecting  
51 cast iron pipes which were in use prior to August 28, 1989.

640.418. 1. The department may establish special water quality  
2 protection areas where it finds a contaminant in a public water system in  
3 concentration which exceeds a maximum contaminant level established by the  
4 environmental protection agency pursuant to the Safe Drinking Water Act, as  
5 amended, or a maximum contaminant level established by the department  
6 pursuant to this chapter or sections 640.400 to 640.435 or a contaminant in  
7 surface or groundwater which exceeds water quality standards established  
8 pursuant to chapter 644, which presents a threat to public health or the  
9 environment. In making such a determination, the department shall consider the  
10 probable effect of the contaminant or contaminants on human health and the  
11 environment, the probable duration of the elevated levels of the contaminant, the  
12 quality, quantity and probable uses of surface or groundwater within the area,  
13 and whether protective measures are likely to prevent, mitigate or minimize the  
14 level of the contaminant in the surface or groundwater.

15         2. If the department determines that a special water quality protection  
16 area should be established, it shall consult with the interagency task force and

17 with the public water system or systems affected and determine the boundaries  
18 of such area. When the boundaries of any such areas have been determined, the  
19 department shall, after a public hearing, issue an order designating the area as  
20 a special water quality protection area. Such an order shall include a geographic,  
21 hydrologic and stratigraphic definition of the area.

22 3. The department shall hold a public hearing or a public meeting within  
23 the area under consideration for designation as a special water quality protection  
24 area. The department shall notify every city and county within the proposed area  
25 and shall notify the public by press release and by publication of a notice [in a  
26 newspaper of general circulation in the region] **on the front page of its**  
27 **website.**

644.036. 1. No standard, rule or regulation or any amendment or repeal  
2 thereof shall be adopted except after a public hearing to be held after thirty days'  
3 prior notice by advertisement of the date, time and place of the hearing and  
4 opportunity given to the public to be heard. Notice of the hearings and copies of  
5 the proposed standard, rule or regulation or any amendment or repeal thereof  
6 shall also be given by regular mail, at least thirty days prior to the scheduled  
7 date of the hearing, to any person who has registered with the director for the  
8 purpose of receiving notice of such public hearings in accordance with the  
9 procedures prescribed by the commission at least forty-five days prior to the  
10 scheduled date of the hearing. However, this provision shall not preclude  
11 necessary changes during this thirty-day period.

12 2. At the hearing, opportunity to be heard by the commission with respect  
13 to the subject thereof shall be afforded any interested person upon written  
14 request to the commission, addressed to the director, not later than seven days  
15 prior to the hearing, and may be afforded to other persons if convenient. In  
16 addition, any interested persons, whether or not heard, may submit, within seven  
17 days subsequent to the hearings, a written statement of their views. The  
18 commission may solicit the views, in writing, of persons who may be affected by,  
19 or interested in, proposed rules and regulations, or standards. Any person heard  
20 or represented at the hearing or making written request for notice shall be given  
21 written notice of the action of the commission with respect to the subject thereof.

22 3. Any standard, rule or regulation or amendment or repeal thereof shall  
23 not be deemed adopted or in force and effect until it has been approved in writing  
24 by at least four members of the commission. A standard, rule or regulation or an  
25 amendment or repeal thereof shall not become effective until a certified copy

26 thereof has been filed with the secretary of state as provided in chapter 536.

27           4. Unless prohibited by any federal water pollution control act, any  
28 standard, rule or regulation or any amendment or repeal thereof which is adopted  
29 by the commission may differ in its terms and provisions as between particular  
30 types and conditions of water quality standards or of water contaminants, as  
31 between particular classes of water contaminant sources, and as between  
32 particular waters of the state.

