

SECOND REGULAR SESSION

# HOUSE BILL NO. 1966

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LYNCH.

3974H.011

DANA RADEMAN MILLER, Chief Clerk

## 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, 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,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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.

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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, 34.030,  
 2 34.040, 34.042, 34.044, 49.265, 49.535, 50.333, 50.660, 50.760, 50.783, 50.800, 50.815, 56.363,  
 3 60.010, 64.040, 64.140, 64.180, 64.231, 64.271, 64.281, 64.341, 64.342, 64.401, 64.550, 64.725,  
 4 64.815, 65.610, 65.662, 66.705, 66.711, 67.110, 67.461, 67.794, 67.950, 67.1170, 67.1180,  
 5 67.1237, 67.1421, 67.1431, 67.1551, 67.1812, 67.1866, 67.1874, 67.1953, 67.2000, 67.2505,  
 6 67.2515, 67.2520, 67.2525, 67.5050, 67.5060, 68.055, 68.215, 68.225, 68.250, 71.012, 71.015,

7 71.050, 71.070, 71.590, 71.794, 72.402, 72.403, 72.405, 72.422, 77.110, 77.220, 77.700, 78.300,  
8 78.630, 79.160, 79.490, 80.200, 80.210, 80.570, 80.580, 81.220, 82.120, 82.133, 84.570, 88.027,  
9 88.080, 88.110, 88.520, 88.640, 88.653, 88.657, 88.700, 88.787, 88.808, 88.812, 88.815, 88.880,  
10 88.887, 88.917, 89.145, 89.360, 91.130, 91.670, 92.755, 95.280, 99.150, 99.430, 99.450, 99.490,  
11 99.620, 99.825, 99.830, 99.865, 99.879, 99.881, 99.899, 99.936, 99.951, 99.980, 99.1021,  
12 99.1036, 99.1060, 99.1088, 100.400, 100.410, 100.440, 100.580, 108.320, 110.070, 110.130,  
13 115.023, 115.113, 115.124, 115.127, 115.345, 115.389, 115.521, 116.260, 116.290, 128.030,  
14 135.210, 135.215, 135.963, 137.055, 137.073, 137.177, 137.355, 137.512, 138.050, 138.070,  
15 138.100, 138.150, 138.460, 140.170, 141.040, 141.410, 141.430, 141.450, 141.540, 141.785,  
16 141.850, 141.1009, 141.1012, 144.034, 160.665, 161.092, 162.321, 165.111, 165.121, 165.211,  
17 172.020, 177.073, 177.086, 177.088, 177.091, 182.620, 184.104, 184.350, 184.353, 184.503,  
18 184.509, 184.600, 184.830, 190.020, 190.088, 192.300, 197.330, 198.220, 204.260, 204.350,  
19 204.355, 204.472, 204.567, 204.602, 204.604, 204.622, 204.658, 205.200, 205.979, 206.030,  
20 206.060, 214.035, 214.060, 214.209, 226.799, 227.100, 227.107, 227.601, 227.609, 228.180,  
21 229.050, 231.220, 231.280, 231.370, 231.410, 233.150, 233.175, 233.205, 233.225, 233.285,  
22 233.295, 233.316, 233.325, 233.350, 233.370, 233.425, 233.503, 233.520, 234.120, 234.130,  
23 238.212, 238.220, 238.310, 241.160, 242.030, 242.050, 242.140, 242.150, 242.270, 242.310,  
24 242.485, 242.696, 242.720, 243.060, 243.110, 243.160, 243.220, 243.460, 243.550, 245.020,  
25 245.060, 245.125, 245.140, 245.181, 245.300, 245.320, 245.395, 245.460, 246.070, 246.090,  
26 246.160, 247.031, 247.040, 247.085, 247.160, 247.165, 247.215, 247.217, 247.220, 248.020,  
27 248.090, 248.110, 249.050, 249.134, 249.340, 249.360, 249.425, 249.480, 249.510, 249.765,  
28 249.800, 249.810, 249.939, 249.1103, 251.330, 251.370, 251.430, 253.080, 253.300, 256.645,  
29 257.250, 259.140, 260.205, 260.215, 260.330, 260.395, 260.405, 260.460, 262.410, 262.583,  
30 262.620, 262.900, 263.245, 263.247, 263.255, 263.257, 263.454, 263.456, 263.517, 267.595,  
31 271.100, 271.340, 272.370, 273.170, 273.180, 274.100, 278.190, 287.872, 304.130, 305.310,  
32 305.525, 305.575, 311.140, 311.840, 322.100, 341.130, 347.141, 347.145, 351.482, 352.200,  
33 354.290, 355.626, 355.701, 359.481, 361.480, 361.510, 361.580, 362.044, 362.295, 362.331,  
34 362.332, 362.485, 369.094, 369.104, 369.192, 369.349, 375.201, 375.355, 375.480, 375.777,  
35 375.1185, 376.050, 376.070, 376.110, 376.150, 377.240, 379.025, 379.030, 379.040, 379.065,  
36 379.095, 379.530, 379.570, 379.600, 380.041, 380.151, 380.321, 386.800, 388.290, 391.020,  
37 392.040, 393.040, 393.760, 393.855, 393.945, 394.240, 400.7-210, 411.360, 411.671, 415.415,  
38 417.250, 417.300, 426.150, 426.180, 426.320, 426.350, 430.100, 430.160, 430.170, 433.160,  
39 443.110, 443.320, 444.110, 444.535, 444.600, 444.720, 444.772, 444.820, 444.850, 444.855,  
40 444.875, 444.925, 446.090, 447.040, 447.541, 447.558, 451.300, 456.5-505, 470.080, 472.100,  
41 472.110, 473.033, 473.040, 473.097, 473.507, 473.697, 473.703, 475.140, 479.368, 492.470,  
42 492.480, 493.025, 493.027, 493.040, 493.045, 493.050, 493.055, 493.060, 493.070, 493.075,

43 493.080, 493.090, 493.100, 493.110, 493.120, 493.130, 493.140, 506.160, 506.180, 511.420,  
44 513.205, 515.520, 523.030, 523.262, 525.270, 527.200, 527.290, 578.100, 640.015, 640.120,  
45 640.418, 644.036, and 700.527, RSMo, are repealed and four hundred thirty-six new sections  
46 enacted in lieu thereof, to be known as sections 8.250, 8.679, 21.290, 21.320, 33.440, 34.030,  
47 34.040, 34.042, 34.044, 49.265, 49.535, 50.333, 50.660, 50.760, 50.783, 50.800, 50.815, 56.363,  
48 60.010, 64.040, 64.140, 64.180, 64.231, 64.271, 64.281, 64.341, 64.342, 64.401, 64.550, 64.725,  
49 64.815, 65.610, 65.662, 66.705, 66.711, 67.110, 67.461, 67.794, 67.950, 67.1170, 67.1180,  
50 67.1237, 67.1421, 67.1431, 67.1551, 67.1812, 67.1866, 67.1874, 67.1953, 67.2000, 67.2505,  
51 67.2515, 67.2520, 67.2525, 67.5050, 67.5060, 68.055, 68.215, 68.225, 68.250, 71.012, 71.015,  
52 71.050, 71.070, 71.590, 71.794, 72.402, 72.403, 72.405, 72.422, 77.110, 77.220, 77.700, 78.300,  
53 78.630, 79.160, 79.490, 80.200, 80.210, 80.570, 80.580, 81.220, 82.120, 82.133, 84.570, 88.027,  
54 88.080, 88.110, 88.520, 88.640, 88.653, 88.657, 88.700, 88.787, 88.808, 88.812, 88.815, 88.880,  
55 88.887, 88.917, 89.145, 89.360, 91.130, 91.670, 92.755, 95.280, 99.150, 99.430, 99.450, 99.490,  
56 99.620, 99.825, 99.830, 99.865, 99.879, 99.881, 99.899, 99.936, 99.951, 99.980, 99.1021,  
57 99.1036, 99.1060, 99.1088, 100.400, 100.410, 100.440, 100.580, 108.320, 110.070, 110.130,  
58 115.023, 115.113, 115.124, 115.127, 115.345, 115.389, 115.521, 116.290, 128.030, 135.210,  
59 135.215, 135.963, 137.055, 137.073, 137.177, 137.355, 137.512, 138.050, 138.070, 138.100,  
60 138.150, 138.460, 140.170, 141.040, 141.410, 141.430, 141.450, 141.540, 141.785, 141.850,  
61 141.1009, 141.1012, 144.034, 160.665, 161.092, 162.321, 165.111, 165.121, 165.211, 172.020,  
62 177.073, 177.086, 177.088, 177.091, 182.620, 184.104, 184.350, 184.353, 184.503, 184.509,  
63 184.600, 184.830, 190.020, 190.088, 192.300, 197.330, 198.220, 204.260, 204.350, 204.355,  
64 204.472, 204.567, 204.602, 204.604, 204.622, 204.658, 205.200, 205.979, 206.030, 206.060,  
65 214.035, 214.060, 214.209, 226.799, 227.100, 227.107, 227.601, 227.609, 228.180, 229.050,  
66 231.220, 231.280, 231.370, 231.410, 233.150, 233.175, 233.205, 233.225, 233.285, 233.295,  
67 233.316, 233.325, 233.350, 233.370, 233.425, 233.503, 233.520, 234.120, 234.130, 238.212,  
68 238.220, 238.310, 241.160, 242.030, 242.050, 242.140, 242.150, 242.270, 242.310, 242.485,  
69 242.696, 242.720, 243.060, 243.110, 243.160, 243.220, 243.460, 243.550, 245.020, 245.060,  
70 245.125, 245.140, 245.181, 245.300, 245.320, 245.395, 245.460, 246.070, 246.090, 246.160,  
71 247.031, 247.040, 247.085, 247.160, 247.165, 247.215, 247.217, 247.220, 248.020, 248.090,  
72 248.110, 249.050, 249.134, 249.340, 249.360, 249.425, 249.480, 249.510, 249.765, 249.800,  
73 249.810, 249.939, 249.1103, 251.330, 251.370, 251.430, 253.080, 253.300, 256.645, 257.250,  
74 259.140, 260.205, 260.215, 260.330, 260.395, 260.405, 260.460, 262.410, 262.583, 262.620,  
75 262.900, 263.245, 263.247, 263.255, 263.257, 263.454, 263.456, 263.517, 267.595, 271.100,  
76 272.370, 273.170, 273.180, 274.100, 278.190, 287.872, 304.130, 305.310, 305.525, 305.575,  
77 311.140, 311.840, 322.100, 341.130, 347.141, 347.145, 351.482, 352.200, 354.290, 355.626,  
78 355.701, 359.481, 361.480, 361.510, 361.580, 362.044, 362.295, 362.331, 362.332, 362.485,

79 369.094, 369.104, 369.192, 369.349, 375.201, 375.355, 375.480, 375.777, 375.1185, 376.050,  
80 376.070, 376.110, 376.150, 377.240, 379.025, 379.030, 379.040, 379.065, 379.095, 379.530,  
81 379.570, 379.600, 380.041, 380.151, 380.321, 386.800, 388.290, 391.020, 392.040, 393.040,  
82 393.760, 393.855, 393.945, 394.240, 400.7-210, 411.360, 411.671, 415.415, 417.250, 417.300,  
83 426.150, 426.180, 426.320, 426.350, 430.100, 430.160, 430.170, 433.160, 443.110, 443.320,  
84 444.110, 444.535, 444.600, 444.720, 444.772, 444.820, 444.850, 444.855, 444.875, 444.925,  
85 446.090, 447.040, 447.541, 447.558, 451.300, 456.5-505, 470.080, 472.100, 472.110, 473.033,  
86 473.040, 473.097, 473.507, 473.697, 473.703, 475.140, 479.368, 492.470, 493.077, 506.160,  
87 506.180, 511.420, 513.205, 515.520, 523.030, 523.262, 525.270, 527.200, 527.290, 578.100,  
88 640.015, 640.120, 640.418, 644.036, and 700.527, to read as follows:

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

5 2. All contracts for projects, the cost of which exceeds twenty-five thousand dollars,  
6 entered into by any city containing five hundred thousand inhabitants or more shall be let to the  
7 lowest, responsive, responsible bidder or bidders after notice and publication of an advertisement  
8 ~~[for five days in a daily newspaper in the county where the work is located, or at least twice over~~  
9 ~~a period of ten days or more in a newspaper in the county where the work is located, and in two~~  
10 ~~daily newspapers in the state which do not have less than fifty thousand daily circulation]~~ **on the**  
11 **front page of the city's website, if it has one, for a period of five days**, and by such other  
12 means as are determined to be most likely to reach potential bidders. **If the city does not have**  
13 **a website, the advertisement shall be sent to the secretary of state who shall publish such**  
14 **advertisement on the legal notices website, established pursuant to section 493.077, for a**  
15 **period of five days.**

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

27 thousand dollars and one hundred thousand dollars, a minimum of three contractors shall be  
28 solicited with the award being made to the lowest responsive, responsible bidder based on  
29 preestablished criteria.

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

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

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

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

21.320. A copy of the notice required by ~~[this chapter, duly authenticated and proved as~~  
2 ~~set forth in section 21.310,]~~ **section 21.290** shall be attached to the bill before its introduction

3 and shall be once read in the senate and house of representatives before the bill is put upon its  
4 passage.

33.440. It shall be the duty of the fund commissioners to select, from time to time, some  
2 bank as fiscal agent, where all of the interest on the bonded debt of the state shall be paid, except  
3 interest on the state school and seminary bonds or state certificates of indebtedness, the interest  
4 on which shall be paid directly out of the state treasury[; and] . Whenever a change shall be  
5 made in the state's fiscal agent, the board shall immediately notify the holders of said bonds of  
6 such new selection by publication [~~in two metropolitan daily newspapers~~] **on the front page of**  
7 **its website, if it has one. If the board does not have a website, notice shall be sent to the**  
8 **secretary of state who shall publish such notice on the legal notices website, established**  
9 **pursuant to section 493.077.**

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

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

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

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

21 (3) Hold a public hearing in every county in which the department of natural resources  
22 intends to purchase land or the commissioner of administration intends to purchase land on  
23 behalf of a department. The department shall provide public notice of the public hearing on its  
24 departmental website and in writing to each publicly elected official who represents all or part  
25 of the county in which the land to be purchased is located at least fourteen calendar days prior

26 to the hearing. The department shall also publish a public notice of the public hearing [~~in at least~~  
27 ~~one newspaper with a circulation of more than five hundred customers and qualified under~~  
28 ~~section 493.050 in the county in which the land to be purchased is located. The public notice~~  
29 ~~shall be published once per week in such newspaper or newspapers for a minimum of]~~ **on its**  
30 **website, if it has one, at least** two weeks prior to the public hearing.

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

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

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

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

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

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

30 4. The director of the department of revenue shall follow bidding procedures as  
31 contained in this chapter and may promulgate rules necessary to establish such procedures. No



32 points shall be awarded on a request for proposal for a contract license office to a bidder for a  
33 return-to-the-state provision offer.

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

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

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

60 8. The commissioner of administration may hold reverse auctions to procure  
61 merchandise, supplies, raw materials, or finished goods if price is the primary factor in  
62 evaluating bids, excluding items in section 34.047. The office of administration shall promulgate  
63 rules regarding the handling of the reverse auction process.

64 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
65 under the authority delegated in this section shall become effective only if it complies with and  
66 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
67 and chapter 536 are nonseverable and if any of the powers vested with the general assembly

68 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
69 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
70 proposed or adopted after August 28, 2019, shall be invalid and void.

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

7 2. On any purchase where the estimated expenditure shall be one hundred thousand  
8 dollars or over, the commissioner of administration shall:

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

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

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

19

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

24 3. The contract shall be let to the lowest and best offeror as determined by the evaluation  
25 criteria established in the request for proposal and any subsequent negotiations conducted  
26 pursuant to this subsection. In determining the lowest and best offeror, as provided in the request  
27 for proposals and under rules promulgated by the commissioner of administration, negotiations  
28 may be conducted with responsible offerors who submit proposals selected by the commissioner  
29 of administration on the basis of reasonable criteria for the purpose of clarifying and assuring full  
30 understanding of and responsiveness to the solicitation requirements. Those offerors shall be  
31 accorded fair and equal treatment with respect to any opportunity for negotiation and subsequent  
32 revision of proposals; however, a request for proposal may set forth the manner for determining  
33 which offerors are eligible for negotiation, including but not limited to, the use of shortlisting.

34 Revisions may be permitted after submission and before award for the purpose of obtaining best  
35 and final offers. In conducting negotiations there shall be no disclosure of any information  
36 derived from proposals submitted by competing offerors. The commissioner of administration  
37 shall have the right to reject any or all proposals and advertise for new proposals or purchase the  
38 required supplies on the open market if they can be so purchased at a better price.

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

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

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

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

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

13 2. On any single feasible source purchase where the estimated expenditure shall be ten  
14 thousand dollars or over, the commissioner of administration shall post notice of the proposed  
15 purchase. Where the estimated expenditure is one hundred thousand dollars or over, the  
16 commissioner of administration shall also advertise the commissioner's intent to make such  
17 purchase ~~in at least two daily newspapers of general circulation in such places as are most likely~~  
18 ~~to reach prospective bidders or offerors and may provide such information through an electronic~~  
19 ~~medium available to the general public] **on the front page of the office of administration's**~~  
20 **website** at least five days before the contract is to be let. Other methods of advertisement,  
21 however, may be adopted by the commissioner of administration when such other methods are  
22 deemed more advantageous for the supplies to be purchased. The requirement for advertising  
23 may be waived, if not feasible, due to the supplies being available at a discount for only a limited  
24 period of time.

49.265. The county commission in all counties of class two, by order entered of record,  
2 may authorize all county offices, except the sheriff's office, to be open not more than five days  
3 each week, and in all counties of classes three and four by order entered of record, may authorize  
4 all county offices, except the sheriff's office, to be open not more than five and one-half days

5 each week. The county commission, after entering such an order, may require any office to be  
6 open six days a week when public convenience requires. The authorization by the county  
7 commission in counties of the third and fourth class to close such offices ~~[must]~~ **shall** be  
8 published ~~[three times in the county newspapers and such authorization to be signed by the~~  
9 ~~county commission]~~ **on the front page of the commission's website, if it has one. If the**  
10 **commission does not have a website, notice of such authorization shall be sent to the**  
11 **secretary of state who shall publish such notice on the legal notices website, established**  
12 **pursuant to section 493.077.**

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

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

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

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

2 2. The clerk or court administrator of the circuit court of the judicial circuit in which  
3 such county is located shall set a date, time and place for the salary commission meeting and  
4 serve as temporary chairman of the salary commission until the members of the commission elect  
5 a chairman from their number. Upon written request of a majority of the salary commission  
6 members the clerk or court administrator of the circuit court shall forthwith set the earliest date  
7 possible for a meeting of the salary commission. The circuit clerk or court administrator shall  
8 give notice of the time and place of any meeting of the salary commission. Such notice shall be  
9 published ~~[in a newspaper of general circulation in such county]~~ **on the front page of the circuit**

10 **court's website, if it has a website**, at least five days prior to such meeting. **If the circuit court**  
11 **does not have a website, notice shall be sent at least five days prior to the meeting to the**  
12 **secretary of state who shall publish it on the legal notices website, established pursuant to**  
13 **section 493.077, until the date of the meeting has passed.** Such notice shall contain a general  
14 description of the business to be discussed at such meeting.

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

16 (1) The recorder of deeds if the recorder's office is separate from that of the circuit clerk;

17 (2) The county clerk;

18 (3) The prosecuting attorney;

19 (4) The sheriff;

20 (5) The county commissioners;

21 (6) The collector or treasurer ex officio collector;

22 (7) The treasurer or treasurer ex officio collector;

23 (8) The assessor;

24 (9) The auditor;

25 (10) The public administrator; and

26 (11) The coroner.

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

29 4. Notwithstanding the provisions of sections 610.021 and 610.022, all meetings of a  
30 county salary commission shall be open meetings and all votes taken at such meetings shall be  
31 open records. Any vote taken at any meeting of the salary commission shall be taken by recorded  
32 yeas and nays.

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

41 6. For purposes of this section, the 1988 base compensation is the compensation paid on  
42 September 1, 1987, plus the same percentage increase paid or allowed, whichever is greater, to  
43 the presiding commissioner or the sheriff, whichever is greater, of that county for the year  
44 beginning January 1, 1988. Such increase shall be expressed as a percentage of the difference  
45 between the maximum allowable compensation and the compensation paid on September 1,

46 1987. At its meeting in 1987 and at any meeting held in 1988, the salary commission shall  
47 determine the compensation to be paid to every county officer holding office on January 1, 1988.  
48 The salary commission shall establish the compensation for each office at an amount not greater  
49 than that set by law as the maximum compensation. If the salary commission votes to increase  
50 compensation, but not to pay the maximum amount authorized by law for any officer or office,  
51 then the increase in compensation shall be the same percentage increase for all officers and  
52 offices and shall be expressed as a percentage of the difference between the maximum allowable  
53 compensation and the compensation being received at the time of the vote. If two-thirds of the  
54 members of the salary commission vote to decrease the compensation being received at the time  
55 of the vote below that compensation, all officers shall receive the same percentage decrease. The  
56 commission may vote not to increase or decrease the compensation and that compensation shall  
57 continue to be the salary of such offices and officers during the subsequent term of office.

58 7. For the year 1989 and every second year thereafter, the salary commission shall meet  
59 in every county as many times as it deems necessary on or prior to November thirtieth of any  
60 such year for the purpose of determining the amount of compensation to be paid to county  
61 officials. For each year in which the commission meets, the members shall elect a chairman  
62 from their number. The county clerk shall present a report on the financial condition of the  
63 county to the commission once the chairman is elected, and shall keep minutes of the meeting.  
64 The salary commission shall then consider the compensation to be paid for the next term of  
65 office for each county officer to be elected at their next general election. If the commission votes  
66 not to increase or decrease the compensation, the salary being paid during the term in which the  
67 vote was taken shall continue as the salary of such offices and officers during the subsequent  
68 term of office. If the salary commission votes to increase the compensation, all officers or  
69 offices whose compensation is being considered by the commission at that time shall receive the  
70 same percentage of the maximum allowable compensation. However, for any county in which  
71 all offices' and officers' salaries have been set at one hundred percent of the maximum allowable  
72 compensation, the commission may vote to increase the compensation of all offices except that  
73 of full-time prosecuting attorneys at that or any subsequent meeting of the salary commission  
74 without regard to any law or maximum limitation established by law. Such increase shall be  
75 expressed as a percentage of the compensation being paid during the term of office when the vote  
76 is taken, and each officer or office whose compensation is being established by the salary  
77 commission at that time shall receive the same percentage increase over the compensation being  
78 paid for that office during the term when the vote is taken. This increase shall be in addition to  
79 any increase mandated by an official's salary schedule because of changes in assessed valuation  
80 during the current term. If the salary commission votes to decrease the compensation, a vote of  
81 two-thirds or more of all the members of the salary commission shall be required before the

82 salary or other compensation of any county office shall be decreased below the compensation  
83 being paid for the particular office on the date the salary commission votes, and all officers and  
84 offices shall receive the same percentage decrease.

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

90 The salary commission for \_\_\_\_\_ County hereby certifies that it has met  
91 pursuant to law to establish compensation for county officers to be paid to such  
92 officers during the next term of office for the officers affected. The salary  
93 commission reports that there shall be (no increase in compensation) (an increase  
94 of \_\_\_\_\_ percent) (a decrease of \_\_\_\_\_ percent) (county officer's salaries set  
95 at \_\_\_\_\_ percent of the maximum allowable compensation).

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

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

105 10. Other provisions of law notwithstanding, in every instance where an officer or  
106 employee of any county is paid a mileage allowance or reimbursement, the county commission  
107 shall allow or reimburse such officers or employees out of the county treasury at the highest rate  
108 paid to any county officer for each mile actually and necessarily traveled in the performance of  
109 their official duties. The county commission of any county may elect to pay a mileage allowance  
110 for any county commissioner for travel going to and returning from the place of holding  
111 commission meetings and for all other necessary travel on official county business in the  
112 personal motor vehicle of the commissioner presenting the claim. The governing body of any  
113 county of the first classification not having a charter form of government may provide by order  
114 for the payment of mileage expenses of elected and appointed county officials by payment of a  
115 certain amount monthly which would reflect the average monthly mileage expenses of such  
116 officer based on the amount allowed pursuant to state law for the payment of mileage for state

117 employees. Any order entered for such purpose shall not be construed as salary, wages or other  
118 compensation for services rendered.

119         11. The term "maximum allowable compensation" as used in this section means the  
120 highest compensation which may be paid to the specified officer or office in the particular county  
121 based on the salary schedule established by law for the specified officer or office. If the salary  
122 commission at its meeting in 1987 voted for one hundred percent of the maximum allowable  
123 compensation and does not change such vote at its meeting held within thirty days after May 13,  
124 1988, as provided in subsection 6 of this section, the one hundred percent shall be calculated on  
125 the basis of the total allowable compensation permitted after May 13, 1988.

126         12. At the salary commission meeting which establishes the percentage rate to be applied  
127 to county officers during the next term of office, the salary commission may authorize the further  
128 adjustment of such officers' compensation as a cost-of-living component and effective January  
129 first of each year, the compensation for county officers may be adjusted by the county  
130 commission, and if the adjustment of compensation is authorized, the percentage increase shall  
131 be the same for all county officers, not to exceed the percentage increase given to the other  
132 county employees. The compensation for all county officers may be set as a group, although the  
133 change in compensation will not become effective until the next term of office for each officer.

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

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



14 sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a  
15 sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let  
16 to the lowest and best bidder after due opportunity for competition, including advertising the  
17 proposed letting [~~in a newspaper in the county or township with a circulation of at least five~~  
18 ~~hundred copies per issue, if there is one,~~] **on the front page of the county or township's**  
19 **website, if it has one**, except that the advertising is not required in case of contracts or purchases  
20 involving an expenditure of less than six thousand dollars. **If the county or township does not**  
21 **have a website, notice shall be sent to the secretary of state who shall publish such notice**  
22 **on the legal notices website, established pursuant to section 493.077.** It is not necessary to  
23 obtain bids on any purchase in the amount of six thousand dollars or less made from any one  
24 person, firm or corporation during any period of ninety days. All bids for any contract or  
25 purchase may be rejected and new bids advertised for. Contracts which provide that the person  
26 contracting with the county or township shall, during the term of the contract, furnish to the  
27 county or township at the price therein specified the supplies, materials, equipment or services  
28 other than personal therein described, in the quantities required, and from time to time as ordered  
29 by the officer in charge of purchasing during the term of the contract, need not bear the  
30 certification of the accounting officer, as herein provided; but all orders for supplies, materials,  
31 equipment or services other than personal shall bear the certification. In case of such contract,  
32 no financial obligation accrues against the county or township until the supplies, materials,  
33 equipment or services other than personal are so ordered and the certificate furnished.

50.760. 1. It shall be the duty of the commissioners of the county commission in all  
2 counties of the second class, and in all counties of the first class not having a charter form of  
3 government, if there is no purchasing agent appointed pursuant to section 50.753, on or before  
4 the first day of February of each year, to estimate the kind and quantity of supplies, including any  
5 advertising or printing which the county may be required to do, required by law to be paid for  
6 out of the county funds, which will be necessary for the use of the several officers of such county  
7 for the following year, and to advertise for sealed bids and contract with the lowest and best  
8 bidder for such supplies. Before letting any such contract or contracts the commission shall  
9 cause notice that it will receive sealed bids for such supplies to be given by advertisement [~~in~~  
10 ~~some newspaper of general circulation published in the county, such notice to be published once~~  
11 ~~per week for three consecutive weeks, the last insertion of which shall not be less than ten days]~~  
12 **on the front page of the commission's website, if it has one, for a period of three**  
13 **consecutive weeks** before the date in said advertisement fixed for the letting of such contract or  
14 contracts, which shall be let on the first Monday in March, or on such other day and date as the  
15 commission may fix between the first Monday of March and the first Saturday after the second  
16 Monday in March next following the publication of such notice; except that if by the nature or

17 quantity of any article or thing needed for any county officer in any county of this state to which  
18 sections 50.760 to 50.790 apply, the same may not be included in such contract at a saving to  
19 such county, then such article or thing may be purchased for such officer upon an order of the  
20 county commission first being made and entered as provided in sections 50.760 to 50.790; and  
21 except further, that if any supplies not included in such contract are required by any such officer  
22 or if the supplies included in such contract are exhausted then such article or thing may be  
23 purchased for such officer upon order of the county commission first being made and entered of  
24 record as provided in sections 50.760 to 50.790.

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

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

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

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

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

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

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

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

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

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

9           2. The statement shall show the bonded debt of the county, if any, kind of bonds, date  
10 of maturity, interest rate, rate of taxation levied for interest and sinking fund and authority for  
11 the levy, the total amount of interest and sinking fund that has been collected and interest and  
12 sinking fund on hand in cash.

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

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

24           5. The statement shall show receipts or revenues into each and every fund separately.  
25 Each fund shall show the beginning balance of each fund; each source of revenue; the total  
26 amount received from each source of revenue; the total amount available in each fund; the total

27 amount of disbursements or expenditures from each fund and the ending balance of each fund  
28 as of December thirty-first. The total receipts or revenues for the year into all funds shall be  
29 shown in the recapitulation. In counties with the township form of government, each township  
30 shall be considered a fund pursuant to this subsection.

31 6. Total disbursements or expenditures shall be shown for warrants issued in each  
32 category contained in the forms developed or approved by the state auditor pursuant to section  
33 50.745. Total amount of warrants, person or vendor to whom issued and purpose for which  
34 issued shall be shown except as herein provided. Under a separate heading in each fund the  
35 statements shall show what warrants are outstanding and unpaid for the lack of funds on that date  
36 with appropriate balance or overdraft in each fund as the case may be.

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

39 Names of judges and clerks of elections at \$\_\_\_\_\_ per day (listing the names run  
40 in and not listing each name by lines, and at the end of the list of names giving  
41 the total of the amount of all the warrants issued for such election services).

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

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

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

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

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

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

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

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

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

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

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

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

70 By virtue and authority of the discretionary power conferred upon the county  
 71 commissions of the several counties of this state to levy a tax of not to exceed 35  
 72 cents on the \$100 assessed valuation the county commission of \_\_\_\_\_ County  
 73 did for the year covered by this report levy a tax rate of \_\_\_\_\_ cents on the \$100  
 74 assessed valuation which said tax amounted to \$\_\_\_\_\_ and was disbursed or  
 75 expended as follows:

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

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

81 I, \_\_\_\_\_, the duly authorized agent appointed by the county commission of  
 82 \_\_\_\_\_ County, state of Missouri, to prepare for publication the financial  
 83 statement as required by section 50.800, RSMo, hereby certify that I have  
 84 diligently checked the records of the county and that the above and foregoing is  
 85 a complete and correct statement of every item of information required in section  
 86 50.800, RSMo, for the year ending December 31, \_\_\_\_\_, and especially have  
 87 I checked every receipt from every source whatsoever and every disbursement or  
 88 expenditure of every kind and to whom and for what each such disbursement or  
 89 expenditure was made and that each receipt or revenue and disbursement or  
 90 expenditure is accurately shown. (If for any reason complete and accurate  
 91 information is not given the following shall be added to the certificate.)  
 92 Exceptions: The above report is incomplete because proper information was not  
 93 available in the following records \_\_\_\_\_ which are in the keeping of the  
 94 following officer or officers. The person designated to prepare the financial  
 95 statement shall give in detail any incomplete data called for by this section.

96 Date \_\_\_\_\_

97 Officer designated by county commission to prepare financial statement required  
98 by section 50.800, RSMo.

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

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

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

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

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

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

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

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

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

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

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

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

20 3. The financial statement need not show specific disbursements, warrants issued, or the  
21 names of specific payees, but every individual warrant, voucher, receipt, court order and all other

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

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

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

45 Date \_\_\_\_\_

46 \_\_\_\_\_

47 \_\_\_\_\_

48 \_\_\_\_\_

49 Commissioners, County Commission

50 \_\_\_\_\_

51 County Clerk

52 5. Any person falsely certifying to any fact covered by the certificate is liable on his **or**  
 53 **her** bond and is guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine  
 54 of not less than two hundred dollars or more than one thousand dollars, or by confinement in the  
 55 county jail for a period of not less than thirty days nor more than six months, or by both such fine  
 56 and confinement. Any person charged with preparing the financial report who willfully or  
 57 knowingly makes a false report of any record is, in addition to the penalties otherwise provided

58 for in this section, guilty of a felony, and upon conviction thereof shall be sentenced to  
 59 imprisonment by the division of corrections for a term of not less than two years nor more than  
 60 five years.

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

56.363. 1. The county commission of any county may on its own motion and shall upon  
 2 the petition of ten percent of the total number of people who voted in the previous general  
 3 election in the county submit to the voters at a general or special election the proposition of  
 4 making the county prosecutor a full-time position. The commission shall cause notice of the  
 5 election to be published [~~in a newspaper published within the county, or if no newspaper is~~  
 6 ~~published within the county, in a newspaper published in an adjoining county, for three weeks~~  
 7 ~~consecutively, the last insertion of which shall be at least ten days and not more than thirty days~~  
 8 ~~before the day of the election, and by posting printed notices thereof at three of the most public~~  
 9 ~~places in each township in the county]~~ **on the front page of the website of the commission, if**  
 10 **it has a website, for a period of three consecutive weeks prior to the election. If the**  
 11 **commission does not have a website, the notice of the election shall be sent at least thirty**  
 12 **days prior to the election to the secretary of state who shall publish such notice on the legal**  
 13 **notices website, established pursuant to section 493.077, until the date of the election has**  
 14 **passed.** The proposition shall be put before the voters substantially in the following form:

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

17  YES  NO

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

25 2. The provisions of subsection 1 of this section notwithstanding, in any county where  
 26 the proposition of making the county prosecutor a full-time position was submitted to the voters  
 27 at a general election in 1998 and where a majority of the voters voting on the proposition voted  
 28 in favor of making the county prosecutor a full-time position, the proposition shall become  
 29 effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May  
 30 1, 1999, under the provisions of this subsection shall have the additional duty of providing not



31 less than three hours of continuing education to peace officers in the county served by the  
 32 prosecuting attorney in each year of the term beginning January 1, 1999.

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

45 4. In any county of the third classification without a township form of government and  
 46 with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of  
 47 the fourth classification with more than one thousand seven hundred but fewer than one thousand  
 48 nine hundred inhabitants as the county seat that has elected to make the county prosecutor a  
 49 full-time position under this section after August 28, 2014, the county commission may on its  
 50 own motion and shall upon the petition of ten percent of the total number of people who voted  
 51 in the previous general election in the county submit to the voters at a general or special election  
 52 the proposition of changing the full-time prosecutor position to a part-time position. The  
 53 commission shall cause notice of the election to be published ~~[in a newspaper published within~~  
 54 ~~the county, or if no newspaper is published within the county, in a newspaper published in an~~  
 55 ~~adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten~~  
 56 ~~days and not more than thirty days before the day of the election, and by posting printed notices~~  
 57 ~~thereof at three of the most public places in each township in the county]~~ **on the front page of**  
 58 **the commission's website, if it has one, for a period of three consecutive weeks prior to the**  
 59 **election. If the commission does not have a website, the notice of the election shall be sent**  
 60 **at least thirty days prior to the election to the secretary of state who shall publish such**  
 61 **notice on the legal notices website, established pursuant to section 493.077, until the date**  
 62 **of the election has passed.** The proposition shall be put before the voters substantially in the  
 63 following form:

64 Shall the office of prosecuting attorney be made a part-time position in \_\_\_\_\_

65 County?

66  YES

NO

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

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

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

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

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

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

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

14 any proposed amendment, signed and acknowledged by the owners of thirty percent of the  
15 frontage within one thousand feet to the right or left of the frontage proposed to be changed, or  
16 by the owners of thirty percent of the frontage directly opposite, or directly in the rear of the  
17 frontage proposed to be altered, or in cases where the land affected lies within one and one-half  
18 miles of the limits of a municipality, by the city council or zoning board of any such  
19 municipality, filed with the county clerk, such amendment may not be passed except by the  
20 favorable 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 authority  
2 granted under the provisions of sections 64.170 to 64.200 shall appoint a building commission  
3 consisting of five members, residents and taxpayers of the county, one of whom shall be a  
4 member of the county commission, to be selected by the county commission. The members of  
5 the commission shall serve without compensation for a term of two years. The term of the  
6 county commission member shall not extend beyond the tenure of his **or her** office.

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

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

64.231. 1. The county planning board shall have power to make, adopt and may publish  
2 an official master plan for the county for the purpose of bringing about coordinated physical  
3 development in accordance with present and future needs. The master plan shall be developed  
4 so as to conserve the natural resources of the county, to ensure efficient expenditure of public  
5 funds, and to promote the health, safety, convenience, prosperity and general welfare of the  
6 inhabitants. The master plan may include, among other things, a land use plan, studies and

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

24         2. The master plan, with the accompanying maps, diagrams, charts, descriptive matter,  
25 and reports, shall include the plans specified by this section which are appropriate to the county  
26 and which may be made the basis for its physical development. The master plan may comprise  
27 any, all, or any 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 64.295 may  
2 be amended, supplemented or changed from time to time by the county commission after the  
3 order establishing the same has gone into effect, but no such amendment shall be made without  
4 a report and recommendation from the planning board after public hearing before the board,  
5 public notice of which shall be given in the same manner as provided for the hearing in section  
6 64.231.

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

16 **least fifteen days in advance of the hearing to the secretary of state who shall publish such**  
17 **notice on the legal notices website, established pursuant to section 493.077, until the date**  
18 **of the hearing has passed.**

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

64.281. 1. Any county commission which has appointed a planning board, as provided  
2 in sections 64.211 to 64.295, shall create by order a county board of zoning adjustment. The  
3 board of zoning adjustment shall consist of three commissioners of the county commission  
4 whose terms shall be only for the duration of their tenure of office. The board of zoning  
5 adjustment shall adopt rules of procedure consistent with the provisions of the zoning regulations  
6 and the provisions of sections 64.211 to 64.295. The chairman, or in the chairman's absence the  
7 acting chairman, shall administer oaths and compel the attendance of witnesses. All meetings  
8 of the board of zoning adjustment shall be open to the public. Public notice of such meeting  
9 shall be ~~[given in at least one publication in a newspaper of general circulation in the county]~~  
10 **published on the front page of the board's website, if it has one, for at least fifteen days**  
11 **before the date of the meeting. If the board does not have a website, notice shall be sent at**  
12 **least fifteen days in advance of the meeting to the secretary of state who shall publish such**  
13 **notice on the legal notices website, established pursuant to section 493.077, until the date**  
14 **of the meeting has passed.** The notice shall state the time and place of the hearing and the  
15 official docket of the board of zoning adjustment and the place where the specific requests will  
16 be accessible for examination by interested parties. Minutes shall be filed in the office of the  
17 county clerk and shall be a public record. Appeals to the board of zoning adjustment may be  
18 taken by any person aggrieved or by a public officer, department, board or bureau affected by any  
19 order or decision of the administrative officer in administering county zoning regulations. The  
20 appeal shall be taken within a period of not more than three months, and in the manner provided  
21 by the rules of the board of zoning adjustment. The appeal shall stay all proceedings in  
22 furtherance of the action appealed from, unless the officer from whom the appeal is taken shall  
23 certify to the board of zoning adjustment that the grounds of appeal would, in the officer's  
24 opinion, jeopardize or be detrimental to life or property. The board of zoning adjustment shall  
25 have the following powers and it shall be its duty:

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

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

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

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

42 3. Regulations adopted pursuant to the provisions of sections 64.211 to 64.295 may  
43 include appropriate and reasonable provisions for the control of the use of buildings, structures,  
44 or land, which use of same cannot, in the opinion of the board of zoning adjustment, be placed,  
45 specified, or generally permitted in a specific district or districts because of the peculiar nature  
46 of the uses. The uses shall be limited to those which, if placed, specified or generally permitted  
47 in a specific district or districts, would pose undue regulatory difficulties. The uses shall be  
48 permitted only by a special permit issued by the board of zoning adjustment as a permissive use  
49 and not as a rezoning, after public hearing before the planning board, as provided by subsection  
50 2 of section 64.271, and a report and recommendation made by the planning board to the board  
51 of zoning adjustment. The special permit shall set out regulations, restrictions, limitations and  
52 termination date so that reasonable control may be exercised over said uses. This section shall  
53 not allow the application of requirements for special use permits for any retail or retail service  
54 establishment in a district in which retail and retail service establishments generally are permitted  
55 uses, nor for any wholesale distribution establishment in a district in which wholesale storage  
56 and distribution establishments generally are permitted uses.

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

64.341. 1. The county commissions in all counties of class one are hereby authorized  
2 and given the power in all matters pertaining to lots, tracts and parcels of ground, land and  
3 improvements thereon used by such counties as public parks, playgrounds, camping sites,  
4 recreation areas and sanitary land fills, to lease such land or any part thereof and any  
5 improvements erected thereon to, and permit improvements to be erected thereon by any person,  
6 firm or corporation undertaking to serve the public purposes thereof and to grant concessions  
7 therein for the sale of refreshments to the public using such areas and for services therein relating  
8 to boating, swimming, picnicking, golfing, shooting, horseback riding, fishing, tennis and other  
9 recreational, cultural and educational uses upon such terms and under such regulations as the  
10 county commissions may prescribe. The county commission may establish, change from time  
11 to time and provide for collection thereof by its agents, employees or concessionaires a  
12 reasonable charge or charges to the public for the uses of and services in the areas as hereinabove  
13 set out. No lease or concession grant shall be for a longer term than seven years. No such lease  
14 shall be made or concession granted until after due opportunity for competition, including  
15 ~~[advertising the proposed letting or granting in a newspaper in the county with a circulation of~~  
16 ~~at least five hundred copies per issue, if there be such, and if not, in such case notice shall be~~  
17 ~~posted on the bulletin board in the county courthouse]~~ **publication of the proposed letting or**  
18 **granting on the front page of the commission's website, if it has one. If the commission**  
19 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
20 **notice on the legal notices website, established pursuant to section 493.077.** All leases shall  
21 be made and concessions granted to the party or parties submitting the bid most favorable to the  
22 county. In every such lease made and concession granted, the county shall reserve the right for  
23 properly authorized representatives thereof to enter at all reasonable times in and upon the  
24 premises for the purpose of inspecting same. All moneys derived from any leases, concessions,  
25 charges, or from the sale of products obtained from any such areas shall be paid into the county  
26 treasury and be credited to the park fund and be used and expended by the county commission  
27 for park purposes. Nothing herein stated shall be held to abrogate the conditions specified in the  
28 deed or deeds of gift of any land or lands heretofore granted to the county, but said deed or deeds  
29 and acceptance thereof and all conditions therein are hereby ratified and confirmed, which  
30 conditions thereof, so far as they may be in conflict with this section, shall be considered as  
31 exceptions to the provisions hereof.

32 2. When private operators are not interested or available, the county commission shall  
33 have the power to operate the facilities described in subsection 1 of this section for a period not  
34 to exceed seven years, after which the facilities shall again be offered for competitive bids for  
35 private operation. In the event such bids are not responsive or favorable to the county, the county



36 commission shall continue to operate the facilities for an additional period of time not to exceed  
37 seven years.

64.342. 1. The county commission of any county of the first classification without a  
2 charter form of government with a population of at least one hundred fifty thousand containing  
3 part of a city with a population over three hundred fifty thousand is hereby authorized to acquire,  
4 by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate  
5 and regulate, in whole or in part, concession stands or marinas within any area contiguous to the  
6 lake which is used as a public park, playground, camping site or recreation area. No such lease  
7 or concession grant shall be for a longer term than twenty-five years, unless the proposed  
8 investment by the lessee or concessionaire is greater than ten million dollars, in which case the  
9 lease or concession grant may, at the county's option, be for a term not to exceed fifty years.

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

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

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

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

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

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

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

37       4. If the county commission finds that the petition and notice meet the requirements of  
38 subsections 1, 2 and 3 of this section, and that the boundaries as defined are reasonable  
39 boundaries for the incorporation of the area into the park system, the county commission shall  
40 order the submission of the question.

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

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

46  YES  NO

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

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

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

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

64.550. The county planning commission shall have power to make, adopt and publish  
2 an official master 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 plan shall be

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

64.725. 1. As an alternative to the procedures in sections 64.510 to 64.550, the county  
2 commission of any county may create a temporary county or township planning commission  
3 prior to an election to adopt county or township planning and zoning. Such planning  
4 commission shall prepare a county plan for:

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

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

10 2. The temporary county planning commission appointed pursuant to subdivision (1) of  
11 subsection 1 of this section shall consist of the county highway engineer, and one resident from  
12 each township of the county appointed by the county commission from the unincorporated area  
13 of the county. The temporary township planning commission appointed pursuant to subdivision  
14 (2) of subsection 1 of this section shall consist of the highway engineer, one person appointed  
15 by the county commission and three residents of the township for which the plan is proposed.