33           5. Any listing required by Section 303(d) of the federal Clean Water Act,  
34 as amended, 33 U.S.C. 1251, et seq., to be sent to the U.S. Environmental  
35 Protection Agency for its approval that will result in any waters of the state being  
36 classified as impaired shall be adopted by the commission after a public hearing,  
37 or series of hearings, held in accordance with the following procedures. The  
38 department of natural resources shall publish [in at least six regional  
39 newspapers, in advance,] a notice by advertisement the availability of a proposed  
40 list of impaired waters of the state and such notice shall include at least ninety  
41 days' advance notice of the date, time, and place of the public hearing and  
42 opportunity given to the public to be heard. Notice of the hearings and copies of  
43 the proposed list of impaired waters also shall be posted on the department of  
44 natural resources' website and given by regular mail, at least ninety days prior  
45 to the scheduled date of the hearing, to any person who has registered with the  
46 director for the purpose of receiving notice of such public hearings. The proposed  
47 list of impaired waters shall identify the water segment, the uses to be made of  
48 such waters, the uses impaired, identify the pollutants causing or expected to  
49 cause violations of the applicable water quality standards, and provide a  
50 summary of the data relied upon to make the preliminary  
51 determination. Contemporaneous with the publication of the notice of public  
52 hearing, the department shall make available on its website all data and  
53 information it relied upon to prepare the proposed list of impaired waters,  
54 including a narrative explanation of how the department determined the water  
55 segment was impaired. At any time after the public notice and until seven days  
56 after the public hearing, the department shall accept written comments on the  
57 proposed list of impaired waters. After the public hearing and after all written  
58 comments have been submitted, the department shall prepare a written response  
59 to all comments and a revised list of impaired waters. The commission shall  
60 adopt a list of impaired waters in a public meeting during which the public shall  
61 be afforded an opportunity to respond to the department's written response to

62 comments and revised list of impaired waters. Notice of the meeting shall include  
63 the date, time, and place of the public meeting and shall provide notice that the  
64 commission will give interested persons the opportunity to respond to the  
65 department's revised list of impaired waters and written responses to comment. At  
66 its discretion, the commission may extend public comment periods or hold  
67 additional public hearings on the proposed and revised lists of impaired  
68 waters. The commission shall not vote to add to the list of impaired waters any  
69 waters not recommended by the department in the proposed or revised lists of  
70 impaired waters without granting the public at least thirty additional days to  
71 comment on the proposed addition. The list of impaired waters adopted by the  
72 commission shall not be deemed to be a rule as defined by section 536.010. The  
73 listing of any water segment on the list of impaired waters adopted by the  
74 commission shall be subject to judicial review by any adversely affected party  
75 under section 536.150.

700.527. 1. If a person abandons a manufactured home on any real  
2 property owned by another who is renting such real property to the owner of the  
3 manufactured home, and such abandonment is without the consent of the owner  
4 of the real property, and the abandoned manufactured home is not subject to any  
5 lien perfected according to sections 700.350 to 700.380, the owner of the real  
6 property shall have a lien for unpaid rent against the manufactured home. The  
7 lien for unpaid rent shall be enforced as provided in this section and may be  
8 contested as provided in section 700.528.

9 2. The real property owner claiming a lien on an abandoned manufactured  
10 home shall give written notice to the owner of the manufactured home, by  
11 certified mail, return receipt requested. The notice shall contain the following:

- 12 (1) The name, address, and telephone number of the real property owner;
- 13 (2) The name of the owner of the manufactured home and the make, year,  
14 and serial number of the manufactured home;
- 15 (3) That the manufactured home is abandoned as provided in section  
16 700.526 and applicable rule of the director of revenue;
- 17 (4) The duration of such abandonment;
- 18 (5) That the manufactured home is located on real estate owned by the  
19 real property owner;
- 20 (6) That the home is located on such real estate by reason of a valid rental  
21 agreement;
- 22 (7) That the homeowner is in default of the rental agreement;

23 (8) The amount of rent accrued to the date of the notice and the monthly  
24 rate at which future rent will accrue until the abandoned home is redeemed;

25 (9) That the homeowner has not paid or made arrangements for the  
26 payment of the accrued rent;

27 (10) That the real property owner claims a lien for all such rent;

28 (11) That the owner of the manufactured home may redeem the  
29 abandoned manufactured home at any time during business hours by paying all  
30 rent accrued under the terms of the rental agreement;

31 (12) That the manufactured homeowner has a right to contest the real  
32 property owner's lien by filing, within ten days of receipt of the notice required  
33 by this section, a petition in the associate circuit division of circuit court of the  
34 county in which the manufactured home is located;

35 (13) That if the manufactured home remains unredeemed thirty days from  
36 the date of mailing of the notice and within ten days of mailing of the notice a  
37 petition is not filed to contest the lien, the real property owner may apply to the  
38 director of revenue for a lien title. Upon receipt of a lien title, the real property  
39 owner shall have the right to sell the manufactured home to recover unpaid rent,  
40 actual and necessary expenses incurred in obtaining a lien title, and conducting  
41 and advertising the sale.

42 3. The real property owner's lien and the sum of which the homeowner  
43 shall be obligated to pay to satisfy the lien shall be the unpaid rent accrued under  
44 the terms of the rental agreement to the date the homeowner satisfied the lien  
45 or if not so satisfied to the date the home is sold under this section.

46 4. The owner of the manufactured home shall not have the right to remove  
47 the home from the real property owner's property until such time as all rent  
48 provided for the rental agreement is paid.

49 5. If the homeowner has not paid or made arrangements for the payment  
50 of the accrued rent with the real property owner within thirty days from the date  
51 of mailing of the notice and no petition as provided in section 700.528 has been  
52 filed in the associate circuit division of the circuit court in the county in which  
53 the abandoned manufactured home is located to contest the lien or if filed has  
54 been dismissed or judgment has been entered on the petition establishing the real  
55 property owner's lien, the real property owner may apply to the director of  
56 revenue for a certificate of title in order to enforce the lien.

57 6. The application for a lien title shall be in the form furnished by the  
58 director of revenue and shall contain and be accompanied by:

- 59 (1) The make, year, and serial number of the manufactured home;
- 60 (2) An affidavit of the owner of real property seeking possession of the  
61 manufactured home that states:
- 62 (a) The manufactured home is abandoned as provided in section 700.526  
63 and by applicable rule of the director of revenue;
- 64 (b) The duration of such abandonment;
- 65 (c) The manufactured home is located upon real property owned by the  
66 real property owner;
- 67 (d) The manufactured home is located on the real estate by reason of a  
68 valid rental agreement;
- 69 (e) The homeowner is in default of the rental agreement;
- 70 (f) The amount of past-due rent and the monthly rate at which future rent  
71 will accrue under the rental agreement;
- 72 (g) The homeowner has not paid or made arrangements for the payment  
73 of the rent;
- 74 (h) The owner of real property claims a lien for all such rent;
- 75 (i) The real property owner mailed the notice required by subsection 3 of  
76 this section to the owner of the manufactured home by certified mail, return  
77 receipt requested;
- 78 (j) The manufactured homeowner has not filed a petition in the associate  
79 circuit division of circuit court contesting the real property owner's lien, or if a  
80 petition was filed, that either the homeowner's petition was dismissed or that a  
81 judgment in the real property owner's favor establishing the lien was entered;
- 82 (3) A copy of the thirty-day notice given by certified mail to the owner of  
83 the manufactured home;
- 84 (4) A copy of the certified mail receipt indicating that the owner was sent  
85 the notice as required in subsection 3 of this section;
- 86 (5) A copy of the envelope or mailing container showing the address and  
87 postal marking that indicate the notice was not forwardable or address unknown;
- 88 (6) An original, photostatic, or conformed copy of the original contract for  
89 the rental of the real property;
- 90 (7) A copy of any judgment of dismissal of the homeowner's petition to  
91 contest the lien or a judgment awarding the real property owner a lien against  
92 the manufactured home; and
- 93 (8) Any other information that the director of revenue may require by  
94 rule.

95 7. If the director is satisfied with the genuineness of the application and  
96 supporting documents submitted under this section, the director shall issue, in  
97 the manner a repossessed title is issued, a certificate of ownership or certificate  
98 of title to the real property owner which shall be captioned "lien title".

99 8. Upon receipt of a lien title, the holder shall within thirty days begin  
100 proceedings to sell the manufactured home as prescribed in this section. The real  
101 property owner shall be entitled to any actual and necessary expenses incurred  
102 in obtaining the lien title, including, but not limited to reasonable attorney's fees  
103 and cost of advertising.