16 The members of such planning commission or commissions shall serve until a planning  
17 commission is elected by the voters of the county or township, pursuant to subsection 6 of this  
18 section. All members of such temporary planning commission or commissions shall serve  
19 without compensation, but shall be reimbursed for their actual and necessary expenses incurred  
20 in the performance of their official duties. Such planning commission or commissions shall elect  
21 a chair at the first meeting of the year to serve for such year until a new chair is elected. The  
22 county highway engineer shall be an ex officio member of such planning commission or  
23 commissions.

24 3. Each temporary planning commission may create and adopt rules for the transaction  
25 of its business and shall keep a public record of its resolutions, transactions, findings and  
26 recommendations. Each commission may appoint such employees as it deems necessary for its  
27 work, and may contract with planners and other consultants for such services as it may require,  
28 and may incur other necessary expenses. Each commission shall have power to make, adopt and  
29 publish a proposal for a master plan of the county or township for the purpose of bringing about  
30 coordinated physical development in accordance with the present and future needs. The master  
31 plan shall be developed so as to conserve the natural resources of the county or township, to  
32 ensure efficient expenditure of public funds and to promote the health, safety, convenience,  
33 prosperity and general welfare of the inhabitants. Such master plan may include, among other  
34 things, studies and recommendations relative to the location, character and extent of highways,  
35 railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks,  
36 parkways, forests, wildlife refuges, dams and projects affecting conservation of natural resources.  
37 Before the adoption of the plan, the commission shall hold at least one public hearing thereon,  
38 fifteen days' notice of the time and place of which shall be published ~~[in at least one newspaper~~  
39 ~~having general circulation within the affected county or township, and notice of such hearing~~  
40 ~~shall also be posted at least fifteen days in advance thereof in one or more public areas of the~~  
41 ~~courthouse of the county]~~ **on the front page of the commission's website, if it has one. If the**  
42 **commission does not have a website, notice shall be sent at least fifteen days in advance of**  
43 **the hearing to the secretary of state who shall publish such notice on the legal notices**  
44 **website, established pursuant to section 493.077, until the date of the hearing has passed.**  
45 Such hearing may be adjourned from time to time. The adoption of the plan shall be by  
46 resolution carried by not less than a majority vote of the full membership of the temporary county  
47 or township planning commission.

48 4. After the temporary county or township planning commission has adopted a proposed  
49 plan for county or township planning and zoning in the county or township, the county  
50 commission shall submit to the voters of the county or affected township, the question of  
51 whether the county or township should adopt county or township planning and zoning as

52 provided in the proposed plan. Such plan shall be available to the voters at least twenty days  
 53 prior to the election. A notice stating the place or places and times for examining the plan shall  
 54 be posted in one or more public areas of the courthouse of the county, and such notice shall be  
 55 published ~~[in at least one newspaper of general circulation in the county or township at least once~~  
 56 ~~a week for three consecutive weeks, the last publication to be twenty days prior to the election]~~  
 57 **on the front page of the commission's website, if it has one, for a period of three**  
 58 **consecutive weeks prior to the election. If the commission does not have a website, notice**  
 59 **shall be sent at least three consecutive weeks prior to the election to the secretary of state**  
 60 **who shall publish such notice on the legal notices website, established pursuant to section**  
 61 **493.077, until the date of the election has passed.**

62 5. The question for the adoption of county or township planning and zoning shall be  
 63 submitted to the voters of the county, or to the voters of the township, substantially in either of  
 64 the following forms, depending on whether such ballot is for township planning and zoning or  
 65 for county planning and zoning:

66 (1) For township planning and zoning:

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

69  YES  NO

70 (2) For county planning and zoning:

71 Shall county planning and zoning as proposed by the county planning  
 72 commission be adopted?

73  YES  NO

74 6. If a majority of the votes cast in a county or township on the question of whether the  
 75 county or township should adopt county or township planning and zoning as provided in the  
 76 proposed plan are in favor of adopting the plan, then the plan shall become immediately effective  
 77 in the appropriate county or township, and an attested copy of the official master plan shall be  
 78 certified to the county commission, to the recorder of deeds, and to the clerk of each incorporated  
 79 area covered by the plan or part thereof, or to the clerk of the appropriate township, if any, and  
 80 the temporary county or township planning commission shall implement the plan. At the next  
 81 countywide election:

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

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

87 and the county commission shall by order entered of record have the newly elected members of  
88 the county or township planning commission continue with a program of county or township  
89 planning and zoning. If a majority of the votes cast on the question of whether the county or  
90 township should adopt county or township planning and zoning as provided in the proposed plan  
91 are in opposition to adopting the plan, then it shall be at the discretion of the county commission  
92 whether to retain or dissolve the temporary county or township planning commission established  
93 pursuant to subsection 1 of this section.

94 7. The terms of the elected members of the county or township planning commission  
95 shall be four years or until the member's successor takes office; except that, the terms shall be  
96 overlapping and one-half of the members first elected, or if an uneven number one-half plus one,  
97 shall be elected for two-year terms and the remaining members shall be elected for four-year  
98 terms. The county highway engineer shall be an ex officio member of the county or township  
99 planning commission. The term of the county highway engineer shall be only for the duration  
100 of the engineer's tenure of official position. All members of the county or township planning  
101 commission shall serve as such without compensation, but shall be reimbursed for actual and  
102 necessary expenses incurred in the performance of their official duties. The planning  
103 commission shall elect a chair at the first meeting of the year to serve for such year until a new  
104 chair is elected. The county or township commission shall have all powers granted a county  
105 planning commission appointed pursuant to sections 64.510 to 64.695.

106 8. If the county commission does not appoint a temporary county or township planning  
107 commission as provided in subsection 1 of this section, the voters of the county or of any  
108 township may submit a petition, signed by five percent of the number of voters in the county or  
109 township voting at the last gubernatorial election, calling for the appointment of a temporary  
110 county or township planning commission. Upon receipt of such a petition, the county  
111 commission shall appoint a temporary county or township planning commission as provided in  
112 subsection 1 of this section.

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

11 or in part and may subsequently amend or extend the adopted plan or portion thereof. Before the  
12 adoption, amendment or extension of the plan or portion thereof, the county commission shall  
13 hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall  
14 be published ~~[in at least one newspaper having general circulation within the county, and notice~~  
15 ~~of such hearing shall also be posted at least fifteen days in advance thereof in one or more public~~  
16 ~~areas of the courthouse of the county]~~ **on the front page of the commission's website, if it has**  
17 **one. If the commission does not have a website, notice shall be sent at least fifteen days in**  
18 **advance of the hearing to the secretary of state who shall publish such notice on the legal**  
19 **notices website, established pursuant to section 493.077, until the date of the hearing has**  
20 **passed.** The hearing may be adjourned from time to time. The adoption of the plan, or part  
21 thereof, shall be by resolution carried by not less than a majority vote of the full membership of  
22 the county commission. After the adoption of the official master plan, or part thereof, an attested  
23 copy shall be certified by the county commission to the recorder of deeds and to the clerk of each  
24 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 general election  
2 of any county having heretofore adopted township organization, praying therefor, the county  
3 commission shall submit the question of the abolition of township organization to the voters of  
4 the county at a general or special election. The question shall include a countywide tax levy for  
5 road and bridge purposes. The total vote for governor at the last general election before the filing  
6 of the petition where a governor was elected shall be used to determine the number of voters  
7 necessary to sign the petition. If the petition is filed six months or more prior to a general  
8 election, the proposition shall be submitted at a special election to be ordered by the county  
9 commission within sixty days after the petition is filed; if the petition is filed less than six  
10 months before a general election, then the proposition shall be submitted at the general election  
11 next succeeding the filing of the petition. The election shall be conducted, the vote canvassed  
12 and the result declared in the same manner as provided by law in respect to elections of county  
13 officers. The clerk of the county commission shall give notice that a proposition for the abolition  
14 of township organization form of county government in the county is to be voted upon by  
15 causing a copy of the order of the county commission authorizing such election to be published  
16 ~~[at least once each week for three successive weeks, the last insertion to be not more than one~~  
17 ~~week prior to the election, in some newspaper published in the county where the election is to~~  
18 ~~be held, if there is a newspaper published in the county and, if not, by posting printed or written~~  
19 ~~handbills in at least two public places in each election precinct in the county]~~ **on the front page**  
20 **of the commission's website, if it has one,** at least twenty-one days prior to the date of election.  
21 **If the commission does not have a website, notice shall be sent at least twenty-one days**  
22 **prior to the election to the secretary of state who shall publish such notice on the legal**



23 **notices website, established pursuant to section 493.077, until the date of the election has**  
 24 **passed.** The clerk of the county commission shall provide the ballot which shall be printed and  
 25 in substantially the following form:

26 OFFICIAL BALLOT

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

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

31  YES

NO

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

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

65.662. The township planning commission shall have power to make, adopt and publish  
 2 an official master plan of the township for the purpose of bringing about coordinated physical  
 3 development in accordance with the present and future needs. The official master plan shall be  
 4 developed so as to conserve the natural resources of the township, to ensure efficient expenditure  
 5 of public funds and to promote the health, safety, convenience, prosperity and general welfare  
 6 of the inhabitants. Such official master plan may include, among other things, studies and  
 7 recommendations relative to the location, character and extent of highways, railroads, bus,  
 8 streetcar and other transportation routes, bridges, public buildings, schools, parks, parkways,  
 9 forests, wildlife refuges, dams, and projects affecting conservation of natural resources. The  
 10 township planning commission may adopt the official master plan in whole or in part and may  
 11 subsequently amend or extend the adopted plan or portion thereof. Before the adoption,  
 12 amendment or extension of the plan or portion thereof, the township planning commission shall  
 13 hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall  
 14 be published [~~in at least one newspaper having general circulation within the township, and~~  
 15 ~~notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more~~  
 16 ~~public area in the township]~~ **on the front page of the commission's website, if it has one. If**  
 17 **the commission does not have a website, notice shall be sent at least fifteen days in advance**  
 18 **of the hearing to 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 hearing has passed.**

20 Such hearing may be adjourned from time to time. The adoption of the plan, or part thereof,  
 21 shall be by resolution carried by not less than a majority vote of the full membership of the  
 22 township planning commission. After the adoption of the official master plan, or part thereof,  
 23 an attested copy shall be certified to the township board, to the county commission, to the  
 24 recorder of deeds and to the township clerk.

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

13 2. In addition to notices required under chapter 115, the election authority shall publish  
 14 the full text of the county constitution ~~[in each newspaper of general circulation in the county at~~  
 15 ~~least once a week for at least three weeks, the last publication to be]~~ **on the front page of the**  
 16 **election authority's website, if it has one,** not more than three nor less than two weeks  
 17 immediately preceding the election. **If the election authority does not have a website, the full**  
 18 **text of the county constitution shall be sent not more than three nor less than two weeks**  
 19 **prior to the election to the secretary of state who shall publish such notice on the legal**  
 20 **notices website, established pursuant to section 493.077, until the date of the election has**  
 21 **passed.**

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

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

25  YES  NO

26 If a majority of the votes cast by the qualified voters voting thereon are in favor of the proposal,  
 27 then the county constitution shall be adopted. If a majority of the votes cast by the qualified  
 28 voters voting thereon are opposed to the proposal, the county constitution shall not be adopted.  
 29 No county constitution shall be submitted to the voters of the county within two years after the  
 30 election at which a county constitution was defeated, and prior to resubmitting the question of  
 31 whether to adopt a county constitution to the voters pursuant to this subsection, the county

32 commission shall resubmit the question set forth in section 66.700 to the qualified voters of the  
 33 county and a majority of the votes cast by the qualified voters voting thereon shall be in favor  
 34 of the proposal.

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

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

18  YES  NO

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

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

31 3. The county constitution framed by the commission shall take effect on the day fixed  
 32 therein and shall supersede any existing county constitution or government, if approved by the  
 33 majority of the qualified voters of the county voting thereon. The county constitution shall be

34 submitted by the county constitution commission to the election authority of the county not later  
 35 than thirty days after the completion of the county constitution or more than one year from the  
 36 date of the selection of the county constitution commission by the circuit court. The election  
 37 authority of the county shall conduct the election at the next available election authorized under  
 38 state law. The election shall be conducted under the provisions of chapter 115 and may, at the  
 39 request of the county constitution commission, be conducted by mail ballot. The commission  
 40 may submit for separate vote any parts of the county constitution, or any alternative sections or  
 41 articles, and the alternative sections or articles receiving the larger affirmative vote shall prevail  
 42 if a constitution is adopted.

43 4. In addition to notices required under chapter 115, the election authority shall publish  
 44 the full text of the county constitution ~~[in each newspaper of general circulation in the county at~~  
 45 ~~least once a week for at least three weeks, the last publication to be]~~ **on the front page of its**  
 46 **website, if it has one**, not more than three nor less than two weeks immediately preceding the  
 47 election. **If the election authority does not have a website, the full text of the county**  
 48 **constitution shall be sent, not more than three nor less than two weeks prior to the election,**  
 49 **to the secretary of state who shall publish such notice on the legal notices website,**  
 50 **established pursuant to section 493.077, until the date of the election has passed.**

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

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

54  YES  NO

55 If a majority of the votes cast by the qualified voters voting thereon are in favor of the proposal,  
 56 then the county constitution shall be adopted. If a majority of the votes cast by the qualified  
 57 voters voting thereon are opposed to the proposal, the county constitution shall not be adopted.  
 58 No county constitution shall be submitted to the voters of the county within two years after the  
 59 election at which a county constitution was defeated, and prior to resubmitting the question of  
 60 whether to adopt a county constitution to the voters pursuant to this subsection, the county  
 61 commission shall resubmit the question set forth in subsection 1 of this section to the qualified  
 62 voters of the county and a majority of the votes cast by the qualified voters voting thereon shall  
 63 be in favor of the proposal.

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

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

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

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

21           2. The governing body shall hold at least one public hearing on the proposed rates of  
22 taxes at which citizens shall be heard prior to their approval. The governing body shall  
23 determine the time and place for such hearing. A notice stating the hour, date and place of the  
24 hearing shall be published ~~in at least one newspaper qualified under the laws of the state of~~  
25 ~~Missouri of general circulation in the county within which all or the largest portion of the~~  
26 ~~political subdivision is situated, or such notice shall be posted in at least three public places~~

27 ~~within the political subdivision, except that, in any county of the first class having a charter form~~  
28 ~~of government, such notice may be published in a newspaper of general circulation within the~~  
29 ~~political subdivision even though such newspaper is not qualified under the laws of Missouri for~~  
30 ~~other legal notices. Such notice shall be published or posted] on the front page of the~~  
31 **governing body's website, if it has one**, at least seven days prior to the date of the hearing. **If**  
32 **the governing body does not have a website, notice shall be sent at least seven days prior**  
33 **to the date of the hearing to the secretary of state who shall publish such notice on the legal**  
34 **notices website, established pursuant to section 493.077, until the date of the hearing has**  
35 **passed.** The notice shall include the assessed valuation by category of real, personal and other  
36 tangible property in the political subdivision for the fiscal year for which the tax is to be levied  
37 as provided by subsection 3 of section 137.245, the assessed valuation by category of real,  
38 personal and other tangible property in the political subdivision for the preceding taxable year,  
39 for each rate to be levied the amount of revenue required to be provided from the property tax  
40 as set forth in the annual budget adopted as provided by this chapter, and the tax rates proposed  
41 to be set for the various purposes of taxation. The tax rates shall be calculated to produce  
42 substantially the same revenues as required in the annual budget adopted as provided in this  
43 chapter. Following the hearing the governing body of each political subdivision shall fix the  
44 rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such  
45 hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available  
46 to the taxpayer. Nothing in this section absolves political subdivisions of responsibilities under  
47 section 137.073, nor to adjust tax rates in event changes in assessed valuation occur that would  
48 alter the tax rate calculations.

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

54 4. In addition to the information required under subsections 1 and 2 of this section, each  
55 political subdivision shall also include the increase in tax revenue due to an increase in assessed  
56 value as a result of new construction and improvement and the increase, both in dollar value and  
57 percentage, in tax 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 section 67.457  
2 and plans and specifications for the proposed improvements have been prepared, the governing  
3 body shall by ordinance or resolution order assessments to be made against each parcel of real  
4 property deemed to be benefitted by an improvement based on the revised estimated cost of the

5 improvement or, if available, the final cost thereof, and shall order a proposed assessment roll  
6 to be prepared.

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

21           **3. If the clerk does not have a website, the notice required under subsection 2 of this**  
22 **section shall be sent, not more than twenty days and not less than ten days before the**  
23 **hearing, to the secretary of state who shall publish such notice on the legal notices website,**  
24 **established 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 to section  
2 67.793, the county clerk shall present it to the governing body of the county who shall set the  
3 petition for hearing not less than thirty days nor more than forty days after the filing.

4           2. Notice shall be given by the governing body of the county of the time and place where  
5 the hearing will be held, by publication on ~~[three separate days in one or more newspapers~~  
6 ~~having a general circulation within the territory proposed to be incorporated as a regional~~  
7 ~~recreational district or to be added to an existing regional recreational district, the first of which~~  
8 ~~publications shall be]~~ **the front page of the governing body's website, if it has one**, not less  
9 than twenty days prior to the date set for the hearing ~~[and if there is no such newspaper, then~~  
10 ~~notice shall be posted in ten of the most public places in the territory, not less than twenty days~~  
11 ~~prior to the date set for the hearing. This]~~ . **If the governing body of the county does not have**  
12 **a website, notice shall be sent not less than twenty days prior to the date set for the hearing**  
13 **to the secretary of state who shall publish such notice on the legal notices website,**  
14 **established pursuant to section 493.077, until the date of the hearing has passed. The notice**  
15 **shall include a description of the territory as set out in the petition, names of municipalities**

16 located therein, and the type and rate of the tax to be levied, the name of the proposed district and  
17 the question of creating a regional recreational district or adding to an existing district.

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

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

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

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



21           3. (1) Upon the filing of the petition, the petition shall be presented to the circuit court  
22 and such court shall fix a date for a hearing on such petition. The clerk of the court shall give  
23 notice of the filing of the petition [~~in some newspaper of general circulation in the county in~~  
24 ~~which the proceedings are pending, and if the district extends into any other county or counties,~~  
25 ~~such notice shall also be published in some newspaper of general circulation in such other county~~  
26 ~~or counties]~~ **on the front page of the court's website, if it has one. If the court does not have**  
27 **a website, the notice shall be sent to the secretary of state who shall publish such notice on**  
28 **the legal notices website, established pursuant to section 493.077, until the date of the**  
29 **hearing has passed.**

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

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

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

47           6. Should the court find that it would not be to the public interest to dissolve a district,  
48 the petition shall be dismissed at the costs of the petitioners. If, however, the court should find  
49 in favor of the petitioners, the court shall enter its interlocutory decree of dissolution, which  
50 decree shall provide for the submission of the question to the voters of the district. The decree  
51 of dissolution shall not become final and conclusive until it has been submitted to the voters  
52 residing within the boundaries described in such decree and approved by a majority of the votes  
53 cast. The decree shall provide for the submission of the question and shall fix the date thereof.

54           7. The question shall be submitted in substantially the following form:

55           Shall the \_\_\_\_\_ district be dissolved?

56           8. The returns shall be certified by the election authority to the circuit court having  
57 jurisdiction in the case. Upon receiving such certification, the court shall enter its order  
58 canvassing the returns and declaring the result of such election. If a majority of the votes cast  
59 on the question by the qualified voters voting thereon are in favor of the question, then the court  
60 shall, in such order declaring the result of the election, enter a further order declaring the decree  
61 of dissolution to be final and conclusive. If a majority of the votes cast on the question by the  
62 qualified voters voting thereon are opposed to the question, then the court shall enter a further  
63 order declaring such decree of dissolution to be void and of no effect. No appeal shall lie from  
64 any of such orders. In the event that the court declares the decree of dissolution to be final as  
65 provided in this subsection, the clerk of the circuit court shall file certified copies of such decree  
66 of dissolution and of such final order with the secretary of state, the recorder of deeds of the  
67 county or counties in which the district is located, and with the clerk of the county commission  
68 of the county or counties in which the district is located.

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

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

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

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

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

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

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

19           (1) Publish notice of the hearing ~~[on two separate occasions in at least one newspaper~~  
20 ~~of general circulation in the county]~~ **on the front page of its website, if it has one**, not more

21 than fifteen days nor less than ten days before the hearing. **If the governing body does not have**  
22 **a website, notice shall be sent, at least ten days but not more than fifteen days before the**  
23 **hearing, to the secretary of state who shall publish such notice on the legal notices website,**  
24 **established pursuant to section 493.077, until the date of the hearing has passed;**

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

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

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

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

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

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

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

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

15 2. No dissolution of such lake area business district shall invalidate or affect any right  
16 accruing to such lake area business district or to any person, or invalidate or affect any contract  
17 entered into or imposed on such lake area business district.

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

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

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

67.1237. Upon the passage of the proposal in the county, the governing body of the  
2 county shall, by order, declare the agricultural commodity research district to be incorporated  
3 and, within thirty days after the district has been declared organized, shall call a meeting of the  
4 landowners of the county subject to the fee for the purpose of electing a board of supervisors for  
5 the district to consist of five members to be selected from among the landowners of the county  
6 subject to the fee. At the time of calling the meeting, the governing body of the county shall give  
7 notice thereof by publication [~~once a week for two consecutive weeks in a newspaper of general~~  
8 ~~circulation within the county, the last publication to be~~] **on the front page of its website, if it**  
9 **has one**, at least ten days before the day of the meeting. **If the governing body does not have**  
10 **a website, notice shall be sent at least ten days before the day of the meeting to the**  
11 **secretary of state who shall publish such notice on the legal notices website, established**  
12 **pursuant to section 493.077, until the date of the meeting has passed.** The notice shall state  
13 the day, hour and place of the meeting. At the meeting, the landowners of the county subject to  
14 the fee shall elect a board of five supervisors, to be comprised of owners of real estate in the  
15 county subject to the fee. The landowners when assembled shall organize by the election of a  
16 chairperson and a secretary of the meeting who shall conduct the election. At the election, each  
17 and every acre of land in the county subject to the fee shall represent one vote and the five  
18 persons receiving the highest number of votes shall be declared elected as supervisors. Members  
19 of the board shall serve for a term of four years, except that, the members of the board shall  
20 determine by lot the terms of office for the members of the first board so that two shall be elected  
21 for a term of one year, one shall be elected for a term of two years, one shall be elected for a term  
22 of three years, and one shall be elected for a term of four years. Members of the board shall  
23 receive no compensation for their services, but shall be reimbursed for their actual and necessary

24 expenses incurred in the performance of their duties out of funds of the district. In the same  
25 month of each year after the election of the first board of supervisors, the board of supervisors  
26 shall call a meeting of the landowners of the county subject to the fee in the same manner as  
27 provided for the calling of the first meeting, and the landowners shall meet at the time and place  
28 set by the board of supervisors and elect a supervisor as a successor to those supervisors whose  
29 terms of office are expiring. In the case of a vacancy in any office of supervisor, the remaining  
30 supervisors may fill such vacancy until the next annual meeting, when a successor shall be  
31 elected for the unexpired term.

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

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

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

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

12 (3) It contains the following information:

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

15 (b) The name of the proposed district;

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

18 (d) A five-year plan stating a description of the purposes of the proposed district, the  
19 services it will provide, the improvements it will make and an estimate of costs of these services  
20 and improvements to be incurred;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 Name of owner: \_\_\_\_\_

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

49 If signer is different from owner:

50 Name of signer: \_\_\_\_\_

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

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

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

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

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

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

60 \_\_\_\_\_

61 Signature of person Date \_\_\_\_\_

62 signing for owner

63 STATE OF MISSOURI )

64 ) ss.

65 COUNTY OF \_\_\_\_\_ )

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

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

70 \_\_\_\_\_  
71 Notary Public

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

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

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

86 4. After the close of the public hearing required pursuant to subsection 1 of this section,  
87 the governing body of the municipality may adopt an ordinance approving the petition and  
88 establishing a district as set forth in the petition and may determine, if requested in the petition,  
89 whether the district, or any legally described portion thereof, constitutes a blighted area. If the  
90 petition was filed by the governing body of a municipality pursuant to subdivision (5) of  
91 subsection 2 of this section, after the close of the public hearing required pursuant to subsection  
92 1 of this section, the petition may be approved by the governing body and an election shall be  
93 called pursuant to section 67.1422.

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

98 (1) At any time prior to the close of the public hearing required pursuant to subsection  
99 1 of this section[;] , provided that[;] notice of the contents of the amended petition is given at the  
100 public hearing;

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

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

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

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

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

9 3. Notice of the public hearing shall be given by publication and mailing. Notice by  
10 publication shall be given by publication [~~in a newspaper of general circulation within the~~  
11 ~~municipality once a week for two consecutive weeks~~] **on the front page of the governing**  
12 **body's website, if it has one, at least two weeks** prior to the week of the public hearing. **If the**  
13 **governing body does not have a website, notice shall be sent at least two weeks before the**  
14 **date of the hearing to the secretary of state who shall publish such notice on the legal**  
15 **notices website, established pursuant to section 493.077, until the date of the hearing has**  
16 **passed.** Notice by mail shall be given not less than fifteen days prior to the public hearing by



17 sending the notice via registered or certified United States mail with a return receipt attached to  
 18 the address of record of each owner of record of real property within the boundaries of the  
 19 proposed district. The published and mailed notices shall include the following:

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

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

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

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

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

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

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

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

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

15 (2) Publish notice of the election ~~[in a newspaper of general circulation within the~~  
 16 ~~municipality two times. The first publication date shall be]~~ **on the front page of its website, if**  
 17 **it has one**, more than sixty days prior to the date of the election ~~[and the second publication date~~  
 18 ~~shall be not more than thirty days and not less than ten days prior to the date of the election]~~ .

19 **If the election authority does not have a website, notice shall be sent at least sixty days**  
 20 **before the date of the election to the secretary of state who shall publish such notice on the**  
 21 **legal notices website, established pursuant to section 493.077, until the date of the election**  
 22 **has passed.** The published notice shall include, but not be limited to, the following information:

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

24 (b) The type of tax proposed, its rate, purpose and duration;

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

26 (d) The date of the election;

27 (e) Qualified voters will consist of:

28 a. Such persons who reside within the district and who are registered voters pursuant to  
29 the records of the election authority as of the thirtieth day prior to the date of the election; or

30 b. If no such registered voters reside in the district, the owners of real property located  
31 within the district pursuant to the tax records of the county clerk, or the collector of revenue if  
32 the district is located in a city not within a county, for real property as of the thirtieth day prior  
33 to the date of the election;

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

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

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

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

52 FOR REGISTERED VOTERS:

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

56 \_\_\_\_\_

57 Qualified Voter's Signature

58 \_\_\_\_\_

59 Printed Name of Qualified Voter

60 FOR REAL PROPERTY OWNERS:

61 I hereby declare under penalty of perjury that I am the owner of real property in  
 62 the \_\_\_\_\_ (insert name) Community Improvement District and qualified to vote  
 63 in this election, or authorized to affix my signature on behalf of the owner  
 64 (named below) of real property in the \_\_\_\_\_ (insert name) Community  
 65 Improvement District which is qualified to vote in this election.

66 \_\_\_\_\_  
 67 Signature

68 \_\_\_\_\_  
 69 Print Name of Real Property Owner

70 If Signer is Different from Owner:

71 Name of Signer: \_\_\_\_\_

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

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

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

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

87 6. The results of the election shall be entered upon the records of the election authority  
 88 and a certified copy of the election results shall be filed with the municipal clerk, who shall cause  
 89 the same to be entered upon the records of the municipal clerk.

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

67.1812. Following the appointment of the commissioners, the regional taxicab  
 2 commission shall meet for the purpose of establishing and adopting a districtwide taxicab code.  
 3 In promulgating the taxicab code, the commission shall seek, to the extent reasonably practical,  
 4 to preserve within the code provisions similar to those contained in chapter 8.98 of the city's  
 5 municipal ordinance and chapter 806 of the county ordinances, both relating to taxicab issues

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

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

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

6 3. The petition shall set forth:

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

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

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

13 (4) The name of the proposed district.

14 4. The circuit clerk of the county in which the petition is filed pursuant to this section  
15 shall present the petition to the judge, who shall thereupon set the petition for hearing not less  
16 than thirty days nor more than forty days after the filing. The judge shall cause notice of the time  
17 and place of the hearing to be given, by publication [~~on three separate days in one or more~~  
18 ~~newspapers having a general circulation within the county, with the third and final publication~~  
19 ~~to occur]~~ **on the front page of the court's website, if it has one**, not less than twenty days prior  
20 to the date set for the hearing. **If the court does not have a website, notice of such hearing**  
21 **shall be sent at least twenty days prior to the hearing to the secretary of state who shall**  
22 **publish such notice on the legal notices website, established pursuant to section 493.077,**

23 **until the date of the hearing has passed.** The notice shall recite the information required  
24 pursuant to subsection 3 of this section. The costs of printing and publication of the notice shall  
25 be paid as required pursuant to section 67.1870.

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

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

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

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

12 2. The governing body of a county, city, town or village may create a district when a  
13 proper petition has been signed by at least two percent of the registered voters of a county, city,

14 town or village within such proposed district. The petition, in order to become effective, shall  
15 be filed with the clerk of the county, city, town or village that includes a majority of the area  
16 within the proposed district. A proper petition for the creation of a district shall set forth the  
17 boundaries of the proposed district and the maximum proposed sales tax rate up to one percent.

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

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

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

34 (1) The name of the district;

35 (2) A statement that a tourism community enhancement district has been established; and

36 (3) The creation of a board of directors and enumeration of its duties and responsibilities,  
37 as provided by section 67.1956.

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

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

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

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

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

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

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

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

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

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

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

25 (10) Any county of the first classification with more than two hundred forty thousand  
26 three hundred but less than two hundred forty thousand four hundred inhabitants;

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

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

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

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

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

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

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

45 (3) The name of the proposed district.

46 4. Upon the filing of a petition pursuant to this section, the governing body of any county  
47 described in this section may, by resolution, approve the creation of a district. Any resolution

48 to establish such a district shall be adopted by the governing body of each county located within  
49 the proposed district, and shall contain the following information:

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

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

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

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

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

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

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

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

68 6. Following the hearing, if the governing body of each county located within the  
69 proposed district decides to establish the proposed district, it shall adopt an order to that effect;  
70 if the governing body of any county located within the proposed district decides to not establish  
71 the proposed district, the boundaries of the proposed district shall not include that county. The  
72 order shall contain the following:

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

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

76 (3) The name of the district;

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

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

80 7. A district established pursuant to this section may, at a general, primary, or special  
81 election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of  
82 one percent, for a period not to exceed twenty-five years, on all retail sales within the district,  
83 which are subject to taxation pursuant to sections 144.010 to 144.525, to fund the acquisition,



84 construction, maintenance, operation, improvement, and promotion of an exhibition center and  
85 recreational facilities. The ballot of submission shall be in substantially the following form:

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

90  YES  NO

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

93 If a majority of the votes cast in the portion of any county that is part of the proposed district  
94 favor the proposal, then the sales tax shall become effective in that portion of the county that is  
95 part of the proposed district on the first day of the first calendar quarter immediately following  
96 the election. If a majority of the votes cast in the portion of a county that is a part of the  
97 proposed district oppose the proposal, then that portion of such county shall not impose the sales  
98 tax authorized in this section until after the county governing body has submitted another such  
99 sales tax proposal and the proposal is approved by a majority of the qualified voters voting  
100 thereon. However, if a sales tax proposal is not approved, the governing body of the county shall  
101 not resubmit a proposal to the voters pursuant to this section sooner than twelve months from  
102 the date of the last proposal submitted pursuant to this section. If the qualified voters in two or  
103 more counties that have contiguous districts approve the sales tax proposal, the districts shall  
104 combine to become one district.

105 8. There is hereby created a board of trustees to administer any district created and the  
106 expenditure of revenue generated pursuant to this section consisting of four individuals to  
107 represent each county approving the district, as provided in this subsection. The governing body  
108 of each county located within the district, upon approval of that county's sales tax proposal, shall  
109 appoint four members to the board of trustees; at least one shall be an owner of a nonlodging  
110 business located within the taxing district, or their designee, at least one shall be an owner of a  
111 lodging facility located within the district, or their designee, and all members shall reside in the  
112 district except that one nonlodging business owner, or their designee, and one lodging facility  
113 owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five  
114 years of age and a resident of this state. Of the initial trustees appointed from each county, two  
115 shall hold office for two years, and two shall hold office for four years. Trustees appointed after  
116 expiration of the initial terms shall be appointed to a four-year term by the governing body of the  
117 county the trustee represents, with the initially appointed trustee to remain in office until a  
118 successor is appointed, and shall take office upon being appointed. Each trustee may be  
119 reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the

120 office was originally appointed. The trustees shall not receive compensation for their services,  
121 but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and  
122 other officers necessary for its membership. Trustees may be removed if:

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

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

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

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

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

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

138 (4) To borrow money and incur indebtedness and evidence the same by certificates,  
139 notes, or debentures, to issue bonds and use any one or more lawful funding methods the district  
140 may obtain for its purposes at such rates of interest as the district may determine. Any bonds,  
141 notes, and other obligations issued or delivered by the district may be secured by mortgage,  
142 pledge, or deed of trust of any or all of the property and income of the district. Every issue of  
143 such bonds, notes, or other obligations shall be payable out of property and revenues of the  
144 district and may be further secured by other property of the district, which may be pledged,  
145 assigned, mortgaged, or a security interest granted for such payment, without preference or  
146 priority of the first bonds issued, subject to any agreement with the holders of any other bonds  
147 pledging any specified property or revenues. Such bonds, notes, or other obligations shall be  
148 authorized by resolution of the district board, and shall bear such date or dates, and shall mature  
149 at such time or times, but not in excess of thirty years, as the resolution shall specify. Such  
150 bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or  
151 rates, be in such form, either coupon or registered, be issued as current interest bonds, compound  
152 interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such  
153 manner, be payable in such place or places, and be subject to redemption as such resolution may  
154 provide, notwithstanding section 108.170. The bonds, notes, or other obligations may be sold

155 at either public or private sale, at such interest rates, and at such price or prices as the district  
156 shall determine;

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

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

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

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

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

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

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

175 10. There is hereby created the "Exhibition Center and Recreational Facility District  
176 Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this  
177 section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund  
178 shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall  
179 be considered nonstate funds pursuant to Section 15, Article IV, Constitution of Missouri. The  
180 director of revenue shall invest moneys in the trust fund in the same manner as other funds are  
181 invested. Any interest and moneys earned on such investments shall be credited to the trust fund.  
182 All sales taxes collected by the director of revenue pursuant to this section on behalf of the  
183 district, less one percent for the cost of collection which shall be deposited in the state's general  
184 revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall  
185 be deposited in the trust fund. The director of revenue shall keep accurate records of the amount  
186 of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to  
187 this section, and the records shall be open to the inspection of the officers of each district and the  
188 general public. Not later than the tenth day of each month, the director of revenue shall  
189 distribute all moneys deposited in the trust fund during the preceding month to the district. The  
190 director of revenue may authorize refunds from the amounts in the trust fund and credited to the

191 district for erroneous payments and overpayments made, and may redeem dishonored checks and  
192 drafts deposited to the credit of the district.

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

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

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

205  YES  NO

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

208 If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the  
209 rate and for the time period approved by the voters. If a sales tax extension is not approved, the  
210 district may submit another sales tax proposal as authorized in this section, but the district shall  
211 not submit such a proposal to the voters sooner than twelve months from the date of the last  
212 extension submitted.

213 13. Once the sales tax authorized by this section is abolished or terminated by any  
214 means, all funds remaining in the trust fund shall be used solely for the purposes approved in the  
215 ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while  
216 the district has any financing or other obligations outstanding; provided that any new financing,  
217 debt, or other obligation or any restructuring or refinancing of an existing debt or obligation  
218 incurred more than ten years after voter approval of the sales tax provided in this section or more  
219 than ten years after any voter-approved extension thereof shall not cause the extension of the  
220 sales tax provided in this section or cause the final maturity of any financing or other obligations  
221 outstanding to be extended. Any funds in the trust fund which are not needed for current  
222 expenditures may be invested by the district in the securities described in subdivisions (1) to (12)  
223 of subsection 1 of section 30.270 or repurchase agreements secured by such securities. If the  
224 district abolishes the sales tax, the district shall notify the director of revenue of the action at  
225 least ninety days before the effective date of the repeal, and the director of revenue may order  
226 retention in the trust fund, for a period of one year, of two percent of the amount collected after

227 receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem  
228 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed  
229 after the effective date of abolition of the sales tax in the district, the director of revenue shall  
230 remit the balance in the account to the district and close the account of the district. The director  
231 of revenue shall notify the district of each instance of any amount refunded or any check  
232 redeemed from receipts due the district.

233 14. In the event that the district is dissolved or terminated by any means, the governing  
234 bodies of the counties in the district shall appoint a person to act as trustee for the district so  
235 dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and  
236 subscribe an oath to faithfully discharge the duties of the office, and shall give bond with  
237 sufficient security, approved by the governing bodies of the counties, to the use of the dissolved  
238 or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all  
239 powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of  
240 the district, shall pay over to the county treasurer of each county in the district and take receipt  
241 for all remaining moneys in amounts based on the ratio the levy of each county bears to the total  
242 levy for the district in the previous three years or since the establishment of the district,  
243 whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver  
244 to the clerk of the governing body of any county in the district all books, papers, records, and  
245 deeds belonging to the dissolved district.

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

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

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

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

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

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

- 18 (1) The name, address, and phone number of each petitioner and the location of the real  
19 property owned by the petitioner;
- 20 (2) The name of the proposed district;
- 21 (3) A legal description of the proposed district, including a map illustrating the district  
22 boundaries, which shall be contiguous, and the division of the district into at least five, but not  
23 more than fifteen, subdistricts that shall contain, or are projected to contain upon full  
24 development of the subdistricts, approximately equal populations;
- 25 (4) A statement indicating the number of directors to serve on the board, which shall be  
26 not less than five or more than fifteen;
- 27 (5) A request that the district be established;
- 28 (6) A general description of the activities that are planned for the district;
- 29 (7) A proposal for a sales tax to fund the district initially, pursuant to the authority  
30 granted in sections 67.2500 to 67.2530, together with a request that the imposition of the sales  
31 tax be submitted to the qualified voters within the district;
- 32 (8) A statement that the proposed district shall not be an undue burden on any owner of  
33 property within the district and is not unjust or unreasonable;
- 34 (9) A request that the question of the establishment of the district be submitted to the  
35 qualified voters of the district;
- 36 (10) A signed statement that the petitioners are authorized to submit the petition to the  
37 governing body; and
- 38 (11) Any other items the petitioners deem appropriate.
- 39 7. Upon the filing and approval of a petition pursuant to this section, the governing body  
40 of any city, town, or village described in this section shall pass a resolution containing the  
41 following information:
- 42 (1) A description of the boundaries of the proposed district and each subdistrict;
- 43 (2) The time and place of a hearing to be held to consider establishment of the proposed  
44 district;
- 45 (3) The time frame and manner for the filing of protests;
- 46 (4) The proposed sales tax rate to be voted upon within the subdistricts of the proposed  
47 district;
- 48 (5) The proposed uses for the revenue to be generated by the new sales tax; and
- 49 (6) Such other matters as the governing body may deem appropriate.
- 50 8. Prior to the governing body certifying the question of the district's creation and  
51 imposing a sales tax for approval by the qualified electors, a hearing shall be held as provided  
52 by this subsection. The governing body of the municipality approving a resolution as set forth  
53 in subsection 7 of this section shall:

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

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

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

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

69 9. Following the hearing, the governing body of any city, town, or village within which  
70 the proposed district will be located may order an election on the questions of the district  
71 creation and sales tax funding for voter approval and certify the questions to the municipal clerk.  
72 The election order shall include the date on which the ballots will be mailed to qualified electors,  
73 which shall be not sooner than the eighth Tuesday from the issuance of the order. The election  
74 regarding the incorporation of the district and the imposing of the sales tax shall follow the  
75 procedure set forth in section 67.2520, and shall be held pursuant to the order and certification  
76 by the governing body. Only those subdistricts approving the question of creating the district  
77 and imposing the sales tax shall become part of the district.

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

83 (1) The description of the boundaries of the district and each subdistrict;

84 (2) A statement that a theater, cultural arts, and entertainment district has been  
85 established;

86 (3) A declaration that the district is a political subdivision of the state;

87 (4) The name of the district;

88 (5) The date on which the sales tax election in the subdistricts was held, and the result  
89 of the election;

90 (6) The uses for any revenue generated by a sales tax imposed pursuant to this section;

91 (7) A certification to the newly created district of the election results, including the  
92 election concerning the sales tax; and

93 (8) Such other matters as the governing body deems appropriate.

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

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

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

10 (2) The name of the proposed district;

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

55 4. The court shall hear the case without a jury. If the court determines the petition is  
56 defective or the proposed district or its plan of operation is unconstitutional, it shall enter its  
57 judgment to that effect and shall refuse to incorporate the district as requested in the pleadings.

58 If the court determines the petition is not legally defective and the proposed district and plan of  
59 operation are not unconstitutional, the court shall order an election on the questions of the district  
60 creation and sales tax funding for voter approval and certify the questions to the circuit clerk.  
61 The election order shall include the date on which the ballots will be mailed to qualified electors,  
62 which shall be not sooner than the eighth Tuesday from the issuance of the order. The election  
63 regarding the incorporation of the district and imposing the sales tax shall follow the procedure  
64 set forth in section 67.2520, and shall be held pursuant to the order and certification by the circuit  
65 judge. Only those subdistricts approving the question of creating the district and imposing the  
66 sales tax shall become part of the district.

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

73 (1) The description of the boundaries of the district and each subdistrict;

74 (2) A statement that a theater, cultural arts, and entertainment district has been  
75 established;

76 (3) A declaration that the district is a political subdivision of the state;

77 (4) The name of the district;

78 (5) The date on which the sales tax election in the subdistricts was held, and the result  
79 of the election;

80 (6) The uses for any revenue generated by a sales tax imposed pursuant to this section;

81 (7) A certification to the newly created district of the election results, including the  
82 election concerning the sales tax; and

83 (8) Such other matters as the circuit court deems appropriate.

84 6. Any subdistrict that does not approve the creation of the district and imposing the  
85 sales tax shall not be a part of the district and the sales tax shall not be imposed until after the  
86 district board of directors has submitted another proposal for the inclusion of the area into the  
87 district and such proposal and the sales tax proposal are approved by a majority of the qualified  
88 voters in the subdistrict voting thereon. Such subsequent elections shall be conducted in  
89 accordance with section 67.2520; provided, however, that the district board of directors may  
90 place the question of the inclusion of a subdistrict within a district and the question of imposing  
91 a sales tax in the proposed subdistrict before the voters of a proposed subdistrict, and the circuit  
92 clerk shall conduct the subsequent election. In subsequent elections, the election judges shall  
93 certify the election results to the district board of directors.

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

67.2520. 1. If a governing body or circuit court judge has certified the question  
2 regarding the district creation and sales tax funding for voter approval, the municipal clerk in  
3 which the district is located, or the circuit clerk if the order and certification has been by a circuit  
4 judge, shall conduct the election. The questions shall be submitted to the qualified voters of each  
5 subdistrict within the district boundaries who have filed an application pursuant to this section.  
6 The municipal clerk, or the circuit clerk if the district is being formed by the circuit court, shall  
7 publish notice of the election [~~in at least one newspaper of general circulation in the county~~  
8 ~~where the proposed district is located, with the publication to occur~~] **on the front page of its**  
9 **website, if it has one**, not more than fifteen days but not less than ten days before the date when  
10 applications for ballots will be accepted. **If the clerk does not have a website, the notice shall**  
11 **be sent, not more than fifteen days but not less than ten days prior to the election, to the**  
12 **secretary of state who shall publish such notice on the legal notices website, established**  
13 **pursuant to section 493.077, until the date of the election has passed.** The notice shall  
14 include a description of the district boundaries, the time frame and manner of applying for a  
15 ballot, the questions to be voted upon, and where and when applications for ballots will be  
16 accepted. The municipal clerk, or circuit clerk if the district is being formed by the circuit court,  
17 shall also send a notice of the election to all registered voters in the proposed district, which shall  
18 include the information in the published notice. The costs of printing and publication of the  
19 notice, and mailing of the notices to registered voters, shall be paid by the petitioners. If the  
20 district is organized pursuant to sections 67.2500 to 67.2530, the petitioners may be reimbursed  
21 for such costs out of the revenues received by the district.

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

31           3. The sales tax shall be not more than one-half of one percent on all retail sales within  
32 the district, which are subject to taxation pursuant to section 67.2530, to fund, promote, and

33 provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or  
 34 similar entertainment events or activities, and to fund, promote, plan, design, construct, improve,  
 35 maintain, and operate public improvements, transportation projects, and related facilities in the  
 36 district.

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

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

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

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

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

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

51 (b) An authorized signature; and

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

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

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

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

59 Shall there be organized in \_\_\_\_\_ (here specifically describe the proposed  
 60 district boundaries), within the state of Missouri, a district, to be known as the  
 61 "\_\_\_\_\_ Theater, Cultural Arts, and Entertainment District" for the purpose of  
 62 funding, promoting, and providing educational, civic, musical, theatrical,  
 63 cultural, concerts, lecture series, and related or similar entertainment events or  
 64 activities, and funding, promoting, planning, designing, constructing, improving,  
 65 maintaining, and operating public improvements, transportation projects, and  
 66 related facilities in the district?

67  YES

NO

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

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

75  YES  NO

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

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

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

87 Authorized signature

88 \_\_\_\_\_

89 Printed name of voter Signature of notary or other officer authorized to  
90 administer oaths.

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

92 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_";

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

95 (6) Voted ballots shall be returned to the municipal clerk, or the clerk of the circuit court  
96 if the district is being formed by the circuit court, by mail or hand delivery no later than 5:00  
97 p.m. on the fourth Tuesday after the date for mailing the ballots. The municipal clerk, or circuit  
98 clerk if the district is being formed by the circuit court, shall transmit all voted ballots to a team  
99 of judges of not less than four, with an equal number from each of the two major political parties.

100 The judges shall be selected by the city, town, or village, or the circuit clerk, from lists compiled  
101 by the county election authority. Upon receipt of the voted ballots the judges shall verify the  
102 authenticity of the ballots, canvass the votes, and certify the results. Certification by the election  
103 judges shall be final and shall be immediately transmitted to the governing body of the city,

104 town, or village for further action, or the circuit judge for further action if the district is being  
105 formed by the circuit court. Any voter who applied for such election may contest the result in  
106 the same manner as provided in chapter 115.

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

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

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

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

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

17 4. For those subdistricts which contain no registered voters, the property owners who  
18 collectively own one or more parcels of real estate comprising more than half of the land situated  
19 in each subdistrict shall meet and shall elect a representative to serve upon the board of directors.  
20 The clerk of the city, town, or village in which the petition was filed shall, unless waived in  
21 writing by all property owners in the subdistrict, give notice by causing publication to be made  
22 ~~[once a week for two consecutive weeks in a newspaper of general circulation in the county, the~~  
23 ~~last publication of which shall be]~~ **on the front page of the clerk's website, if it has one,** at  
24 least ten days before the day of the meeting required by this section, to call a meeting of the  
25 owners of real property within the subdistrict at a day and hour specified in a public place in the  
26 city, town, or village in which the petition was filed for the purpose of electing members of the  
27 board of directors. **If the clerk does not have a website, notice shall be sent at least ten days**  
28 **before the day of the meeting to the secretary of state who shall publish such notice on the**  
29 **legal notices website, established pursuant to section 493.077, until the day of the meeting**  
30 **has passed.**

31 5. The property owners, when assembled, shall organize by the election of a temporary  
32 chairman and secretary of the meeting who shall conduct the election. An election shall be  
33 conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At

34 the election, each acre of real property within the subdistrict shall represent one share, and each  
35 owner, including corporations and other entities, may have one vote in person or for every acre  
36 of real property owned by such person within the subdistrict. Each voter which is not an  
37 individual shall determine how to cast its vote as provided for in its articles of incorporation,  
38 articles of organization, articles of partnership, bylaws, or other document which sets forth an  
39 appropriate mechanism for the determination of the entity's vote. If a voter has no such  
40 mechanism, then its vote shall be cast as determined by a majority of the persons who run the  
41 day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary  
42 chairman and secretary to the municipal clerk if the district is established by a municipality  
43 described in this section, or to the circuit clerk if the district is established by a circuit court.

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

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

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

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

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

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

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

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

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

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

72           13. At the first meeting, the board, by resolution, shall receive the certification of the  
73 election regarding the sales tax, and may impose the sales tax in all subdistricts approving the  
74 imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become  
75 effective on the first day of the first calendar quarter immediately following the action by the  
76 district board of directors imposing the tax.

77           14. Each director shall devote such time to the duties of the office as the faithful  
78 discharge thereof may require and be reimbursed for his or her actual expenditures in the  
79 performance of his or her duties on behalf of the district. Directors may be compensated, but  
80 such compensation shall not exceed one hundred dollars per month.

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

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

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

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

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

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

95           (6) To collect taxes and other revenues;

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

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

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



- 105 (10) To hire and retain agents, employees, engineers, and attorneys;
- 106 (11) To enter into entertainment contracts binding the district and artists, agencies, or  
107 performers, management contracts, contracts relating to the booking of entertainment and the  
108 sale of tickets, and all other contracts which relate to the purposes of the district;
- 109 (12) To contract with a local government, a corporation, partnership, or individual  
110 regarding funding, promotion, planning, designing, constructing, improving, maintaining, or  
111 operating a project or to assist in such activity;
- 112 (13) To contract for transfer to a city, town, or village such district facilities and  
113 improvements free of cost or encumbrance on such terms set forth by contract;
- 114 (14) To exercise such other powers necessary or convenient for the district to accomplish  
115 its purposes which are not inconsistent with its express powers.
- 116 16. A district may at any time authorize or issue notes, bonds, or other obligations for  
117 any of its powers or purposes. Such notes, bonds, or other obligations:
- 118 (1) Shall be in such amounts as deemed necessary by the district, including costs of  
119 issuance thereof;
- 120 (2) Shall be payable out of all or any portion of the revenues or other assets of the  
121 district;
- 122 (3) May be secured by any property of the district which may be pledged, assigned,  
123 mortgaged, or otherwise encumbered for payment;
- 124 (4) Shall be authorized by resolution of the district, and if issued by the district, shall  
125 bear such date or dates, and shall mature at such time or times, but not in excess of forty years,  
126 as the resolution shall specify;
- 127 (5) Shall be in such denomination, bear interest at such rates, be in such form, be issued  
128 as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or  
129 zero coupon bonds, be issued in such manner, be payable in such place or places and subject to  
130 redemption as such resolution may provide; and
- 131 (6) May be sold at either public or private sale, at such interest rates, and at such price  
132 or prices as the district shall determine.
- 133 The provisions of this subsection are applicable to the district notwithstanding the provisions of  
134 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 construction  
3 management-at-risk contract under this section;
- 4 (2) "Construction manager-at-risk", a sole proprietorship, partnership, corporation, or  
5 other legal entity that assumes the risk for the construction, rehabilitation, alteration, or repair

6 of a project at the contracted price as a general contractor and provides consultation to a political  
7 subdivision regarding construction during and after the design of the project.

8         2. Any political subdivision may use the construction manager-at-risk method for: civil  
9 works projects such as roads, streets, bridges, utilities, water supply projects, water plants,  
10 wastewater plants, water distribution and wastewater conveyance facilities, airport runways and  
11 taxiways, storm drainage and flood control projects, or transit projects commonly designed by  
12 professional engineers in excess of two million dollars; and noncivil works projects such as  
13 buildings, site improvements, and other structures, habitable or not, commonly designed by  
14 architects in excess of three million dollars. In using that method and in entering into a contract  
15 for the services of a construction manager-at-risk, the political subdivision shall follow the  
16 procedures prescribed by this section.

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

30         4. The political subdivision may provide or contract for, independently of the  
31 construction manager-at-risk, inspection services, testing of construction materials, engineering,  
32 and verification of testing services necessary for acceptance of the project by the political  
33 subdivision.

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

42 personnel and methodology, and other appropriate factors that demonstrate the capability of the  
43 construction manager-at-risk. The political subdivision shall not request fees or prices in step  
44 one. In step two, the political subdivision may request that five or fewer construction managers,  
45 selected solely on the basis of qualifications, provide additional information, including the  
46 construction manager-at-risk's proposed fee and its price for fulfilling the general conditions.  
47 Qualifications shall account for a minimum of forty percent of the evaluation. Cost shall account  
48 for a maximum of sixty percent of the evaluation.

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

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

65 8. The political subdivision or its representative shall select the construction manager  
66 that submits the proposal that offers the best value for the political subdivision based on the  
67 published selection criteria and on its ranking evaluation. The political subdivision or its  
68 representative shall first attempt to negotiate a contract with the selected construction manager.  
69 If the political subdivision or its representative is unable to negotiate a satisfactory contract with  
70 the selected construction manager, the political subdivision or its representative shall, formally  
71 and in writing, end negotiations with that construction manager and proceed to negotiate with  
72 the next construction manager in the order of the selection ranking until a contract is reached or  
73 negotiations with all ranked construction managers end.

74 9. A construction manager-at-risk shall publicly advertise, in the manner prescribed by  
75 chapter 50, and receive bids or proposals from trade contractors or subcontractors for the  
76 performance of all major elements of the work other than the minor work that may be included  
77 in the general conditions. A construction manager-at-risk may seek to perform portions of the

78 work itself if the construction manager-at-risk submits its sealed bid or sealed proposal for those  
79 portions of the work in the same manner as all other trade contractors or subcontractors. All  
80 sealed bids or proposals shall be submitted at the time and location as specified in the  
81 advertisement for bids or proposals and shall be publicly opened and the identity of each bidder  
82 and their bid amount shall be read aloud. The political subdivision shall have the authority to  
83 restrict the construction manager-at-risk from submitting bids to perform portions of the work.

84 10. The construction manager-at-risk and the political subdivision or its representative  
85 shall review all trade contractor, subcontractor, or construction manager-at-risk bids or proposals  
86 in a manner that does not disclose the contents of the bid or proposal during the selection process  
87 to a person not employed by the construction manager-at-risk, engineer, architect, or political  
88 subdivision involved with the project. If the construction manager-at-risk submitted bids or  
89 proposals, the political subdivision shall determine if the construction manager-at-risk's bid or  
90 proposal offers the best value for the political subdivision. After all proposals have been  
91 evaluated and clarified, the award of all subcontracts shall be made public.

92 11. If the construction manager-at-risk reviews, evaluates, and recommends to the  
93 political subdivision a bid or proposal from a trade contractor or subcontractor but the political  
94 subdivision requires another bid or proposal to be accepted, the political subdivision shall  
95 compensate the construction manager-at-risk by a change in price, time, or guaranteed maximum  
96 cost for any additional cost and risk that the construction manager-at-risk may incur because of  
97 the political subdivision's requirement that another bid or proposal be accepted.

98 12. If a selected trade contractor or subcontractor materially defaults in the performance  
99 of its work or fails to execute a subcontract after being selected in accordance with this section,  
100 the construction manager-at-risk may itself, without advertising, fulfill the contract requirements  
101 or select a replacement trade contractor or subcontractor to fulfill the contract requirements. The  
102 penal sums of the performance and payment bonds delivered to the political subdivision shall  
103 each be in an amount equal to the fixed contract amount or guaranteed maximum price. The  
104 construction manager-at-risk shall deliver the bonds not later than the tenth day after the date the  
105 fixed contract amount or guaranteed maximum price is established.

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

110 14. This section shall not apply to:

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

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

116 15. Notwithstanding the provisions of section 23.253 to the contrary, the provisions of  
117 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 furnished under  
4 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 to 8.291  
7 between a political subdivision and a design-builder to furnish the architectural, engineering, and  
8 related design services and the labor, materials, supplies, equipment, and other construction  
9 services required for a design-build project;

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

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

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

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

24 (5) "Design criteria consultant", a person, corporation, partnership, or other legal entity  
25 duly licensed and authorized to practice architecture or professional engineering in this state  
26 under chapter 327 who is employed by or contracted by the political subdivision to assist the  
27 political subdivision in the development of project design criteria, requests for proposals,  
28 evaluation of proposals, the evaluation of the construction under a design-build contract to  
29 determine adherence to the design criteria, and any additional services requested by the political  
30 subdivisions to represent its interests in relation to a project. The design criteria consultant may

31 not submit a proposal or furnish design or construction services for the design-build contract for  
32 which its services were sought;

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

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

43 (a) Within the practice of architecture as defined in section 327.091, or within the  
44 practice of professional engineering as defined in section 327.181; or

45 (b) Performed by a licensed or authorized architect or professional engineer in  
46 connection with the architect's or professional engineer's employment or practice;

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

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

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

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

57 3. A design criteria consultant shall be employed or retained by the political subdivision  
58 to assist in preparation of the design criteria package and request for proposal, perform periodic  
59 site visits to observe adherence to the design criteria, prepare progress reports, review and  
60 approve progress and final pay applications of the design-builder, review shop drawings and  
61 submissions, provide input in disputes, help interpret the construction documents, perform  
62 inspections upon substantial and final completion, assist in warranty inspections, and provide any  
63 other professional service assisting with the project administration. The design criteria  
64 consultant may also evaluate construction as to the adherence of the design criteria. The  
65 consultant shall be selected and its contract negotiated in compliance with sections 8.285 to  
66 8.291 unless the consultant is a direct employee of the political subdivision.

67 4. The political subdivision shall publicly disclose at a regular meeting its intent to  
68 utilize the design-build method and its project design criteria at least one week prior to  
69 publishing the request for proposals. Notice of requests for proposals shall be advertised by  
70 publication [~~in a newspaper of general circulation published in the county where the political~~  
71 ~~subdivision is located once a week for two consecutive weeks]~~ **on the front page of the political**  
72 **subdivision's website, if it has one, two weeks** prior to opening the proposals, or by a virtual  
73 notice procedure that notifies interested parties for at least twenty various purchases, design  
74 contracts, construction contracts, or other contracts each year for the political subdivision. **If the**  
75 **political subdivision does not have a website, the request for proposals shall be sent two**  
76 **weeks prior to opening the proposals to the secretary of state who shall publish such notice**  
77 **on the legal notices website, established pursuant to section 493.077, for a period of two**  
78 **weeks.** The political subdivision shall publish a notice of a request for proposal with a  
79 description of the project, the procedures for submission, and the selection criteria to be used.

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

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

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

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

88 (3) The design criteria package;

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

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

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

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

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

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

102           7. The political subdivision shall solicit proposals in a three-stage process. Phase I shall  
103 be the solicitation of qualifications of the design-build team. Phase II shall be the solicitation  
104 of a technical proposal including conceptual design for the project. Phase III shall be the  
105 proposal of the construction cost.

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

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

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

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

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

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

121           10. The political subdivision shall evaluate the qualifications of all the design-builders  
122 who submitted proposals in accordance with the instructions of the request for proposal.  
123 Architectural and engineering services on the project shall be evaluated in accordance with the  
124 requirements of sections 8.285 and 8.291. Qualified design-builders selected by the evaluation  
125 team may proceed to phase II of the selection process. Design-builders lacking the necessary  
126 qualifications to perform the work shall be disqualified and shall not proceed to phase II of the  
127 process. This process of short listing shall narrow the number of qualified design-builders to not  
128 more than five nor fewer than two. Under no circumstances shall price or fees be a part of the  
129 prequalification criteria. Design-builders may be interviewed in either phase I or phase II of the  
130 process. Points assigned in phase I of the evaluation process shall not carry forward to phase II  
131 of the process. All qualified design-builders shall be ranked on points given in phases II and III  
132 only.

133           11. The political subdivision shall have discretion to disqualify any design-builder who,  
134 in the political subdivision's opinion, lacks the minimum qualifications required to perform the  
135 work.



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

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

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

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

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

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

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

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

155           14. Phase III shall be conducted as follows:

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

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

163           (3) Proposals for phase II and phase III shall be submitted concurrently at the time and  
164 place specified in the request for proposal, but in separate envelopes or other means of  
165 submission. The phase III cost proposals shall be opened only after the phase II design proposals  
166 have been evaluated and assigned points, ranked in order, and posted;

167           (4) Cost proposals shall be opened and read aloud at the time and place specified in the  
168 request for proposal. At the same time and place, the evaluation team shall make public its  
169 scoring of phase II. Cost proposals shall be evaluated in accordance with the requirements of  
170 the request for proposal. In evaluating the cost proposals, the lowest responsive bidder shall be  
171 awarded the total number of points assigned to be awarded in phase III. For all other bidders,

172 cost points shall be calculated by reducing the maximum points available in phase III by at least  
173 one percent for each percentage point by which the bidder exceeds the lowest bid and the points  
174 assigned shall be added to the points assigned for phase II for each design-builder;

175 (5) If the political subdivision determines that it is not in the best interest of the political  
176 subdivision to proceed with the project pursuant to the proposal offered by the design-builder  
177 with the highest total number of points, the political subdivision shall reject all proposals. In this  
178 event, all qualified and responsive design-builders with lower point totals shall receive a stipend  
179 and the responsive design-builder with the highest total number of points shall receive an amount  
180 equal to two times the stipend. If the political subdivision decides to award the project, the  
181 responsive design-builder with the highest number of points shall be awarded the contract; and

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

184 15. As an inducement to qualified design-builders, the political subdivision shall pay a  
185 reasonable stipend, the amount of which shall be established in the request for proposal, to each  
186 prequalified design-builder whose proposal is responsive but not accepted. Such stipend shall  
187 be no less than one-half of one percent of the total project budget. Upon payment of the stipend  
188 to any unsuccessful design-builder, the political subdivision shall acquire a nonexclusive right  
189 to use the design submitted by the design-builder, and the design-builder shall have no further  
190 liability for the use of the design by the political subdivision in any manner. If the design-builder  
191 desires to retain all rights and interest in the design proposed, the design-builder shall forfeit the  
192 stipend.

193 16. (1) As used in this subsection, "wastewater or water contract" means any  
194 design-build contract that involves the provision of engineering and construction services either  
195 directly by a party to the contract or through subcontractors retained by a party to the contract  
196 for a wastewater or water storage, conveyance, or treatment facility project.

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

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

202 (4) The department of natural resources shall not preclude wastewater or water contracts  
203 from consideration for funding provided by the water and wastewater loan fund under section  
204 644.122.

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

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

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

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

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

227 21. This section shall not apply to:

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

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

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

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

9 **pursuant to section 493.077, for a period of twenty days.** The port authority shall have the  
10 power and authority to reject any and all bids and to readvertise the work or proposed purchase.

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

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

68.215. 1. Not more than sixty days prior to the submission of the petition to the circuit  
2 court, the port authority shall hold or cause to be held a public hearing on the proposed project  
3 or projects, proposed real property tax or sales and use tax, or both, as applicable, and the  
4 establishment of the 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 endorsements  
6 shall be heard at the public hearing.

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

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

22 boundaries of the proposed district. The published and mailed notices shall include the  
 23 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 drafted for  
 26 public hearing by the board;
- 27 (3) The boundaries of the proposed district by street location, or other readily identifiable  
 28 means if no street location exists, and a map illustrating the proposed boundaries;
- 29 (4) A brief description of the projects proposed to be undertaken, the estimated cost  
 30 thereof, and the proposed method of financing such costs by a real property tax or sales and use  
 31 tax, or both, as applicable;
- 32 (5) A statement that a copy of the petition is available for review at the office of the port  
 33 authority during regular business hours;
- 34 (6) The address of the port authority's office; and
- 35 (7) A statement that all interested persons shall be given an opportunity to be heard at  
 36 the public hearing.

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

6 NOTICE OF PETITION TO  
 7 CREATE A PORT IMPROVEMENT DISTRICT

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

21 \_\_\_\_\_

22 Clerk of the Circuit Court of \_\_\_\_\_ County

23 **2. If the court does not have a website, notice shall be sent to the secretary of state**  
 24 **who shall publish such notice on the legal notices website, established pursuant to section**  
 25 **493.077, for a period of four consecutive weeks.**

68.250. 1. Notwithstanding the provisions of chapter 115 except the provisions of  
 2 section 115.125, when applicable, an election for any proposed real property tax or proposed  
 3 sales and use tax, or both, within a district pursuant to this act shall be conducted in accordance  
 4 with the provisions of this section.

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

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

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

19 (2) Publish notice of the election [~~in a newspaper of general circulation within the~~  
 20 ~~municipality two times. The first publication date shall be]~~ **on the front page of its website, if**  
 21 **it has one**, not more than forty-five, but not less than thirty-five, days prior to the date of the  
 22 election [~~and the second publication date shall be not more than twenty, and not less than ten,~~  
 23 ~~days prior to the date of the election]~~ . **If the election authority does not have a website,**  
 24 **notice shall be sent not more than forty-five, but not less than thirty-five days prior to the**  
 25 **date of the election, 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 of the election has**  
 27 **passed.** The published notice shall include, but not be limited to, the following information:

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

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

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

32 (d) The date of the election;

33 (e) The applicable definition of qualified voters;

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

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

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

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

53 FOR REGISTERED VOTERS:

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

57 \_\_\_\_\_  
58 Qualified Voter's Signature

59 \_\_\_\_\_  
60 Printed Name of Qualified Voter

61 FOR REAL PROPERTY OWNERS:

62 I hereby declare under penalty of perjury that I am the owner of real property in  
63 the \_\_\_\_\_ Port Improvement District No. \_\_\_\_\_ (insert name of  
64 district) and qualified to vote in this election, or authorized to affix my signature  
65 on behalf of the owner (named below) of real property in the \_\_\_\_\_ Port  
66 Improvement District No. \_\_\_\_\_ (insert name of district) which is qualified  
67 to vote in this election.

68 \_\_\_\_\_

69 Signature  
70 \_\_\_\_\_

71 Print Name of Real Property Owner

72 If Signer is Different from Owner:

73 Name of Signer: \_\_\_\_\_

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

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

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

79 5. Mail-in ballots shall be returned to the election authority's office in person, or by  
80 depositing the ballot in the United States mail addressed to the election authority's office and  
81 postmarked no later than the date of the election. The election authority shall transmit all voted  
82 ballots to a team of judges of not less than four. The judges shall be selected by the election  
83 authority from lists it has compiled prior to the date by which the mail-in ballots must be  
84 returned. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots,  
85 canvass the votes, and certify the results. Certification by the election judges shall be final and  
86 shall be immediately transmitted to the election authority. Any qualified voter who voted in such  
87 election may contest the result in the same manner as provided in chapter 115.

88 6. The results of the election shall be entered upon the records of the election authority  
89 and two certified copies of the election results shall be filed with the port authority and entered  
90 upon the records of the port authority.

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

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

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

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the  
2 governing body of any city, town or village may annex unincorporated areas which are  
3 contiguous and compact to the existing corporate limits of the city, town or village pursuant to  
4 this section. The term "contiguous and compact" does not include a situation whereby the  
5 unincorporated area proposed to be annexed is contiguous to the annexing city, town or village  
6 only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in  
7 width within the city, town or village so that the boundaries of the city, town or village after



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

29         2. (1) When a notarized petition, requesting annexation and signed by the owners of all  
30 fee interests of record in all tracts of real property located within the area proposed to be  
31 annexed, or a request for annexation signed under the authority of the governing body of any  
32 common interest community and approved by a majority vote of unit owners located within the  
33 area proposed to be annexed is presented to the governing body of the city, town or village, the  
34 governing body shall hold a public hearing concerning the matter not less than fourteen nor more  
35 than sixty days after the petition is received~~[, and]~~. The hearing shall be held not less than seven  
36 days after notice of the hearing is published ~~[in a newspaper of general circulation qualified to~~  
37 ~~publish legal matters and located within the boundary of the petitioned city, town or village. If~~  
38 ~~no such newspaper exists within the boundary of such city, town or village, then the notice shall~~  
39 ~~be published in the qualified newspaper nearest the petitioned city, town or village]~~ **on the front**  
40 **page of the governing body's website, if it has one. If the governing body does not have a**  
41 **website, notice shall be sent at least seven days prior to the date of the hearing to the**  
42 **secretary of state who shall publish such notice on the legal notices website, established**  
43 **pursuant to section 493.077, until the date of the hearing has passed.** For the purposes of

44 this subdivision, the term "common-interest community" shall mean a condominium as said term  
45 is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

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

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

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

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

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

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

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

81           5. Any action of any kind seeking to deannex from any city, town, or village any area  
82 annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise  
83 challenge such annexation or oust such city, town, or village from jurisdiction over such annexed  
84 area shall be brought within 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 the first  
2 classification which has adopted a constitutional charter for its own local government, seek to  
3 annex an area to which objection is made, the following shall be satisfied:

4           (1) Before the governing body of any city, town, or village has adopted a resolution to  
5 annex any unincorporated area of land, such city, town, or village shall first as a condition  
6 precedent determine that:

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

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

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

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

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

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

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

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

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

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

31 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and  
32 make a good faith effort to notify all fee owners of record within the area proposed to be annexed  
33 by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all  
34 residents of the area by publication of notice ~~[in a newspaper of general circulation qualified to~~  
35 ~~publish legal matters in the county or counties where the proposed area is located, at least once~~  
36 ~~a week for three consecutive weeks prior to the hearing, with at least one such notice being]~~ **on**  
37 **the front page of its website, if it has one**, not more than twenty days and not less than ten days  
38 before the hearing. **If the city, town, or village does not have a website, notice shall be sent,**  
39 **not more than twenty days and not less than ten days before the hearing, to the secretary**  
40 **of state who shall publish such notice on the legal notices website, established pursuant to**  
41 **section 493.077, until the date of the hearing has passed;**

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

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

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

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

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

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

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

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

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

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

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

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

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

97 (9) If the area proposed for annexation includes a public road or highway but does not  
98 include all of the land adjoining such road or highway, then such fee owners of record, of the

99 lands adjoining said highway shall be permitted to intervene in the declaratory judgment action  
100 described in subdivision (5) of this subsection.

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

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

121         (1) In the case of a proposed annexation in any area which is contiguous to the existing  
122 city, town or village and which is within an area designated as flood plain by the Federal  
123 Emergency Management Agency and which is inhabited by no more than thirty registered voters  
124 and for which a final declaratory judgment has been granted prior to January 1, 1993, approving  
125 such annexation and where notarized affidavits expressing approval of the proposed annexation  
126 are obtained from a majority of the registered voters residing in the area to be annexed, the area  
127 may be annexed by an ordinance duly enacted by the governing body and no elections shall be  
128 required; and

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

133

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

148 4. Except for a cause of action for deannexation under subdivision (2) of subsection 3  
149 of this section, any action of any kind seeking to deannex from any city, town, or village any area  
150 annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise  
151 challenge such annexation or oust such city, town, or village from jurisdiction over such annexed  
152 area shall be 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, incorporated town or  
2 incorporated village, after the presentation of the petition herein provided, such corporate  
3 authorities shall fix the time when such petition shall be considered, and order notice of the  
4 presentation thereof to be given by publishing such notice ~~[for three consecutive weeks in some~~  
5 ~~newspaper having a general circulation in such city, town or village; such]~~ **on the front page of**  
6 **the corporate authorities' website, if it has one, three weeks prior to the date of the**  
7 **presentation. If the corporate authorities do not have a website, notice shall be sent at least**  
8 **three weeks prior to the date of the presentation to the secretary of state who shall publish**  
9 **such notice on the legal notices website, established pursuant to section 493.077, until the**  
10 **date of the presentation has passed.**

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

71.070. If said change of name is made, said corporate authorities shall cause a copy of  
2 the order making such change to be filed in the office of the secretary of state, who shall  
3 thereupon make known the facts of such change by publication ~~[in some newspaper of the county~~  
4 ~~in which such city, town or village is situated, and also in some newspaper in the City of St.~~

5 ~~Louis;~~ **on the legal notices website, established pursuant to section 493.077,** and all the  
6 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 a railroad  
2 under such franchise, the corporation shall cause to be ascertained and determined the damages  
3 that will be done by the building and operation of such railroad, to the real and personal property  
4 situated on the route fixed by the ordinance defining the franchise, and shall pay to the owner or  
5 owners of the real and personal property so affected, or into court for them, the amount of their  
6 respective damages.

7 2. In case the corporation fails to agree with the owners thereof for the proper  
8 compensation for the damages done or likely to be done or sustained by reason of the  
9 construction and operation of the railroad, or if, by reason of the legal incapacity of any such  
10 owner, no compensation can be agreed upon, the circuit court having jurisdiction over the town  
11 or city granting such franchise on application of the corporation shall appoint three disinterested  
12 residents of such town or city, who shall give personal notice to all owners or their agents of  
13 property affected, if they can be found, as well as ten days' notice by advertisement ~~[in the~~  
14 ~~newspapers doing the printing of such town or city,]~~ **on the front page of the circuit court's**  
15 **website, if it has one,** of their time and place of meeting~~;~~~~and~~. **If the court does not have a**  
16 **website, notice shall be sent to the secretary of state who shall publish such notice on the**  
17 **legal notices website, established pursuant to section 493.077.** The commissioners having  
18 been first duly sworn to perform their duties justly and impartially and a true report to make,  
19 shall fully examine into the construction and operation of the railroad and its effects upon the  
20 real and personal property damaged thereby, making just allowances for the advantages which  
21 may have resulted or which may result to the owner or owners of property for which damages  
22 may be claimed or allowed, and after such comparison, shall estimate and determine how much  
23 damages, if any, such property may have sustained or seems likely to sustain by reason thereof,  
24 and make report of the same, and if no exceptions be filed within ten days thereafter, or in the  
25 event exceptions are filed and overruled, the court shall confirm the report and enter judgment  
26 thereon; from which judgment either or any party shall be entitled to an appeal or writ of error  
27 as in other cases. If the proceeding seeks to affect the property of persons under conservatorship,  
28 the conservators must be made parties, and if the property of married persons, their spouses must  
29 be made parties.

30 3. The petition shall set forth the general nature of the franchise granted, the nature of  
31 the railroad to be constructed and operated, causing or likely to cause damage to private property  
32 for public use, together with all facts necessary to give the court jurisdiction in the premises, the  
33 names of owners of the several parcels of land and personal property to be affected thereby, if  
34 known, or, if unknown, a correct description of the property or interest whose owners are



35 unknown. The petition may be presented to the circuit court. Upon filing the petition, a  
 36 summons shall be issued giving the defendants at least ten days' notice of the time when the  
 37 petition will be heard, which summons shall be served in the same manner as writs of summons  
 38 are or may be by law required to be served. If the name or residence of any defendant be  
 39 unknown, or if any defendant does not reside within this state, notice of the time of hearing the  
 40 petition, reciting the substance of the petition, and the day fixed for the hearing thereof, shall be  
 41 given by publication for four consecutive weeks prior to the hearing of the petition, in the paper  
 42 doing the town or city printing, and the court, being satisfied that due notice of the pending of  
 43 the petition has been given, shall make the appointment of the commissioners.

44 4. The report of the commissioners to the circuit court shall be in writing and under oath,  
 45 and filed with the clerk thereof, and the damages allowed to each owner of property affected  
 46 shall be separately stated. The report of the commissioners may be reviewed by the circuit court  
 47 on written exceptions filed by any party in the clerk's office within ten days after filing of such  
 48 report, and the court shall make such order therein as right and justice may require, and may  
 49 order a new appraisal on good cause shown, but the hearing of such exceptions shall be  
 50 summary, and the court shall fix a day therefor without delay. The costs of the proceedings up  
 51 to and including the filing of the commissioners' report shall be paid by the corporation, but all  
 52 costs caused by any subsequent litigation shall be paid by the losing party. All damage found  
 53 by the commissioners shall, within thirty days after filing their report, be paid to the owners of  
 54 the property damaged, or into court for them, by the corporation, and if the same is not so paid,  
 55 the railroad shall not be constructed.

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

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

6 The resolution shall contain the following information:

- 7 (a) Description of the boundaries of the proposed area;  
 8 (b) The time and place of a hearing to be held by the governing body considering  
 9 establishment of the district;  
 10 (c) The proposed uses to which the additional revenue shall be put and the initial tax rate  
 11 to be levied.

12 (2) Whenever a hearing is held as provided hereunder, the governing body of the city  
 13 shall publish notice of the hearing on ~~[two separate occasions in at least one newspaper of~~  
 14 ~~general circulation]~~ **the front page of its website, if it has one**, not more than fifteen days nor  
 15 less than ten days before the hearing~~]; and]~~ . **If the governing body of the city does not have**

16 a website, notice shall be sent not more than fifteen nor less than ten days before the  
17 hearing to the secretary of state who shall publish such notice on the legal notices website,  
18 established pursuant to section 493.077, until the date of the hearing has passed. The  
19 governing body of the city shall mail a notice by United States mail of the hearing to all owners  
20 of record of real property and licensed businesses located in the proposed district[;] and shall  
21 hear all protests [~~and~~] , receive evidence for or against the proposed action[;] , rule upon all  
22 protests, which determination shall be final[;] , and continue the hearing from time to time.

23 (3) If the governing body decides to change the boundaries of the proposed area, the  
24 hearing shall be continued to a time at least fifteen days after the decision. Notice shall be [~~given~~  
25 ~~in at least one newspaper of general circulation~~] **published on the front page of its website,**  
26 **if it has one**, at least ten days prior to the time of said hearing showing the boundary  
27 amendments. **If the governing body of the city does not have a website, notice shall be sent**  
28 **not more than ten nor less than five days before the hearing to the secretary of state who**  
29 **shall publish such notice on the legal notices website, established pursuant to section**  
30 **493.077, until the date of the hearing has passed.**

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

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

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

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

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

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

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

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

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

45 (i) In any city with a population of three hundred fifty thousand or more, provisions for  
46 a board of commissioners to administer the special business district, which board shall consist  
47 of seven members who shall be appointed by the mayor with the advice and consent of the  
48 governing body of the city. Five members shall be owners of real property within the district or  
49 their representatives and two members shall be renters of real property within the district or their  
50 representatives. The terms of the members shall be structured so that not more than two  
51 members' terms shall expire in any one year. Subject to the foregoing, the governing body of the

52 city shall provide in such ordinance for the method of appointment, the qualifications, and terms  
53 of the members.

72.402. The commission shall enact and adopt all rules, regulations and procedures that  
2 are reasonably necessary to achieve the objectives of sections 72.400 to 72.423 no sooner than  
3 twenty-seven calendar days after notifying all municipalities and the county of the proposed rule,  
4 regulation or procedure enactment or change. Notice may be given by ordinary mail or by  
5 ~~[publishing in at least one newspaper of general circulation qualified to publish legal notices]~~  
6 **publication on the front page of the commission's website, if it has one.** No new or amended  
7 rule, regulation or procedure shall apply retroactively to any boundary change or unincorporated  
8 area proposal pending before the commission.

72.403. 1. The commission shall review all proposed boundary changes of any area  
2 wholly or partially within the county. After June 27, 2000, no boundary change or  
3 unincorporated area proposal shall be submitted to or considered by the commission until April  
4 15, 2001, except for consolidations. Any boundary change or unincorporated area proposal  
5 pending before the commission on June 27, 2000, shall be suspended on June 27, 2000, and shall  
6 be further considered after April 15, 2001, only if such proposal is reflected in a map plan  
7 submitted to the commission pursuant to section 72.423, except an annexation proposal by a  
8 village with a population under three thousand five hundred where the initial public hearing will  
9 occur prior to July 1, 1999, such proposal shall continue notwithstanding other provisions of law  
10 to the contrary. Review shall begin no later than thirty days after the plan of intent for the  
11 boundary change has been submitted to the commission by the proposing agent or thirty days  
12 after April 15, 2001, for boundary changes or unincorporated area proposals which are pending  
13 on June 27, 2000. The plan of intent shall address the criteria set forth in subsection 3 of this  
14 section. For the purposes of this subsection, the term "pending" means any proposal submitted  
15 to the commission which has not yet been approved by the commission as a simplified  
16 annexation or approved for submission to the qualified voters of the voting jurisdictions. No  
17 simplified boundary change involving territory already described in an annexation resolution or  
18 incorporation petition filed with the commission shall occur unless the annexation or  
19 incorporation proposal has been disapproved by the commission or defeated by voters. If more  
20 than one proposed change is received from the same proposing agency, the review of each  
21 additional proposed change shall begin not later than thirty days after the date that review was  
22 commenced for the next preceding proposed change or thirty days after receipt of the proposed  
23 changes were received by the commission; except that, if more than one proposed change is  
24 received by the commission from the same proposing agency on the same date, the commission  
25 may establish the order of review.

26           2. When a boundary change proposal has been submitted to the commission, the  
27 commission shall, within twenty-one days of receipt of such proposal, publish notice of such  
28 proposal and the date of the public hearing thereon [~~in at least one newspaper of general~~  
29 ~~circulation qualified to publish legal notices~~] **on the front page of the commission's website,**  
30 **if it has one. If the commission does not have a website, notice shall be sent within twenty-**  
31 **one days of receipt of the proposal to the secretary of state who shall publish such notice**  
32 **on the legal notices website, established pursuant to section 493.077.** Within twenty-one days  
33 of receipt of such proposal, the commission shall also mail written notification of such proposal  
34 and public hearing date to the county clerk, and to the city or village clerk of each municipality  
35 or village, and to any other political subdivision which, in the opinion of the commission, is  
36 materially affected by the proposal. The costs of publication and notification shall be borne by  
37 the proposing agent. The commission shall hold such public hearing concerning the proposal  
38 not less than fourteen nor more than sixty days after such publication and notification are  
39 complete. At such public hearing, the county, the proposing agent and affected municipalities  
40 shall be parties, and any other interested person, corporation, or political subdivision may also  
41 present evidence regarding the proposed boundary change. A boundary change proposal which  
42 has been disapproved by the commission and which is resubmitted with changes to the  
43 commission shall be subject to the public hearing requirement of this section, unless the  
44 commission determines that a public hearing on the resubmitted proposal is not necessary to  
45 achieve the objectives of sections 72.400 to 72.423.

46           3. In reviewing any proposed boundary change, the commission shall approve such  
47 proposal if it finds that the boundary change will be in the best interest of the municipality or  
48 municipalities and unincorporated territories affected by the proposal and the areas of the county  
49 next to such proposed boundary. In making its determination, the commission shall consider the  
50 following factors:

51           (1) The impact, including but not limited to the impact on the tax base or on the ability  
52 to raise revenue, of such proposal on:

53           (a) The area subject to the proposed boundary change and its residents;

54           (b) The existing municipality or municipalities, if any, proposing the boundary change  
55 and the residents thereof;

56           (c) Adjoining areas not involved in the boundary change and the residents thereof; and

57           (d) The entire geographic area of the county and its residents;

58           (2) A legal description of the area to be annexed, incorporated, consolidated, or subject  
59 to the transfer of jurisdiction;

60           (3) The creation of logical and reasonable municipal boundaries in the county, and for  
61 such purpose the commission shall have the ability to make additions, deletions and

62 modifications which address legal boundaries, technical or service delivery problems or  
63 boundaries which overlap those of other proposals; however, such additions, deletions and  
64 modifications shall not make substantial changes to any proposed boundary petition;

65 (4) The present level of major services provided by the municipality or other provider,  
66 provided to the unincorporated area by the county, and proposed to be provided by the annexing  
67 municipality or municipality to be incorporated or consolidated, including, but not limited to,  
68 police protection, fire protection, water and sewer systems, street maintenance, utility  
69 agreements, parks, recreation, and refuse collections;

70 (5) A proposed time schedule whereby the municipality or proposed municipality plans  
71 to provide such services to the residents of the area to be annexed, incorporated or consolidated  
72 within three years from the date the municipal boundary change is to become effective;

73 (6) The current tax rates of the areas subject to the proposal;

74 (7) What sources of revenue other than property tax are collected or are proposed to be  
75 collected by the municipality or proposed municipality;

76 (8) The extraordinary effect the boundary change will have on the distribution of tax  
77 resources in the county;

78 (9) How the municipality or proposed municipality proposes to zone any area not  
79 presently incorporated;

80 (10) The compactness of the area subject to such proposal;

81 (11) When the proposed boundary change shall become effective.

82 4. The provisions of section 71.910 shall not apply to a proposing agent proceeding  
83 before the commission.

84 5. Nothing in sections 72.400 to 72.423 shall be construed to prevent the boundary  
85 commission or its staff from advising proposing agents on issues related to proposals. The  
86 commission may meet informally, subject to the requirements of chapter 610, with the  
87 representatives of municipalities, other government entities or county residents with regard to  
88 future boundary changes.

72.405. 1. For any proposed boundary change submitted after August 28, 1995, the  
2 commission shall issue a finding approving or disapproving such proposals within nine months  
3 after such submittal, except that final action may be deferred on part or all of a boundary change  
4 proposal when necessary to accommodate an overlapping boundary change or unincorporated  
5 area proposal as more particularly provided in subsection 10 of this section. If the commission  
6 finds in favor of a proposed boundary change, it shall submit the question to the voters residing  
7 within the areas subject to the proposed boundary change, except as provided in subsection 6 of  
8 this section.

9           2. If a boundary change is proposed by a municipality or the county and if the  
10 commission finds against the proposed boundary change submitted by a municipality or the  
11 county, it shall disapprove the boundary change proposal. In disapproving any boundary change  
12 proposal, the commission shall issue a document indicating the reasons such proposal was  
13 disapproved. No election shall be held on any such proposal not approved by the commission.

14           3. If the boundary change is an incorporation proposed pursuant to a petition, the  
15 commission may make such changes in the proposal as it finds would result in an acceptable  
16 proposal, such changes to include but not be limited to additions, deletions or the modification  
17 of a proposal which contains boundaries which overlap those boundaries contained in any other  
18 proposal. After submittal, the commission may allow the proposing agent to make minor  
19 additions, deletions or modifications which do not substantially alter the proposal. When  
20 reviewing more than one boundary change proposal made by petition, the commission may  
21 consolidate two or more unincorporated areas into one proposed boundary change. Any changes  
22 made by the commission shall meet the criteria established pursuant to section 72.403.

23           4. Where a proposal submitted by a municipality, the county or by a petition, contains  
24 more than two voting jurisdictions, the commission may provide for approval of a boundary  
25 change comprising only those municipalities and unincorporated area where a majority of voters  
26 approve the boundary change if the resulting municipality would meet the criteria established  
27 pursuant to section 72.403.

28           5. If a boundary change is proposed by a municipality or the county and the commission  
29 determines that there is a minor error or discrepancy in the legal descriptions of the areas subject  
30 to the proposal as submitted by the municipality or county, then the commission with the  
31 concurrence of the proposing agent may make such changes to the proposal as are necessary to  
32 rectify the error in the legal description.

33           6. A simplified boundary change may be proposed by:

34           (1) A verified petition signed by seventy-five percent of the registered voters within the  
35 area proposed to be annexed which is predominately residential in character and has an average  
36 residential density of not less than one dwelling per three acres which is filed by the annexing  
37 municipality; or

38           (2) Two municipalities for a transfer of jurisdiction between them or a municipality and  
39 the county for a transfer of jurisdiction between a municipality and the county.

40 Within twenty-one days of receipt of a proposal pursuant to this subsection, the commission shall  
41 publish notice of such proposal and the date of the public hearing thereon ~~in at least one~~  
42 ~~newspaper of general circulation qualified to publish legal notices]~~ **on the front page of the**  
43 **commission's website, if it has one. If the commission does not have a website, notice shall**  
44 **be within twenty-one days of receipt of the proposal to the secretary of state who shall**

45 **publish such notice on the legal notices website, established pursuant to section 493.077.**  
46 The commission shall, within twenty-one days of receipt of such proposal, mail written  
47 notification of such proposal and the date of the public hearing thereon to the county clerk, and  
48 to the city or village clerk of each municipality or village, and to any other political subdivision  
49 which, in the opinion of the commission, is materially affected by such proposal. The  
50 commission shall hold a public hearing concerning the matter not less than fourteen nor more  
51 than sixty days after such publication and notification is complete. At the public hearing any  
52 interested person, corporation or political subdivision may present evidence regarding the  
53 proposed boundary change. Within four months of receipt of the proposal, the commission shall  
54 determine whether to disapprove the proposal, or to approve the proposal and allow it to proceed  
55 as an approved boundary change to be adopted or rejected by the voters pursuant to section  
56 72.407, or to approve the proposal as a simplified boundary change, for which no vote shall be  
57 required, except that final action may be deferred on part or all of a simplified boundary change  
58 proposal when necessary to accommodate an overlapping boundary change or unincorporated  
59 area proposal as more particularly provided in subsection 10 of this section. In making its  
60 determination, the commission shall consider the factors set forth in subsection 3 of section  
61 72.403. If the commission determines that the proposal should be approved as a simplified  
62 boundary change, such proposal shall become effective upon the date set forth in the  
63 commission's written report of approval.