104 9. The sale of the manufactured home shall be held only after giving the  
105 owner not less than twenty days' notice, by one of the following means:

106 (1) By personal delivery to the owner of a copy of the notice set out below;

107 (2) By mailing a copy of the notice set out in subsection 11 of this section,  
108 by registered mail addressed to the owner of the manufactured home in which  
109 case a return receipt shall be evidence of due notice;

110 (3) By publishing the notice not less than [twice in a newspaper of general  
111 circulation in the county in which the manufactured home is to be sold, the last  
112 publication to be not less than] twenty days prior to the date of sale[; or

113 (4) If no newspaper is published within the county in which said  
114 manufactured home is to be sold, then by posting the notice, not less than twenty  
115 days prior to the date of sale, on five handbills placed in five different places in  
116 the county in which the manufactured home is to be sold and with one of such  
117 handbills posted where the manufactured home is located] **on the legal notices  
118 website, established pursuant to section 493.077. Such notice shall  
119 remain on the legal notices website until the date of the sale has  
120 passed.**

121 10. The form of the notice shall be substantially as follows:

122 "NOTICE

123 Notice is hereby given that on (insert date), sale will be held at  
124 (insert place) to sell the following manufactured home to enforce a  
125 lien existing under the laws of the state of Missouri for real estate  
126 rental, unless the manufactured home is redeemed prior to the date  
127 of sale:

128 Name of Owner: Description of Manufacturer's Amount of Lien:

129 Manufactured Serial Number:

130 Home:

131 Name of Lienor:".

132 11. The owner of the manufactured home may redeem the home prior to  
133 the sale by payment of all rents due and owing to the real property owner under  
134 the rental agreement to the date of sale or payment, whichever is sooner, and  
135 payment of actual and necessary expenses incurred in obtaining the lien,  
136 including but not limited to reasonable attorney's fees, and necessary expenses  
137 of advertising the sale.

138 12. If the manufactured home is not redeemed prior to the date of sale  
139 provided in the notice set forth in this section, the real property owner may sell  
140 the manufactured home on the day and at the place specified in the notice. The  
141 proceeds of sale shall be distributed in the following order:

142 (1) To the satisfaction of real property owner's past-due rent and  
143 reimbursement of its actual and necessary expenses incurred in obtaining the lien  
144 and lien title, including attorney's fees and the necessary expenses of advertising  
145 the sale provided for in this section;

146 (2) The excess, if any, shall be paid to the manufactured homeowner.  
147 If the manufactured homeowner cannot be located within thirty days of the date  
148 of sale, the excess, if any, shall be deposited with the county treasurer of the  
149 county in which the home was sold and in the case of a sale within a city not  
150 within a county with its treasurer, together with a sworn statement containing  
151 the name of the owner, description of the manufactured home by manufacturer's  
152 serial number, amount of lien, sale price, name of purchaser, and costs and  
153 manner of advertising.

154 13. Such treasurer shall credit such excess to the general revenue fund  
155 of the county or a city not within a county, subject to the right of the owner to  
156 reclaim the same at any time within three years of the date of such deposit with  
157 the treasurer, after presentation of proper evidence of ownership and obtaining  
158 an order of the county commission, or comptroller of a city not within a county,  
159 directed to said treasurer for the return of such excess deposit.

160 14. Any lienor failing to or refusing to deliver to such treasurer the excess  
161 proceeds of sale together with a sworn statement as required in this section  
162 within thirty days after such sale shall be liable for double the excess of proceeds  
163 of such sale, to be recovered in any court of competent jurisdiction by civil action.

164 15. The real property owner's compliance with the requirements of this  
165 section shall be a perpetual bar to any action against such owner of real property  
166 by any person for the recovery of the manufactured home or its value or of any

167 damages growing out of the taking of possession and sale of such manufactured  
168 home.

169 16. The real property owner may be a purchaser at the public sale  
170 conducted under this section.

171 17. The provisions of this section shall not apply to a manufactured home  
172 which is real estate as defined in subsection 7 of section 442.015.

2 [21.300. The notice shall state the substance of the  
3 contemplated law, shall be signed by ten householders of the  
4 county or incorporated city or town where the notice is published  
5 and shall be inserted in four separate publications of the  
6 newspaper. The first insertion shall be at least thirty days prior  
7 to the introduction of the contemplated bill. Notice given by  
8 handbills shall be posted at least thirty days prior to the  
9 introduction of the contemplated bill and notice shall be recited in  
the bill, according to its tenor.]