64 7. A municipality which wishes to propose a boundary change containing two or more  
65 unincorporated areas that are noncontiguous to each other shall submit separate proposals for the  
66 unincorporated areas that are noncontiguous to each other, in which case there shall be a separate  
67 vote for each proposal approved by the commission. The municipality may:

68 (1) Adopt and submit separate ordinances for each such separate proposal; or

69 (2) Adopt and submit one ordinance containing said separate proposals, which ordinance  
70 shall clearly state that the municipality is making multiple, separate proposals, and is desirous  
71 of separate votes for each separate proposal. The ordinance shall also clearly identify each  
72 separate proposal that the municipality is making.

73 8. The commission shall not approve any boundary change proposal in which more than  
74 fifty percent of the combined land subject to the proposal is unincorporated territory or territories  
75 unless the area subject to the proposal has a population of more than ten thousand persons.

76 9. A proposing agent may modify its proposal and submit additional information during  
77 the review period.

78 10. The commission may defer final action on part or all of a boundary change proposal  
79 or proposal for an established unincorporated area beyond the periods provided for their  
80 consideration in order to allow an election with respect to an overlapping boundary change or

81 unincorporated area proposal in order to maximize the ability of voters to determine their own  
82 status. Such deferral may be ordered only when the proposal granted such priority is filed with  
83 the commission no later than sixty days after the proposal on which action will be deferred and  
84 only when the commission determines that the population of the overlapping area is a greater  
85 proportion of the proposal given priority than of the proposal on which action is deferred. The  
86 commission shall take final action on the deferred proposal within forty-five days of the election  
87 at which the proposal granted priority is decided. The proposing agent may modify the proposal  
88 in accordance with the results of the election.

72.422. 1. Notwithstanding any other provision of sections 72.400 to 72.420 to the  
2 contrary, residents of an unincorporated area of a county may remain unincorporated and not  
3 subject to any boundary change pursuant to sections 72.400 to 72.420 if the following are  
4 satisfied:

- 5 (1) The county petitions the boundary commission;
- 6 (2) A legal description of the unincorporated area accompanies the petition. If there is  
7 a minor error or discrepancy in the legal description of the unincorporated area, the commission,  
8 with the concurrence of the county, may make such changes to the proposal as are necessary to  
9 rectify the error in the legal description;
- 10 (3) The unincorporated area either contains a population of not less than two thousand  
11 five hundred or is contiguous with an existing established unincorporated area;
- 12 (4) A plan of intent accompanies the petition addressing the issues to be considered by  
13 the commission.

14 2. When an unincorporated area proposal has been submitted to the commission, the  
15 commission shall, within twenty-one days of receipt of such proposal, publish notice of such  
16 proposal and the date of the public hearing thereon ~~[in at least one newspaper of general~~  
17 ~~circulation qualified to publish legal notices]~~ **on the front page of the commission's website,**  
18 **if it has one. If the commission does not have a website, notice shall be sent within twenty-**  
19 **one days of receipt of the proposal to the secretary of state who shall publish such notice**  
20 **on the legal notices website, established pursuant to section 493.077.** Within twenty-one days  
21 of receipt of such proposal, the commission shall also mail written notification of such proposal  
22 and public hearing date to the county clerk, and to the city or village clerk of each neighboring  
23 municipality or village, and to any other political subdivision which, in the opinion of the  
24 commission, is materially affected by the proposal. The costs of publication and notification  
25 shall be borne by the county. The commission shall hold such public hearing concerning the  
26 proposal not less than fourteen nor more than sixty days after such publication and notification  
27 are complete. At such public hearing, the county and any municipality with an overlapping map  
28 plan shall be parties, and any other interested person, corporation, or political subdivision may



29 also present evidence regarding the unincorporated area proposal. An unincorporated area  
30 proposal which has been disapproved by the commission and which is resubmitted with changes  
31 to the commission shall be subject to the public hearing requirement of this section, unless the  
32 commission determines that a public hearing on the resubmitted proposal is not necessary to  
33 achieve the objectives of this section. The commission shall issue findings approving or  
34 disapproving such proposal within nine months after submittal, except that final action may be  
35 deferred on part or all of an unincorporated proposal when necessary to accommodate an  
36 overlapping boundary change proposal as more particularly provided in subsection 10 of section  
37 72.405. The proposal shall be submitted at the next general or special election in accordance  
38 with the provisions of chapter 115. The cost of the election shall be paid by the county. If the  
39 proposal is approved by the voters then the area shall be an established unincorporated area and  
40 shall remain unincorporated territory for a period of five years from the date of the vote and shall  
41 not be subject to any boundary change pursuant to sections 72.400 to 72.420.

42 3. In reviewing any proposed unincorporated area proposal, the commission shall  
43 approve such proposal if it finds that continued provision of local services to the area by the  
44 county will not impose an unreasonable burden on county government and that such designation  
45 is in the best interest of the unincorporated territories affected by the proposal and the areas of  
46 the county next to such area. In making its determination, the commission shall consider the  
47 following factors:

48 (1) The impact, including but not limited to the impact on the tax base or on the ability  
49 to raise revenue, of such proposal on:

50 (a) The area subject to the proposed established unincorporated area and its residents;

51 (b) Adjoining areas not involved in the proposed established area and the residents  
52 thereof; and

53 (c) The entire geographic area of the county and its residents;

54 (2) A legal description of the unincorporated area;

55 (3) The creation of logical and reasonable municipal boundaries in the county, and for  
56 such purpose the commission shall have the ability to make additions, deletions and  
57 modifications which address legal boundaries, technical or service delivery problems or  
58 boundaries which overlap those of other proposals; however, such additions, deletions and  
59 modifications shall not make substantial changes to any proposed unincorporated area proposal;

60 (4) Whether approval of the unincorporated area proposal will result in unreasonable  
61 difficulty in provision of services by the county;

62 (5) The effect approval of the established unincorporated area will have on the  
63 distribution of tax resources in the county;

64 (6) The compactness of the area subject to such proposal.

65 4. After approval by the voters of an unincorporated area proposal, no boundary change  
66 affecting any part of such area shall be proposed to the commission until expiration of the area's  
67 status as an established unincorporated area, but map plans affecting the area may be filed during  
68 the planning period pursuant to section 72.423. If no map plan of a boundary change proposal  
69 with respect to an established unincorporated area has been submitted during the most recent  
70 planning period pursuant to section 72.423, the commission shall commence review of the  
71 circumstances of such established unincorporated area six months prior to its expiration, and  
72 shall submit reauthorization of such unincorporated area to the voters if the commission  
73 determines that its circumstances have not materially changed since it was approved.

77.110. The council shall publish a full and detailed statement of the receipts and  
2 expenditures and indebtedness of the city at the end of each fiscal year and six months after the  
3 end of each fiscal year ~~[in a newspaper of general circulation in the city]~~ **on its website, if it has**  
4 **one. If the council does not have a website, the statement shall be sent at the end of each**  
5 **fiscal year and six months after the end of each fiscal year to the secretary of state who**  
6 **shall publish such statement on the legal notices website, established pursuant to section**  
7 **493.077.** Each such statement shall be for the six-month period preceding the date of the  
8 statement.

77.220. Whenever it is deemed necessary by the council to change the name of any street  
2 or avenue, the council shall, by resolution, declare such proposed change of name necessary to  
3 be made, and shall cause such resolution to be published at least one week ~~[in some newspaper~~  
4 ~~published in the city; and]~~ **on the front page of the council's website, if it has one. If the**  
5 **council does not have a website, notice shall be sent to the secretary of state who shall**  
6 **publish such resolution on the legal notices website, established pursuant to section**  
7 **493.077, for a period of one week.** If, within four weeks after such publication, a majority of  
8 the resident property owners along the line of such street or avenue do not file with the city clerk  
9 their written protest against such proposed change of name, then the council shall have power  
10 by ordinance to change the name of such street or avenue in accordance with the terms of such  
11 resolution; and upon the passage and approval of such ordinance, the city clerk shall file with the  
12 recorder of deeds of the proper county a certified copy of such ordinance, and such recorder shall  
13 enter the same upon the records of such county.

77.700. 1. The county governing body of any county in which a city of the third  
2 classification is located shall disincorporate the city as provided in sections 77.700 to 77.715.

3 2. The county governing body shall order an election upon the question of  
4 disincorporation of a city of the third classification upon petition of twenty-five percent of the  
5 voters of the city.

6           3. The county governing body shall give notice of the election by publication [~~in a~~  
7 ~~newspaper of general circulation published in the city or, if there is no such newspaper in the~~  
8 ~~city, then in the newspaper in the county published nearest the city]~~ **on its website, if it has one.**  
9 **If the governing body does not have a website, notice shall be sent to the secretary of state**  
10 **who shall publish such notice on the legal notices website, established pursuant to section**  
11 **493.077.** The notice shall contain a copy of the petition and the names of the petitioners. No  
12 election on the question of disincorporation shall be held until the notice has been published for  
13 four weeks successively.

14           4. The question shall be submitted in substantially the following form:

15           Shall the city of \_\_\_\_\_ be dissolved?

16           5. Upon the affirmative vote of a majority of those persons voting on the question, the  
17 county governing body shall disincorporate the city.

78.300. All officers and employees in any such city shall be elected or appointed with  
2 reference to their qualifications and fitness and for the good of the public service, and without  
3 reference to their political faith or party affiliations. It shall be unlawful for any candidate for  
4 office or any officer in any such city directly or indirectly to give or promise any person or  
5 persons any office, position, employment, benefit, or any thing of value, for the purpose of  
6 influencing or obtaining the political support, aid or vote of any person or persons. Every  
7 elective officer in any such city shall, within thirty days after qualifying, file with the city clerk,  
8 and publish [~~at least once in a daily newspaper of general circulation]~~ **on the city clerk's**  
9 **website, if it has one, his or her** sworn statement of all [~~his~~] election and campaign expenses  
10 **of such officer, and by whom such funds were contributed. If the city clerk does not have a**  
11 **website, such statement shall be sent to the secretary of state who shall publish such**  
12 **statement on the legal notices website, established pursuant to section 493.077.** Any  
13 violations of the provisions of this section shall be a misdemeanor and be ground for removal  
14 from office.

78.630. 1. No initial ordinance granting any franchise, lease, right or privilege in or  
2 under the streets, public thoroughfares or public places of a city operating under sections 78.430  
3 to 78.640 shall go into effect or become operative or vest any right in the grantee or grantees,  
4 unless such grant shall first be approved by a majority of the voters voting at a municipal election  
5 at which the proposed grant is properly submitted. Any renewal or extension thereof shall be  
6 subject to voter approval of the majority of the voters voting on the question, pursuant to the  
7 provisions of section 88.251.

8           2. No ordinance or amendment or modification thereof granting any nonexclusive  
9 franchise, lease, right or privilege for not to exceed twenty years in or under the streets, public  
10 thoroughfares or public places of a city operating under sections 78.430 to 78.640 shall go into

11 effect or become operative or vest any right in the grantee or grantees, except upon prior  
12 compliance with the following conditions:

13 (1) Before final passage of the ordinance, or amendment or modification of ordinance,  
14 by the council, the city clerk shall prepare a notice of a public hearing thereupon and cause it,  
15 along with a true copy of the ordinance, including the full text of the franchise under  
16 consideration, to be published [~~once a week for four consecutive weeks in a daily newspaper or~~  
17 ~~for four consecutive weeks in a weekly newspaper if no daily newspaper is published in the city,~~  
18 ~~the first publication to be]~~ **on the front page of the council's website, if it has one,** at least  
19 thirty days before~~[, and the last publication within ten days of,]~~ the date fixed by the city council  
20 for the public hearing. **If the council does not have a website, notice shall be sent at least**  
21 **thirty days before the date fixed by the city council for the public hearing to the secretary**  
22 **of state who shall publish such notice on the legal notices website, established pursuant to**  
23 **section 493.077, until the date of the hearing has passed;**

24 (2) The notice shall give the date, time and place of the public hearing, and shall contain  
25 a statement of the substance and effect of the proposed ordinance, and a further statement that  
26 the ordinance, or amendment or modification of ordinance, as introduced, or a true copy thereof,  
27 may be inspected and copied at the office of the city clerk during regular business hours;

28 (3) The public hearing shall be at a regular, adjourned or called meeting of the city  
29 council at which all interested persons will be heard in person or by attorney;

30 (4) The city council may at any time, before or after the public hearing, submit the  
31 proposed franchise, lease, right or privilege to an election by the voters for their approval;

32 (5) The provisions of this subsection shall not apply in the granting of any franchise,  
33 lease, right or privilege to any utility regulated by the public service commission of the state of  
34 Missouri.

35 3. Any ordinance, however, may be amended or modified by the council of any city as  
36 to streets, alleys, or public places already occupied and used by any person, persons or  
37 corporation by and under a franchise then in existence and only as to such streets, alleys or public  
38 places used and occupied by such person, persons or corporation under a franchise then in  
39 existence, when such modifications or amendment is necessary to enable such person or  
40 corporation to enlarge, better or improve its facilities, equipment, material or structure above,  
41 upon or beneath such streets, alleys, public thoroughfares or public places then used and  
42 occupied by such person or corporation by and under a franchise then in existence, for the  
43 purpose of removing or overcoming hindrances to public service. The city council shall have  
44 the right to grant to any railroad company the right to construct switches or spur tracks to  
45 industrial plants or warehouses.

79.160. The board of aldermen shall semiannually each year, at times to be set by the  
 2 board of aldermen, make out and spread upon their records a full and detailed account and  
 3 statement of the receipts and expenditures and indebtedness of the city for the half year ending  
 4 with the last day of the month immediately preceding the date of such report, which account and  
 5 statement shall be published ~~[in some newspaper in the city]~~ **on the front page of the board of**  
 6 **alderman's website, if it has one. If the board of alderman does not have a website, such**  
 7 **account and statement shall be sent to the secretary of state who shall publish such account**  
 8 **and statement on the 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 fourth class  
 2 is located shall disincorporate such city as provided in this section.

2. The county governing body shall order an election upon the question of  
 4 disincorporation of a fourth class city upon petition of twenty-five percent of the voters of the  
 5 city.

3. The county governing body shall give notice of the election by publication ~~[in a~~  
 7 ~~newspaper of general circulation published in the city or, if there is no such newspaper in the~~  
 8 ~~city, then in the newspaper in the county published nearest the city]~~ **on its website, if it has one.**  
 9 **If the governing body does not have a website, notice shall be sent to the secretary of state**  
 10 **who shall publish such notice on the legal notices website, established pursuant to section**  
 11 **493.077, until the date of the election has passed.** The notice shall contain a copy of the  
 12 petition and the names of the petitioners. No election on the question of disincorporation shall  
 13 be held until the notice has been published for four weeks successively.

4. The question shall be submitted in substantially the following form:

15 Shall the city of \_\_\_\_\_ be dissolved?

16 5. Upon the affirmative vote of a majority of those persons voting on the question, the  
 17 county governing body shall disincorporate the city.

80.200. If the notice in writing cannot be personally served in the state as provided  
 2 herein, or if the owner or owners are unknown and cannot be personally served, the board of  
 3 trustees shall cause four weeks' notice to be published in the English language~~[in some daily~~  
 4 ~~or weekly newspaper published in the county in which the property or lot is situated,]~~ **on the**  
 5 **front page of the board's website, if it has one,** setting forth all the facts required in the written  
 6 notice in section 80.190. **If the board does not have a website, notice shall be sent to the**  
 7 **secretary of state who shall publish such notice on the legal notice's website, established**  
 8 **pursuant to section 493.077.**

80.210. The chairman of each board of trustees shall, semiannually, make out a correct  
 2 statement of all moneys received and expended on account of their respective towns during the  
 3 six months next preceding[;] and shall cause such statement, within ten days thereafter, to be

4 published], ~~either in some newspaper printed in the same town, or by causing copies of such~~  
 5 ~~statement to be put up in six of the most public places in such town]~~ **on the front page of the**  
 6 **board of trustee's website, if it has one. If the board of trustees does not have a website,**  
 7 **the statement shall be sent to the secretary of state who shall publish such statement on the**  
 8 **legal notices website, established 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 incorporated as provided  
 3 in this section.

4 2. The county governing body shall order an election upon the question of  
 5 disincorporation of a town or village upon petition of twenty-five percent of the voters of the  
 6 town or village.

7 3. The county governing body shall give notice of the election by publication [~~in a~~  
 8 ~~newspaper of general circulation published in the town or village or, if there is no such~~  
 9 ~~newspaper in the town or village, then in the newspaper in the county published nearest the town~~  
 10 ~~or village]~~ **on the front page of its website, if it has one. If the county governing body does**  
 11 **not have a website, notice shall be sent to the secretary of state who shall publish such**  
 12 **statement on the legal notices website, established pursuant to section 493.077, until the**  
 13 **date of the election has passed.** The notice shall contain a copy of the petition and the names  
 14 of the petitioners. No election on the question of disincorporation shall be held until the notice  
 15 has been published for eight weeks successively.

16 4. The question shall be submitted in substantially the following form as the case may  
 17 be:

18 Shall the town of \_\_\_\_\_ be dissolved?; or

19 Shall the village of \_\_\_\_\_ be dissolved?

20 5. Upon the affirmative vote of a majority of those persons voting on the question, the  
 21 county governing body shall disincorporate the town or village.

22 6. Any county governing body may, in its discretion, on the application of any person  
 23 or persons owning a tract of land containing five acres or more in a town or village, used only  
 24 for agricultural purposes, to diminish the limits of such town or village by excluding any such  
 25 tract of land from said corporate limits; provided, that such application shall be accompanied by  
 26 a petition asking such change and signed by a majority of the voters in such town or village. And  
 27 thereafter such tract of land so excluded shall not be deemed or held to be any part of such town  
 28 or village.

80.580. If the trustees appointed by the county commission under section 80.040 shall  
 2 fail to qualify and assume the duties of such trustees, within one year after their appointment, or  
 3 if the voters of such village shall fail for one year to elect such trustees, then such village shall

4 be disincorporated by the county commission of the county where the village is located, upon  
5 the petition of any citizen residing in such village, after the publication of notice of the  
6 presentation of such petition published **on the front page of the county commission's website,**  
7 **if it has one,** for two weeks successively prior to such application [~~in some newspaper in this~~  
8 ~~state nearest the village~~]. **If the county commission does not have a website, notice of the**  
9 **presentation of the petition shall be sent two weeks prior to the presentation to the**  
10 **secretary of state who shall publish such notice on the legal notices website, established**  
11 **pursuant to section 493.077, until the date of presentation has passed.**

81.220. Upon any ordinance [~~for such purpose~~] being introduced **pursuant to section**  
2 **81.210** into the common council, the latter shall, before the passage thereof, by resolution,  
3 require the city clerk to publish a copy of the ordinance [~~in at least one daily newspaper~~  
4 ~~published in the city, to be designated in the resolution,~~] **on the front page of the council's**  
5 **website, if it has one,** for a **period of** at least three weeks within the four weeks next after the  
6 passage of said resolution. **If the common council does not have a website, notice shall be**  
7 **sent to the secretary of state who shall publish such notice on the legal notices website,**  
8 **established pursuant to section 493.077, for a period of at least three weeks within the four**  
9 **weeks next after the passage of said resolution.** After such publication, proof thereof shall be  
10 made and filed with the city clerk, and, if the common council shall be satisfied that such  
11 publication has been made, it shall, by vote, so find, and the city clerk shall make a record of  
12 such finding in the book for record of the current proceedings of the common council, which  
13 record shall be conclusive evidence of the truth of the facts so found. If such ordinance be  
14 passed by the common council at the first or second regular meeting after such publication and  
15 finding, and not later, and duly approved by the mayor, the same shall thereafter be in force until  
16 repealed or altered. Any such ordinance shall be subject to amendment before such publication,  
17 but not after.

82.120. Before [~~such~~] an ordinance shall be passed **pursuant to section 82.110,** the  
2 same shall be published for at least three weeks [~~in at least one daily newspaper published in~~  
3 ~~such city, to be designated by the lawmaking authorities of such city, but the~~] **on the front page**  
4 **of the city's website, if it has one. If the city does not have a website, the ordinance shall**  
5 **be sent to the secretary of state who shall publish such ordinance on the legal notices**  
6 **website, established pursuant to section 493.077, for at least three weeks.** Failure to make  
7 such publication shall in no way affect the validity of such ordinance.

82.133. 1. The county governing body of any county in which a constitutional charter  
2 or home rule city is located shall disincorporate the city as provided in sections 82.133 to  
3 [~~82.145~~] **82.148.**

4           2. The county governing body shall order an election upon the question of  
5 disincorporation of a constitutional charter or home rule city upon petition of twenty-five percent  
6 of the voters of the city.

7           3. The county governing body shall give notice of the election by publication [~~in a~~  
8 ~~newspaper of general circulation published in the city or, if there is no such newspaper in the~~  
9 ~~city, then in the newspaper in the county published nearest the city]~~ **on the front page of its**  
10 **website, if it has one. If the county governing body does not have a website, notice of the**  
11 **election shall be sent 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 of the election has**  
13 **passed.** The notice shall contain a copy of the petition and the names of the petitioners. No  
14 election on the question of disincorporation shall be held until the notice has been published for  
15 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 question, the  
19 county governing body shall disincorporate the city.

84.570. 1. No person shall be appointed policeman or officer of police who shall have  
2 been convicted of any offense, the punishment of which may be confinement in the state  
3 penitentiary; nor shall any person be appointed who is not proven to be of good character, or who  
4 is not proven to be a bona fide citizen of the United States, or who cannot read and write the  
5 English language and who does not possess ordinary physical strength and courage, nor shall any  
6 person be originally appointed to said police force who is less than twenty-one years of age.  
7 Notwithstanding any other provision of law, the board shall have the sole authority to determine  
8 conditions of employment for police officers pursuant to section 84.460.

9           2. The board shall from time to time require open competitive examinations or tests for  
10 determining the qualifications and fitness of all applicants for appointment to positions on the  
11 police force. Such examinations and tests shall be practical and shall relate to matters which  
12 fairly measure the relative fitness of the candidates to discharge the duties of the positions to  
13 which they seek to be appointed. Notice of such examinations and tests shall be given not less  
14 than ten days in advance thereof by public advertisement [~~in at least one newspaper of general~~  
15 ~~circulation in such city,]~~ **on the front page of the board's website, if it has one,** and by posting  
16 notice in the police headquarters building. **If the board does not have a website, notice of the**  
17 **examination shall be sent no less than ten days in advance of the examination to the**  
18 **secretary of state who shall publish such notice on the legal notices website, established**  
19 **pursuant to section 493.077, until the date of the examination has passed.** A list of those



20 qualifying in such examinations shall be established, listing those qualified in order of rank.  
21 When an appointment is to be made, the appointment shall be made from such eligible list.

22 3. The board shall also establish rules for:

23 (1) Temporary employment for not exceeding sixty days in the absence of any eligible  
24 list;

25 (2) Hours of work of police employees and officers subject to the provisions of section  
26 84.510; and

27 (3) Attendance regulations and leaves of absence.

88.027. 1. The commissioners so appointed shall give notice to all parties interested of  
2 the time and place when and where they will hear all parties interested who may appear before  
3 them, which notice need not be directed to any particular defendant or party interested, but may  
4 be general in its form, giving the number, title and date of approval of the ordinance initiating  
5 the proceedings and a description of the benefitted district by boundaries as defined in the  
6 ordinance. Such notice shall be published [~~in some newspaper in said city, selected by the~~  
7 ~~commissioners, once each week for two consecutive weeks, the last insertion to be~~] **on the front**  
8 **page of the circuit court's website, if it has one, at least [one day] two weeks** before the day  
9 set for such hearing. **If the circuit court does not have a website, notice shall be sent at least**  
10 **two weeks prior to the date of the hearing to the secretary of state who shall publish such**  
11 **notice on the legal notices website, established pursuant to section 493.077, until the date**  
12 **of the hearing has passed.**

13 2. It shall be the duty of the commissioners to first determine the value of the property  
14 to be appropriated, and all damages caused by said appropriation; then they shall apportion the  
15 total sum to be paid for the property condemned and damages so determined among the various  
16 lots, tracts and parcels of land within the benefitted district, and the city, according to the actual  
17 benefits which they find will accrue to the various lots, tracts and parcels of land within said  
18 benefitted district and to the city at large. They shall not be required to assess any sum against  
19 any lot, tract or parcel of land within the benefitted district which they may find will not be  
20 benefitted, nor shall they be required to assess any sum against the city unless they find that the  
21 city at large will be benefitted. Any action taken by a majority of the commissioners shall be  
22 deemed the act of all.

88.080. 1. In all cases where the proper authorities in any city in this state have graded  
2 or regraded, or may hereafter grade or change the grade or lines of any street or alley, or in any  
3 way alter or enlarge the same, or construct any public improvement, thereby causing damage to  
4 private property for public use, within the meaning of Section 26 of Article I of the State  
5 Constitution, without the consent of the owner of such property, or in case they fail to agree with  
6 the owner thereof for the proper compensation for the damages so done, or likely to be done or

7 sustained by reason thereof, or if by reason of the legal incapacity of such owner, no such  
8 compensation can be agreed upon, the circuit court having jurisdiction over the territory  
9 embraced in such city on application by petition, either by the city authorities or the owner of the  
10 property for which damage is claimed, or any one on behalf of either, shall appoint three  
11 disinterested residents of such city, who shall meet upon the premises at a time by them to be  
12 appointed, of which they shall give personal notice to the owners, or their agents, of the land  
13 affected, if they can be found, as well as five days' notice by ~~advertisement in the newspaper~~  
14 ~~doing the city printing, and] publication on the front page of the city's website, if it has one.~~  
15 The commissioners, having first been duly sworn to perform their duties justly and impartially,  
16 and a true report to make, shall view the street or alley or improvement and premises affected  
17 by the change or enlargement or construction thereof, having due regard to and making just  
18 allowances for the advantages which have resulted or which may seem likely to result to the  
19 owner or owners of property for which damages may be allowed or claimed, and after such  
20 comparison shall estimate and determine whether any, and if any, how much damages such  
21 property may have sustained, or seems likely to sustain by reason thereof, and make report of the  
22 same, and if no exceptions be filed within ten days thereafter, or in the event exceptions are filed  
23 and overruled, the court shall confirm the report and enter judgment thereon with costs, from  
24 which judgment either or any party shall be entitled to an appeal or writ of error, as in other  
25 cases.

26       2. **If the city does not have a website, notice required to be sent pursuant to**  
27 **subsection 1 of this section shall be sent at least five days prior to the meeting to the**  
28 **secretary of state who shall publish such notice on the legal notices website established**  
29 **pursuant to section 493.077, until the date of the meeting has passed.**

30       3. If the proceedings seek to affect the lands of persons under conservatorship, the  
31 conservators must be made parties; if the lands of married persons, their spouses must be made  
32 parties; if the possessor of lands to be affected has an estate less than a fee, the person having the  
33 next vested estate in remainder or reversion must, if known, be made a party. It shall not be  
34 necessary to make any persons parties in respect to their ownership unless they are in actual  
35 possession of the premises to be affected, or have a title to the premises appearing of record.

36       ~~[3-]~~ 4. The petition shall set forth the general nature of the work or improvement causing  
37 damage to private property for public use as aforesaid, together with all the facts necessary to  
38 give the court jurisdiction in the premises, the names of the owners of the several lots or parcels  
39 of land to be affected thereby, if known, or if unknown, a correct description of the parcels  
40 whose owners are unknown. The petition may be presented to the circuit court.

41       ~~[4-]~~ 5. Upon filing the petition a summons shall be issued, giving the defendants at least  
42 ten days' notice of the time when the petition will be heard, which summons shall be served in

43 the same manner as writs of summons are or may be by law required to be served. If the name  
 44 or residence of the defendants, or any of them, be unknown, or if they, or any of them, do not  
 45 reside within the state, notice of the time of hearing the petition, reciting the substance of the  
 46 petition, and the day fixed for the hearing thereof, shall be given by publication for four weeks  
 47 consecutively prior to the time of the hearing of the petition, in the papers doing the city printing,  
 48 and the court on being satisfied that due notice of the pending of the petition has been given,  
 49 shall make the above appointment of commissioners.

50 ~~[5-]~~ 6. The city authorities shall, before the filing of such petition, define by ordinance  
 51 the limits within which private property is deemed benefitted by the change, enlargement,  
 52 grading, regrading or improvement aforesaid, and the owners of the private property within such  
 53 limits shall be made parties defendants, as provided in this section, and served with notice and  
 54 process as provided in this section.

88.110. Before any ordinance making provision for such reassessment, or the creation  
 2 of such assessment district, shall be put upon its passage, the board of aldermen, or other local  
 3 legislative body before which it is pending, shall appoint a day upon which it will hear and  
 4 consider any and all objections to such ordinance and shall give public notice of the time and  
 5 place and matter thus to be considered, which said notice shall be addressed to all persons  
 6 interested; shall set forth in full the pending ordinance; shall state that at the appointed time and  
 7 place all landowners within the assessment district defined by said ordinance, and all other  
 8 persons interested, may appear before said legislative body and be heard upon all matters  
 9 pertinent to said ordinance; and shall be published ~~[once a week for two weeks, the last~~  
 10 ~~publication to be]~~ at least ~~[one week]~~ **two weeks** before such day of hearing, ~~[in some newspaper~~  
 11 ~~of general circulation published in the city wherein said ordinance is pending, or if there be no~~  
 12 ~~newspaper published in said city, then in the county wherein said city is situated]~~ **on the front**  
 13 **page of the board of alderman or legislative body's website, if it has one. If the board or**  
 14 **legislative body does not have a website, notice shall be sent at least two weeks before the**  
 15 **day of hearing to the secretary of state who shall publish such notice on the legal notices**  
 16 **website, established pursuant to section 493.077, until the day of hearing has passed.** After  
 17 said hearing has been had, said ordinance may be passed, rejected or amended as justice may  
 18 require.

88.520. 1. Before the city council shall be authorized, under the provisions of sections  
 2 88.507 and 88.510, to grade or pave any alley, or to grade, pave or gutter the roadway part of any  
 3 street, when the improvement is to be paid for with special tax bills, they shall, by resolution,  
 4 declare that they deem such improvement necessary to be made, and shall cause such resolution  
 5 to be published ~~[in some newspaper printed and published in the city, for two consecutive~~  
 6 ~~insertions in a weekly paper, or seven consecutive insertions in a daily paper, and]~~ **on the front**

7 **page of the city council's website, if it has one, for a period of two weeks. If the city council**  
8 **does not have a website, the resolution shall be sent to the secretary of state who shall**  
9 **publish such resolution on the legal notices website, established pursuant to section**  
10 **493.077, for a period of two weeks.** If a majority of the resident owners of the lands that would  
11 be liable for the cost of the improvement, at the date of the passage of the resolution, who shall  
12 own a majority of the front feet owned by residents of the city, abutting on the street or part of  
13 street proposed to be improved, shall not within ten days after the date of the ~~[last]~~ publication  
14 file with the city clerk their protest against such improvement, then the council shall have the  
15 power to cause the improvement to be made; and if the council shall find and declare by  
16 ordinance that no such majority have so filed such protest, such finding and declaration shall be  
17 conclusive, after the execution of the contract for the making of the improvement, and thereafter  
18 no special tax bill shall be held invalid for the reason that a protest sufficiently signed was filed  
19 with the clerk.

20 2. The council shall have full power to make all provisions deemed necessary for the  
21 making of contracts by the city, for the doing of all the work necessary in making the  
22 improvements herein specified, but all such contracts shall be let to the lowest and best bidder,  
23 upon advertisement for bids, published ~~[by two consecutive insertions in a weekly paper or seven~~  
24 ~~consecutive insertions in a daily paper in some newspaper published in the city]~~ **on the front**  
25 **page of the council's website, if it has one, for a period of two weeks. If the council does**  
26 **not have a website, the advertisement for bids shall be sent to the secretary of state who**  
27 **shall publish such advertisement on the legal notices website, established pursuant to**  
28 **section 493.077, for a period of two weeks.**

29 3. But before the city shall make any contract for any of said improvements excepting  
30 repairs, an estimate of the cost thereof shall be made by the city engineer, and in case there be  
31 no city engineer, such estimate shall be made by some other person designated by ordinance.  
32 Such estimate shall be filed with the city clerk and no contract shall be made for a price  
33 exceeding such estimate.

34 4. The council shall have the power to require any contractor doing work to guarantee  
35 that an improvement will last for a specified term of years, and during such term will be kept in  
36 repair, and to require the contractor to give to the city approved bonds for the faithful  
37 performance of any obligation.

38 5. The council shall have the power to repair any sidewalk, curbing, guttering or paving  
39 without letting any contract for such work, but can have such work done in such manner as may  
40 be provided for by ordinance. When such work is done by the city, not through a contractor, the  
41 tax bills shall be issued to the city and the city shall have the same power to collect such tax bills  
42 as other owners of tax bills.

88.640. The council may provide by ordinance for sprinkling and cleaning, or either or  
2 both, the streets and avenues, or any part thereof of the city, and may assess the cost and expense  
3 thereof as a special tax upon all real estate abutting upon the street or avenue, or part thereof,  
4 sprinkled or cleaned, in proportion to the front foot, and may issue, or cause to be issued, special  
5 tax bills therefor, which shall be a lien on such real estate until paid; provided, that before any  
6 such assessment shall be made, the council shall pass a resolution declaring such street sprinkling  
7 or cleaning necessary to be done, and shall cause such resolution to be published at least one  
8 week ~~[in some newspaper published in the city, and]~~ **on the front page of the council's website,**  
9 **if it has one. If the council does not have a website the resolution shall be sent to the**  
10 **secretary of state who shall publish such resolution on the legal notices website, established**  
11 **pursuant to section 493.077, for a period of at least one week.** If a majority of the resident  
12 owners of the property abutting upon such street or avenue, or part thereof, proposed to be  
13 sprinkled or cleaned, shall not, within ten days thereafter, file with the clerk of said city their  
14 protest against such sprinkling or cleaning, then the council shall have power to contract therefor  
15 and cause the same to be done; provided further, however, that in no case shall the cost of such  
16 sprinkling or cleaning exceed five cents each per front foot per month upon the property abutting  
17 upon such street or avenue, or part thereof. The method of making said assessments and  
18 collecting the same shall be provided by ordinance.

88.653. Whenever the council or other legislative body of such city shall deem such  
2 improvement necessary to be done, whether on petition or otherwise, it shall by ordinance  
3 declare such improvement necessary to be done together with the reason therefor and shall cause  
4 plans and specifications for such work and improvement together with an estimate of the cost  
5 thereof, to be prepared by the city engineer or other proper officer and filed with the city clerk  
6 of such city subject to inspection of public~~[-which]~~. Said ordinance shall also set out in detail  
7 the course along which the water main pipes are to be laid, the depth, the dimensions of the pipe,  
8 the source and the termination thereof, together with the necessary valves and other equipment  
9 and appurtenances in connection with the said pipe ~~[and cause said]~~. **The ordinance [to] shall**  
10 **be published [in some newspaper printed in the city] on the front page of the council's website,**  
11 **if it has one. If the council does not have a website, the ordinance shall be sent to the**  
12 **secretary of state who shall publish such ordinance on the legal notices website, established**  
13 **pursuant to section 493.077.**

88.657. The ordinance shall provide that after the publication thereof, the owners of the  
2 property affected by the improvement shall have thirty days from the date of the publication to  
3 make and complete the improvement provided for in the ordinance under direction of the city  
4 engineer and in conformity with the plans and specifications filed as provided for in section  
5 88.653. At the end of said thirty days the owners of the land affected by the improvement shall

6 cease to have a right to make the improvement by private contract and the council or other  
7 legislative body shall have power to cause a contract for said work to be let to the lowest and best  
8 bidder, on the plans and specifications filed as aforesaid with the city clerk by the city engineer  
9 or other proper officer, not less than one week's advertisement for bids thereon being made ~~in~~  
10 ~~some newspaper published in the city~~ **on the front page of the council or other legislative**  
11 **body's website, if it has one. If the council or other legislative body does not have a**  
12 **website, the advertisement for bids shall be sent to the secretary of state who shall publish**  
13 **such advertisement on the legal notices website, established pursuant to section 493.077,**  
14 **for a period of at least one week.** Where the bids for said work are above the estimates, or no  
15 bids are presented, or where bids presented are for any reason rejected, or where the contractor  
16 to whom the contract is awarded fails to enter into a written contract for the performance of said  
17 contract, or to execute the bonds required by ordinance within the time provided therefor, the  
18 council or other legislative body shall direct the clerk to readvertise for bids. All county or other  
19 public property, cemeteries or railroad rights-of-way shall be subject to assessments as provided  
20 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, macadamize,  
2 gutter, curb (when such is set out in the street beyond the sidewalk) or otherwise improve any  
3 street, avenue, alley or other highway, or any part thereof, within the limits of the city for which  
4 a special tax is to be levied as herein provided, the board of aldermen shall, by resolution, declare  
5 the work or improvements necessary to be done, and cause the resolutions to be published ~~in~~  
6 ~~some newspaper published in the city for seven consecutive insertions in a daily paper or two~~  
7 ~~consecutive insertions in a weekly paper~~ **on the front page of the board's website, if it has**  
8 **one, for a period of two weeks. If the board does not have a website, the resolution shall**  
9 **be sent to the secretary of state who shall publish such resolution on the legal notices**  
10 **website, established pursuant to section 493.077, for a period of two weeks.** If a majority  
11 of the owners of the property liable to taxation therefor, residing in the city at the date of the  
12 passage of such resolution, shall not, within ten days from the date of the ~~[last insertion]~~  
13 **publication** of the resolution, file with the city clerk their protest against, then the board of  
14 aldermen may cause the improvements to be made, and to contract therefor, and to levy the tax  
15 as herein provided. The findings of the board that a majority of such owners have not filed  
16 protest shall be conclusive and final. No publication shall be necessary for the making of any  
17 sidewalks, but upon the petition of any ten citizens of the city the board of aldermen may make  
18 contracts for the construction of sidewalks, including grading therefor, with or without curbing,  
19 along any street, avenue or other public highway, or any part thereof whatever. The contract  
20 shall be let to the lowest and best bidder, upon plans and specifications filed therefor by the city  
21 engineer or other officer designated by the board of aldermen, with the city clerk, not less than

22 one week's advertisement for bids thereupon being made [~~in some newspaper published in the~~  
23 ~~city~~] **on the front page of the board's website, if it has one. If the board does not have a**  
24 **website, the advertisement for bids shall be sent to the secretary of state who shall publish**  
25 **such advertisement on the legal notices website, established pursuant to section 493.077,**  
26 **for a period of at least one week.** When upon proper advertisement no bid is received, the  
27 board of aldermen may proceed as provided in section 88.826.

88.787. When the council of any city having less than thirty thousand inhabitants and  
2 having a special charter shall deem it necessary to pave, macadamize, gutter, curb, grade or  
3 otherwise improve the roadway of any street, avenue or 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 provided in section  
5 88.777, the council shall, by resolution, declare such work or improvements necessary to be  
6 done, and shall cause plans and specifications for such work and improvements, together with  
7 an estimate of the cost thereof, to be prepared by the city engineer or other proper officer, and  
8 filed with the city clerk of such city, subject to the inspection of the public, and shall cause such  
9 resolution to be published [~~in some newspaper printed in the city for two consecutive insertions~~  
10 ~~in a weekly paper or seven consecutive insertions in a daily paper and~~] **on the front page of the**  
11 **council's website, if it has one, for a period of two weeks. If the council does not have a**  
12 **website, the ordinance shall be sent to the secretary of state who shall publish such**  
13 **ordinance on the legal notices website, established pursuant to section 493.077, for a period**  
14 **of two weeks.** If a majority of the resident owners of the property liable to taxation therefor, at  
15 the date of the passage of such resolution, who shall own a majority of the front feet owned by  
16 residents of the city abutting on the street, avenue or alley proposed to be improved, shall not,  
17 within ten days thereafter, file with the clerk of the city, their protest against such improvements,  
18 then the council shall have power to cause a contract for said work to be let to the lowest and  
19 best bidder, on the plans and specifications filed as aforesaid with the city clerk by the city  
20 engineer or other proper officer [~~, not less than one week's advertisement for bids thereon being~~  
21 ~~made in some newspaper published in the city~~]. **Advertisement of bids shall be published on**  
22 **the front page of the council's website, if it has one, for a period of at least one week. If the**  
23 **council does not have a website, the advertisement shall be sent to the secretary of state**  
24 **who shall publish such advertisement on the legal notices website, established pursuant to**  
25 **section 493.077, for a period of at least one week.** Where the bids for said work are above the  
26 estimates, or no bids are presented, or where the bids presented are for any reason rejected, or  
27 where the contractor to whom the contract is awarded fails to enter into a written contract for the  
28 performance of said contract, or to execute the bonds required by ordinance within the time  
29 provided therefor, the council may readvertise for bids. When the council shall by ordinance find  
30 and declare that a majority of the resident owners of the property liable to taxation therefor, who

31 shall also own a majority of the front feet owned by residents of the city abutting on the street  
32 or alley, proposed to be improved, have not filed with the city clerk a protest against such  
33 improvement, such finding and declaration shall be conclusive after the execution of the contract  
34 for said improvement, and no special tax bill shall be held invalid for the reason that a protest  
35 sufficiently signed was filed with the city clerk.

88.808. If the notice in writing cannot be personally served in the state as provided in  
2 section 88.806, or if the owner or owners are unknown and cannot be personally served, the  
3 council shall cause four weeks' notice to be published in the English language~~[, in some daily or~~  
4 ~~weekly newspaper published in the county in which the property or lot is situated,]~~ **on the front**  
5 **page of its website, if it has one,** setting forth all the facts required in the written notice in  
6 section 88.806. **If the council does not have a website, notice shall be sent to the secretary**  
7 **of state who shall publish such notice on the legal notices website, established pursuant to**  
8 **section 493.077, for a period of four weeks.**

88.812. In all third class cities, fourth class cities, towns and villages, and all cities  
2 having a constitutional charter or a special charter, the assessments made for constructing and  
3 repairing sidewalks and sidewalk curbing, and for sewers, and for grading, paving, excavating,  
4 macadamizing, curbing and guttering of any street, avenue, alley, square, or other highway, or  
5 part thereof, and repairing the same, or for any other improvement authorized by sections 88.497  
6 to 88.663, and sections 88.667 to 88.773, and sections 80.090 to 80.560, and sections 88.777 to  
7 88.797, and sections 88.811 to 88.861, shall be known as "special assessments for  
8 improvements", and shall be levied and collected as a special tax, and a special tax bill shall  
9 issue therefor and be paid in the manner provided by ordinance. The legislative body of such  
10 city, town or village shall cause plans and specifications for all projects, together with an  
11 estimate of the total cost for the projects, including construction, construction contingency and  
12 fees and other expenses, and an estimate of the portion of the total cost to be assessed against  
13 each property to be benefitted by the project, to be prepared by the city engineer or other proper  
14 officer, and filed with the clerk of such city, town or village, subject to the inspection of the  
15 public, and shall cause notice thereof to be published ~~[in some newspaper printed in the county~~  
16 ~~for two consecutive insertions in a weekly paper, and for seven consecutive insertions in a daily~~  
17 ~~paper]~~ **on the front page of the legislative body's website, if it has one, for a period of two**  
18 **weeks. If the legislative body does not have a website, notice shall be sent to the secretary**  
19 **of state who shall publish such notice on the legal notices website, established pursuant to**  
20 **section 493.077, for a period of two weeks.** A public hearing shall be had before such  
21 legislative body upon the request of three or more citizens of such city, town or village, at which  
22 hearing citizens may express their assent or objection to such project. These special tax bills  
23 may include a reasonable construction contingency and an amount not to exceed twenty percent



24 of the total cost of the improvement to be used for payment of fees and other expenses, and tax  
25 bills may bear interest not to exceed the rate on ten-year United States treasury notes as  
26 established at the most recent auction; all the tax bills shall become due and payable sixty days  
27 after the date of issue thereof, except in the case of tax bills payable in installments as herein  
28 provided; and, every special tax bill shall be a lien against the lot or tract or parcel of land  
29 described in said special tax bill for a period of ten years after date of issue, unless sooner paid,  
30 except in the case of special tax bills payable in installments, the lien of which shall not expire  
31 until one year after the date of maturity of the last installment, and except in any case where it  
32 becomes necessary to bring a suit to enforce the lien of any special tax bill, the lien of which  
33 shall continue until the expiration of the litigation. Notwithstanding the provisions of this  
34 section, a constitutional charter city may provide for special assessments for constructing and  
35 repairing sidewalks and sidewalk curbing, and for sewers, and for grading, paving, excavating,  
36 macadamizing, curbing and guttering of any street, avenue, alley, square or other highway, or  
37 part thereof, and repairing the same, upon such terms, conditions and procedures as are set forth  
38 in its own charter or ordinances.