2 [21.310. The proof of the publication of the notice shall be  
3 made by the affidavit of the publisher of the newspaper in which  
4 the notice is published, to which shall be attached a copy of the  
5 notice. The proof of notice published by handbills shall be made by  
6 the affidavit of some person who signed the notice to which shall  
be attached a copy of the notice.]

2 [116.260. The secretary of state shall designate in what  
3 newspaper or newspapers in each county the text of statewide  
4 ballot measures shall be published. If possible, each shall be  
5 published once a week for two consecutive weeks in two  
6 newspapers of different political faiths in each county, the last  
7 publication to be not more than thirty or less than fifteen days next  
8 preceding the election. If there is but one newspaper in any  
9 county, publication for four consecutive weeks shall be made, the  
10 first publication to be not less than twenty-eight days next  
11 preceding the election. If there are two or more newspapers in a  
12 county, none of which is of different political faiths from another,  
13 the statewide ballot measures shall be published once a week for  
14 two consecutive weeks in any two newspapers in the county with  
15 the last publication not more than thirty or less than fifteen days  
next preceding the election.]

2 [271.340. The publisher of any newspaper shall receive for  
publishing the notice required in section 271.100, and filing the  
3 affidavit thereof with the clerk, one dollar and sixty cents.]

2 [492.480. Parties applying for commissions shall, in  
addition to the notice required by sections 492.450 to 492.470, give  
3 a general notice, in the nearest newspaper to the place where the  
depositions are to be taken, for four successive weeks, of the time  
4 and place of taking the depositions, and the object thereof.]

2 [493.025. Except where otherwise provided in this chapter,  
when the publication of a law, proclamation, nominations to office,  
3 proposed constitutional amendments or other questions to be  
submitted to the people, order or notice shall be published in any  
4 newspaper for the state, or for any public officer on account of, or  
5 in the name of the state, or for any county, or for any public officer  
6 on account of, or in the name of any county, or any legal  
7 advertisement, legal notice, order of court or public notice of any  
8 kind is allowed or required by law, a newspaper publishing such  
9 notice shall charge and receive not more than its regular local  
10 classified advertising rate. The regular local classified advertising  
11 rate is that rate shown by the newspaper's rate schedule as offered  
12 to the public, and shall have been in effect for at least thirty days  
13 preceding publication of the particular notice to which it is  
14 applied.]

2 [493.027. In any first classification county, or in any city  
not within a county, a board consisting of the judges of the circuit  
3 court of such county, or a majority of them, if they deem it in the  
4 public interest, may qualify any newspaper of general circulation,  
5 and as further qualified in section 493.050, for the publication of  
6 public notices and advertisements, and may review and approve  
7 rates which may be charged for public notices and advertisements.]

2 [493.040. In procuring the publication of any law,  
proclamation, advertisement, order or notice, as in section 493.030  
3 mentioned, the public officers shall accept of the most  
4 advantageous terms that can be obtained, not exceeding the rates  
5 limited in said section.]

[493.045. As used in this chapter the words "daily

2 newspaper" shall mean a newspaper which is published every day,  
3 or each day except Sundays and legal holidays, or which shall be  
4 published on each of any five days in every week excepting legal  
5 holidays and including or excluding Sundays; except, that when a  
6 holiday intervenes in any given week the newspaper may be  
7 published on each of any four days in said week.]

[493.050. All public advertisements and orders of  
2 publication required by law to be made and all legal publications  
3 affecting the title to real estate shall be published in some daily,  
4 triweekly, semiweekly or weekly newspaper of general circulation  
5 in the county where located and which shall have been admitted to  
6 the post office as periodicals class matter in the city of publication;  
7 shall have been published regularly and consecutively for a period  
8 of three years, except that a newspaper of general circulation may  
9 be deemed to be the successor to a defunct newspaper of general  
10 circulation, and subject to all of the rights and privileges of said  
11 prior newspaper under this statute, if the successor newspaper  
12 shall begin publication no later than thirty consecutive days after  
13 the termination of publication of the prior newspaper; shall have  
14 a list of bona fide subscribers voluntarily engaged as such, who  
15 have paid or agreed to pay a stated price for a subscription for a  
16 definite period of time; provided, that when a public notice,  
17 required by law to be published once a week for a given number of  
18 weeks, shall be published in a daily, triweekly, semiweekly or  
19 weekly newspaper, the notice shall appear once a week, on the  
20 same day of each week, and further provided, that every affidavit  
21 to proof of publication shall state that the newspaper in which such  
22 notice was published has complied with the provisions of this  
23 section; provided further, that the duration of consecutive  
24 publication provided for in this section shall not affect newspapers  
25 which have become legal publications prior to September 6, 1937;  
26 provided, however, that when any newspaper shall be forced to  
27 suspend publication in any time of war, due to the owner or  
28 publisher being inducted into the Armed Forces of the United  
29 States, the newspaper may be reinstated within one year after  
30 actual hostilities have ceased, with all the benefits provided