88.815. 1. Any city authorized to make assessments and issue special tax bills under  
2 section 88.812 may issue assessment notes secured by a special fund into which the city has  
3 deposited the special tax bills, and the proceeds of any assessment notes issued to fund a reserve,  
4 and other funds to provide additional security for the noteholders as shall be available for such  
5 purposes. A city issuing such assessment notes shall assign to the special fund for the benefit  
6 of the holders or registered owners of the assessment notes, or to a trustee for the holders or  
7 registered owners of such notes, the special tax bills evidencing the tax liens provided for in  
8 section 88.103. Proceeds from the special tax bills so deposited shall be used only for the  
9 payment of the assessment notes issued for the particular improvement.

10 2. Assessment notes issued under authority of sections 88.811 to 88.815 shall be payable  
11 solely from the assessments derived or to be derived from the special tax bills issued for the  
12 particular improvement and from such other funds as deposited in the special fund. No  
13 assessment notes issued pursuant to sections 88.811 to 88.815 shall constitute an indebtedness  
14 of the city, town or village within the meaning of any constitutional, statutory or charter  
15 restriction, limitation or provision. The face of each assessment note shall state in substance that  
16 the note has been issued under the provisions of sections 88.811 to 88.815, that the general  
17 taxing power of the city, town or village issuing the note is not pledged to the payment thereof  
18 either as to principal or interest and that the note and the interest thereon are payable solely from  
19 the special fund as established pursuant to subsection 1 of this section.

20 3. Any city, town or village issuing assessment notes is authorized to covenant with the  
21 holders of such notes that it will diligently and faithfully enforce and collect all the special

22 assessments and interest and penalties thereon arising from the special tax bills and tax liens  
23 deposited into the special fund for the particular improvement; to foreclose such tax liens so  
24 assigned to such special fund or represented by the special tax bills deposited in the special fund,  
25 after such tax liens have become delinquent, and deposit the proceeds derived from such  
26 foreclosure, including interest and penalties, in such special funds; and to make any other  
27 covenants deemed necessary or advisable in order to properly secure the holders of such  
28 assessment notes.

29 4. (1) Notwithstanding the provisions of section 108.170, all such assessment notes shall  
30 be sold at public sale as provided in subdivision (2) of this ~~[section]~~ **subsection** or shall be sold  
31 at negotiated sale if the governing body of the issuer shall determine a negotiated sale is in the  
32 best interest of the issuer. If the governing body determines it is in the best interest of the issuer  
33 to sell such assessment notes at negotiated sale, the specific reasons for concluding a negotiated  
34 sale is in the best interest of the issuer shall be recited in the ordinance or resolution authorizing  
35 the negotiated sale.

36 (2) Notice of the public sale of assessment notes shall contain the following:

37 (a) The name of the issuer;

38 (b) The issue date, maturity dates, amounts to mature on each maturity date, and interest  
39 payment dates;

40 (c) The time, date and place where bids will be received;

41 (d) The name, address and telephone number of a person from whom additional  
42 information may be obtained; and may contain additional information.

43 (3) Notice of the public sale of assessment notes shall be given by publication ~~[in at least~~  
44 ~~one newspaper of general circulation within the bounds of the issuer of the assessment notes]~~ **on**  
45 **the front page of the city's website, if it has one. If the city does not have a website, notice**  
46 **of the public sale of assessment shall be sent to the secretary of state who shall publish such**  
47 **notice on the legal notices website, established pursuant to section 493.077.** Such notice  
48 shall be published not more than twenty-five days nor less than ten days prior to the date of  
49 assessment note sale. The issuer may provide such additional notice of the assessment note sale  
50 as it deems desirable.

51 (4) The governing body of an issuer may reject any and all bids received for assessment  
52 notes offered at public sale. If the governing body rejects such bids, the assessment notes offered  
53 may be sold at negotiated sale at any time within thirty days after the date advertised for the  
54 receipt of bids provided the negotiated sale results in a lower net interest cost in dollars over the  
55 life of the 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 any sidewalk  
2 or for the rebuilding and reconstruction of the same, including grading and filling therefor, and

3 including the removal of any obstructions, and including approaches (as defined in section  
4 88.867) at corner lots, and including the grading or parking of that portion of the street lying  
5 between the property line and the street curb line, by contract, and levy a special assessment  
6 against each lot or tract along which such work is done, for the cost thereof, as provided in  
7 section 88.890; provided, however, that no such contract shall be let until the plans and  
8 specifications for said work have been adopted by ordinance (provided that such adoption may  
9 be by reference to general plans and specifications, which have already been adopted by  
10 ordinance by said city).

11 2. ~~[And]~~ No contract shall be let until an advertisement for bids for the doing of said  
12 work has been published ~~[in at least one issue of a weekly newspaper or at least two consecutive~~  
13 ~~issues of a daily newspaper, published in said city, or if there be no paper published in said city,~~  
14 ~~in some newspaper published in the county in which said city is located, and]~~ **on the front page**  
15 **of the city council's website, if it has one, for a period of at least one week. If the city**  
16 **council does not 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 to section 493.077,**  
18 **for a period of at least one week.** The date for the opening of said bids shall be at least ten days  
19 after the date of the ~~[first]~~ publication of said advertisement for bids~~[- and provided further, that]~~  
20 . Before the ~~[said]~~ bids are opened, the city engineer, or other proper person designated by  
21 ordinance by the city council, shall prepare and file an estimate showing the estimated quantities  
22 of grading, filling and of the various materials required for the sidewalk in front of each separate  
23 lot, tract or parcel of ground, and an estimate of the cost of said work per cubic yard or per  
24 square yard, as the case may be, and an estimate of the cost of the removal of any obstruction;  
25 and no contract shall be let for a price in excess of the said estimate of the cost.

26 3. After the bids are opened by the city council, the said city council shall let the contract  
27 for said work to the lowest and best responsible bidder, and in case there are no bids received,  
28 or that all bids are rejected for any reason, the city council may readvertise for bids for said work,  
29 or may, by ordinance, order and require the city engineer or other proper person to build and  
30 construct said sidewalk or do the other work as herein contemplated, according to the  
31 specifications adopted therefor (provided, however, that the cost of said work shall not exceed  
32 the estimate of the city engineer previously filed), keeping an accurate account of the cost of the  
33 separate items thereof, and the city council shall pay for the labor and material and all other costs  
34 of said work out of any funds which they may have on hand available for such purpose; and at  
35 the completion of said work (either by contract or by the city, as last provided) shall levy the cost  
36 thereof as a special assessment against the lot, tract or parcel of ground along which each of said  
37 sidewalks or other improvements is made in the manner as provided in section 88.890.

88.887. 1. The city council of any city coming within the purview of sections 88.863  
2 to 88.913 may, when deemed necessary or expedient, divide said city or any portion thereof into  
3 sidewalk districts, by ordinance, and may adopt plans and specifications for the building of all  
4 sidewalks within said district or districts, and may advertise for bids and award a contract to the  
5 lowest and best responsible bidder for the building and construction of all sidewalks which may  
6 be ordered built by the city council within said district for the next ensuing year. ~~[Said]~~  
7 ~~Advertisement for bids shall be published [in at least one issue of a weekly newspaper or at least~~  
8 ~~two consecutive issues of a daily newspaper published in said city, or if there be no newspaper~~  
9 ~~published in said city, may be published in any newspaper within such county in which said city~~  
10 ~~is located]~~ **on the front page of the city council's website, if it has one, for a period of at least**  
11 **one week. If the city council does not have a website, the advertisement for bids shall be**  
12 **sent to the secretary of state who shall publish such advertisement on the legal notices**  
13 **website, established pursuant to section 493.077, for a period of at least one week.**

14 2. And before the bids are opened or any contract let, the city engineer, or other proper  
15 person designated by the city council, by ordinance, shall prepare and submit to the city council  
16 an estimate of the cost of said sidewalk, including approaches, grading and parking, material,  
17 etc., which estimate shall be the price per cubic yard or square yard, as the case may be, for the  
18 finished improvement; and no contract shall be let for a price in excess of said estimate. And  
19 the cost of all sidewalks, approaches, parking or other improvement herein contemplated shall  
20 be, on their completion, levied as a special assessment against the lot, tract or parcel of ground  
21 along and in front of which said improvement is made, as provided in section 88.890.

88.917. Every city now having or which may at any time hereafter have a population of  
2 three hundred thousand inhabitants or over shall have at all times the power to establish the grade  
3 and change the grade already established of any street, alley, avenue, public highway or public  
4 place, or any part thereof, as often as it may be deemed best for the public interest, and to cause  
5 the same or any part thereof to be graded to the established grade or to any change thereof.  
6 ~~[Provided, however, that]~~ When a change is proposed to be made in the grade of any street, alley,  
7 avenue, public highway or public place, or any part thereof, which has once been established, the  
8 city shall by ordinance declare the work of improvement to be necessary, and cause such  
9 ordinance, or the substance thereof, to be published ~~[in the newspaper doing the city printing,]~~  
10 **on the front page of the city's website, if it has one, for ten days, Sundays included. If the city**  
11 **does not have a website, the ordinance shall be sent to the secretary of state who shall**  
12 **publish such ordinance on the legal notices website, established pursuant to section**  
13 **493.077, for a period of at least ten days, Sundays included.** Unless the resident owners of  
14 the city who shall own the majority in front feet of all the lands belonging to such residents  
15 fronting on the street, alley, avenue, public highway, public place, or part thereof to be improved,

16 within thirty days after the ~~[first day of the]~~ publication of such ordinance, file with the city  
17 register their remonstrance against the proposed change, then the ordinance to cause the proposed  
18 change to be made shall become effective. ~~[Provided further, however, that]~~ When the charter  
19 of any such city shall require that such ordinance shall, before being passed, be recommended  
20 by a board of public improvements, or other authority of such city, then the same shall, before  
21 being passed, be recommended as therein required. If the remonstrance of the resident property  
22 owners above mentioned shall be filed with the city register, as herein provided, the ordinance  
23 to make the proposed change in the grade of such street, alley, avenue, public highway or public  
24 place, or any part thereof, shall not become effective until a sufficient number of the persons so  
25 remonstrating or their grantees shall, in writing, withdraw their names or the property represented  
26 by them from such remonstrance, so that said remonstrance shall cease to represent a majority  
27 of the resident owners as above provided.

89.145. 1. Any constitutional charter city having a population of more than thirty-five  
2 thousand inhabitants, located in any county of the first class not having a charter form of  
3 government or in any county of the second class, may, by ordinance, adopt and enforce any and  
4 all regulations governing zoning, planning, subdivision and building within all unincorporated  
5 area extending up to two miles outward from the corporate limits of the city if the city has a  
6 zoning commission and a board of adjustment established pursuant to sections 89.010 to 89.140.  
7 When authorized by ordinance, the zoning commission and the board of adjustment of the city  
8 shall have the same powers within the above county as they have within the corporate limits of  
9 the city.

10 2. The ordinances, before passage, must be approved by order of a majority of the county  
11 commission of the county in which the city is located and the ordinances shall not be more, but  
12 may be less, restrictive than the ordinances governing zoning, planning, subdivision and building  
13 within the corporate limits of the city. Before the approval of the ordinance, the county  
14 commission shall hold at least one public hearing thereon ~~[, fourteen days' notice of the time and  
15 place of which shall be published in at least one newspaper having general circulation within the  
16 county; the notice of such hearing shall also be posted at least fourteen days in advance thereof  
17 in one or more public areas of the courthouse of the county].~~ **Notice of such hearing shall be  
18 published on the front page of the city's website, if it has one, at least fourteen days prior  
19 to the hearing. If the city does not have a website, notice shall be sent at least fourteen days  
20 prior to the hearing to the secretary of state who shall publish such notice on the legal  
21 notices website, established pursuant to section 493.077, until the date of the hearing has  
22 passed. Such hearing may be adjourned from time to time.**

23 3. In the event the county in which such city is located creates a county planning  
24 commission and the planning commission adopts an official master plan for the unincorporated

25 areas of the county in accordance with the authority granted by sections 64.211 to 64.295 or by  
26 sections 64.510 to 64.690, the authority granted such constitutional charter city under the terms  
27 of this section shall terminate.

89.360. The commission may adopt the plan as a whole by a single resolution, or, as the  
2 work of making the whole city plan progresses, may from time to time adopt a part or parts  
3 thereof, any part to correspond generally with one or more of the functional subdivisions of the  
4 subject matter of the plan. Before the adoption, amendment or extension of the plan or portion  
5 thereof the commission shall hold at least one public hearing thereon. Fifteen days' notice of the  
6 time and place of such hearing shall be published [~~in at least one newspaper having general~~  
7 ~~circulation within the municipality]~~ **on the front page of the commission's website, if it has**  
8 **one. If the commission does not have a website, notice shall be sent fifteen days prior to the**  
9 **hearing to the secretary of state who shall publish such notice on the legal notices website,**  
10 **established pursuant to section 493.077, until the date of the hearing has passed.** The  
11 hearing may be adjourned from time to time. The adoption of the plan requires a majority vote  
12 of the full membership of the planning commission. The resolution shall refer expressly to the  
13 maps, descriptive matter and other matters intended by the commission to form the whole or part  
14 of the plan and the action taken shall be recorded on the adopted plan or part thereof by the  
15 identifying signature of the secretary of the commission and filed in the office of the  
16 commission, identified properly by file number, and a copy of the plan or part thereof shall be  
17 certified to the council and the municipal clerk, and a copy shall be available in the office of the  
18 county recorder of deeds and shall be available at the municipal clerk's office for public  
19 inspection during normal office hours.

91.130. 1. The proposition so submitted by the said person, firm or corporation shall be  
2 in writing, and shall state the price at which the city may acquire the property, and shall contain  
3 an agreement to accept in payment of such price the bonds provided for by sections 91.090 to  
4 91.300, which bonds shall not create any personal or general liability on the part of the city, or  
5 the persons signing the same, for the payment of the bonds, nor shall the city be liable to pay for  
6 the city waterworks system other than by the execution and delivery of bonds as provided in said  
7 sections. In case the waterworks system is owned by a corporation, the proposition submitted  
8 by it to the city shall be authorized by the board of directors of the corporation, and also shall  
9 have the consent of a majority of the stockholders of the corporation owning the waterworks  
10 system and a majority of the bondholders thereof, which consent shall be obtained at a meeting  
11 of the stockholders of the corporation in pursuance to notice published for three weeks [~~in a~~  
12 ~~newspaper published in the city where the corporation is located,]~~ **on the front page of the city's**  
13 **website, if it has one, signed by the president or the secretary of the corporation, stating the**  
14 **object of the meeting[; and by a]. If the city does not have a website, notice shall be sent**

15 **three weeks prior to the meeting to the secretary of state who shall publish such notice on**  
16 **the legal notices website, established pursuant to section 493.077, until the date of the**  
17 **meeting has passed.** Written notice **shall additionally be** addressed to each stockholder at his  
18 **or her** usual place of residence, postage prepaid and deposited in the United States post office,  
19 ten days before the meeting.

20         2. The deed to said waterworks property shall be placed in escrow when the proposition  
21 is made to the city, and the person, firm or corporation submitting such proposition shall, at the  
22 time of submitting the same, deposit with the city clerk a sum sufficient to defray the expenses  
23 of the election held to vote on such proposition. The city shall be the grantee in said deed, which  
24 deed shall convey to it the title to said property, subject to the payment of the bonds provided for  
25 in said sections, given for the purchase price thereof, and the deed may contain the following  
26 reservation, to wit:

27             The power is reserved in the members of the board of waterworks commissioners  
28 and their successors in office to convey the property hereby conveyed — in case  
29 of default in the payment of the bonds or interest coupons provided for in  
30 sections 91.090 to 91.300, RSMo, authorizing the city to purchase a waterworks  
31 system and issue bonds in payment therefor, as is provided in said sections; that  
32 is to say: That in case of default in the payment of said bonds and interest  
33 coupons, the property hereby conveyed shall be conveyed by said board of  
34 waterworks commissioners by deed of conveyance to the bondholders, to be held  
35 by them in the relative proportion that the bonds held by each shall bear to the  
36 entire bond issue; provided, that said property may be conveyed to a trustee  
37 designated by a majority of the bondholders to be held for the use of all the  
38 bondholders in the proportion aforesaid. The power hereby reserved in said  
39 board of waterworks commissioners is to be irrevocable, and the city, by the  
40 acceptance of this deed, hereby recognizes such irrevocable power in said board  
41 of waterworks commissioners for the purpose of securing the payment of said  
42 bonds and coupons.

43         3. At the time of the delivery of the deed, the delivery thereof shall be accompanied with  
44 at least a majority of the bonds of the corporation, if there are any outstanding bonds; and in case  
45 all of the bonds are not delivered, the person, firm or corporation so making the deed to the city  
46 shall deposit sufficient money in the depository selected for the waterworks system, as herein  
47 provided in said sections, to pay off any such outstanding bonds as are not delivered at the time  
48 of the delivery of the deed, so that the city will receive the property free and clear of all liens, and  
49 subject to no lien except the lien of the bonds given by the city, as provided in said sections for  
50 the purchase price thereof.

91.670. Revenue bonds issued under sections 91.620 to 91.770 shall bear interest at such rate or rates not exceeding six percent per annum, payable semiannually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their respective dates, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such ordinance or resolution or subsequent ordinances or resolutions may provide. Such bonds shall be deemed valid and negotiable without being presented to the state auditor for registration and certification. Sections 108.240 and 108.250 shall not apply to bonds issued hereunder, and said bonds shall be sold at not less than par. Said bonds may be sold at private sale to the United States of America or any agency, instrumentality or corporation thereof. Unless sold to the United States of America or any agency, instrumentality or corporation thereof, said bonds shall be sold at public sale after notice of such sale published ~~[once]~~ at least five days prior to such sale ~~[in a newspaper circulating in the municipality and in a financial newspaper published in the city of St. Louis, Missouri, or Kansas City, Missouri]~~ **on the front page of the municipality's website, if it has one. If the municipality does not have a website, notice shall be sent to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077, for a period of five days.** Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to sections 91.620 to 91.770. Said bonds 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 clerk, the collector shall forthwith cause a notice of foreclosure to be published ~~[four times, once a week, during successive weeks, and on the same day of each week, in a daily newspaper of general circulation regularly published in such city, qualified according to law for the publication of public notices and advertisements]~~ **on the front page of the circuit clerk's website, if it has one, for a period of four weeks. If the circuit clerk does not have a website, notice shall be sent to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077, for a period of four weeks.**

2. Such notice shall be in substantially the following form:

NOTICE OF FORECLOSURE OF LIENS FOR DELINQUENT

LAND TAXES, BY ACTION IN REM

Public notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Collector of Revenue of \_\_\_\_\_, Missouri, filed a petition, being suit No. \_\_\_\_\_, in the Circuit Court of \_\_\_\_\_ Missouri, at \_\_\_\_\_ (stating the city), for



15 the foreclosure of liens for delinquent land taxes (except liens in favor of the  
16 United States of America, if any) against the real estate situated in such city, all  
17 as described in said petition.

18 The object of said suit is to obtain from the court a judgment foreclosing the tax  
19 liens against such real estate and ordering the sale of such real estate for the  
20 satisfaction of said tax liens thereon (except liens in favor of the United States of  
21 America, if any), including principal, interest, penalties, attorney's fees and costs.  
22 Such action is brought against the real estate only and no personal judgment shall  
23 be entered therein.

24 The serial number assigned by the collector to each parcel of real estate, a  
25 description of each such parcel, a statement of the total principal amount of all  
26 delinquent tax bills against each such parcel of real estate, all of which, as to each  
27 parcel, is more fully set out and itemized in the aforesaid petition, and the name  
28 of the last known person appearing on the records of the collector in whose name  
29 said tax bills were listed or charged for the year preceding the calendar year in  
30 which the list described in said petition was filed with the collector, are,  
31 respectively, as follows:

32 (Here set out the respective serial numbers, descriptions, names and statements  
33 of total principal amounts of tax bills, next above referred to.)

34 The total principal amounts of delinquent taxes set out in this notice do not  
35 include the lawful interest, penalties, attorney's fees and costs which have accrued  
36 against the respective parcels of real estate, all of which in each case is set out  
37 and itemized in the aforesaid petition.

38 Any person or taxing authority owning or holding any tax bill or claiming any  
39 right, title or interest in or to, or lien upon, any such parcel of real estate must file  
40 an answer to such suit in the office of the circuit clerk of the aforesaid city, and  
41 a copy of such answer with the collector of revenue at the office of the collector  
42 of revenue of said city, on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and  
43 in such answer shall set forth in detail the nature and amount of such interest and  
44 any defense or objection to the foreclosure of the tax liens, or any affirmative  
45 relief he and it may be entitled to assert with respect thereto.

46 Any person having any right, title or interest in or to, or lien upon, any parcel of  
47 such real estate may redeem such parcel of real estate by paying all of the sums  
48 mentioned therein, to the undersigned Collector of Revenue, including principal,  
49 interest, penalties, attorney's fees and costs then due, at any time prior to the time  
50 of the foreclosure sale of such real estate by the sheriff.

51 In the event of failure to answer or redeem on or before the date herein fixed as  
 52 the last day for filing answer in the suit, by any person having the right to answer  
 53 or redeem, such person shall be forever barred and foreclosed as to any defense  
 54 or objection he might have to the foreclosure of such liens for delinquent taxes  
 55 and a judgment of foreclosure may be taken by default. Redemption may be  
 56 made, however, up to the time fixed for the holding of sheriff's foreclosure sale,  
 57 and thereafter there shall be no equity of redemption and each such person having  
 58 any right, title or interest in or to, or any lien upon, any such parcel of real estate  
 59 described in the petition so failing to answer or redeem, as aforesaid, shall be  
 60 forever barred and foreclosed of any right, title, or interest in, or lien upon, any  
 61 equity of redemption in said real estate.

62 \_\_\_\_\_  
 63 Collector of Revenue  
 64 \_\_\_\_\_, Missouri  
 65 (Name of City)  
 66 Address \_\_\_\_\_

67 \_\_\_\_\_  
 68 Attorney  
 69 \_\_\_\_\_  
 70 Address  
 71 \_\_\_\_\_  
 72 First Publication

95.280. 1. Subject to the provisions of section 110.030, the city council, at its regular  
 2 meetings in July of each year, may receive sealed proposals for the deposit of the city funds from  
 3 banking institutions doing business within the city that desire to be selected as the depository of  
 4 the funds of the city. Notice that bids will be received shall be published by the city clerk not  
 5 less than one nor more than four weeks before the meeting[~~in some newspaper published in the~~  
 6 ~~city~~ **on the front page of the city's website, if it has one. If the city does not have a website,**  
 7 **notice shall be sent, not less than one nor more than four weeks before the meeting, to the**  
 8 **secretary of state who shall publish such notice on the legal notices website, established**  
 9 **pursuant to section 493.077, until the date of the meeting has passed.** Any banking  
 10 institution doing business in the city, desiring to bid, shall deliver to the city clerk, on or before  
 11 the day of the meeting, a sealed proposal stating the rate percent upon daily balances that the  
 12 banking institution offers to pay to the city for the privilege of being the depository of the funds  
 13 of the city for the year next ensuing the date of the meeting; or, in the event that the selection is  
 14 made for a less term than one year, as herein provided, then for the time between the date of the

15 bid and the next regular time for the selection of a depository. It is a misdemeanor for the city  
16 clerk or other person to disclose directly or indirectly the amount of any bid to any person before  
17 the selection of the depository.

18 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, the city  
19 council of any third class city with a population of more than fifteen thousand and less than  
20 nineteen thousand that is located in any county of the fourth classification with a population of  
21 more than forty thousand and less than forty-eight thousand three hundred, or of any city of the  
22 third classification with more than ten thousand five hundred but less than ten thousand six  
23 hundred inhabitants may receive sealed proposals for the deposit of city funds from banking  
24 institutions doing business within the city at any of the regular meetings of such city. The city  
25 shall send notice of bids to each banking institution in the city by regular mail at the time the  
26 notice is published ~~[in the newspaper in]~~ **pursuant to** subsection 1 of this section. The banking  
27 institution selected as the depository shall be offered a depository contract for a maximum of two  
28 years. Any such city shall follow the bid procedure established in subsection 1 of this section,  
29 except as otherwise provided in this subsection.

99.150. 1. Bonds of an authority shall be authorized by its resolution and may be issued  
2 in one or more series and shall bear such date or dates, mature at such time or times, bear interest  
3 at such rate or rates, be in such denomination or denominations, be in such form, either coupon  
4 or registered, carry such conversion or registration privileges, have such rank or priority, be  
5 executed in such manner, be payable in such medium of payment, at such place or places, and  
6 be subject to such terms of redemption (with or without premium) as such resolution, its trust  
7 indenture or mortgage may provide.

8 2. The bonds shall be sold at not less than par at public sale held after notice published  
9 ~~[once]~~ at least five days prior to such sale ~~[in a newspaper having a general circulation in the area~~  
10 ~~of operation and in a financial newspaper published in Kansas City or in the city of St. Louis;~~  
11 ~~provided, that]~~ **on the front page of the authority's website, if it has one. If the authority**  
12 **does not have a website, notice shall be sent at least five days prior to the sale to the**  
13 **secretary of state who shall publish such notice on the legal notices website, established**  
14 **pursuant to section 493.077, until the date of the sale has passed.** Such bonds may be sold  
15 to the federal government at private sale at not less than par and, in the event less than all of the  
16 bonds authorized in connection with any project or projects are sold to the federal government,  
17 the balance of such bonds may be sold at private sale at not less than par at an interest cost to the  
18 authority of not to exceed the interest cost to the authority of the portion of the bonds sold to the  
19 federal government.

20 3. In case any of the commissioners or officers of the authority whose signatures appear  
21 on any bonds or coupons shall cease to be such commissioners or officers before the delivery of

22 such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same  
23 as if they had remained in office until such delivery. Any provision of any law to the contrary  
24 notwithstanding, any bonds issued pursuant to sections 99.010 to 99.230 shall be fully  
25 negotiable.

26 4. In any suit, action or proceedings involving the validity or enforceability of any bond  
27 of an authority or the security therefor, any such bond reciting in substance that it has been issued  
28 by the authority to aid in financing a housing project to provide dwelling accommodations for  
29 persons of low income shall be conclusively deemed to have been issued for a housing project  
30 of such character and said project shall be conclusively deemed to have been planned, located  
31 and constructed in accordance with the purposes and provisions of sections 99.010 to 99.230.

99.430. 1. Preparation and approval of redevelopment and urban renewal plans shall be  
2 carried out within the following regulations:

3 (1) An authority shall not acquire real property for a land clearance or urban renewal  
4 project unless the governing body of the community in which the land clearance project area or  
5 urban renewal project area is located has approved the redevelopment or urban renewal plan, as  
6 prescribed in subdivision (9) of this section.

7 (2) An authority shall not prepare a redevelopment or an urban renewal plan for a land  
8 clearance or urban renewal project area unless the governing body of the community in which  
9 the area is located has declared, by resolution or ordinance, the area to be a blighted, or insanitary  
10 area in need of redevelopment or in need of rehabilitation.

11 (3) An authority shall not recommend a redevelopment or urban renewal plan to the  
12 governing body of the community in which the land clearance or urban renewal project area is  
13 located until a general plan for the development of the community has been prepared.

14 (4) The authority itself may prepare or cause to be prepared a redevelopment or urban  
15 renewal plan or any person or agency, public or private, may submit such a plan to an authority.  
16 A redevelopment or urban renewal plan shall be sufficiently complete to indicate its relationship  
17 to definite local objectives as to appropriate land uses, improved traffic, public transportation,  
18 public utilities, recreational and community facilities and other public improvements and the  
19 proposed land uses and building requirements in the land clearance or urban renewal project  
20 area, and shall include without being limited to:

21 (a) The boundaries of the land clearance or urban renewal project area, with a map  
22 showing the existing uses and condition of the real property therein;

23 (b) A land use plan showing proposed uses of the area;

24 (c) Information showing the standards of population densities, land coverage and  
25 building intensities in the area after redevelopment or urban renewal;

26 (d) A statement of the proposed changes, if any, in zoning ordinances or maps, street  
27 layouts, street levels or grades, building codes and ordinances;

28 (e) A statement as to the kind and number of additional public facilities or utilities which  
29 will be required in the area after redevelopment or urban renewal; and

30 (f) A schedule indicating the estimated length of time needed for completion of each  
31 phase of the plan.

32 (5) Prior to recommending a redevelopment or urban renewal plan to the governing body  
33 for approval, an authority shall submit the plan to the planning agency, if any, of the community  
34 in which the land clearance or urban renewal project area is located for review and  
35 recommendations as to its conformity with the general plan for the development of the  
36 community as a whole. The planning agency shall submit its written recommendations with  
37 respect to the proposed redevelopment or urban renewal plan to the authority within thirty days  
38 after receipt of the plan for review. Upon receipt of the recommendations of the planning  
39 agency, or, if no recommendations are received within the thirty days, then without the  
40 recommendations, an authority may recommend the redevelopment or urban renewal plan to the  
41 governing body of the community for approval.

42 (6) Prior to recommending a redevelopment or urban renewal plan to the governing body  
43 for approval, an authority shall consider whether the proposed land uses and building  
44 requirements in the land clearance or urban renewal project area are designed with the general  
45 purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and  
46 harmonious development of the community and its environs which, in accordance with present  
47 and future needs, will promote health, safety, morals, order, convenience, prosperity and the  
48 general welfare, as well as efficiency and economy in the process of development; including,  
49 among other things, adequate provision for traffic, vehicular parking, the promotion of safety  
50 from fire, panic and other dangers, adequate provision for light and air, the promotion of the  
51 healthful and convenient distribution of population, the provision of adequate transportation,  
52 water, sewerage, and other public utilities, schools, parks, recreational and community facilities  
53 and other public requirements, the promotion of sound design and arrangement, the wise and  
54 efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe  
55 dwelling accommodations, or insanitary areas, or conditions of blight or deterioration, and the  
56 provision of adequate, safe and sanitary dwelling accommodations.

57 (7) The recommendation of a redevelopment or urban renewal plan by an authority to  
58 the governing body shall be accompanied by the recommendations, if any, of the planning  
59 commission concerning the redevelopment or urban renewal plan; a statement of the proposed  
60 method and estimated cost of the acquisition and preparation for redevelopment or urban renewal  
61 of the land clearance or urban renewal project area and the estimated proceeds or revenues from

62 its disposal to redevelopers; a statement of the proposed method of financing the project; a  
63 statement of a feasible method proposed for the relocation of families to be displaced from the  
64 land clearance or urban renewal project area; and a schedule indicating the estimated length of  
65 time needed for completion of each phase of the plan.

66 (8) The governing body of the community shall hold a public hearing on any  
67 redevelopment or urban renewal plan or substantial modification thereof recommended by the  
68 authority, after 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]~~ at least [~~ten~~  
70 ~~days]~~ **two weeks** prior to the date set for **the hearing on the front page of the governing body's**  
71 **website, if it has one. If the governing body does not have a website, public notice shall be**  
72 **sent at least two weeks prior to the date set for the hearing to the secretary of state who**  
73 **shall publish such notice on the legal notices website, established pursuant to section**  
74 **493.077, until the date of the hearing has passed.** The notice shall describe the time, date,  
75 place and purpose of the hearing and shall also generally identify the area to be covered by the  
76 plan. All interested parties shall be afforded at the public hearing a reasonable opportunity to  
77 express their views respecting the proposed redevelopment or urban renewal plan.

78 (9) Following the hearing, the governing body may approve a redevelopment or urban  
79 renewal plan if it finds that the plan is feasible and in conformity with the general plan for the  
80 development of the community as a whole. A redevelopment or urban renewal plan which has  
81 not been approved by the governing body when recommended by the authority may be  
82 recommended again to it with any modifications deemed advisable.

83 (10) A redevelopment or urban renewal plan may be modified at any time by the  
84 authority, provided that, if modified after the lease or sale of real property in the land clearance  
85 or urban renewal project area, the modification must be consented to by the redeveloper of the  
86 real property or his **or her** successor, or their successors in interest affected by the proposed  
87 modification. Where the proposed modification will substantially change the redevelopment or  
88 urban renewal plan as previously approved by the governing body, the modification must  
89 similarly be approved by the governing body.

90 2. As an alternative to the procedures prescribed in subdivisions (2) and (5) of subsection  
91 1, an authority may find an area to be a blighted, insanitary or undeveloped area in need of  
92 redevelopment or rehabilitation, and simultaneously prepare a plan, or adopt a plan presented to  
93 the authority, and the authority may simultaneously recommend its finding of a blighted,  
94 insanitary or undeveloped area and the approval of a plan to the governing body of the  
95 community, and the governing body may make its finding that the area is blighted, insanitary or  
96 undeveloped and approve the plan simultaneously. Simultaneously with such recommendation  
97 of a finding of a blighted or insanitary or undeveloped industrial area and recommendation of

98 a plan to the governing body for approval, an authority shall submit the finding of a blighted or  
99 insanitary or undeveloped area and the plan to the planning agency, if any, of the community in  
100 which the project area is located for review and recommendation as to the conformity of the plan  
101 to the general plan for the development of the community as a whole. The planning agency shall  
102 submit its written recommendations with respect to the finding of a blighted or insanitary or  
103 undeveloped industrial area and the plan to the authority and the local governing body within  
104 thirty days after receipt of the findings and the plan for review. Upon receipt of the  
105 recommendations of the planning agency, or, if no recommendations are received within the  
106 thirty days, then without the recommendations, the governing body may simultaneously approve  
107 the finding of a blighted or insanitary or undeveloped area and approve the plan in the manner  
108 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 property or any  
3 interest therein in a land clearance project area to any redeveloper for residential, recreational,  
4 commercial, industrial or other uses or for public use in accordance with the redevelopment plan,  
5 subject to such covenants, conditions and restrictions as may be deemed to be in the public  
6 interest or to carry out the purposes of this law; provided that such sale, lease, exchange or other  
7 transfer, and any agreement relating thereto, may be made only after, or subject to, the approval  
8 of the redevelopment plan by the governing body of the community. Such real property shall be  
9 sold, leased or transferred at its fair value for uses in accordance with the redevelopment plan  
10 notwithstanding such value may be less than the cost of acquiring and preparing such property  
11 for redevelopment. In determining the fair value of real property for uses in accordance with the  
12 redevelopment plan, an authority shall take into account and give consideration to the uses and  
13 purposes required by such plan; the restrictions upon, and the covenants, conditions and  
14 obligations assumed by the redeveloper of such property; the objectives of the redevelopment  
15 plan for the prevention of the recurrence of blighted, or insanitary areas; and such other matters  
16 as the authority shall specify as being appropriate. In fixing rentals and selling prices, an  
17 authority shall give consideration to appraisals of the property for such uses made by land experts  
18 employed by the authority.

19 (2) An authority shall, by public notice published ~~[at least two times in a newspaper~~  
20 ~~having a general circulation in its area of operation, prior to the consideration of any~~  
21 ~~redevelopment contract proposal,]~~ **on the front page of the authority's website, if it has one,**  
22 **and for a period of at least two weeks,** invite proposals from, and make available all pertinent  
23 information to private redevelopers or any persons interested in undertaking the redevelopment  
24 of an area, or any part thereof, which the governing body has declared to be in need of  
25 redevelopment. **If the authority does not have a website, public notice shall be sent to the**

26 **secretary of state who shall publish such notice on the legal notices website, established**  
27 **pursuant to section 493.077, for a period of at least two weeks.** Such notice shall identify the  
28 area, and shall state that such further information as is available may be obtained at the office of  
29 the authority. The authority shall consider all redevelopment proposals and the financial and  
30 legal ability of the prospective redevelopers to carry out their proposals and may negotiate with  
31 any redevelopers for proposals for the purchase or lease of any real property in the land clearance  
32 project area. The authority may accept such redevelopment contract proposal as it deems to be  
33 in the public interest and in furtherance of the purposes of this law, provided that the authority  
34 has, not less than thirty days prior thereto, notified the governing body in writing of its intention  
35 to accept such redevelopment contract proposal. Thereafter, the authority may execute such  
36 redevelopment contract in accordance with the provisions of subdivision (1) of this section and  
37 deliver deeds, leases and other instruments and take all steps necessary to effectuate such  
38 redevelopment contract. In its discretion, the authority may, with regard to the foregoing  
39 provisions of this subdivision, dispose of real property in a land clearance project area to private  
40 redevelopers for redevelopment under such reasonable competitive bidding procedures as it shall  
41 prescribe, subject to the provisions of subdivision (1).

42 (3) In carrying out a land clearance project, an authority may:

43 (a) Convey to the community in which the project is located, such real property as, in  
44 accordance with the redevelopment plan, is to be laid out into streets, alleys and public ways, this  
45 power being additional to and not limiting any and all other powers of conveyance of property  
46 to communities expressed herein generally or otherwise;

47 (b) Grant servitudes, easements and rights-of-way for public utilities, sewers, streets and  
48 other similar facilities, in accordance with the redevelopment plan; and

49 (c) Convey to the municipality, county or other appropriate public body, such real  
50 property as, in accordance with the redevelopment plan, is to be used for parks, schools, public  
51 buildings, facilities or other public purposes.

52 (4) An authority may temporarily operate and maintain real property in a land clearance  
53 project area pending the disposition of the property for redevelopment, without regard to the  
54 provisions of subdivisions (1) and (2) above, for such uses and purposes as may be deemed  
55 desirable even though not in conformity with the redevelopment plan.

99.490. 1. Bonds of an authority shall be authorized by its resolution and may be issued  
2 in one or more series and shall bear such date or dates, be payable upon demand or mature at  
3 such time or times, bear interest at such rate or rates, not in excess of the maximum rate, if any,  
4 applicable to general and business corporations, be in such denomination or denominations, be  
5 in such form either coupon or registered, carry such conversion or registration privileges, have  
6 such rank or priority, be executed in such manner, be payable in such medium of payment, at



7 such place or places, and be subject to such terms of redemption (with or without premium) as  
8 such resolution, its trust indenture or mortgage may provide.

9         2. The bonds shall be sold at not less than ninety-five percent of par at public or, if the  
10 authority determines it is in the best interest of the authority to sell such bonds at private sale,  
11 notwithstanding the provisions of section 108.070. The reason or reasons why private sale is in  
12 the best interest of the authority shall be set forth in the order or resolution authorizing the  
13 private sale; provided, however, that any issue in excess of ten million dollars shall be sold only  
14 at public sale~~;~~ ~~provided, further, that~~ . Notice of such public or private sale shall be published  
15 ~~[in a newspaper having a general circulation in the area of operation and such medium of~~  
16 ~~publication as the authority may deem]~~ at least ~~[once and not later than]~~ ten days prior to such  
17 public or private sale **on the front page of the authority's website, if it has one. If the**  
18 **authority does not have a website, notice shall be sent, at least ten days prior to the public**  
19 **or private sale, to the secretary of state who shall publish such notice on the legal notices**  
20 **website, established pursuant to section 493.077, until the date of the public or private sale**  
21 **has passed.** The decision of the authority shall be conclusive.

99.620. 1. At least once a year, an authority shall file with the clerk a report of its  
2 activities for the preceding year, and shall make recommendations with reference to such  
3 additional legislation or other action as it deems necessary in order to carry out the purposes of  
4 this law.

5         2. Within sixty days after August 13, 1982, and every five years thereafter, the governing  
6 body shall hold a public hearing regarding those land clearances and urban renewal projects  
7 under the jurisdiction of the authority. The purpose of the hearing shall be to determine if the  
8 authority is making satisfactory progress under the proposed time schedule contained within the  
9 approved plans for completion of such projects. Notice of such public hearing shall be ~~[given~~  
10 ~~in a newspaper of general circulation in the area served by the authority once each week for]~~  
11 **published at least** four weeks immediately prior to the hearing **on the front page of the**  
12 **authority's website, if it has one. If the authority does not have a website, notice of the**  
13 **public hearing shall be sent at least four weeks immediately prior to the hearing to the**  
14 **secretary of state who shall publish such notice on the legal notices website, established**  
15 **pursuant to section 493.077, until the date of the hearing has passed.**

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a  
2 redevelopment area, or approving a redevelopment plan or redevelopment project, the  
3 commission shall fix a time and place for a public hearing as required in subsection 4 of section  
4 99.820 and notify each taxing district located wholly or partially within the boundaries of the  
5 proposed redevelopment area, plan or project. At the public hearing any interested person or  
6 affected taxing district may file with the commission written objections to, or comments on, and

7 may be heard orally in respect to, any issues embodied in the notice. The commission shall hear  
8 and consider all protests, objections, comments and other evidence presented at the hearing. The  
9 hearing may be continued to another date without further notice other than a motion to be entered  
10 upon the minutes fixing the time and place of the subsequent hearing; provided, if the  
11 commission is created under subsection 3 of section 99.820, the hearing shall not be continued  
12 for more than thirty days beyond the date on which it is originally opened unless such longer  
13 period is requested by the chief elected official of the municipality creating the commission and  
14 approved by a majority of the commission. Prior to the conclusion of the hearing, changes may  
15 be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that  
16 each affected taxing district is given written notice of such changes at least seven days prior to  
17 the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance  
18 approving a redevelopment plan or redevelopment project, or designating a redevelopment area,  
19 changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas  
20 without a further hearing, if such changes do not enlarge the exterior boundaries of the  
21 redevelopment area or areas, and do not substantially affect the general land uses established in  
22 the redevelopment plan or substantially change the nature of the redevelopment projects~~;~~  
23 ~~provided that~~ . Notice of such changes shall be given by mail to each affected taxing district  
24 and by publication ~~[in a newspaper of general circulation in the area of the proposed~~  
25 ~~redevelopment]~~ not less than ten days prior to the adoption of the changes by ordinance **on the**  
26 **front page of the commission's website, if it has one. If the commission does not have a**  
27 **website, notice shall be sent at least ten days prior to the adoption of the changes by**  
28 **ordinance to the secretary of state who shall publish such notice on the legal notices**  
29 **website, established pursuant to section 493.077.** After the adoption of an ordinance  
30 approving a redevelopment plan or redevelopment project, or designating a redevelopment area,  
31 no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses  
32 established pursuant to the redevelopment plan or changing the nature of the redevelopment  
33 project without complying with the procedures provided in this section pertaining to the initial  
34 approval of a redevelopment plan or redevelopment project and designation of a redevelopment  
35 area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment  
36 plan may be held simultaneously.

37 2. If, after concluding the hearing required under this section, the commission makes a  
38 recommendation under section 99.820 in opposition to a proposed redevelopment plan,  
39 redevelopment project, or designation of a redevelopment area, or any amendments thereto, a  
40 municipality desiring to approve such project, plan, designation, or amendments shall do so only  
41 upon a two-thirds majority vote of the governing body of such municipality. For plans, projects,  
42 designations, or amendments approved by a municipality over the recommendation in opposition

43 by the commission formed under subsection 3 of section 99.820, the economic activity taxes and  
44 payments in lieu of taxes generated by such plan, project, designation, or amendment shall be  
45 restricted to paying only those redevelopment project costs contained in subparagraphs b. and  
46 c. of paragraph (c) of subdivision (15) of section 99.805 per redevelopment project.

47 3. Tax incremental financing projects within an economic development area shall apply  
48 to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers,  
49 traffic control systems and devices, water distribution and supply systems, curbing, sidewalks  
50 and any other similar public improvements, but in no case shall it include buildings.

99.830. 1. Notice of the public hearing required by section 99.825 shall be given by  
2 publication and mailing. Notice by publication shall be given ~~[by publication at least twice, the~~  
3 ~~first publication to be]~~ not more than thirty days and ~~[the second publication to be]~~ not ~~[more]~~  
4 **less than ten days prior to the hearing**, ~~[in a newspaper of general circulation in the area of the~~  
5 ~~proposed redevelopment]~~ **on the front page of the commission's website, if it has one. If the**  
6 **commission does not have a website, notice shall be sent not more than thirty days and not**  
7 **less than ten days prior to the hearing to the secretary of state who shall publish such**  
8 **notice on the legal notices website, established pursuant to section 493.077, until the date**  
9 **of the hearing has passed.** Notice by mailing shall be given by depositing such notice in the  
10 United States mail by certified mail addressed to the person or persons in whose name the  
11 general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying  
12 within the redevelopment project or redevelopment area which is to be subjected to the payment  
13 or payments in lieu of taxes and economic activity taxes pursuant to section 99.845. Such notice  
14 shall be mailed not less than ten days prior to the date set for the public hearing. In the event  
15 taxes for the last preceding year were not paid, the notice shall also be sent to the persons last  
16 listed on the tax rolls within the preceding three years as the owners of such property.