31 pursuant to the provisions of this section, upon the filing with the  
32 secretary of state of notice of intention of such owner or publisher,  
33 the owner's surviving spouse or legal heirs, to republish such  
34 newspaper, setting forth the name of the publication, its volume  
35 and number, its frequency of publication, and its readmission to  
36 the post office where it was previously entered as periodicals class  
37 mail matter, and when it shall have a list of bona fide subscribers  
38 voluntarily engaged as such who have paid or agreed to pay a  
39 stated price for subscription for a definite period of time. All laws  
40 or parts of laws in conflict with this section except sections 493.070  
41 to 493.120, are hereby repealed.]

[493.055. All public advertisements and orders of  
2 publication required by law to be made, including but not limited  
3 to amendments to the Missouri Constitution, legal publications  
4 affecting all sales of real estate under a power of sale contained in  
5 any mortgage or deed of trust, and other legal publications  
6 affecting the title to real estate, shall be published in a newspaper  
7 of general circulation, qualified under the provisions of section  
8 493.050, and persons responsible for orders of publication described  
9 in sections 443.310 and 443.320 shall be subject to the prohibitions  
10 in sections 493.130 and 493.140.]

[493.060. When any notice or other advertisement shall be  
2 required, by law or the order of any court, to be published in any  
3 newspaper or made in conformity with any deed of trust or power  
4 of attorney, the affidavit of the printer, editor, or publisher, with  
5 a copy of such advertisement annexed, stating the number and date  
6 of the papers in which the same was published, shall be sufficient  
7 evidence of the publication.]

[493.070. In all cities of this state which now have, or shall  
2 hereafter have, a population of one hundred thousand inhabitants  
3 or more, all public notices and advertisements, directed by any  
4 court, or required by law to be published in a newspaper, shall be  
5 published in some daily newspaper of such city, of general  
6 circulation therein, which shall have been established and  
7 continuously published as such for a period of at least three  
8 consecutive years next prior to the publication of any such notice.]

1 [493.075. When any law of this state provides that notices  
2 of any act or thing be made by posting a notice, or by putting up  
3 advertisements in public places, the notices or advertisements may,  
4 in lieu of posting, be published for the period required by such law  
5 in a newspaper accredited under the provisions of this chapter; and  
6 published in the locality where such act or thing is required, but if  
7 no newspaper is published therein, then in a newspaper published  
8 in the county in such locality; except that nothing in this section  
9 shall be construed to limit in any way or restrict the provisions of  
10 any law of this state which may require longer or more frequent  
11 insertions of any notices in a newspaper, and except that this  
12 section shall not apply to the notices required under sections  
13 228.030 and 228.110; provided, however, this section shall not  
14 apply to counties of the first class having a charter form of  
15 government nor to cities located in said counties.]

1 [493.080. In all such cities a board consisting of the judges  
2 of the circuit court of such city or of the judicial circuit in which  
3 the city is situated, or a majority of them shall on or before the  
4 first day of January, 1942, and every two years thereafter, cause to  
5 be published in some daily newspaper of said city a notice for at  
6 least twenty days announcing and designating the time and place  
7 when and where said board shall hold a hearing to determine what  
8 newspapers in such cities are qualified to publish public notices  
9 and advertisements under the provisions of section 493.070; and all  
10 newspapers in the cities desiring to publish such public notices and  
11 advertisements shall, on or prior to the date of each such hearing,  
12 file with the board a petition verified by the affidavit of one of the  
13 publishers thereof, that such newspaper has the qualifications set  
14 forth in said section and desires to be designated as a qualified  
15 newspaper under the provisions of section 493.070, and a majority  
16 of the board at such time and place shall determine what  
17 newspapers so petitioning are qualified under the provisions of that  
18 section and shall make a record thereof and shall file a copy thereof  
19 with the clerk of all courts of record within such cities, and  
20 thereupon such newspapers shall be deemed and considered by all  
21 courts and officers of this state to be qualified under the provisions

22 of that section; provided, however, that there shall not be charged  
23 by or allowed to any such newspaper for such publications a rate  
24 that exceeds the rate provided in section 493.030; provided,  
25 however, that the petition shall be accompanied by a good and  
26 sufficient bond, in a sum to be fixed by the board, conditioned for  
27 the correct and faithful publication in the newspaper of all public  
28 notices and advertisements, in manner and form as required by  
29 law, and at rates not in excess of the rate fixed herein; provided,  
30 further, that the board of judges of any such city, if the board shall  
31 deem it in the public interest, shall, in the manner herein  
32 prescribed, qualify any daily newspaper of general circulation for  
33 the publication of public notices and advertisements at rates higher  
34 than the maximum rates herein established, though such  
35 newspaper shall not file bond hereunder.]

[493.090. No public notice or advertisement directed by any  
2 court or required by law to be published in a newspaper, in cities  
3 of one hundred thousand inhabitants or more, shall be valid unless  
4 it be published in a daily newspaper qualified to publish such  
5 notices and advertisements under the provisions of sections  
6 493.070 to 493.090.]

[493.100. In all cities having a population of more than six  
2 hundred thousand inhabitants, as shown by the last United States  
3 census, no notice or other advertisement permitted or required by  
4 law to be made in conformity with the power of sale of real estate  
5 contained in any mortgage or deed of trust shall be valid or  
6 sufficient unless such notice or other advertisement shall be  
7 published in a daily newspaper, published in such city, whose  
8 annual cash receipts from circulation shall exceed six thousand  
9 dollars; and such receipts shall be paid by the bona fide individual  
10 and separate subscribers of such newspapers in such city, and in  
11 computing such receipts there shall not be counted or included cash  
12 received from advertising or from any other source.]

[493.110. In all such cities, a board, consisting of the judges  
2 of the circuit court of such city, or of the judicial circuit in which  
3 such city is situated, or a majority of the same, shall, on or before  
4 the first day of January, 1912, and every two years thereafter,

5 cause to be published in some daily newspaper of said city a notice  
6 for at least ten days announcing and designating the time and  
7 place when and where the said board shall have a hearing to  
8 determine what newspapers in such cities are eligible to publish  
9 such notices under the provisions of the foregoing section. The  
10 publishers of newspapers desiring the right to publish such notices  
11 shall, upon or prior to the date of such hearing, file with said board  
12 a petition, verified by the affidavit of such publishers, directed to  
13 said board petitioning for such right and setting forth that such  
14 newspaper has the required circulation as set forth in the foregoing  
15 section. At the time and place so designated the said board shall  
16 determine, by such method as shall seem to it best, what  
17 newspapers so making application are eligible under the provisions  
18 of the foregoing section, and a record of the decisions of the board  
19 and a list of the newspapers so declared eligible shall be made in  
20 such court and in such manner as the board shall determine.]

[493.120. No notice or other advertisement, as set forth in  
2 section 493.100, published in newspapers other than those so  
3 declared eligible by such board shall be valid.]

[493.130. It shall be unlawful for any officer of the law,  
2 attorney at law, administrator, agent or person holding property in  
3 trust, to make a profit, directly or indirectly, through or by virtue  
4 of any contract, express or implied, made with any newspaper or  
5 publishing company for any advertisements, official or otherwise,  
6 and any rebate contracted for, allowed or given to such officer,  
7 attorney or person shall be accounted for, and the benefit thereof  
8 given to the party entitled thereto.]

[493.140. Any officer, attorney or person who shall collect,  
2 retain or enjoy, and any person who shall give to any such officer,  
3 attorney or person, any rebate or pecuniary benefit, as designated  
4 in section 493.130 herein, shall be guilty of a misdemeanor, and  
5 upon conviction shall be punished by imprisonment in the county  
6 jail for a term not exceeding one year, or by fine not exceeding one  
7 thousand dollars, or by both such fine and imprisonment.]

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