17 2. The notices issued pursuant to this section shall include the following:

18 (1) The time and place of the public hearing;

19 (2) The general boundaries of the proposed redevelopment area or redevelopment project  
20 by street location, where possible;

21 (3) A statement that all interested persons shall be given an opportunity to be heard at  
22 the public hearing;

23 (4) A description of the proposed redevelopment plan or redevelopment project and a  
24 location and time where the entire plan or project proposal may be reviewed by any interested  
25 party;

26 (5) Such other matters as the commission may deem appropriate.

27 3. Not less than forty-five days prior to the date set for the public hearing, the  
28 commission shall give notice by mail as provided in subsection 1 of this section to all taxing

29 districts from which taxable property is included in the redevelopment area, redevelopment  
30 project or redevelopment plan, and in addition to the other requirements pursuant to subsection  
31 2 of this section, the notice shall include an invitation to each taxing district to submit comments  
32 to the commission concerning the subject matter of the hearing prior to the date of the hearing.

33 4. A copy of any and all hearing notices required by section 99.825 shall be submitted  
34 by the commission to the director of the department of economic development. Such submission  
35 of the copy of the hearing notice shall comply with the prior notice requirements pursuant to  
36 subsection 3 of this section.

99.865. 1. No later than November fifteenth of each year, the governing body of the  
2 municipality, or its designee, shall prepare a report concerning the status of each redevelopment  
3 plan and redevelopment project existing as of December thirty-first of the preceding year, and  
4 shall submit a copy of such report to the director of the department of revenue. The report shall  
5 include the following:

- 6 (1) The amount and source of revenue in the special allocation fund;
- 7 (2) The amount and purpose of expenditures from the special allocation fund;
- 8 (3) The amount of any pledge of revenues, including principal and interest on any  
9 outstanding bonded indebtedness;
- 10 (4) The original assessed value of the redevelopment project;
- 11 (5) The assessed valuation added to the redevelopment project;
- 12 (6) Payments made in lieu of taxes received and expended;
- 13 (7) The economic activity taxes generated within the redevelopment area in the calendar  
14 year prior to the approval of the redevelopment plan, to include a separate entry for the state sales  
15 tax revenue base for the redevelopment area or the state income tax withheld by employers on  
16 behalf of existing employees in the redevelopment area prior to the redevelopment plan;
- 17 (8) The economic activity taxes generated within the redevelopment area after the  
18 approval of the redevelopment plan, to include a separate entry for the increase in state sales tax  
19 revenues for the redevelopment area or the increase in state income tax withheld by employers  
20 on behalf of new employees who fill new jobs created in the redevelopment area;
- 21 (9) Reports on contracts made incident to the implementation and furtherance of a  
22 redevelopment plan or project;
- 23 (10) A copy of any redevelopment plan, which shall include the required findings and  
24 cost-benefit analysis pursuant to subdivisions (1) to (6) of section 99.810;
- 25 (11) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired  
26 or remodeled;
- 27 (12) The number of parcels acquired by or through initiation of eminent domain  
28 proceedings; and

29 (13) Any additional information the municipality deems necessary.

30 2. Data contained in the report mandated pursuant to the provisions of subsection 1 of  
31 this section shall be made available to the commissioner of administration, who shall publish  
32 such reports on the Missouri accountability portal pursuant to section 37.850. Any information  
33 regarding amounts disbursed to municipalities pursuant to the provisions of section 99.845 shall  
34 be deemed a public record, as defined in section 610.010. An annual statement showing the  
35 payments made in lieu of taxes received and expended in that year, the status of the  
36 redevelopment plan and projects therein, amount of outstanding bonded indebtedness and any  
37 additional information the municipality deems necessary shall be published [~~in a newspaper of~~  
38 ~~general circulation in the municipality~~] **on the front page of the governing body of the**  
39 **municipality's website, if it has one. If the governing body does not have a website, the**  
40 **statement shall be sent to the secretary of state who shall publish such statement on the**  
41 **legal notices website, established pursuant to section 493.077.**

42 3. Five years after the establishment of a redevelopment plan and every five years  
43 thereafter the governing body shall hold a public hearing regarding those redevelopment plans  
44 and projects created pursuant to sections 99.800 to 99.865. The purpose of the hearing shall be  
45 to determine if the redevelopment project is making satisfactory progress under the proposed  
46 time schedule contained within the approved plans for completion of such projects. Notice of  
47 such public hearing shall be [~~given in a newspaper of general circulation in the area served by~~  
48 ~~the commission once each week for four weeks immediately prior to the hearing~~] **published on**  
49 **the front page of the governing body's website, if it has one, for a period of four weeks**  
50 **immediately prior to the hearing. If the governing body does not have a website, notice**  
51 **shall be sent four weeks immediately prior to the hearing to the secretary of state who shall**  
52 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
53 **until the date of the hearing has passed.**

54 4. The director of the department of revenue shall submit a report to the state auditor,  
55 the speaker of the house of representatives, and the president pro tem of the senate no later than  
56 February first of each year. The report shall contain a summary of all information received by  
57 the director pursuant to subsection 1 of this section.

58 5. For the purpose of coordinating all tax increment financing projects using new state  
59 revenues, the director of the department of economic development may promulgate rules and  
60 regulations to ensure compliance with this section. Such rules and regulations may include  
61 methods for enumerating all of the municipalities which have established commissions pursuant  
62 to section 99.820. No rule or portion of a rule promulgated under the authority of sections  
63 99.800 to 99.865 shall become effective unless it has been promulgated pursuant to the  
64 provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no

65 force and effect and repealed; however, nothing in this section shall be interpreted to repeal or  
66 affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with  
67 the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable  
68 and if any of the powers vested with the general assembly pursuant to chapter 536 including the  
69 ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule  
70 are subsequently held unconstitutional, then the purported grant of rulemaking authority and any  
71 rule so proposed and contained in the order of rulemaking shall be invalid and void.

72         6. The department of economic development shall provide information and technical  
73 assistance, as requested by any municipality, on the requirements of sections 99.800 to 99.865.  
74 Such information and technical assistance shall be provided in the form of a manual, written in  
75 an easy-to-follow manner, and through consultations with departmental staff.

76         7. The department of revenue shall provide notice of any failure to comply with the  
77 reporting requirements provided in subsection 1 of this section to the applicable municipality,  
78 specifying any required corrections, by certified mail addressed to the municipality's chief elected  
79 officer. If such municipality does not satisfy the reporting requirements for which it previously  
80 did not comply, as specified in the notice from the department of revenue, within sixty days of  
81 the receipt of the notice, the municipality shall be prohibited from adopting any new tax  
82 increment finance plan for a period of five years from the date of the department of revenue's  
83 notice. All reports filed pursuant to subsection 1 of this section or in response to a notice from  
84 the department of revenue pursuant to this subsection shall be deemed accepted by the  
85 department of revenue unless the department of revenue provides the applicable municipality  
86 with a written objection thereto, specifying any required corrections, by certified mail addressed  
87 to the chief elected officer of the municipality within sixty days of the municipality's submission  
88 of such report.

89         8. Based upon the information provided in the reports required under the provisions of  
90 this section, the state auditor shall make available for public inspection on the auditor's website  
91 a searchable electronic database of such municipal tax increment finance reports. All  
92 information contained within such database shall be maintained for a period of no less than ten  
93 years from initial posting.

99.879. 1. In any municipality adopting an ordinance pursuant to section 99.877, the  
2 building official shall certify to the urban homesteading agency all properties which are  
3 abandoned, together with a statement as to which structures are suitable for rehabilitation, and  
4 all municipally owned properties which are vacant, together with a statement as to which  
5 properties are suitable for construction. At least quarterly thereafter the building official shall  
6 certify to the urban homesteading agency any changes in the number or condition of the  
7 abandoned properties or the vacant municipally owned properties.

8           2. Upon receipt of the list of the abandoned properties pursuant to subsection 1 of this  
9 section, the urban homesteading agency shall serve notice to each owner of such properties by  
10 mailing to the owner by certified mail to the last known address of such owner, or, in the case  
11 of the owner who cannot be identified or whose address is unknown, by publishing a copy of  
12 such notice ~~[in a newspaper having general circulation in the municipality, stating]~~ **on the front**  
13 **page of the agency's website, if it has one. If the agency does not have a website, notice**  
14 **shall be sent to the secretary of state who shall publish such notice on the legal notices**  
15 **website, established pursuant to section 493.077. Such notice shall state that** such property  
16 has been determined to be abandoned and setting a date for a hearing before the urban  
17 homesteading agency, or any hearing examiner appointed by the urban homesteading agency, for  
18 the purpose of determining whether the owner is willing and able to rehabilitate or demolish the  
19 vacant structure on such abandoned property within a reasonable time. At such hearing the  
20 owner may contest the designation of such property as abandoned. A decision rendered by a  
21 hearing examiner after such hearing shall be in writing and shall be filed with the urban  
22 homesteading agency for its final decision. All decisions of the urban homesteading agency shall  
23 be in writing and shall be mailed, by certified mail, return receipt requested, to each owner and  
24 to all parties to the proceedings. A decision of the urban homesteading agency may be appealed  
25 by filing an action in circuit court within thirty days after notification of the decision is received.

26           3. In the event that an owner fails to appear, either personally or by an attorney, on the  
27 date set for the hearing or any adjourned date of such hearing, or in the event the urban  
28 homesteading agency, after holding the hearing pursuant to subsection 2 of this section,  
29 determines that the owner of such property is not willing or able to rehabilitate or demolish such  
30 property within a reasonable time, the urban homesteading agency may recommend to the  
31 governing body of the municipality that the urban homesteading agency be authorized to acquire  
32 the property, either by purchase of the property, free and clear of any liens, for an amount not in  
33 excess of fair market value of the land and any improvements thereon as determined by the urban  
34 homesteading agency, or by eminent domain, provided all eminent domain proceedings instituted  
35 under this section shall be undertaken by the urban homesteading agency in the same manner as  
36 provided by law for condemnation proceedings by the municipality, and title to all property  
37 acquired pursuant to this subsection shall be held in the name of the municipality; or the building  
38 official that he **or she** order the structure demolished; or the tax collector, if any liens for real  
39 property taxes are due to the municipality against the abandoned property, that he **or she** institute  
40 tax foreclosure proceedings as provided by law.

41           4. Notwithstanding any other provision of this section, an urban homesteading agency  
42 may, at any time, with the concurrence of the governing body of the city, accept free and clear  
43 title to an abandoned property upon which exists a structure deemed rehabilitable by a building

44 official for such consideration not in excess of fair market value of the land and any  
45 improvements on such land as determined by the urban homesteading agency.

99.881. 1. Upon acquisition of real property by the urban homesteading agency under  
2 section 99.879 or upon certification by the building official of vacant municipally owned  
3 property and approval of the governing body of the municipality, the urban homesteading agency  
4 shall publish ~~[at least twice a notice in a newspaper having general circulation in the~~  
5 ~~municipality]~~ **notice that such property is available on the front page of the agency's website,**  
6 **if it has one. If the agency does not have a website, notice shall be sent to the secretary of**  
7 **state who shall publish such notice on the legal notices website, established pursuant to**  
8 **section 493.077.** Such notice shall include the estimated purchase price, the qualifications for  
9 applicants, procedures for bidding on the property and the closing date for such bidding. ~~[The~~  
10 ~~second notice shall be published not less than two weeks before such closing date.]~~

11 2. Within thirty days after the closing date for bidding, the urban homesteading agency  
12 shall recommend to the legislative body the transfer of such property to a qualified applicant  
13 under such terms and conditions as are determined by the agency, provided the applicant shall  
14 be selected in accordance with priorities established under section 99.891.

15 3. The governing body of the city may, by resolution, vote to transfer the urban  
16 homesteading property with or without compensation to the applicant selected pursuant to  
17 subsection 2 of this section. Such transfer shall be made pursuant to a contract of sale and  
18 rehabilitation or construction which shall provide among other things that, as consideration for  
19 the transfer:

20 (1) The property transferred be rehabilitated or constructed predominantly for residential  
21 use and be brought into and maintained in conformity with applicable health, housing and  
22 building code standards;

23 (2) The rehabilitation or construction shall commence and be completed within a period  
24 of time as determined by the urban homesteading agency.

99.899. Notwithstanding any other provision of sections 99.875 to 99.912, an urban  
2 homesteading agency may accept, on behalf of the municipality, any real property tendered to  
3 it without payment by the United States of America, acting by and through the Secretary of  
4 Housing and Urban Development, pursuant to the provisions of Section 810 of the Housing and  
5 Community Development Act of 1974 ~~[(P.L. 93-383)]~~. Upon acquisition of real property by the  
6 urban homesteading agency under this section, the urban homesteading agency shall publish ~~[at~~  
7 ~~least twice a]~~ **notice [in a newspaper having general circulation in the municipality that such**  
8 **property is available] on the front page of the agency's website, if it has one. If the agency**  
9 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
10 **notice on the legal notices website, established pursuant to section 493.077.** Such notice



11 shall include the estimated purchase price, the qualifications of the applicant, procedures for  
12 bidding on the property and the closing date for such bidding. ~~[The second notice shall be  
13 published not less than two weeks before such closing date.]~~ In addition thereto, the governing  
14 body of a municipality may, upon recommendation of the urban homesteading agency, authorize  
15 conveyance of such real property to an urban homesteader meeting the requirements of  
16 Subsection (b)(3) of Section 810 of the Housing and Community Development Act of 1974 in  
17 accordance with the requirements and procedures set forth in Section 810 of the Housing and  
18 Community Development Act of 1974 and any regulations promulgated thereunder by the  
19 Secretary of Housing and Urban Development.

99.936. Real property which is acquired by a municipality or authority in a development  
2 project area may be disposed of as follows:

3 (1) Within a development project area, the authority may sell, lease, exchange, or  
4 otherwise transfer real property, including land, improvements, and fixtures, or any interest  
5 therein, to any developer selected for a development project, or any portion thereof, in  
6 accordance with the development plan, subject to such covenants, conditions, and restrictions  
7 as may be deemed to be in the public interest or to carry out the purposes of sections 99.915 to  
8 99.980. Such real property shall be sold, leased, or transferred at its fair market value for uses  
9 in accordance with the development plan; provided that such fair market value may be less than  
10 the cost of such property to the municipality or authority. In determining the fair market value  
11 of real property for uses in accordance with a development plan, the municipality or authority  
12 shall take into account and give consideration to the uses and purposes required by the  
13 development plan; the restrictions upon, and the covenants, conditions, and obligations assumed  
14 by the developer of such property; the objectives of the development plan; and such other matters  
15 as the municipality or authority shall specify as being appropriate. In fixing rental and sale  
16 prices, a municipality or authority shall give consideration to appraisals of the property for such  
17 uses made by experts employed by the municipality or authority;

18 (2) The municipality or authority shall, by public notice published ~~[in a newspaper  
19 having a general circulation in a development area,]~~ **on its website, if it has one**, prior to  
20 selecting one or more developers for any development project, or any portion thereof, invite  
21 proposals from, and make available all pertinent information to, private developers or any  
22 persons interested in undertaking the development of such development project, or any portion  
23 thereof. **If the municipality or authority does not have a website, notice shall be sent to the  
24 secretary of state who shall publish such notice on the legal notices website, established  
25 pursuant to section 493.077.** Such notice shall be published ~~[at least once each week]~~  
26 the two weeks preceding the selection of a developer, shall identify the area of the development  
27 project or development projects, or any portion thereof, for which one or more developers are

28 to be selected, and shall state that such further information as it is available may be obtained at  
29 the office of the municipality or authority. The municipality or authority shall consider all  
30 proposals and the financial and legal ability of the prospective developers to carry out their  
31 proposals. The municipality or authority may negotiate and enter into one or more contracts with  
32 any developer selected for the development of any such area for the development of such area  
33 by such developer in accordance with a development plan or for the sale or lease of any real  
34 property to any such developer in any such area for the purpose of developing such property in  
35 accordance with the development plan. The municipality or authority may enter into any such  
36 contract as it deems to be in the public interest and in furtherance of the purposes of sections  
37 99.915 to 99.980; provided that the municipality or authority has, not less than ten days prior  
38 thereto, notified the governing body in writing of its intention to enter into such contract.  
39 Thereafter, the municipality or authority may execute such contract in accordance with the  
40 provisions of subdivision (1) of this section and deliver deeds, leases, and other instruments and  
41 take all steps necessary to effectuate such contract. In its discretion, the municipality or authority  
42 may, in accordance with the provisions of this subdivision, dispose of any real property in an area  
43 selected for a development project, or any portion thereof, to private developers for development  
44 under such reasonable competitive bidding procedures as it shall prescribe, subject to the  
45 provisions of subdivision (1) of this section;

46 (3) In carrying out a development project, the authority may:

47 (a) Convey to the municipality such real property as, in accordance with the development  
48 plan, is to be dedicated as public right-of-way for streets, sidewalks, alleys, or other public ways,  
49 this power being additional to and not limiting any and all other powers of conveyance of  
50 property to municipalities expressed, generally or otherwise, in sections 99.915 to 99.980;

51 (b) Grant servitudes, easements, and rights-of-way for public utilities, sewers, streets,  
52 and other similar facilities, in accordance with the development plan; and

53 (c) Convey to the municipality or other appropriate public body such real property as,  
54 in accordance with the development plan, is to be used for parks, schools, public buildings,  
55 facilities, or other public purposes;

56 (4) The municipality or authority may operate and maintain real property in the  
57 development area pending the disposition or development of the property in accordance with a  
58 development plan, without regard to the provisions of subdivisions (1) and (2) of this section,  
59 for such uses and purposes as may be deemed desirable even though not in conformity with the  
60 development plan.

99.951. 1. Prior to the adoption of the ordinance designating a development area,  
2 adopting a development plan, or approving a development project, the municipality or authority  
3 shall fix a time and place for a public hearing and notify each taxing district located wholly or

4 partially within the boundaries of the proposed development area or development project area  
5 affected. Such notice shall comply with the provisions of subsection 2 of this section. At the  
6 public hearing any interested person or affected taxing district may file with the municipality or  
7 authority written objections to, or comments on, and may be heard orally in respect to, any issues  
8 regarding the plan or issues embodied in the notice. The municipality or authority shall hear and  
9 consider all protests, objections, comments, and other evidence presented at the hearing. The  
10 hearing may be continued to another date without further notice other than a motion to be entered  
11 upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion  
12 of the hearing, changes may be made in the development plan, development project,  
13 development area or development project area, provided that written notice of such changes is  
14 available at the public hearing. After the public hearing but prior to the adoption of an ordinance  
15 designating a development area, adopting a development plan or approving a development  
16 project, changes may be made to any such proposed development plan, development project,  
17 development area, or development project area without a further hearing, if such changes do not  
18 enlarge the exterior boundaries of the development area, and do not substantially affect the  
19 general land uses established in a development plan or development project~~[, provided that]~~ .  
20 Notice of such changes shall be given by mail to each affected taxing district and by publication  
21 ~~[in a newspaper of general circulation in the development area or development project area, as~~  
22 ~~applicable,]~~ not less than ten days prior to the adoption of the changes by ordinance **on the front**  
23 **page of the municipality or authority's website, if it has one. If the municipality or**  
24 **authority does not have a website, notice shall be sent, not less than ten days prior to the**  
25 **adoption of the changes by ordinance, to the secretary of state who shall publish such**  
26 **notice on the legal notices website, established pursuant to section 493.077.** After the  
27 adoption of an ordinance designating the development area, adopting a development plan,  
28 approving a development project, or designating a development project area, no ordinance shall  
29 be adopted altering the exterior boundaries of the development area or a development project  
30 area affecting the general land uses established pursuant to the development plan or the general  
31 nature of a development project without holding a public hearing in accordance with this section.  
32 One public hearing may be held for the simultaneous consideration of a development area,  
33 development plan, development project, or development project area.

34 2. Notice of the public hearing required by this section shall be given by publication and  
35 mailing. Notice by publication shall be given ~~[by publication at least twice, the first publication~~  
36 ~~to be not more than]~~ thirty days ~~[and the second publication to be not more than ten days]~~ prior  
37 to the hearing~~[, in a newspaper of general circulation in the proposed development area or~~  
38 ~~development project area, as applicable, and in two minority newspapers, if such newspapers are~~  
39 ~~published in the municipality, of which one shall be published in the Spanish language, if such~~

40 ~~a newspaper is published in the municipality]~~ **on the front page of the municipality or**  
41 **authority's website, if it has one. If the municipality or authority does not have a website,**  
42 **notice shall be sent thirty days prior to the hearing to the secretary of state who shall**  
43 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
44 **until the date of the hearing has passed.** Notice by mailing shall be given by depositing such  
45 notice in the United States mail by certified mail addressed to the person or persons in whose  
46 name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel  
47 of land lying within the proposed development area or development project area, as applicable,  
48 which is to be subjected to the payment or payments in lieu of taxes and economic activity taxes  
49 pursuant to section 99.957. Such notice shall be mailed not less than ten working days prior to  
50 the date set for the public hearing. In the event taxes for the last preceding year were not paid,  
51 the notice shall also be sent to the persons last listed on the tax rolls within the preceding three  
52 years as the owners of such property.

53 3. The notices issued pursuant to this section shall include the following:

54 (1) The time and place of the public hearing;

55 (2) The general boundaries of the proposed development area or development project  
56 area, as applicable, by street location, where possible;

57 (3) A statement that all interested persons shall be given an opportunity to be heard at  
58 the public hearing;

59 (4) A description of the development plan and the proposed development projects and  
60 a location and time where the entire development plan or development projects proposed may  
61 be reviewed by any interested party;

62 (5) An estimate of other net new revenues;

63 (6) A statement that development financing involving tax revenues and payments in lieu  
64 of taxes is being sought for the project and an estimate of the amount of local development  
65 financing that will be requested, if applicable; and

66 (7) Such other matters as the municipality or authority may deem appropriate.

67 4. Not less than forty-five days prior to the date set for the public hearing, the  
68 municipality or authority shall give notice by mail as provided in subsection 2 of this section to  
69 all taxing districts with jurisdiction over taxable property in the development area or  
70 development project area, as applicable, and in addition to the other requirements pursuant to  
71 subsection 3 of this section, the notice shall include an invitation to each taxing district to submit  
72 comments to the municipality or authority concerning the subject matter of the hearing prior to  
73 the date of the hearing.

74           5. A copy of any and all hearing notices required by this section shall be submitted by  
75 the municipality or authority to the director of the department of economic development and the  
76 date such notices were mailed or published, as applicable.

          99.980. 1. By the last day of February each year, the municipality or authority shall  
2 report to the director of the department of economic development the name, address, phone  
3 number, and primary line of business of any business which relocates to the development area.

4           2. Each year the governing body of the municipality, or its designee, shall prepare a  
5 report concerning the status of the development plan, the development area, and the included  
6 development projects, and shall submit a copy of such report to the director of the department  
7 of economic development. The report shall include the following:

8           (1) The name, street and mailing addresses, phone number, and chief officer of the  
9 granting body;

10          (2) The name, street and mailing addresses, phone number, and chief officer of any  
11 business benefitting from public expenditures in such development plans and projects;

12          (3) The amount and source of revenue in the special allocation fund;

13          (4) The amount and purpose of expenditures from the special allocation fund;

14          (5) The amount of any pledge of revenues, including principal and interest on any  
15 outstanding bonded indebtedness;

16          (6) The original equalized assessed value of the development area;

17          (7) The assessed valuation added to the development area;

18          (8) Payments made in lieu of taxes received and expended;

19          (9) The economic activity taxes generated within the development area in the baseline  
20 year;

21          (10) The economic activity taxes generated within the development area after the  
22 baseline year;

23          (11) Reports on contracts made incident to the implementation and furtherance of a  
24 development area, the development plan, and the included development projects;

25          (12) A copy of the development plan;

26          (13) The cost of any property acquired, disposed of, rehabilitated, reconstructed,  
27 repaired, or remodeled;

28          (14) The number of parcels acquired by or through initiation of eminent domain  
29 proceedings;

30          (15) For municipalities with more than four hundred thousand inhabitants and located  
31 in more than one county, any county with a charter form of government and with more than one  
32 million inhabitants, any city not within a county, and any county of the first classification with  
33 more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five

34 thousand five hundred inhabitants and any municipality located therein, the number of  
35 development projects developed in connection with community development corporations and  
36 the amount of funds generated pursuant to section 99.957 which are expended in connection with  
37 such project;

38 (16) A summary of the number of net new jobs created, categorized by full-time,  
39 part-time, and temporary positions, and by wage groups;

40 (17) The comparison of the total employment in this state by any business, including any  
41 corporate parent, benefitting from public expenditures in the development area on the date of the  
42 application compared to such employment on the date of the report, categorized by full-time,  
43 part-time, and temporary positions;

44 (18) A statement as to whether public expenditures on any development project during  
45 the previous fiscal year have reduced employment at any other site controlled by any business  
46 benefitting from public expenditures in the development area or its corporate parent, within or  
47 without of this state as a result of automation, merger, acquisition, corporate restructuring, or  
48 other business activity;

49 (19) A summary of the other community and economic benefits resulting from the  
50 project, consistent with those identified in the application;

51 (20) A signed certification by the chief officer of the authority or municipality as to the  
52 accuracy of the progress report; and

53 (21) Any additional reasonable information the department of economic development  
54 deems necessary.

55 3. The report shall include an analysis of the distribution of state supplemental  
56 downtown development financing by municipality and by economic development region, as  
57 defined by the department of economic development.

58 4. The department shall compile and publish all data from the progress reports in both  
59 written and electronic form, including the department's internet website.

60 5. The department shall have access at all reasonable times to the project site and the  
61 records of any authority or municipality in order to monitor the development project or projects  
62 and to prepare progress reports.

63 6. Data contained in the report required pursuant to the provisions of subsection 1 of this  
64 section and any information regarding amounts disbursed to municipalities pursuant to the  
65 provisions of sections 99.957 and 99.963 shall be deemed a public record, as defined in section  
66 610.010.

67 7. Any municipality failing to file an annual report as required pursuant to this section  
68 shall be ineligible to receive any disbursements from the state supplemental downtown  
69 development fund pursuant to section 99.963.

70 8. The Missouri development finance board and the department of economic  
71 development shall annually review the reports provided pursuant to this section.

72 9. The director of the department of economic development shall submit a report to the  
73 governor, the speaker of the house of representatives, and the president pro tempore of the senate  
74 no later than April thirtieth of each year. The report shall contain a summary of all information  
75 received by the director of economic development pursuant to subsection 2 of this section.

76 10. An annual statement showing the payments made in lieu of taxes received and  
77 expended in that year, the status of the development area, the development plan, the development  
78 projects in the development plan, the amount of outstanding obligations, and any additional  
79 information that the municipality deems necessary shall be published ~~[in a newspaper of general  
80 circulation in the municipality]~~ **on the front page of the municipality's website, if it has one.**  
81 **If the municipality does not have a website, the statement shall be sent to the secretary of**  
82 **state who shall publish such notice on the legal notices website, established pursuant to**  
83 **section 493.077.**

84 11. Five years after the establishment of the development area and the development plan  
85 and every five years thereafter the governing body of the municipality or authority shall hold a  
86 public hearing regarding the development area and the development plan and the development  
87 projects adopted pursuant to sections 99.915 to 99.980. The purpose of the hearing shall be to  
88 determine if the development area, development plan, and the included development projects are  
89 making satisfactory progress under the proposed time schedule contained within the approved  
90 development plan for completion of such development projects. Notice of such public hearing  
91 shall be ~~[given in a newspaper of general circulation in the area served by the municipality or  
92 authority once each week for]~~ **published** four weeks immediately prior to the hearing **on the**  
93 **front page of the municipality's website, if it has one. If the municipality does not have a**  
94 **website, the statement shall be sent four weeks immediately prior to the hearing to the**  
95 **secretary of state who shall publish such notice on the legal notices website, established**  
96 **pursuant to section 493.077, until the date of the hearing has passed.**

99.1021. Real property which is acquired by a municipality or authority in a development  
2 project area may be disposed of as follows:

3 (1) Within a development project area, the authority may sell, lease, exchange, or  
4 otherwise transfer real property, including land, improvements, and fixtures, or any interest  
5 therein, to any developer selected for a development project, or any portion thereof, in  
6 accordance with the development plan, subject to such covenants, conditions, and restrictions  
7 as may be deemed to be in the public interest or to carry out the purposes of sections 99.1000 to  
8 99.1060. Such real property shall be sold, leased, or transferred at its fair market value for uses  
9 in accordance with the development plan; provided that such fair market value may be less than

10 the cost of such property to the municipality or authority. In determining the fair market value  
11 of real property for uses in accordance with a development plan, the municipality or authority  
12 shall take into account and give consideration to the uses and purposes required by the  
13 development plan; the restrictions upon, and the covenants, conditions, and obligations assumed  
14 by the developer of such property; the objectives of the development plan; and such other matters  
15 as the municipality or authority shall specify as being appropriate. In fixing rental and sale  
16 prices, a municipality or authority shall give consideration to appraisals of the property for such  
17 uses made by experts employed by the municipality or authority;

18 (2) The municipality or authority shall, by public notice published ~~[in a newspaper~~  
19 ~~having a general circulation in a development area,]~~ **on its website, if it has one**, prior to  
20 selecting one or more developers for any development project, or any portion thereof, invite  
21 proposals from, and make available all pertinent information to, private developers or any  
22 persons interested in undertaking the development of such development project, or any portion  
23 thereof. **If the municipality or authority does not have a website, notice shall be sent to the**  
24 **secretary of state who shall publish such notice on the legal notices website, established**  
25 **pursuant to section 493.077.** Such notice shall be published ~~[at least once each week]~~ during  
26 the two weeks preceding the selection of a developer, shall identify the area of the development  
27 project or development projects, or any portion thereof, for which one or more developers are  
28 to be selected, and shall state that such further information as it is available may be obtained at  
29 the office of the municipality or authority. The municipality or authority shall consider all  
30 proposals and the financial and legal ability of the prospective developers to carry out their  
31 proposals. The municipality or authority may negotiate and enter into one or more contracts with  
32 any developer selected for the development of any such area for the development of such area  
33 by such developer in accordance with a development plan or for the sale or lease of any real  
34 property to any such developer in any such area for the purpose of developing such property in  
35 accordance with the development plan. The municipality or authority may enter into any such  
36 contract as it deems to be in the public interest and in furtherance of the purposes of sections  
37 99.1000 to 99.1060; provided that the municipality or authority has, not less than ten days prior  
38 thereto, notified the governing body in writing of its intention to enter into such contract.  
39 Thereafter, the municipality or authority may execute such contract in accordance with the  
40 provisions of subdivision (1) of this section and deliver deeds, leases, and other instruments and  
41 take all steps necessary to effectuate such contract. In its discretion, the municipality or authority  
42 may, in accordance with the provisions of this subdivision, dispose of any real property in an area  
43 selected for a development project, or any portion thereof, to private developers for development  
44 under such reasonable competitive bidding procedures as it shall prescribe, subject to the  
45 provisions of subdivision (1) of this section;



46 (3) In carrying out a development project, the authority may:

47 (a) Convey to the municipality such real property as, in accordance with the development  
48 plan, is to be dedicated as public right-of-way for streets, sidewalks, alleys, or other public ways,  
49 this power being additional to and not limiting any and all other powers of conveyance of  
50 property to municipalities expressed, generally or otherwise, in sections 99.1000 to 99.1060;

51 (b) Grant servitudes, easements, and rights-of-way for public utilities, sewers, streets,  
52 and other similar facilities, in accordance with the development plan; and

53 (c) Convey to the municipality or other appropriate public body such real property as,  
54 in accordance with the development plan, is to be used for parks, schools, public buildings,  
55 facilities, or other public purposes;

56 (4) The municipality or authority may operate and maintain real property in the  
57 development area pending the disposition or development of the property in accordance with a  
58 development plan, without regard to the provisions of subdivisions (1) and (2) of this section,  
59 for such uses and purposes as may be deemed desirable even though not in conformity with the  
60 development plan.

99.1036. 1. Prior to the adoption of the ordinance designating a development area,  
2 adopting a development plan, or approving a development project, the municipality or authority  
3 shall fix a time and place for a public hearing and notify each taxing district located wholly or  
4 partially within the boundaries of the proposed development area or development project area  
5 affected. Such notice shall comply with the provisions of subsection 2 of this section. At the  
6 public hearing any interested person or affected taxing district may file with the municipality or  
7 authority written objections to, or comments on, and may be heard orally in respect to, any issues  
8 regarding the plan or issues embodied in the notice. The municipality or authority shall hear and  
9 consider all protests, objections, comments, and other evidence presented at the hearing. The  
10 hearing may be continued to another date without further notice other than a motion to be entered  
11 upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion  
12 of the hearing, changes may be made in the development plan, development project,  
13 development area or development project area, provided that written notice of such changes is  
14 available at the public hearing. After the public hearing but prior to the adoption of an ordinance  
15 designating a development area, adopting a development plan or approving a development  
16 project, changes may be made to any such proposed development plan, development project,  
17 development area, or development project area without a further hearing, if such changes do not  
18 enlarge the exterior boundaries of the development area, and do not substantially affect the  
19 general land uses established in a development plan or development project~~[, provided that]~~ .  
20 Notice of such changes shall be given by mail to each affected taxing district and by publication  
21 ~~[in a newspaper of general circulation in the development area or development project area, as~~

22 ~~applicable,~~] not less than ten days prior to the adoption of the changes by ordinance **on the front**  
23 **page of the municipality or authority's website, if it has one. If the municipality or**  
24 **authority does not have a website, notice shall be sent not less than ten days prior to the**  
25 **adoption of the changes by ordinance to the secretary of state who shall publish such notice**  
26 **on the legal notices website, established pursuant to section 493.077.** After the adoption of  
27 an ordinance designating the development area, adopting a development plan, approving a  
28 development project, or designating a development project area, no ordinance shall be adopted  
29 altering the exterior boundaries of the development area or a development project area affecting  
30 the general land uses established pursuant to the development plan or the general nature of a  
31 development project without holding a public hearing in accordance with this section. One  
32 public hearing may be held for the simultaneous consideration of a development area,  
33 development plan, development project, or development project area.

34 2. Notice of the public hearing required by this section shall be given by publication and  
35 mailing. Notice by publication shall be given [~~by publication at least twice, the first publication~~  
36 ~~to be not more than~~] thirty days [~~and the second publication to be not more than ten days~~] prior  
37 to the hearing[~~, in a newspaper of general circulation in the proposed development area or~~  
38 ~~development project area, as applicable]~~ **on the front page of the municipality or authority's**  
39 **website, if it has one. If the municipality or authority does not have a website, notice shall**  
40 **be sent thirty days prior to the hearing to the secretary of state who shall publish such**  
41 **notice on the legal notices website, established pursuant to section 493.077, until the date**  
42 **of the hearing has passed.** Notice by mailing shall be given by depositing such notice in the  
43 United States mail by certified mail addressed to the person or persons in whose name the  
44 general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying  
45 within the proposed development area or development project area, as applicable, which is to be  
46 subjected to the payment or payments in lieu of taxes and economic activity taxes pursuant to  
47 section 99.1042. Such notice shall be mailed not less than ten working days prior to the date set  
48 for the public hearing. In the event taxes for the last preceding year were not paid, the notice  
49 shall also be sent to the persons last listed on the tax rolls within the preceding three years as the  
50 owners of such property.

51 3. The notices issued pursuant to this section shall include the following:

52 (1) The time and place of the public hearing;

53 (2) The general boundaries of the proposed development area or development project  
54 area, as applicable, by street location, where possible;

55 (3) A statement that all interested persons shall be given an opportunity to be heard at  
56 the public hearing;

57 (4) A description of the development plan and the proposed development projects and  
58 a location and time where the entire development plan or development projects proposed may  
59 be reviewed by any interested party;

60 (5) An estimate of other net new revenues;

61 (6) A statement that development financing involving tax revenues and payments in lieu  
62 of taxes is being sought for the project and an estimate of the amount of local development  
63 financing that will be requested, if applicable; and

64 (7) Such other matters as the municipality or authority may deem appropriate.

65 4. Not less than forty-five days prior to the date set for the public hearing, the  
66 municipality or authority shall give notice by mail as provided in subsection 2 of this section to  
67 all taxing districts with jurisdiction over taxable property in the development area or  
68 development project area, as applicable, and in addition to the other requirements pursuant to  
69 subsection 3 of this section, the notice shall include an invitation to each taxing district to submit  
70 comments to the municipality or authority concerning the subject matter of the hearing prior to  
71 the date of the hearing.

72 5. A copy of any and all hearing notices required by this section shall be submitted by  
73 the municipality or authority to the director of the department of economic development and the  
74 date such notices were mailed or published, as applicable.

99.1060. 1. By the last day of February each year, the municipality or authority shall  
2 report to the director of the department of economic development the name, address, phone  
3 number, and primary line of business of any business which relocates to the development area.

4 2. Each year the governing body of the municipality, or its designee, shall prepare a  
5 report concerning the status of the development plan, the development area, and the included  
6 development projects, and shall submit a copy of such report to the director of the department  
7 of economic development. The report shall include the following:

8 (1) The name, street and mailing addresses, phone number, and chief officer of the  
9 granting body;

10 (2) The name, street and mailing addresses, phone number, and chief officer of any  
11 business benefitting from public expenditures in such development plans and projects;

12 (3) The amount and source of revenue in the special allocation fund;

13 (4) The amount and purpose of expenditures from the special allocation fund;

14 (5) The amount of any pledge of revenues, including principal and interest on any  
15 outstanding bonded indebtedness;

16 (6) The original equalized assessed value of the development area;

17 (7) The assessed valuation added to the development area;

18 (8) Payments made in lieu of taxes received and expended;

19 (9) The economic activity taxes generated within the development area in the baseline  
20 year;

21 (10) The economic activity taxes generated within the development area after the  
22 baseline year;

23 (11) Reports on contracts made incident to the implementation and furtherance of a  
24 development area, the development plan, and the included development projects;

25 (12) A copy of the development plan;

26 (13) The cost of any property acquired, disposed of, rehabilitated, reconstructed,  
27 repaired, or remodeled;

28 (14) The number of parcels acquired by or through initiation of eminent domain  
29 proceedings;

30 (15) A summary of the number of net new jobs created, categorized by full-time,  
31 part-time, and temporary positions, and by wage groups;

32 (16) The comparison of the total employment in this state by the any business, including  
33 any corporate parent, benefitting from public expenditures in the development area on the date  
34 of the application compared to such employment on the date of the report, categorized by  
35 full-time, part-time, and temporary positions;

36 (17) A statement as to whether public expenditures on any development project during  
37 the previous fiscal year have reduced employment at any other site controlled by any business  
38 benefitting from public expenditures in the development area or its corporate parent, within or  
39 without of this state as a result of automation, merger, acquisition, corporate restructuring, or  
40 other business activity;

41 (18) A summary of the other community and economic benefits resulting from the  
42 project, consistent with those identified in the application;

43 (19) A signed certification by the chief officer of the authority or municipality as to the  
44 accuracy of the progress report; and

45 (20) Any additional reasonable information the department of economic development  
46 deems necessary.

47 3. The department shall compile and publish all data from the progress reports in both  
48 written and electronic form, including the department's internet website.

49 4. The department shall have access at all reasonable times to the project site and the  
50 records of any authority or municipality in order to monitor the development project or projects  
51 and to prepare progress reports.

52 5. Data contained in the report required pursuant to the provisions of subsection 1 of this  
53 section and any information regarding amounts disbursed to municipalities pursuant to the

54 provisions of sections 99.1042 and 99.1048 shall be deemed a public record, as defined in  
55 section 610.010.

56 6. Any municipality failing to file an annual report as required pursuant to this section  
57 shall be ineligible to receive any disbursements from the state supplemental rural development  
58 fund pursuant to section 99.1048.

59 7. The Missouri agricultural and small business development authority and the  
60 department of economic development shall annually review the reports provided pursuant to this  
61 section.

62 8. The director of the department of economic development shall submit a report to the  
63 governor, the speaker of the house of representatives, and the president pro tempore of the senate  
64 no later than April thirtieth of each year. The report shall contain a summary of all information  
65 received by the director of economic development pursuant to subsection 2 of this section.

66 9. An annual statement showing the payments made in lieu of taxes received and  
67 expended in that year, the status of the development area, the development plan, the development  
68 projects in the development plan, the amount of outstanding obligations, and any additional  
69 information that the municipality deems necessary shall be published ~~[in a newspaper of general  
70 circulation in the municipality]~~ **on the front page of the municipality's website, if it has one.**  
71 **If the municipality does not have a website, the statement shall be sent to the secretary of**  
72 **state who shall publish such notice on the legal notices website, established pursuant to**  
73 **section 493.077.**

74 10. Five years after the establishment of the development area and the development plan  
75 and every five years thereafter the governing body of the municipality or authority shall hold a  
76 public hearing regarding the development area and the development plan and the development  
77 projects adopted pursuant to sections 99.1000 to 99.1060. The purpose of the hearing shall be  
78 to determine if the development area, development plan, and the included development projects  
79 are making satisfactory progress under the proposed time schedule contained within the approved  
80 development plan for completion of such development projects. Notice of such public hearing  
81 shall be ~~[given in a newspaper of general circulation in the area served by the municipality or  
82 authority once each week for]~~ **published** four weeks immediately prior to the hearing **on the**  
83 **front page of the municipality's website, if it has one. If the municipality does not have a**  
84 **website, the statement shall be sent four weeks immediately prior to the hearing to the**  
85 **secretary of state who shall publish such notice on the legal notices website, established**  
86 **pursuant to section 493.077, until the date of the hearing has passed.**

99.1088. 1. Prior to the adoption of the ordinance designating a redevelopment area,  
2 adopting a redevelopment plan, or approving a redevelopment project, the municipality or  
3 authority shall fix a time and place for a public hearing and notify each taxing district located

4 wholly or partially within the boundaries of the proposed redevelopment area or redevelopment  
5 project area affected. Such notice shall comply with the provisions of subsections 2 and 3 of this  
6 section. At the public hearing any interested person or affected taxing district may file with the  
7 municipality or authority written objections to, or comments on, and may be heard orally in  
8 respect to any issues regarding the plan or issues embodied in the notice. The municipality or  
9 authority shall hear and consider all protests, objections, comments, and other evidence presented  
10 at the hearing. The hearing may be continued to another date without further notice other than  
11 a motion to be entered upon the minutes fixing the time and place of the subsequent hearing.  
12 Prior to the conclusion of the hearing, changes may be made in the redevelopment plan,  
13 redevelopment project, redevelopment area or redevelopment project area, provided that written  
14 notice of such changes is available at the public hearing. After the public hearing but prior to  
15 the adoption of an ordinance designating a redevelopment area, adopting a redevelopment plan  
16 or approving a redevelopment project, changes may be made to any such proposed  
17 redevelopment plan, redevelopment project, redevelopment area, or redevelopment project area  
18 without a further hearing, if such changes do not enlarge the exterior boundaries of the  
19 redevelopment area, and do not substantially affect the general land uses established in a  
20 redevelopment plan or redevelopment project~~[-, provided that]~~. Notice of such changes shall be  
21 given by mail to each affected taxing district and by publication ~~[in a newspaper of general~~  
22 ~~circulation in the redevelopment area or redevelopment project area, as applicable,]~~ not less than  
23 ten days prior to the adoption of the changes by ordinance **on the front page of the**  
24 **municipality or authority's website, if it has one. If the municipality or authority does not**  
25 **have a website, notice shall be sent not less than ten days prior to the adoption of the**  
26 **changes by ordinance to the secretary of state who shall publish such notice on the legal**  
27 **notices website, established pursuant to section 493.077.** After the adoption of an ordinance  
28 designating the redevelopment area, adopting a redevelopment plan, approving a redevelopment  
29 project, or designating a redevelopment project area, no ordinance shall be adopted altering the  
30 exterior boundaries of the redevelopment area or a redevelopment project area affecting the  
31 general land uses established under the redevelopment plan or the general nature of a  
32 redevelopment project without holding a public hearing in accordance with this section. One  
33 public hearing may be held for the simultaneous consideration of a redevelopment area,  
34 redevelopment plan, redevelopment project, or redevelopment project area.

35 2. Notice of the public hearing required by this section shall be given by publication and  
36 mailing. Notice by publication shall be given ~~[by publication at least twice, the first publication~~  
37 ~~to be not more than]~~ thirty days ~~[and the second publication to be not more than ten days]~~ prior  
38 to the hearing~~[-, in a newspaper of general circulation in the proposed redevelopment area or~~  
39 ~~redevelopment project area, as applicable]~~ **on the front page of the municipality or authority's**

40 **website, if it has one. If the municipality or authority does not have a website, notice shall**  
41 **be sent thirty days prior to the hearing to the secretary of state who shall publish such**  
42 **notice on the legal notices website, established pursuant to section 493.077, until the date**  
43 **of the hearing has passed.** Notice by mailing shall be given by depositing such notice in the  
44 United States mail by certified mail addressed to the person or persons in whose name the  
45 general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying  
46 within the proposed redevelopment area or redevelopment project area, as applicable. Such  
47 notice shall be mailed not less than ten working days prior to the date set for the public hearing.

48 3. The notices issued under this section shall include the following:

49 (1) The time and place of the public hearing;

50 (2) The general boundaries of the proposed redevelopment area or redevelopment project  
51 area, as applicable, by street location, where possible;

52 (3) A statement that all interested persons shall be given an opportunity to be heard at  
53 the public hearing;

54 (4) A description of the redevelopment plan and the proposed redevelopment projects  
55 and a location and time where the entire redevelopment plan or redevelopment projects proposed  
56 may be reviewed by any interested party;

57 (5) A statement that redevelopment financing involving tax revenues is being sought for  
58 the project and an estimate of the amount of local redevelopment financing that will be  
59 requested, if applicable; and

60 (6) Such other matters as the municipality or authority may deem appropriate.

61 4. Not less than forty-five days prior to the date set for the public hearing, the  
62 municipality or authority shall give notice by mail as provided in subsection 2 of this section to  
63 all taxing districts whose taxes are affected in the redevelopment area or redevelopment project  
64 area, as applicable, and in addition to the other requirements under subsection 3 of this section,  
65 the notice shall include an invitation to each taxing district to submit comments to the  
66 municipality or authority concerning the subject matter of the hearing prior to the date of the  
67 hearing.

68 5. A copy of any and all hearing notices required by this section shall be submitted by  
69 the municipality or authority to the director of the department of economic development and the  
70 date such notices were mailed or published, as applicable.

100.400. 1. Preparation and approval of plans shall be carried out within the following  
2 regulations:

3 (1) An authority shall not acquire real property for a project unless the governing body  
4 of the city has approved the plan, as prescribed in subdivision (9) of this section.

5 (2) An authority shall not prepare a plan for a project area unless the governing body of  
6 the city has declared, by resolution or ordinance, the area to be blighted, insanitary or  
7 undeveloped industrial area in need of industrial development.

8 (3) An authority shall not recommend a plan to the governing body of the city until a  
9 general plan for the development of the city has been prepared.

10 (4) The authority itself may prepare or cause to be prepared a plan or any person or  
11 agency, public or private, may submit such a plan to an authority. A plan shall be sufficiently  
12 complete to indicate its relationship to definite local objectives as to appropriate land uses,  
13 improved traffic, foster employment, public transportation, public utilities, recreational and  
14 community facilities and other public improvements and the proposed land uses and building  
15 requirements in the project area, and shall include without being limited to:

16 (a) The boundaries of the project area, with a map showing the existing uses and  
17 condition of the real property therein;

18 (b) A land use plan showing proposed uses of the area;

19 (c) Information showing the standards of population densities, unemployment within  
20 area and adjacent areas, land coverage and building intensities in the area after completion of the  
21 plan;

22 (d) A statement of the proposed changes, if any, in zoning ordinances or maps, street  
23 layouts, street levels or grades, building codes and ordinances;

24 (e) A statement as to the kind and number of additional public facilities or utilities which  
25 will be required in the area after completion of the plan;

26 (f) A schedule indicating the estimated length of time needed for completion of each  
27 phase of the plan.

28 (5) Prior to recommending a plan to the governing body for approval, an authority shall  
29 submit the plan to the planning agency, if any, of the community in which the project area is  
30 located for review and recommendations as to its conformity with the general plan for the  
31 development of the city as a whole. The planning agency shall submit its written  
32 recommendations with respect to the proposed plan to the authority within thirty days after  
33 receipt of the plan for review. Upon receipt of the recommendations of the planning agency, or,  
34 if no recommendations are received within the thirty days, then without the recommendations,  
35 an authority may recommend the plan to the governing body of the city for approval.

36 (6) Prior to recommending a plan to the governing body for approval, an authority shall  
37 consider whether the proposed land uses and building requirements in the project area are  
38 designed with the general purpose of accomplishing, in conformance with the general plan, a  
39 coordinated, adjusted and harmonious development of the city and its environs which, in  
40 accordance with present and future needs, will promote health, safety, morals, order,



41 convenience, prosperity and the general welfare, as well as efficiency and economy in the process  
42 of development; including, among other things, adequate provision for traffic, vehicular parking,  
43 the promotion of safety from fire, panic and other dangers, adequate provision for light and air,  
44 the promotion of the healthful and convenient distribution of population, employment  
45 opportunities, the provision of adequate transportation, water, sewerage and other public utilities,  
46 schools, parks, recreational and community facilities and other public requirements, the  
47 promotion of sound design and arrangement, the wise and efficient expenditure of public funds,  
48 the prevention of the recurrence of insanitary areas, conditions of blight or deterioration or  
49 undeveloped industrial or commercial use.

50 (7) The recommendation of a plan by an authority to the governing body shall be  
51 accompanied by the recommendations, if any, of the planning commission concerning the plan;  
52 a statement of the proposed method and estimated cost of the acquisition and preparation for the  
53 project area and the estimated proceeds or revenues from its disposal to industrial developers;  
54 a statement of the proposed method of financing the project; a statement of a feasible method  
55 proposed for the relocation of families to be displaced from the project area; and a schedule  
56 indicating the estimated length of time needed for completion of each phase of the plan.

57 (8) The governing body of the community may hold a public hearing on any plan or  
58 substantial modification thereof recommended by the authority, after public notice thereof by  
59 publication [~~in a newspaper of general circulation in the community once each week~~] for two  
60 consecutive weeks [~~, the last publication to be at least ten days~~] prior to the date set for hearing  
61 **on the front page of the governing body's website, if it has one. If the governing body does**  
62 **not have a website, notice shall be sent two weeks prior to the date set for hearing to the**  
63 **secretary of state who shall publish such notice on the legal notices website, established**  
64 **pursuant to section 493.077, until the date of the hearing has passed.** The notice shall  
65 describe the time, date, place and purpose of the hearing and shall also generally identify the area  
66 to be covered by the plan. All interested parties shall be afforded at the public hearing a  
67 reasonable opportunity to express their views respecting the proposed plan.

68 (9) Following the hearing, the governing body may approve a plan if it finds that the plan  
69 is feasible and in conformity with the general plan for the development of the community as a  
70 whole. A plan which has not been approved by the governing body when recommended by the  
71 authority may be recommended again to it with any modifications deemed advisable.

72 (10) A plan may be modified at any time by the authority, or by the governing body;  
73 provided that, if modified after the lease or sale of real property in the project area, the  
74 modification must be consented to by the industrial developer of the real property or his **or her**  
75 successor, or their successors in interest affected by the proposed modification. Where the

76 proposed modification will substantially change the plan as previously approved by the  
77 governing body, the modification must similarly be approved by the governing body.

78         2. As an alternative to the procedures prescribed in subdivisions (2) and (5) of subsection  
79 **1 of this section**, an authority may find an area to be a blighted or insanitary or undeveloped  
80 industrial area and in need of industrial or commercial development and may simultaneously  
81 prepare a plan and recommend to the governing body of the community the approval of such  
82 finding of a blighted or insanitary or undeveloped industrial area and the approval of a plan,  
83 whether prepared by the authority or submitted to the authority, and the governing body may  
84 make its finding and approve the plan simultaneously. Simultaneously with such  
85 recommendation of a finding of a blighted or insanitary or undeveloped industrial area and  
86 recommendation of a plan to the governing body for approval, an authority shall submit the  
87 finding of a blighted or insanitary or undeveloped area and the plan to the planning agency, if  
88 any, of the community in which the project area is located for review and recommendation as to  
89 the conformity of the plan to the general plan for the development of the community as a whole.  
90 The planning agency shall submit its written recommendations with respect to the finding of a  
91 blighted or insanitary or undeveloped industrial area and the plan to the authority and the local  
92 governing body within thirty days after receipt of the findings and the plan for review. Upon  
93 receipt of the recommendations of the planning agency, or, if no recommendations are received  
94 within the thirty days, then without the recommendations, the governing body may approve the  
95 finding of a blighted or insanitary or undeveloped industrial area and may approve the plan in  
96 the 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 property, including  
3 land and improvements as provided for in the project, or any interest therein in a project area to  
4 any developer for industrial and commercial or related uses or for public use in accordance with  
5 the plan, subject to such covenants, conditions and restrictions as may be deemed to be in the  
6 public interest or to carry out the purposes of this law; provided that such sale, lease, exchange  
7 or other transfer, and any agreement relating thereto, may be made only after, or subject to, the  
8 approval of the plan by the governing body of the city. Such real property shall be sold, leased  
9 or transferred at its fair value for uses in accordance with the plan notwithstanding such value  
10 may be less than the cost of such property to the authority. In determining the fair value of real  
11 property for uses in accordance with the plan, an authority shall take into account and give  
12 consideration to the uses and purposes required by such plan; the restrictions upon, and the  
13 covenants, conditions and obligations assumed by, the developer of such property; the objectives  
14 of the plan for the prevention of the recurrence of blighted, insanitary or undeveloped industrial  
15 areas; and such other matters as the authority shall specify as being appropriate. In fixing rentals

16 and selling prices, an authority shall give consideration to appraisals of the property for such uses  
17 made by experts employed by the authority.

18 (2) An authority shall, by public notice published ~~[at least two times in a newspaper~~  
19 ~~having a general circulation in its area of operation,]~~ **on its website, if it has one**, prior to the  
20 consideration of any industrial development contract proposal, invite proposals from, and make  
21 available all pertinent information to, private industrial developers or any persons interested in  
22 undertaking the development of an area, or any part thereof, which the governing body has  
23 declared to be in need of industrial development. **If the authority does not have a website,**  
24 **public notice shall be sent to the secretary of state who shall publish such notice on the**  
25 **legal notices website, established pursuant to section 493.077.** Such notice shall identify the  
26 area and shall state that such further information as is available may be obtained at the office of  
27 the authority. The authority shall consider all proposals and the financial and legal ability of the  
28 prospective developers to carry out their proposals and may negotiate with any industrial  
29 developer for proposals for the purchase or lease of any real property in the industrial clearance  
30 project area. The authority may accept such industrial development contract proposal as it deems  
31 to be in the public interest and in furtherance of the purposes of this law; provided that the  
32 authority has, not less than thirty days prior thereto, notified the governing body in writing of its  
33 intention to accept such industrial development contract proposal. Thereafter, the authority may  
34 execute such industrial development contract in accordance with the provisions of subdivision  
35 (1) of this section and deliver deeds, leases and other instruments and take all steps necessary to  
36 effectuate such industrial development contract. In its discretion, the authority may, with regard  
37 to the foregoing provisions of this subdivision, dispose of real property in a project area to  
38 private developers for redevelopment under such reasonable competitive bidding procedures as  
39 it shall prescribe, subject to the provisions of subdivision (1).

40 (3) In carrying out a project, an authority may:

41 (a) Convey to the city such real property as, in accordance with the development plan,  
42 is to be laid out into streets, alleys and public ways, this power being additional to and not  
43 limiting any and all other powers of conveyance of property to cities expressed herein generally  
44 or otherwise;

45 (b) Grant servitudes, easements and rights-of-way for public utilities, sewers, streets and  
46 other similar facilities, in accordance with the plan; and

47 (c) Convey to the municipality, county or other appropriate public body such real  
48 property as, in accordance with the plan, is to be used for parks, schools, public buildings,  
49 facilities or other public purposes.

50 (4) An authority may temporarily operate and maintain real property in a project area  
51 pending the disposition of the property for industrial development, without regard to the

52 provisions of subdivisions (1) and (2) above, for such uses and purposes as may be deemed  
53 desirable even though not in conformity with the plan.

100.440. 1. Bonds of an authority shall be authorized by its resolution and may be issued  
2 in one or more series and shall bear such date or dates, be payable upon demand or mature at  
3 such time or times, bear interest at such rate or rates, not in excess of the maximum rate, if any,  
4 applicable to general and business corporations, be in such denomination or denominations, be  
5 in such form either coupon or registered, carry such conversion or registration privileges, have  
6 such rank or priority, be executed in such manner, be payable in such medium of payment, at  
7 such place or places, and be subject to such terms of redemption, with or without premium, as  
8 such resolution, its trust indenture or mortgage may provide.

9 2. The bonds shall be sold at not less than ninety-five percent of par at public or, if the  
10 authority determines it is in the best interest of the authority, at private sale, notwithstanding the  
11 provisions of section 108.170. The reason or reasons why private sale is in the best interest of  
12 the authority shall be set forth in the order or resolution authorizing the private sale; provided,  
13 however, that any issue in excess of ten million dollars shall be sold only at public sale;  
14 ~~provided, further, that~~ . Notice of such public or private sale shall be published ~~[in a newspaper~~  
15 ~~having a general circulation in the area of operation and such medium of publication as the~~  
16 ~~authority may deem at least once and]~~ not later than ten days prior to such public or private sale  
17 **on the front page of the authority's website, if it has one. If the authority does not have a**  
18 **website, notice shall be sent not later than ten days prior to the public or private sale to the**  
19 **secretary of state who shall publish such notice on the legal notices website, established**  
20 **pursuant to section 493.077, until the date of the sale has passed.** The decision of the  
21 authority shall be conclusive.

100.580. 1. At least once a year, an authority shall file with the clerk a report of its  
2 activities for the preceding year, and shall make recommendations with reference to such  
3 additional legislation or other action as it deems necessary in order to carry out the purposes of  
4 this law.

5 2. Within sixty days after August 13, 1982, and every five years thereafter, the governing  
6 body shall hold a public hearing regarding those industrial development projects under the  
7 jurisdiction of the authority. The purpose of the hearing shall be to determine if the authority is  
8 making satisfactory progress under the proposed time schedule contained within the approved  
9 plans for completion of such projects. Notice of such public hearing shall be ~~[given in a~~  
10 ~~newspaper of general circulation in the area served by the authority once each week]~~ **published**  
11 **for four weeks immediately prior to the hearing on the front page of the authority's website,**  
12 **if it has one. If the authority does not have a website, the notice shall be sent four weeks**  
13 **immediately prior to the hearing to the secretary of state who shall publish such notice on**

14 **the legal notices website, established pursuant to section 493.077, until the date of the**  
15 **hearing has passed.**

108.320. 1. The state, county, township, school district or municipality, or the legal  
2 representative thereof, shall cause a notice to be published stating the time and place when said  
3 petition will be presented, which notice shall set forth the general objects and purposes of the  
4 petition and shall be published ~~[in]~~ at least two ~~[issues of some daily or weekly newspaper~~  
5 ~~printed and published in the county where the suit is brought, the last insertion of which shall be~~  
6 ~~not less than three nor more than seven days]~~ **weeks** before the presentation of said petition **on**  
7 **the front page of the entity's website, if it has one. If the entity does not have a website,**  
8 **notice shall be sent, at least two weeks before the presentation, to the secretary of state who**  
9 **shall publish such notice on the legal notices website, established pursuant to section**  
10 **493.077, until the date of the presentation has passed.**

11 2. Any taxpaying citizen may in person or by legal representative file an intervening  
12 petition contesting the validity of such bonds, and in case an intervening petition is filed on or  
13 before the day set for the presentation of such petition, the court shall set a definite time for the  
14 hearing of said cause at which time the court shall hear and determine all the evidence and see  
15 all proofs offered concerning the legality or illegality of such issue.

110.070. 1. Subject to the provisions of section 110.030, all boards of managers,  
2 curators, trustees or other persons by whatever name called, who have the management of any  
3 state institution, that have the use or custody of any funds, on or before the first Monday of July  
4 for the year in which a bid is requested shall receive sealed proposals from banking corporations,  
5 associations, or trust companies in any city, town or county in which the institutions are located  
6 which desire to be selected as depositaries of the moneys and funds of the institution. The bids  
7 may be for a period of one to four years.

8 2. Notice that bids will be received shall be published by the secretary of the board at  
9 least twenty days before the meeting at which the depositary is to be selected ~~[in some newspaper~~  
10 ~~published in the city, town or county at least once in each week]~~ **on the front page of the**  
11 **board's website, if it has one. If the board does not have a website, notice shall be sent at**  
12 **least twenty days before the meeting to the secretary of state who shall publish such notice**  
13 **on the legal notices website, established pursuant to section 493.077, until the date of the**  
14 **meeting has passed.**

110.130. 1. Subject to the provisions of section 110.030 the county commission of each  
2 county in this state on or before the first Monday of July for the year in which a bid is requested  
3 and every fourth year thereafter, with an option to rebid in each odd-numbered year, shall receive  
4 proposals from banking corporations or associations at the county seat of the county which desire  
5 to be selected as the depositaries of the funds of the county.

6           2. Notice that such bids will be received shall be published by the clerk of the  
7 commission twenty days before the commencement of the term [~~in some newspaper published~~  
8 ~~in the county, and if no newspaper is published therein, then the notice shall be published at the~~  
9 ~~door of the courthouse of the county]~~ **on the front page of the commission's website, if it has**  
10 **one. If the commission does not have a website, notice shall be sent at least twenty days**  
11 **prior to the commencement of the term to the secretary of state who shall publish such**  
12 **notice on the legal notices website, established pursuant to section 493.077, until the**  
13 **commencement of the term.** In counties operating under the township organization law of this  
14 state, township boards shall exercise the same powers and privileges with reference to township  
15 funds as are conferred in sections 110.130 to 110.260 upon county commissions with reference  
16 to county funds at the same time and manner, except that township funds shall not be divided but  
17 let as an entirety; and except, also, that in all cases of the letting of township funds, three notices,  
18 posted in three public 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 election  
2 authority shall conduct all public elections within its jurisdiction.

3           2. When an election is to be conducted for a political subdivision or special district, and  
4 the political subdivision or special district is located within the jurisdiction of more than one  
5 election authority, the election authority of the jurisdiction with the greatest proportion of the  
6 political subdivision's or special district's registered voters shall be responsible for publishing  
7 any legal notice required in this chapter.

8           3. When an election is to be conducted for a political subdivision or special district, and  
9 the political subdivision or special district is located within the jurisdiction of more than one  
10 election authority, the affected election authorities may, by contract, authorize one of their  
11 number to conduct the election for all or any part of the political subdivision or special district.  
12 In any election conducted pursuant to this subsection, the election authority conducting part of  
13 an election in an area outside its jurisdiction may consolidate precincts across jurisdiction lines  
14 and shall have all powers and duties granted pursuant to this chapter, except the provisions of  
15 sections 115.133 to 115.221 and sections 115.279 and 115.297, in the area outside its  
16 jurisdiction.

17           ~~[4. Notwithstanding the provisions of sections 493.025 and 493.027 to the contrary,~~  
18 ~~whenever the publication of a legal advertisement, legal notice, order of court or public notice~~  
19 ~~of any kind is allowed or required pursuant to this chapter, a newspaper publishing such notice~~  
20 ~~shall charge and receive not more than its regular local classified advertising rate. The regular~~  
21 ~~local classified advertising rate is that rate shown by the newspaper's rate schedule as offered to~~  
22 ~~the public, and shall have been in effect for at least thirty days preceding publication of the~~  
23 ~~particular notice to which it is applied.]~~

115.113. 1. The basic election district shall be the precinct. In each jurisdiction, precinct  
2 boundaries shall be established by the election authority. Every effort shall be made by the  
3 election authority to establish precinct lines which do not cross political subdivision or special  
4 district boundaries. Upon mail notification of each voter affected by the change, or publication  
5 of the new boundaries ~~[in a newspaper of general circulation in its jurisdiction]~~ **on the election**  
6 **authority's website, if it has one**, the election authority may change precinct boundaries from  
7 time to time as convenience may require. **If the election authority does not have a website,**  
8 **the new boundaries shall be sent to the secretary of state who shall publish such**  
9 **boundaries on the legal notices website, established pursuant to section 493.077.**

10 2. When a political subdivision is formed, the political subdivision shall assist the  
11 election authority in determining the identity of all registered voters residing in each precinct  
12 eligible to vote in elections affecting the district.

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in  
2 any political subdivision or special district including municipal elections in any city, town, or  
3 village with two thousand or fewer inhabitants that have adopted a proposal pursuant to  
4 subsection 3 of this section but excluding municipal elections in any city, town, or village with  
5 more than two thousand inhabitants, if the notice provided for in subsection 5 of section 115.127  
6 has been published ~~[in at least one newspaper of general circulation as defined in section 493.050~~  
7 ~~in the district]~~, and if the number of candidates for each office in a particular political  
8 subdivision, special district, or municipality is equal to the number of positions for each office  
9 within the political subdivision, special district, or municipality to be filled by the election and  
10 no ballot measure is placed on the ballot such that a particular political subdivision will owe no  
11 proportional elections costs if an election is not held, no election shall be held, and the candidates  
12 shall assume the responsibilities of their offices at the same time and in the same manner as if  
13 they had been elected. If no election is held for a particular political subdivision, special district,  
14 or municipality as provided in this section, the election authority shall publish a notice containing  
15 the names of the candidates that shall assume the responsibilities of office under this section.  
16 Such notice shall be published ~~[in at least one newspaper of general circulation as defined in~~  
17 ~~section 493.050 in such political subdivision or district]~~ **on the front page of the election**  
18 **authority's website, if it has one**, by the first of the month in which the election would have  
19 occurred, had it been contested. Notwithstanding any other provision of law to the contrary, if  
20 at any election the number of candidates filing for a particular office exceeds the number of  
21 positions to be filled at such election, the election authority shall hold the election as scheduled,  
22 even if a sufficient number of candidates withdraw from such contest for that office so that the  
23 number of candidates remaining after the filing deadline is equal to the number of positions to  
24 be filled. **If an election authority does not have a website, any notice required to be**

25 **published by this section shall be sent to the secretary of state who shall publish such notice**  
26 **on the legal notices website, established pursuant to section 493.077.**

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

40         3. The governing body of any city, town, or village with two thousand or fewer  
41 inhabitants may submit to the voters at any available election, a question to adopt the provisions  
42 of subsection 1 of this section for municipal elections. If a majority of the votes cast by the  
43 qualified voters voting thereon are in favor of the question, then the city, town, or village shall  
44 conduct nonpartisan municipal elections as provided in subsection 1 of this section for all  
45 nonpartisan elections remaining in the year in which the proposal was adopted and for the six  
46 calendar years immediately following such approval. At the end of such six-year period, each  
47 such city, town, or village shall be prohibited from conducting such elections in such a manner  
48 unless such a question is again adopted by the majority of qualified voters as provided in this  
49 subsection.

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of  
2 a special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125, the  
3 election authority shall cause legal notice of the special election to be published ~~[in a newspaper~~  
4 ~~of general circulation in its jurisdiction]~~ **on the front page of its website, if it has one.** The  
5 notice shall include the name of the officer or agency calling the election, the date and time of  
6 the election, the name of the office to be filled and the date by which candidates must be selected  
7 or filed for the office. Within one week prior to each special election to fill a vacancy held in  
8 its jurisdiction, the election authority shall cause legal notice of the election to be published ~~[in~~  
9 ~~two newspapers of different political faith and general circulation in the jurisdiction]~~. The legal  
10 notice shall include the date and time of the election, the name of the officer or agency calling  
11 the election and a sample ballot. ~~[If there is only one newspaper of general circulation in the~~



12 ~~jurisdiction, the notice shall be published in the newspaper within one week prior to the election.~~  
13 ~~If there are two or more newspapers of general circulation in the jurisdiction, but no two of~~  
14 ~~opposite political faith, the notice shall be published in any two of the newspapers within one~~  
15 ~~week prior to the election.]~~

16 2. Except as provided in subsections 1 and 4 of this section and in sections 115.521,  
17 115.549 and 115.593, the election authority shall cause legal notice of each election held in its  
18 jurisdiction to be published[. ~~The notice shall be published in two newspapers of different~~  
19 ~~political faith and qualified pursuant to chapter 493 which are published within the bounds of~~  
20 ~~the area holding the election. If there is only one so-qualified newspaper, then notice shall be~~  
21 ~~published in only one newspaper. If there is no newspaper published within the bounds of the~~  
22 ~~election area, then the notice shall be published in two qualified newspapers of different political~~  
23 ~~faith serving the area. Notice shall be published twice, the first publication occurring in the~~  
24 ~~second week prior to the election, and the second publication occurring within one week prior~~  
25 ~~to the election] **on the front page of its website, if it has one, at least two weeks prior to the**  
26 **election.** Each such legal notice shall include the date and time of the election, the name of the  
27 officer or agency calling the election [and] , a sample ballot[;] , and[; ~~unless notice has been~~  
28 ~~given as provided by section 115.129, the second publication of notice of the election shall~~  
29 ~~include] the location of polling places. The election authority may provide any additional notice  
30 of the election it deems desirable.~~~~

31 3. The election authority shall print the official ballot as the same appears on the sample  
32 ballot, and no candidate's name or ballot issue which appears on the sample ballot or official  
33 printed ballot shall be stricken or removed from the ballot except on death of a candidate or by  
34 court order, but in no event shall a candidate or issue be stricken or removed from the ballot less  
35 than eight weeks before the date of the election.

36 4. In lieu of causing legal notice to be published in accordance with any of the provisions  
37 of this chapter, the election authority in jurisdictions which have less than seven hundred fifty  
38 registered voters [~~and in which no newspaper qualified pursuant to chapter 493 is published,]~~  
39 may cause legal notice to be mailed during the second week prior to the election, by first class  
40 mail, to each registered voter at the voter's voting address. All such legal notices shall include  
41 the date and time of the election, the location of the polling place, the name of the officer or  
42 agency calling the election and a sample ballot.

43 5. If the opening date for filing a declaration of candidacy for any office in a political  
44 subdivision or special district is not required by law or charter, the opening filing date shall be  
45 8:00 a.m., the sixteenth Tuesday prior to the election, except that for any home rule city with  
46 more than four hundred thousand inhabitants and located in more than one county and any  
47 political subdivision or special district located in such city, the opening filing date shall be 8:00

48 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration of  
49 candidacy for any office in a political subdivision or special district is not required by law or  
50 charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The  
51 political subdivision or special district calling an election shall, before the sixteenth Tuesday, or  
52 the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants  
53 and located in more than one county or any political subdivision or special district located in  
54 such city, prior to any election at which offices are to be filled, notify the general public of the  
55 opening filing date, the office or offices to be filled, the proper place for filing and the closing  
56 filing date of the election. Such notification may be accomplished by ~~legal notice published in~~  
57 ~~at least one newspaper of general circulation in the political subdivision or special district]~~  
58 **publication on the front page of the political subdivision's website, if it has one, or by**  
59 **sending notice to the secretary of state who shall publish such notice on the legal notices**  
60 **website, established pursuant to section 493.077.**

61 6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost  
62 for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting  
63 costs, a candidate who has filed for an office or who has been duly nominated for an office may,  
64 at any time after the certification of the notice of election required in subsection 1 of section  
65 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a  
66 candidate pursuant to a court order, which, except for good cause shown by the election authority  
67 in opposition thereto, shall be freely given upon application by the candidate to the circuit court  
68 of the area of such candidate's residence.

69 **7. If the election authority does not have a website, any notice of election required**  
70 **by this section shall be sent to the secretary of state who shall publish such notice on the**  
71 **legal notices website, established pursuant to section 493.077.**

115.345. 1. Not later than the third Monday in December immediately preceding the  
2 primary election, the secretary of state shall prepare and transmit to each election authority a  
3 notice, in writing, designating the offices for which candidates are to be nominated at the primary  
4 election.

5 2. Upon receipt of notice, the election authority shall publish the notice and the date by  
6 which candidates ~~[must]~~ **shall** file for such offices ~~[in a newspaper of general circulation in its~~  
7 ~~jurisdiction]~~ **on the front page of its website, if it has one. If the election authority does not**  
8 **have a website, 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 493.077.**

115.389. Upon receipt of the certified list from the secretary of state, each election  
2 authority shall publish, under the proper party designations, the title of each office, the name and  
3 address of each candidate for each office to be voted on within its jurisdiction, the date of the

4 primary election and the hours the polls will be open. The notice shall be published [~~in a~~  
5 ~~newspaper of general circulation within the jurisdiction of the election authority]~~ **on the front**  
6 **page of its website, if it has one. If the election authority does not have a website, the notice**  
7 **shall be sent to the secretary of state who shall publish such notice on the legal notices**  
8 **website, established pursuant to section 493.077.** The election authority shall include in the  
9 notice the names and addresses of all candidates for political party committees who will be  
10 elected pursuant to the provisions of subsection 4 of section 115.613.

115.521. Except as provided in subsection 2 of section 115.023, each election authority  
2 receiving a proclamation ordering a special election to decide a tie vote shall cause legal notice  
3 of the election to be published once in the fourteen days prior to the election. The notice shall  
4 be published [~~in a newspaper of general circulation in the election authority's jurisdiction and]~~  
5 **on the front page of the election authority's website, if it has one. If the election authority**  
6 **does not have a website, the notice shall be sent to the secretary of state who shall publish**  
7 **such notice on the legal notices website, established pursuant to section 493.077. The notice**  
8 shall include the date and time of the election, the name of the officer or agency calling the  
9 election and a sample ballot. The election authority may provide any additional notice of the  
10 election it deems desirable.

116.290. 1. The secretary of state shall distribute copies of each statewide ballot  
2 measure[~~, except proposed constitutions as published in newspapers for legal notice of the~~  
3 ~~election].~~

4 2. The secretary of state shall print copies of each proposed constitution in pamphlet  
5 form.

6 3. From copies delivered by the secretary of state, each election authority shall post at  
7 least two copies of each notice and pamphlet at each polling place during the time the polls are  
8 open.

9 4. The secretary of state shall print any new language being proposed for adoption or  
10 rejection in boldface type.

128.030. It shall be the duty of the governor, whenever he **or she** shall exercise the  
2 power hereby vested in him **or her**, to give notice of the division made by him **or her**, by  
3 proclamation, to be published [~~in not to exceed two newspapers in each of said districts in this~~  
4 ~~state, sixty days at least before the first election under such arrangement]~~ **on the legal notices**  
5 **website, established pursuant to section 493.077, for a period of at least sixty days before**  
6 **the first election under such arrangement.**

135.210. 1. Any governing authority which desires to have any portion of a city or  
2 unincorporated area of a county under its control designated as an enterprise zone shall hold a  
3 public hearing for the purpose of obtaining the opinion and suggestions of those persons who

4 will be affected by such designation. The governing authority shall notify the director of such  
5 hearing at least thirty days prior thereto and shall publish notice of such hearing [~~in a newspaper~~  
6 ~~of general circulation in the area to be affected by such designation~~] **on the front page of its**  
7 **website, if it has one**, at least twenty days prior to the date of the hearing but not more than  
8 thirty days prior to such hearing. **If the governing authority does not have a website, the**  
9 **notice shall be sent, at least twenty days but not more than thirty days prior to the hearing,**  
10 **to the secretary of state who shall publish such notice on the legal notices website,**  
11 **established pursuant to section 493.077, until the date of the hearing has passed.** Such  
12 notice shall state the time, location, date and purpose of the hearing. The director, or the  
13 director's designee, shall attend such hearing.

14         2. After a public hearing is held as required in subsection 1 of this section, the governing  
15 authority may file a petition with the department requesting the designation of a specific area as  
16 an enterprise zone. Such petition shall include, in addition to a description of the physical,  
17 social, and economic characteristics of the area:

18             (1) A plan to provide adequate police protection within the area;

19             (2) A specific and practical process for individual businesses to obtain waivers from  
20 burdensome local regulations, ordinances, and orders which serve to discourage economic  
21 development within the area to be designated an enterprise zone; except that, such waivers shall  
22 not substantially endanger the health or safety of the employees of any such business or the  
23 residents of the area;

24             (3) A description of what other specific actions will be taken to support and encourage  
25 private investment within the area;

26             (4) A plan to ensure that resources are available to assist area residents to participate in  
27 increased development through self-help efforts and in ameliorating any negative effects of  
28 designation of the area as an enterprise zone;

29             (5) A statement describing the projected positive and negative effects of designation of  
30 the area as an enterprise zone; and

31             (6) A specific plan to provide assistance to any person or business dislocated as a result  
32 of activities within the zone. Such plan shall determine the need of dislocated persons for  
33 relocation assistance; provide, prior to displacement, information about the type, location and  
34 price of comparable housing or commercial property; provide information concerning state and  
35 federal programs for relocation assistance and provide other advisory services to displaced  
36 persons. Public agencies may choose to provide assistance under the Uniform Relocation and  
37 Real Property Acquisition Act, 42 U.S.C. Section 4601, et seq. to meet the requirements of this  
38 subdivision.

39           3. No more than fifty such areas may be designated by the director as an enterprise zone  
40 under the provisions of this subsection, except that any enterprise zones authorized apart from  
41 this subsection by specific legislative enactment, on or after August 28, 1991, shall not be  
42 counted toward the limitation set forth in this subsection. After fifty enterprise zones, plus any  
43 others authorized apart from this subsection by specific legislative enactment first designated on  
44 or after August 28, 1991, have been designated by the director, additional enterprise zones may  
45 be authorized apart from this subsection by specific legislative enactment, except that if an  
46 enterprise zone designation is cancelled under the provision of subsection 4 of this section, the  
47 director may designate one area as an enterprise zone for each enterprise zone designation which  
48 is cancelled.

49           4. Each designated enterprise zone or satellite zone must report to the director on an  
50 annual basis regarding the status of the zone and business activity within the zone. On the fifth  
51 anniversary of the designation of each zone after August 8, 1989, and each five years thereafter,  
52 the director shall evaluate the activity which has occurred within the zone during the previous  
53 five-year period, including business investments and the creation of new jobs. If the director  
54 finds that the plan outlined in the application for designation was not implemented in good faith,  
55 or if such zone no longer qualifies under the original criteria, or if the director finds that the zone  
56 is not being effectively promoted or developed, the director may recommend that the designation  
57 of that area as an enterprise zone be cancelled. All agreements negotiated under the benefits of  
58 such zone shall remain in effect for the originally agreed upon duration. The director shall  
59 schedule a hearing on such recommendation for not later than sixty days after the  
60 recommendation is filed with it. At the hearing, interested parties, including the director, may  
61 present witnesses and evidence as to why the enterprise zone designation for that particular area  
62 should be continued or cancelled. Within thirty days after the hearing, the director shall  
63 determine whether or not the designation should be continued. If it is not continued, the director  
64 shall remove the designation from the area and, following the procedures outlined in this section,  
65 award the designation of an enterprise zone to another applicant. If an area has requested a  
66 designated enterprise zone, and met all existing statutory requirements, but has not been  
67 designated such, then the applicant may appeal for a hearing to determine its eligibility for such  
68 a designation.

135.215. 1. Improvements made to "real property" as such term is defined in section  
2 137.010, which are made in an enterprise zone subsequent to the date such zone or expansion  
3 thereto was designated, may upon approval of an authorizing resolution by the governing  
4 authority having jurisdiction of the area in which the improvements are made, be exempt, in  
5 whole or in part, from assessment and payment of ad valorem taxes of one or more affected  
6 political subdivisions, provided that, except as to the exemption allowed under subsection 3 of

7 this section, at least fifty new jobs that provide an average of at least thirty-five hours of  
8 employment per week per job are created and maintained at the new or expanded facility. Such  
9 authorizing resolution shall specify the percent of the exemption to be granted, the duration of  
10 the exemption to be granted, and the political subdivisions to which such exemption is to apply  
11 and any other terms, conditions or stipulations otherwise required. A copy of the resolution shall  
12 be provided the director within thirty calendar days following adoption of the resolution by the  
13 governing authority.

14 2. No exemption shall be granted until the governing authority holds a public hearing  
15 for the purpose of obtaining the opinions and suggestions of residents of political subdivisions  
16 to be affected by the exemption from property taxes. The governing authority shall send, by  
17 certified mail, a notice of such hearing to each political subdivision in the area to be affected and  
18 shall publish notice of such hearing ~~[in a newspaper of general circulation in the area to be~~  
19 ~~affected by the exemption]~~ **on the front page of its website, if it has one**, at least twenty days  
20 prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the  
21 time, location, date and purpose of the hearing. **If the governing authority does not have a**  
22 **website, the notice shall be sent, at least twenty days but not more than thirty days prior**  
23 **to the hearing, to the 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 hearing has passed.**

25 3. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes  
26 otherwise imposed on subsequent improvements to real property located in an enterprise zone  
27 shall become and remain exempt from assessment and payment of ad valorem taxes of any  
28 political subdivision of this state or municipality thereof, if said political subdivision or  
29 municipality levies ad valorem taxes, for a period of not less than ten years following the date  
30 such improvements were assessed, provided the improved properties are used for assembling,  
31 fabricating, processing, manufacturing, mining, warehousing or distributing properties.

32 4. No exemption shall be granted for a period more than twenty-five years following the  
33 date on which the original enterprise zone was designated by the department except for any  
34 enterprise zone within any home rule city with more than one hundred fifty-one thousand five  
35 hundred but less than one hundred fifty-one thousand six hundred inhabitants provided in any  
36 instance the exemption shall not be granted for a period longer than twenty-five years from the  
37 date on which the exemption was granted.

38 5. The provisions of subsection 1 of this section shall not apply to improvements made  
39 to real property which have been started prior to August 28, 1991.

40 6. The mandatory abatement referred to in this section shall not relieve the assessor or  
41 other responsible official from ascertaining the amount of the equalized assessed value of all  
42 taxable property annually as required by section 99.855 and shall not have the effect of reducing

43 the payments in lieu of taxes referred to in subdivision (2) of section 99.845 unless such  
44 reduction is set forth in the plan approved by the governing body of the municipality pursuant  
45 to subdivision (1) of section 99.820.

46 7. Effective August 28, 2004, any abatement or exemption provided for in this section  
47 on an individual parcel of real property shall cease after a period of thirty days of business  
48 closure, work stoppage, major reduction in force, or a significant change in the type of business  
49 conducted at that location. For the purposes of this subsection, "work stoppage" shall not include  
50 strike or lockout or time necessary to retool a plant, and "major reduction in force" is defined as  
51 a seventy-five percent or greater reduction. Any owner or new owner may reapply, but cannot  
52 receive the abatement or exemption for any period of time beyond the original life of the  
53 enterprise zone.

135.963. 1. Improvements made to real property as such term is defined in section  
2 137.010 which are made in an enhanced enterprise zone subsequent to the date such zone or  
3 expansion thereto was designated may, upon approval of an authorizing resolution or ordinance  
4 by the governing authority having jurisdiction of the area in which the improvements are made,  
5 be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more  
6 affected political subdivisions. Improvements made to real property, as such term is defined in  
7 section 137.010, which are locally assessed and in a renewable energy generation zone  
8 designated as an enhanced enterprise zone, subsequent to the date such enhanced enterprise zone  
9 or expansion thereto was designated, may, upon approval of an authorizing resolution or  
10 ordinance by the governing authority having jurisdiction of the area in which the improvements  
11 are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of  
12 one or more affected political subdivisions. In addition to enhanced business enterprises, a  
13 speculative industrial or warehouse building constructed by a public entity or a private entity if  
14 the land is leased by a public entity may be subject to such exemption.

15 2. Such authorizing resolution shall specify the percent of the exemption to be granted,  
16 the duration of the exemption to be granted, and the political subdivisions to which such  
17 exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy  
18 of the resolution shall be provided to the director within thirty calendar days following adoption  
19 of the resolution by the governing authority.

20 3. No exemption shall be granted until the governing authority holds a public hearing  
21 for the purpose of obtaining the opinions and suggestions of residents of political subdivisions  
22 to be affected by the exemption from property taxes. The governing authority shall send, by  
23 certified mail, a notice of such hearing to each political subdivision in the area to be affected and  
24 shall publish notice of such hearing ~~[in a newspaper of general circulation in the area to be~~  
25 ~~affected by the exemption]~~ **on the front page of its website, if it has one**, at least twenty days

26 prior to the hearing but not more than thirty days prior to the hearing. **If the governing**  
27 **authority does not have a website, the notice shall be sent, at least twenty days but not more**  
28 **than thirty days prior to the hearing, to the secretary of state who shall publish such notice**  
29 **on the legal notices website, established pursuant to section 493.077, until the date of the**  
30 **hearing has passed.** Such notice shall state the time, location, date, and purpose of the hearing.

31 4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes  
32 otherwise imposed on subsequent improvements to real property located in an enhanced  
33 enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings  
34 as indicated in subsection 1 of this section shall become and remain exempt from assessment and  
35 payment of ad valorem taxes of any political subdivision of this state or municipality thereof, if  
36 said political subdivision or municipality levies ad valorem taxes, for a period of not less than  
37 ten years following the date such improvements were assessed, provided the improved properties  
38 are used for enhanced business enterprises. The exemption for speculative buildings is subject  
39 to the approval of the governing authority for a period not to exceed two years if the building is  
40 owned by a private entity and five years if the building is owned or ground leased by a public  
41 entity. This shall not preclude the building receiving an exemption for the remaining time period  
42 established by the governing authority if it was occupied by an enhanced business enterprise.  
43 The two- and five-year time periods indicated for speculative buildings shall not be an addition  
44 to the local abatement time period for such facility.

45 5. No exemption shall be granted for a period more than twenty-five years, provided,  
46 however, that during the ten years prior to the expiration of an enhanced enterprise zone no  
47 exemption shall be granted for a period of more than ten years.

48 6. The provisions of subsection 1 of this section shall not apply to improvements made  
49 to real property begun prior to August 28, 2004.

50 7. The abatement referred to in this section shall not relieve the assessor or other  
51 responsible official from ascertaining the amount of the equalized assessed value of all taxable  
52 property annually as required by section 99.855, 99.957, or 99.1042 and shall not have the effect  
53 of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section  
54 99.845, subdivision (2) of subsection 3 of section 99.957, or subdivision (2) of subsection 3 of  
55 section 99.1042 unless such reduction is set forth in the plan approved by the governing body  
56 of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942,  
57 or section 99.1027.

137.055. 1. After the assessor's book of each county, except in any city not within a  
2 county or any county with a charter form of government, shall be corrected and adjusted  
3 according to law, but not later than September twentieth, of each year, the county governing body  
4 shall ascertain the sum necessary to be raised for county purposes, and fix the rate of taxes on



5 the several subjects of taxation so as to raise the required sum, and the same to be entered in the  
6 proper columns in the tax book. Any city not within a county and any county with a charter form  
7 of government shall set the tax rate by October first of each year for each calendar year after  
8 December 31, 2008.

9         2. Prior to fixing the rate of taxes, as provided in this section, the county governing body  
10 shall hold a public hearing on the proposed rate of taxes at which citizens shall be heard. A  
11 notice stating the time and place for the hearing shall be published ~~[in at least one newspaper~~  
12 ~~qualified under the laws of Missouri of general circulation in the county]~~ **on the front page of**  
13 **the commission's website, if it has one**, at least seven days prior to the date of the hearing. **If**  
14 **the commission does not have a website, the notice shall be sent at least seven days prior**  
15 **to the hearing to the 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 hearing has passed.**  
17 The notice shall include the aggregate assessed valuation by category of real, total personal and  
18 other tangible property in the county as entered in the tax book for the fiscal year for which the  
19 tax is to be levied, the aggregate assessed valuation by category of real, total personal and other  
20 tangible property in the county for the preceding taxable year, the required sums to be raised  
21 from the property tax for each purpose for which the county levies taxes as approved in the  
22 budget adopted under chapter 50, the proposed rate of taxes which will produce substantially the  
23 same revenues as required by the budget, and the increase in tax revenue realized due to an  
24 increase in assessed value as a result of new construction and improvement, and the increase,  
25 both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax  
26 rate is adopted. Failure of any taxpayer to appear at said hearing shall not prevent the taxpayer  
27 from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this  
28 subsection absolves county governing bodies of responsibilities under section 137.073 nor to  
29 adjust tax rates in event changes in assessed valuation occur that would alter the tax rate  
30 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 books, of a  
3 substantial portion of the parcels of real property within a county resulting wholly or partly from  
4 reappraisal of value or other actions of the assessor or county equalization body or ordered by  
5 the state tax commission or any court;

6         (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each  
7 purpose of taxation of property a taxing authority is authorized to levy without a vote and any  
8 tax rate authorized by election, including bond interest and sinking fund;

9         (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the  
10 provisions of this section or when a court has determined the tax rate; except that, other

11 provisions of law to the contrary notwithstanding, a school district may levy the operating levy  
12 for school purposes required for the current year pursuant to subsection 2 of section 163.021, less  
13 all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution, if such  
14 tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is  
15 the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters  
16 of the political subdivision as provided in this section;

17 (4) "Tax revenue", when referring to the previous year, means the actual receipts from  
18 ad valorem levies on all classes of property, including state-assessed property, in the immediately  
19 preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not  
20 collected in the fiscal year and plus an additional allowance for the revenue which would have  
21 been collected from property which was annexed by such political subdivision but which was  
22 not previously used in determining tax revenue pursuant to this section. The term "tax revenue"  
23 shall not include any receipts from ad valorem levies on any property of a railroad corporation  
24 or a public utility, as these terms are defined in section 386.020, which were assessed by the  
25 assessor of a county or city in the previous year but are assessed by the state tax commission in  
26 the current year. All school districts and those counties levying sales taxes pursuant to chapter  
27 67 shall include in the calculation of tax revenue an amount equivalent to that by which they  
28 reduced property tax levies as a result of sales tax pursuant to section 67.505 and section 164.013  
29 or as excess home dock city or county fees as provided in subsection 4 of section 313.820 in the  
30 immediately preceding fiscal year but not including any amount calculated to adjust for prior  
31 years. For purposes of political subdivisions which were authorized to levy a tax in the prior  
32 year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in  
33 relation to the revision of tax levies mandated by law, shall mean the revenues equal to the  
34 amount that would have been available if the voluntary rate reduction had not been made.

35 2. Whenever changes in assessed valuation are entered in the assessor's books for any  
36 personal property, in the aggregate, or for any subclass of real property as such subclasses are  
37 established in Section 4(b) of Article X of the Missouri Constitution and defined in section  
38 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each  
39 political subdivision wholly or partially within the county or St. Louis City of the change in  
40 valuation of each subclass of real property, individually, and personal property, in the aggregate,  
41 exclusive of new construction and improvements. All political subdivisions shall immediately  
42 revise the applicable rates of levy for each purpose for each subclass of real property,  
43 individually, and personal property, in the aggregate, for which taxes are levied to the extent  
44 necessary to produce from all taxable property, exclusive of new construction and improvements,  
45 substantially the same amount of tax revenue as was produced in the previous year for each  
46 subclass of real property, individually, and personal property, in the aggregate, except that the

47 rate shall not exceed the greater of the most recent voter-approved rate or the most recent  
48 voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Any  
49 political subdivision that has received approval from voters for a tax increase after August 27,  
50 2008, may levy a rate to collect substantially the same amount of tax revenue as the amount of  
51 revenue that would have been derived by applying the voter-approved increased tax rate ceiling  
52 to the total assessed valuation of the political subdivision as most recently certified by the city  
53 or county clerk on or before the date of the election in which such increase is approved, increased  
54 by the percentage increase in the consumer price index, as provided by law, except that the rate  
55 shall not exceed the greater of the most recent voter-approved rate or the most recent  
56 voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Such tax  
57 revenue shall not include any receipts from ad valorem levies on any real property which was  
58 assessed by the assessor of a county or city in such previous year but is assessed by the assessor  
59 of a county or city in the current year in a different subclass of real property. Where the taxing  
60 authority is a school district for the purposes of revising the applicable rates of levy for each  
61 subclass of real property, the tax revenues from state-assessed railroad and utility property shall  
62 be apportioned and attributed to each subclass of real property based on the percentage of the  
63 total assessed valuation of the county that each subclass of real property represents in the current  
64 taxable year. As provided in Section 22 of Article X of the constitution, a political subdivision  
65 may also revise each levy to allow for inflationary assessment growth occurring within the  
66 political subdivision. The inflationary growth factor for any such subclass of real property or  
67 personal property shall be limited to the actual assessment growth in such subclass or class,  
68 exclusive of new construction and improvements, and exclusive of the assessed value on any real  
69 property which was assessed by the assessor of a county or city in the current year in a different  
70 subclass of real property, but not to exceed the consumer price index or five percent, whichever  
71 is lower. Should the tax revenue of a political subdivision from the various tax rates determined  
72 in this subsection be different than the tax revenue that would have been determined from a  
73 single tax rate as calculated pursuant to the method of calculation in this subsection prior to  
74 January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real  
75 property, individually, and/or personal property, in the aggregate, in which there is a tax rate  
76 reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount  
77 equal to such difference and shall be apportioned among such subclasses of real property,  
78 individually, and/or personal property, in the aggregate, based on the relative assessed valuation  
79 of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax  
80 rates of each class or subclass shall be made by computing the percentage of current year  
81 adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current  
82 year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying

83 the resulting percentages by the revenue difference between the single rate calculation and the  
84 calculations pursuant to this subsection and dividing by the respective adjusted current year  
85 assessed valuation of each class or subclass to determine the adjustment to the rate to be levied  
86 upon each class or subclass of property. The adjustment computed herein shall be multiplied by  
87 one hundred, rounded to four decimals in the manner provided in this subsection, and added to  
88 the initial rate computed for each class or subclass of property. For school districts that levy  
89 separate tax rates on each subclass of real property and personal property in the aggregate, if  
90 voters approved a ballot before January 1, 2011, that presented separate stated tax rates to be  
91 applied to the different subclasses of real property and personal property in the aggregate, or  
92 increases the separate rates that may be levied on the different subclasses of real property and  
93 personal property in the aggregate by different amounts, the tax rate that shall be used for the  
94 single tax rate calculation shall be a blended rate, calculated in the manner provided under  
95 subdivision (1) of subsection 6 of this section. Notwithstanding any provision of this subsection  
96 to the contrary, no revision to the rate of levy for personal property shall cause such levy to  
97 increase over the levy for personal property from the prior year.

98 3. (1) Where the taxing authority is a school district, it shall be required to revise the  
99 rates of levy to the extent necessary to produce from all taxable property, including state-assessed  
100 railroad and utility property, which shall be separately estimated in addition to other data  
101 required in complying with section 164.011, substantially the amount of tax revenue permitted  
102 in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to  
103 offset such district's reduction in the apportionment of state school moneys due to its reduced tax  
104 rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this  
105 section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss  
106 of state aid, discovers that the estimates used result in receipt of excess revenues, which would  
107 have required a lower rate if the actual information had been known, the school district shall  
108 reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the  
109 recalculated rate shall become the tax rate ceiling for purposes of this section.

110 (2) For any political subdivision which experiences a reduction in the amount of assessed  
111 valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant  
112 to sections 138.430 to 138.433, or due to clerical errors or corrections in the calculation or  
113 recordation of any assessed valuation:

114 (a) Such political subdivision may revise the tax rate ceiling for each purpose it levies  
115 taxes to compensate for the reduction in assessed value occurring after the political subdivision  
116 calculated the tax rate ceiling for the particular subclass of real property or for personal property,  
117 in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the  
118 time of the next calculation of the tax rate for the particular subclass of real property or for

119 personal property, in the aggregate, after the reduction in assessed valuation has been determined  
120 and shall be calculated in a manner that results in the revised tax rate ceiling being the same as  
121 it would have been had the corrected or finalized assessment been available at the time of the  
122 prior calculation;

123 (b) In addition, for up to three years following the determination of the reduction in  
124 assessed valuation as a result of circumstances defined in this subdivision, such political  
125 subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling  
126 provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had  
127 the corrected or finalized assessment been available at the time of the prior calculation.

128 4. (1) In order to implement the provisions of this section and Section 22 of Article X  
129 of the Constitution of Missouri, the term improvements shall apply to both real and personal  
130 property. In order to determine the value of new construction and improvements, each county  
131 assessor shall maintain a record of real property valuations in such a manner as to identify each  
132 year the increase in valuation for each political subdivision in the county as a result of new  
133 construction and improvements. The value of new construction and improvements shall include  
134 the additional assessed value of all improvements or additions to real property which were begun  
135 after and were not part of the prior year's assessment, except that the additional assessed value  
136 of all improvements or additions to real property which had been totally or partially exempt from  
137 ad valorem taxes pursuant to sections 99.800 to 99.865, sections 135.200 to 135.255, and section  
138 353.110 shall be included in the value of new construction and improvements when the property  
139 becomes totally or partially subject to assessment and payment of all ad valorem taxes. The  
140 aggregate increase in valuation of personal property for the current year over that of the previous  
141 year is the equivalent of the new construction and improvements factor for personal property.  
142 Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the  
143 assessor shall certify the amount of new construction and improvements and the amount of  
144 assessed value on any real property which was assessed by the assessor of a county or city in  
145 such previous year but is assessed by the assessor of a county or city in the current year in a  
146 different subclass of real property separately for each of the three subclasses of real property for  
147 each political subdivision to the county clerk in order that political subdivisions shall have this  
148 information for the purpose of calculating tax rates pursuant to this section and Section 22,  
149 Article X, Constitution of Missouri. In addition, the state tax commission shall certify each year  
150 to each county clerk the increase in the general price level as measured by the Consumer Price  
151 Index for All Urban Consumers for the United States, or its successor publications, as defined  
152 and officially reported by the United States Department of Labor, or its successor agency. The  
153 state tax commission shall certify the increase in such index on the latest twelve-month basis  
154 available on February first of each year over the immediately preceding prior twelve-month

155 period in order that political subdivisions shall have this information available in setting their  
156 tax rates according to law and Section 22 of Article X of the Constitution of Missouri. For  
157 purposes of implementing the provisions of this section and Section 22 of Article X of the  
158 Missouri Constitution, the term "property" means all taxable property, including state-assessed  
159 property.

160 (2) Each political subdivision required to revise rates of levy pursuant to this section or  
161 Section 22 of Article X of the Constitution of Missouri shall calculate each tax rate it is  
162 authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate  
163 revision provided in this section and Section 22 of Article X of the Constitution of Missouri,  
164 separately and without regard to annual tax rate reductions provided in section 67.505 and  
165 section 164.013. Each political subdivision shall set each tax rate it is authorized to levy using  
166 the calculation that produces the lowest tax rate ceiling. It is further the intent of the general  
167 assembly, pursuant to the authority of Section 10(c) of Article X of the Constitution of Missouri,  
168 that the provisions of such section be applicable to tax rate revisions mandated pursuant to  
169 Section 22 of Article X of the Constitution of Missouri as to reestablishing tax rates as revised  
170 in subsequent years, enforcement provisions, and other provisions not in conflict with Section  
171 22 of Article X of the Constitution of Missouri. Annual tax rate reductions provided in section  
172 67.505 and section 164.013 shall be applied to the tax rate as established pursuant to this section  
173 and Section 22 of Article X of the Constitution of Missouri, unless otherwise provided by law.

174 5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section  
175 shall not be increased unless approved by a vote of the people. Approval of the higher tax rate  
176 shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval  
177 by more than a simple majority pursuant to any provision of law or the constitution, the tax rate  
178 increase must receive approval by at least the majority required.

179 (2) When voters approve an increase in the tax rate, the amount of the increase shall be  
180 added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does  
181 not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate  
182 for approval rather than describing the amount of increase in the question, the stated tax rate  
183 approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax  
184 rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied  
185 to the current total assessed valuation of the political subdivision, excluding new construction  
186 and improvements since the date of the election approving such increase, the revenue derived  
187 from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would  
188 have been derived by applying the voter-approved increased tax rate ceiling to total assessed  
189 valuation of the political subdivision, as most recently certified by the city or county clerk on or  
190 before the date of the election in which such increase is approved, increased by the percentage

191 increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be  
192 applied to the total assessed valuation of the political subdivision at the setting of the next tax  
193 rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate  
194 increase shall be adjusted in the manner prescribed in this section to yield the sum of: the  
195 amount of revenue that would be derived by applying such voter-approved increased rate to the  
196 total assessed valuation, as most recently certified by the city or county clerk on or before the  
197 date of the election in which such increase was approved, increased by the percentage increase  
198 in the consumer price index, as provided by law, from the date of the election to the time of such  
199 increase and, so adjusted, shall be the current tax rate ceiling.

200 (3) The governing body of any political subdivision may levy a tax rate lower than its  
201 tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not  
202 exceeding the tax rate ceiling without voter approval in the manner provided under subdivision  
203 (4) of this subsection. Nothing in this section shall be construed as prohibiting a political  
204 subdivision from voluntarily levying a tax rate lower than that which is required under the  
205 provisions of this section or from seeking voter approval of a reduction to such political  
206 subdivision's tax rate ceiling.

207 (4) In a year of general reassessment, a governing body whose tax rate is lower than its  
208 tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section  
209 as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such  
210 governing body intends to increase its tax rate, the governing body shall conduct a public  
211 hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement  
212 justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision  
213 shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling  
214 solely due to a reduction required by law resulting from sales tax collections. The provisions of  
215 this subdivision shall not apply to any political subdivision which has received voter approval  
216 for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

217 6. (1) For the purposes of calculating state aid for public schools pursuant to section  
218 163.031, each taxing authority which is a school district shall determine its proposed tax rate as  
219 a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by  
220 first determining the total tax revenue of the property within the jurisdiction of the taxing  
221 authority, which amount shall be equal to the sum of the products of multiplying the assessed  
222 valuation of each class and subclass of property by the corresponding tax rate for such class or  
223 subclass, then dividing the total tax revenue by the total assessed valuation of the same  
224 jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the  
225 taxing authority is a school district, such blended rate shall also be used by such school district

226 for calculating revenue from state-assessed railroad and utility property as defined in chapter 151  
227 and for apportioning the tax rate by purpose.

228 (2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk  
229 of the county commission in the county or counties where the tax rate applies of its tax rate  
230 ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a  
231 fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one  
232 dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth  
233 of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to  
234 the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a  
235 cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next  
236 higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data,  
237 in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate  
238 complies with Missouri law. All forms for the calculation of rates pursuant to this section shall  
239 be promulgated as a rule and shall not be incorporated by reference. The state auditor shall  
240 promulgate rules for any and all forms for the calculation of rates pursuant to this section which  
241 do not currently exist in rule form or that have been incorporated by reference. In addition, each  
242 taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as  
243 shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service  
244 complies with Missouri law. A tax rate proposed for annual debt service requirements will be  
245 prima facie valid if, after making the payment for which the tax was levied, bonds remain  
246 outstanding and the debt fund reserves do not exceed the following year's payments. The county  
247 clerk shall keep on file and available for public inspection all such information for a period of  
248 three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing  
249 authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor.  
250 The state auditor shall, within fifteen days of the date of receipt, examine such information and  
251 return to the county clerk his or her findings as to compliance of the tax rate ceiling with this  
252 section and as to compliance of any proposed tax rate for debt service with Missouri law. If the  
253 state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri  
254 law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor  
255 may request a taxing authority to submit documentation supporting such taxing authority's  
256 proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings  
257 to the taxing authority and shall file a copy of the findings with the information received from  
258 the taxing authority. The taxing authority shall have fifteen days from the date of receipt from  
259 the county clerk of the state auditor's findings and any request for supporting documentation to  
260 accept or reject in writing the rate change certified by the state auditor and to submit all requested  
261 information to the state auditor. A copy of the taxing authority's acceptance or rejection and any



262 information submitted to the state auditor shall also be mailed to the county clerk. If a taxing  
263 authority rejects a rate change certified by the state auditor and the state auditor does not receive  
264 supporting information which justifies the taxing authority's original or any subsequent proposed  
265 tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the  
266 attorney general's office and the attorney general is authorized to obtain injunctive relief to  
267 prevent the taxing authority from levying a violative tax rate.

268 (3) In the event that the taxing authority incorrectly completes the forms created and  
269 promulgated under subdivision (2) of this subsection, or makes a clerical error, the taxing  
270 authority may submit amended forms with an explanation for the needed changes. If such  
271 amended forms are filed under regulations prescribed by the state auditor, the state auditor shall  
272 take into consideration such amended forms for the purposes of this subsection.

273 7. No tax rate shall be extended on the tax rolls by the county clerk unless the political  
274 subdivision has complied with the foregoing provisions of this section.

275 8. Whenever a taxpayer has cause to believe that a taxing authority has not complied  
276 with the provisions of this section, the taxpayer may make a formal complaint with the  
277 prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within  
278 ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this  
279 section and institute an action as representative of a class of all taxpayers within a taxing  
280 authority if the class is so numerous that joinder of all members is impracticable, if there are  
281 questions of law or fact common to the class, if the claims or defenses of the representative  
282 parties are typical of the claims or defenses of the class, and if the representative parties will  
283 fairly and adequately protect the interests of the class. In any class action maintained pursuant  
284 to this section, the court may direct to the members of the class a notice to be published [~~at least~~  
285 ~~once each week~~] **on the front page of the court's website, if it has one, for a period of four**  
286 **consecutive weeks** [~~in a newspaper of general circulation published in the county where the civil~~  
287 ~~action is commenced and in other counties within the jurisdiction of a taxing authority~~]. **If the**  
288 **court does not have a website, notice shall be sent to the secretary of state who shall publish**  
289 **such notice on the legal notices website, established pursuant to section 493.077, for a**  
290 **period of four consecutive weeks.** The notice shall advise each member that the court will  
291 exclude him or her from the class if he or she so requests by a specified date, that the judgment,  
292 whether favorable or not, will include all members who do not request exclusion, and that any  
293 member who does not request exclusion may, if he or she desires, enter an appearance. In any  
294 class action brought pursuant to this section, the court, in addition to the relief requested, shall  
295 assess against the taxing authority found to be in violation of this section the reasonable costs  
296 of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be  
297 awarded any attorney or association of attorneys who receive public funds from any source for

298 their services. Any action brought pursuant to this section shall be set for hearing as soon as  
299 practicable after the cause is at issue.

300 9. If in any action, including a class action, the court issues an order requiring a taxing  
301 authority to revise the tax rates as provided in this section or enjoins a taxing authority from the  
302 collection of a tax because of its failure to revise the rate of levy as provided in this section, any  
303 taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her  
304 taxes in part, whether or not the taxes are paid under protest as provided in section 139.031 or  
305 otherwise contested. The part of the taxes paid erroneously is the difference in the amount  
306 produced by the original levy and the amount produced by the revised levy. The township or  
307 county collector of taxes or the collector of taxes in any city shall refund the amount of the tax  
308 erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this  
309 section shall make available to the collector all funds necessary to make refunds pursuant to this  
310 subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her  
311 pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be  
312 construed to require a taxing authority to refund any tax erroneously paid prior to or during the  
313 third tax year preceding the current tax year.

314 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
315 created under the authority delegated in this section shall become effective only if it complies  
316 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
317 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
318 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
319 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
320 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

137.177. 1. The term "building" as used in this section means an edifice composed of  
2 brick, marble, wood or some other proper substance, erected or constructed, designed to stand  
3 more or less permanently, and covering a space of land for use as a dwelling, storehouse, factory,  
4 shelter for beasts or some other useful purpose.

5 2. (1) The county commission in counties of class two with a population of less than  
6 seventy-five thousand adjoining a county of the first class may by order duly made of record  
7 require that before any person shall erect or construct any building, the cost of which exceeds six  
8 hundred dollars, upon any lands lying and situate outside the corporate limits of any incorporated  
9 city in such counties he or she shall first file an application for a building permit with the county  
10 clerk of such county, which said application shall describe by metes and bounds the lands upon  
11 which the erection or construction of a building or buildings proposed and a general description  
12 of the building or buildings to be constructed or erected thereon;

13 (2) Before any such order shall become effective, it shall be published [~~once each week~~  
14 **on the front page of the county commission's website, if it has one**, for three consecutive  
15 weeks. **If the county 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 website, established**  
17 **pursuant to section 493.077, for three consecutive weeks** [~~in at least one newspaper of general~~  
18 ~~circulation in the county~~].

19 3. Upon receipt of such application the county clerk of such county shall immediately  
20 prepare a building permit in the customary form and shall issue the same to the applicant upon  
21 the payment by the applicant of the building permit fee of five dollars.

22 4. The county clerk of such counties shall keep a true and accurate record of the building  
23 permits so issued and shall, on the first day of January and the first day of July of each year,  
24 deliver to the county assessor a list of all building permits issued for the previous six-month  
25 period.

26 5. Any person who shall construct or erect or attempt to construct or erect any building  
27 in such county without first securing a building permit as provided in this section shall be guilty  
28 of a misdemeanor.

29 6. The provisions herein shall not apply to those counties which have adopted a planning  
30 and zoning commission under chapter 64 and shall become inoperative and of no effect in those  
31 counties which may hereafter adopt a planning and zoning commission under chapter 64.

137.355. 1. If an assessor increases the valuation of any tangible personal property as  
2 estimated in the itemized list furnished to the assessor, and if an assessor increases the valuation  
3 of any real property, he **or she** shall forthwith notify the record owner of the increase either in  
4 person or by mail directed to the last known address, and if the address of the owner is unknown  
5 notice shall be given by publication [~~in two newspapers published in the county~~] **on the front**  
6 **page of the assessor's website, if there is one. If the assessor does not have a website, notice**  
7 **shall be sent to the secretary of state who shall publish such notice on the legal notices**  
8 **website, established pursuant to section 493.077.**

9 2. For all calendar years prior to the first day of January of the year following receipt of  
10 software necessary for the implementation of the requirements provided under subsections 3 and  
11 4 of this section from the state tax commission, whenever any assessor shall increase the  
12 valuation of any real property, he or she shall forthwith notify the record owner on or before June  
13 fifteenth of the previous assessed value and such increase either in person, or by mail directed  
14 to the last known address and include on the face of such notice, in no less than twelve-point  
15 font, the following statement:

16 NOTICE TO TAXPAYER: IF YOUR ASSESSED VALUE HAS INCREASED,  
17 IT MAY INCREASE YOUR REAL PROPERTY TAXES WHICH ARE DUE

18 DECEMBER THIRTY-FIRST. IF YOU DO NOT AGREE THAT THE VALUE  
19 OF YOUR PROPERTY HAS INCREASED, YOU MUST CHALLENGE THE  
20 VALUE ON OR BEFORE \_\_\_\_\_ (INSERT DATE BY WHICH APPEAL  
21 MUST BE FILED) BY CONTACTING YOUR COUNTY ASSESSOR.

22 3. Effective January first of the year following receipt of software necessary for the  
23 implementation of the requirements provided under this subsection and subsection 4 of this  
24 section from the state tax commission, if an assessor increases the valuation of any real property,  
25 the assessor, on or before June fifteenth, shall notify the record owner of the increase and, in a  
26 year of general reassessment, the county shall notify the record owner of the projected tax  
27 liability likely to result from such an increase either in person or by mail directed to the last  
28 known address, and, if the address of the owner is unknown, notice shall be given by publication  
29 ~~[in two newspapers published in the county]~~ **on the front page of the assessor's website, if**  
30 **there is one. If the assessor does not have a website, notice shall be sent to the secretary of**  
31 **state who shall publish such notice on the legal notices website, established pursuant to**  
32 **section 493.077.** Notice of the projected tax liability from the county shall accompany the notice  
33 of increased valuation from the assessor.

34 4. The notice of projected tax liability, required under subsection 3 of this section, from  
35 the county shall include:

- 36 (1) Record owner's name, address, and the parcel number of the property;  
37 (2) A list of all political subdivisions levying a tax upon the property of the record  
38 owner;  
39 (3) The projected tax rate for each political subdivision levying a tax upon the property  
40 of the record owner, and the purpose for each levy of such political subdivisions;  
41 (4) The previous year's tax rates for each individual tax levy imposed by each political  
42 subdivision levying a tax upon the property of the record owner;  
43 (5) The tax rate ceiling for each levy imposed by each political subdivision levying a tax  
44 upon the property of the record owner;  
45 (6) The contact information for each political subdivision levying a tax upon the property  
46 of the record owner;  
47 (7) A statement identifying any projected tax rates for political subdivisions levying a  
48 tax upon the property of the record owner, which were not calculated and provided by the  
49 political subdivision levying the tax; and  
50 (8) The total projected property tax liability of the taxpayer.

137.512. When the assessment plat books or records are completed, the assessor shall  
2 give two weeks' notice ~~[in at least two daily newspapers published within the city]~~ that the books  
3 are open for inspection, and stating when and where the board of equalization will be in session.

4 **Such notice shall be published on the front page of the assessor's website, if there is one.**  
5 **If the assessor does not have a website, notice shall be sent to the secretary of state who**  
6 **shall publish such notice on the legal notices website, established pursuant to section**  
7 **493.077.**

138.050. 1. The following rules shall be observed by county boards of equalization:

2 (1) They shall raise the valuation of all tracts or parcels of land and all tangible personal  
3 property as in their opinion have been returned below their real value; but, after the board has  
4 raised the valuation of such property, it shall give notice of the fact, specifying the property and  
5 the amount raised, to the persons owning or controlling the same, by personal notice, or through  
6 the mail if address is known, or if address is unknown, by notice ~~[in one issue of any newspaper~~  
7 ~~published within the county at least once a week]~~ **on the board's website, if it has one, for a**  
8 **period of at least one week**, and that said board shall meet on the third Monday in July, to hear  
9 reasons, if any be given, why such increase should not be made; the board shall meet on the third  
10 Monday in July in each year to hear any person relating to any such increase in valuation. In any  
11 county with a charter form of government or any city not within a county, the board shall  
12 complete all business by the fourth Saturday in August. Any county of the first, second, third,  
13 or fourth classification shall complete all business by July thirty-first;

14 (2) They shall reduce the valuation of such tracts or parcels of land or any tangible  
15 personal property which, in their opinion, has been returned above its true value as compared  
16 with the average valuation of all the real and tangible personal property of the county.

17 **2. If any county boards of equalization do not have a website, notice otherwise**  
18 **required to be published on such board's website pursuant to subsection 1 of this section**  
19 **shall be sent to the secretary of state who shall publish such notice on the legal notices**  
20 **website, established pursuant to section 493.077, for a period of one week.**

138.070. 1. The county board of equalization, in regular session, shall have authority  
2 to assess and equalize the value of any property that may have been omitted from the assessor's  
3 books then under examination by said board, and in case the board shall add any property to the  
4 assessor's books, it shall cause notice in writing to be served upon the owner of such property,  
5 stating the kind and class of property and the value fixed thereon by said board, and naming the  
6 time and place, not less than five days thereafter, when and where such owner may appear before  
7 the board and show cause why said assessment should not be made.

8 2. At the time fixed, said board shall again meet and give opportunity to the taxpayer to  
9 be heard in regard to his **or her** assessment, and may change or alter the same upon being shown  
10 by the owner that the assessment was erroneous or improperly made; otherwise, the property and  
11 the valuation, as fixed by the board, shall be extended upon the assessor's books, as in case of  
12 other property.

13           3. The notice shall be signed by the clerk of the county commission, and shall be served  
14 by mail and it shall be the duty of the prosecuting attorney, or county counselor, if any, when  
15 called upon by the board of equalization, to represent the county in any such proceedings.

16           4. In case of the assessment of real estate belonging to nonresidents a notice containing  
17 the action of the board of equalization shall be mailed to the owner, administrator or executor  
18 to the last known address.

19           5. This notice shall state the kind and class of property and the value fixed thereon by  
20 said board, and naming the time and place, not less than five days thereafter when and where  
21 such owner, administrator, or executor may appear before the board and show cause why such  
22 assessment should not be made~~[- provided, that]~~. In any case where the residence of the owner,  
23 administrator or executor is unknown, publication shall be made of the additional assessment ~~[in~~  
24 ~~one issue of a newspaper of general circulation which is published at least once a week within~~  
25 ~~the county]~~ **on the front page of the board's website, if it has one, for a period of at least one**  
26 **week. If the board does not have a website, notice shall be sent to the secretary of state**  
27 **who shall publish such notice on the legal notices website, established pursuant to section**  
28 **493.077, for a period of at least one week.**

138.100. 1. The following rules shall be observed by such county boards of equalization:

2           (1) They shall raise the valuation of all tracts or parcels of land and all tangible personal  
3 property as in their opinion have been returned below their real value; but, after the board has  
4 raised the valuation of such property, notice shall be given that said valuation of such property  
5 has been increased and a hearing shall be granted[;] . Such notice shall be in writing and shall  
6 be directed to the owner of the property or the person controlling the same, at his **or her** last  
7 address as shown by the records in the assessor's office, and shall describe the property and the  
8 value thereof as increased[;] . Such notice may be by personal service or by mail and if the  
9 address of such person or persons is unknown, notice may be given by publication ~~[in two~~  
10 ~~newspapers published within the county;]~~ **on the front page of the board's website, if it has**  
11 **one. If the board does not have a website, notice shall be sent to the secretary of state who**  
12 **shall publish such notice on the legal notices website, established pursuant to section**  
13 **493.077.** Such notice shall be served, mailed or published at least five days prior to the date on  
14 which said hearing shall be held at which objections, if any, may be made against said increased  
15 assessment;

16           (2) They shall reduce the valuation of such tracts or parcels of land or of any tangible  
17 personal property which, in their opinion, has been returned above its true value as compared  
18 with the average valuation of all the real and tangible personal property of the county.

19           2. Such hearings shall end on the thirty-first day of July of each year, except in any city  
20 not within a county or any county with a charter form of government, in which such hearings

21 shall end by the fourth Saturday in August; provided, that the estimated true value of personal  
22 property as shown on any itemized personal property return shall not be conclusive on the  
23 assessor or prevent the assessor from increasing such valuation. Provided further that said board  
24 of equalization may meet thereafter at least once a month for the purpose of hearing allegations  
25 of erroneous assessments, double assessments and clerical errors, and upon satisfactory proof  
26 thereof shall correct such errors and certify the same to the county clerk and county collector.

27 3. The board of equalization in all counties with a charter form of government shall  
28 provide the taxpayer with written findings of fact and a written basis for the board's decision  
29 regarding any parcel of real property which is the subject of a hearing before any board of  
30 equalization.

31 4. The provisions of subsection 3 of this section shall only apply in any county with a  
32 charter form of government with more than one million inhabitants.

138.150. 1. The board shall hear complaints and appeals, and adjust, correct, and  
2 equalize the valuations and assessments of any real or tangible personal property taxable by the  
3 city and assess and equalize the value of any real or tangible personal property taxable by the city  
4 omitted from the assessment plat books or records then under examination by them, and adjust  
5 and correct the assessment plat books or records accordingly. If the board proposes to increase  
6 any assessment or to assess any omitted property, it shall give notice of the fact to the person  
7 owning or controlling the property affected, his **or her** agent or representative, by personal  
8 notice, by mail, or if the address of the person, agent or representative is unknown, then by  
9 publication [~~in one issue of at least two daily newspapers published within the city~~] **on the front**  
10 **page of the board's website, if it has one. If the board does not have a website, notice shall**  
11 **be sent to the secretary of state who shall publish such notice on the legal notices website,**  
12 **established pursuant to section 493.077.**

13 2. The notice as to omitted property shall state the kind and class of property and the  
14 value fixed thereon by the board and shall name the time and place, not less than five days  
15 thereafter, when and where the person may appear before the board and show cause, if any, why  
16 the assessment should not be made.

17 3. A like notice shall be given if the board proposes to increase any assessment, and in  
18 addition thereto shall state the amount of the increase.

19 4. For cause shown, if any, that the assessment was erroneously or improperly made, the  
20 board may change, alter or cancel the assessment.

138.460. 1. After the various assessment rolls required to be made by law shall have  
2 been passed upon by the several boards of equalization and prior to the making and delivery of  
3 the tax rolls to the proper officers for collection of the taxes, the several assessment rolls shall

4 be subject to inspection by the commission, or by any member or duly authorized agent or  
5 representative thereof.

6           2. In case it shall appear to the commission after such investigation, or be made to appear  
7 to said commission by written complaint of any taxpayer, who has previously appealed to the  
8 local board of equalization, that property subject to taxation has been omitted from said roll, or  
9 individual assessments have not been made in compliance with law, the said commission may  
10 issue an order directing the assessing officer whose assessments are to be reviewed to appear  
11 with his **or her** assessment roll and the sworn statements of the person or persons whose  
12 property or whose assessments are to be considered, at a time and place to be stated in said order,  
13 said time to be not less than five days from the date of the issuance of said order, and the place  
14 to be at the office of the county commission at the county seat, or at such other place in said  
15 county in which said roll was made as the commission shall deem most convenient for the  
16 hearing herein provided. All complaints shall be filed with the commission not later than  
17 September thirtieth.

18           3. A copy of above order shall be published [~~in at least one newspaper published in the~~  
19 ~~county~~] **on the front page of the commission's website, if it has one**, at least five days before  
20 the time at which said assessor is required to appear[~~;~~~~or~~]. **If the commission does not have**  
21 **a website, a copy of the order shall be sent to the secretary of state at least five days before**  
22 **the time at which said assessor is required to appear and the secretary shall publish such**  
23 **order on the legal notices website, established pursuant to section 493.077, until the date**  
24 **of the hearing has passed.** Where practicable, notice by mail may be given prior to said hearing  
25 to all persons whose assessments are to be considered. A copy of said order shall be served on  
26 the assessing officer at least three days before he **or she** is required to appear with said roll.

140.170. 1. Except for lands described in subsection [7] 5 of this section, the county  
2 collector shall cause a copy of the list of delinquent lands and lots to be [~~printed in some~~  
3 ~~newspaper of general circulation~~] published [~~in the county~~] for three consecutive weeks[~~, one~~  
4 ~~insertion weekly, before the sale, the last insertion to be at least fifteen days~~] prior to the fourth  
5 Monday in August **on the front page of the collector's website, if it has one. If the collector**  
6 **does not have a website, a copy of the list shall be sent three weeks prior to the fourth**  
7 **Monday in August to the secretary of state who shall publish such list on the legal notices**  
8 **website, established pursuant to section 493.077, until the date of the sale has passed.**

9           2. In addition to the names of all record owners or the names of all owners appearing on  
10 the land tax book it is only necessary in the printed and published list to state in the aggregate  
11 the amount of taxes, penalty, interest and cost due thereon, each year separately stated.

12           3. To the list shall be attached and in like manner printed and published a notice of said  
13 lands and lots stating that said land and lots will be sold at public auction to discharge the taxes,



14 penalty, interest, and costs due thereon at the time of sale in or adjacent to the courthouse of such  
15 county, on the fourth Monday in August next thereafter, commencing at ten o'clock of said day  
16 and continuing from day to day thereafter until all are offered.

17 ~~4. [The county collector, on or before the day of sale, shall insert at the foot of the list~~  
18 ~~on his or her record a copy of the notice and certify on his or her record immediately following~~  
19 ~~the notice the name of the newspaper of the county in which the notice was printed and published~~  
20 ~~and the dates of insertions thereof in the newspaper.~~

21 ~~5.]~~ The expense of such printing shall be paid out of the county treasury and shall not  
22 exceed the rate provided for in chapter 493, relating to legal publications, notices and  
23 advertisements, and the cost of printing at the rate paid by the county shall be taxed as part of the  
24 costs of the sale of any land or lot contained in the list.

25 ~~[6. The county collector shall cause the affidavit of the printer, editor or publisher of the~~  
26 ~~newspaper in which the list of delinquent lands and notice of sale was published, as provided by~~  
27 ~~section 493.060, with the list and notice attached, to be recorded in the office of the recorder of~~  
28 ~~deeds of the county, and the recorder shall not charge or receive any fees for recording the same.~~

29 ~~7.]~~ **5. (1)** The county collector may have a separate list of such lands, without legal  
30 descriptions or the names of the record owners, ~~[printed in a newspaper of general circulation]~~  
31 published ~~[in such county]~~ for three consecutive weeks before the sale of such lands for a parcel  
32 or lot of land that:

33 ~~(1)]~~ **(a)** Has an assessed value of one thousand five hundred dollars or less and has been  
34 advertised previously; or

35 ~~(2)]~~ **(b)** Is a lot in a development of twenty or more lots and such lot has an assessed  
36 value of one thousand five hundred dollars or less.

37 The notice shall state that legal descriptions and the names of the record owners of such lands  
38 shall be posted at any county courthouse within the county and the office of the county collector.

39 **(2) Publication of the list required by subdivision (1) of this subsection shall be**  
40 **made on the collector's website, if it has one. If the collector does not have a website, the**  
41 **list shall be sent to the secretary of state who shall publish such list on the legal notices**  
42 **website, established pursuant to section 493.077.**

43 ~~[8.]~~ **6.** If, in the opinion of the county collector, an adequate legal description of the  
44 delinquent land and lots cannot be obtained through researching the documents available through  
45 the recorder of deeds, the collector may commission a professional land surveyor to prepare an  
46 adequate legal description of the delinquent land and lots in question. The costs of any  
47 commissioned land survey deemed necessary by the county collector shall be taxed as part of the  
48 costs of the sale of any land or lots contained in the list prepared under this section.

141.040. 1. If, on the first day of January of any year, any of said lands or town lots  
 2 contained in said back tax book or recorded list of delinquent land or lots in the collector's office  
 3 remain unredeemed, it shall be the duty of the collector to proceed to enforce the payment of the  
 4 taxes charged against such tract or lot, by suit in a court of competent jurisdiction in the county  
 5 where the real estate is situated, which said court shall have jurisdiction, without regard to the  
 6 amount sued on, to enforce the lien of the state or such counties, and it shall be the duty of the  
 7 collector, when suit shall have been commenced against any tract of land or town lot on said  
 8 back tax book, to note opposite said tract or lot such fact, also against whom suit has been  
 9 commenced~~[- and]~~ . In cases where suit is brought for the enforcement of liens as above, where  
 10 summons shall have been issued against any defendant, and the officer to whom it is directed  
 11 shall make his **or her** return that the defendant cannot be found, the court before whom the suit  
 12 is pending, being first satisfied that the summons cannot be served, shall make an order directing  
 13 that notice of such action be given to such defendant by publication~~[- and]~~ . In all cases where  
 14 it shall be alleged in the petition, or in an affidavit subsequently filed with the clerk, that the  
 15 defendants, or any one of them is a nonresident of the state of Missouri, so that the ordinary  
 16 process of law cannot be served upon them, then such order may be made, and such notice by  
 17 publication given by the clerk of the court in vacation, and which notice shall be published ~~in~~  
 18 ~~like manner and with the same effect as when ordered by the court; the proof of publication of~~  
 19 ~~the order required by this section may be made by the affidavit of the publisher of the newspaper~~  
 20 ~~in which the order was published, or by the affidavit of any person who would be a competent~~  
 21 ~~witness in said cause, filed with the court; and] in the manner provided in subsection 2 of this~~  
 22 **section.**

23 **2. The notice required by subsection 1 of this section shall be published on the front**  
 24 **page of the collector's website, if it has one. If the collector does not have a website, notice**  
 25 **shall be sent to the secretary of state who shall publish such notice on the legal notices**  
 26 **website, established pursuant to section 493.077.** If the defendant or defendants fail to appear  
 27 at the time and place required by ~~[said]~~ **the court** order and defend ~~[said]~~ **the** cause of action,  
 28 judgment by default may be rendered as prayed, which judgment shall be as binding and  
 29 effectual against the property on which the lien is sought to be enforced as if there had been  
 30 personal service on the defendant.

141.410. 1. A suit for the foreclosure of the tax liens herein provided for shall be  
 2 instituted by filing in the appropriate office of the circuit clerk a petition, which petition shall  
 3 contain a caption, a copy of the list so furnished to the delinquent land tax attorney by the  
 4 collector, and a prayer. Such petition without further allegation shall be deemed to be sufficient.

5 2. The caption shall be in the following form:

6 In the Circuit Court of \_\_\_\_\_ County, Missouri,

7 In the Matter of  
 8 Foreclosure of Liens for Delinquent Land Taxes  
 9 By Action in Rem.  
 10 Collector of Revenue of \_\_\_\_\_ County, Missouri,

Plaintiff

12 -vs.-

13 Parcels of Land Encumbered with Delinquent Tax Liens

14 Defendants

15 3. The petition shall conclude with a prayer that all tax liens upon such real estate be  
 16 foreclosed; that the court determine the amounts and priorities of all tax bills, together with  
 17 interest, penalties, costs, and attorney's fees; that the court order such real estate to be sold by the  
 18 sheriff at public sale as provided by sections 141.210 to 141.810 and sections 141.980 to  
 19 141.1015 and that thereafter a report of such sale be made by the sheriff to the court for further  
 20 proceedings under sections 141.210 to 141.810 and sections 141.980 to 141.1015.

21 4. The delinquent land tax attorney within ten days after the filing of any such petition  
 22 shall forward by United States registered mail to each person or taxing authority having filed a  
 23 list of delinquent tax bills with the collector as provided by sections 141.210 to 141.810 and  
 24 sections 141.980 to 141.1015 a notice of the time and place of the filing of such petition ~~[and of~~  
 25 ~~the newspaper in which the notice of publication has been or will be published].~~

26 5. The petition when so filed shall have the same force and effect with respect to each  
 27 parcel of real estate therein described, as a separate suit instituted to foreclose the tax lien or liens  
 28 against any one of said parcels of real estate.

141.430. 1. Upon the filing of such suits with the circuit clerk, the delinquent land tax  
 2 attorney shall forthwith cause a notice of foreclosure to be published ~~[four times, once a week,~~  
 3 ~~during successive weeks, and on the same day of each week, in a daily newspaper of general~~  
 4 ~~circulation regularly published in such county, qualified according to law for the publication of~~  
 5 ~~public notices and advertisements]~~ **on the front page of the circuit clerk's website, if it has**  
 6 **one, for a period of four successive weeks. If the circuit clerk does not have a website,**  
 7 **notice shall be sent to the secretary of state who shall publish such notice on the legal**  
 8 **notices website, established pursuant to section 493.077, for a period of four successive**  
 9 **weeks.**

10 2. Such notice shall be in substantially the following form:

11 NOTICE OF FORECLOSURE OF LIENS FOR DELINQUENT  
 12 LAND TAXES, BY ACTION IN REM

13 Public notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the  
 14 Collector of Revenue of \_\_\_\_\_ County, Missouri, filed a petition, being suit No.

15 \_\_\_\_\_, in the Circuit Court of \_\_\_\_\_ County, Missouri, at \_\_\_\_\_ (stating the  
16 city), for the foreclosure of liens for delinquent land taxes (except liens in favor  
17 of the United States of America, if any) against the real estate situated in such  
18 county, all as described in said petition.

19 The object of said suit is to obtain from the Court a judgment foreclosing the tax  
20 liens against such real estate and ordering the sale of such real estate for the  
21 satisfaction of said tax liens thereon (except liens in favor of the United States of  
22 America, if any), including principal, interest, penalties, attorneys' fees and costs.  
23 Such action is brought against the real estate only and no personal judgment shall  
24 be entered therein.

25 The serial number assigned by the Collector to each parcel of real estate, a  
26 description of each such parcel, a statement of the total principal amount of all  
27 delinquent tax bills against each such parcel of real estate, all of which, as to each  
28 parcel, is more fully set out and itemized in the aforesaid petition, and the name  
29 of the last known person appearing on the records of the collector in whose name  
30 said tax bills were listed or charged for the year preceding the calendar year in  
31 which the list described in said petition was filed with the collector, are,  
32 respectively, as follows:

33 (Here set out the respective serial numbers, descriptions, names, and statements  
34 of total principal amounts of tax bills, next above referred to.)

35 The total principal amounts of delinquent taxes set out in this notice do not  
36 include the lawful interest, penalties, attorneys' fees and costs which have accrued  
37 against the respective parcels of real estate, all of which in each case is set out  
38 and itemized in the aforesaid petition.

39 Any person or taxing authority owning or holding any tax bill or claiming any  
40 right, title or interest in or to or lien upon any such parcel of real estate, must file  
41 an answer to such suit in the office of the Circuit Clerk of the aforesaid County,  
42 and a copy of such answer with the Delinquent Land Tax Attorney at the office  
43 of the Collector of Revenue of said County, on or before the \_\_\_\_\_ day of  
44 \_\_\_\_\_, 20\_\_\_\_\_, and in such answer shall set forth in detail the nature and  
45 amount of such interest and any defense or objection to the foreclosure of the tax  
46 liens, or any affirmative relief he or it may be entitled to assert with respect  
47 thereto.

48 Any person having any right, title or interest in or to, or lien upon, any parcel of  
49 such real estate, may redeem such parcel of real estate by paying all of the sums  
50 mentioned therein, to the undersigned Collector of Revenue, including principal,

51 interest, penalties, attorneys' fees and costs then due, at any time prior to the time  
52 of the foreclosure sale of such real estate by the sheriff.

53 In the event of failure to answer or redeem on or before the date herein fixed as  
54 the last day for filing answer in the suit, by any person having the right to answer  
55 or redeem, such person shall be forever barred and foreclosed as to any defense  
56 or objection he might have to the foreclosure of such liens for delinquent taxes  
57 and a judgment of foreclosure may be taken by default. Redemption may be  
58 made, however, up to the time fixed for the holding of sheriff's foreclosure sale,  
59 and thereafter there shall be no equity of redemption and each such person having  
60 any right, title or interest in or to, or any lien upon, any such parcel of real estate  
61 described in the petition so failing to answer or redeem as aforesaid, shall be  
62 forever barred and foreclosed of any right, title or interest in or lien upon or any  
63 equity of redemption in said real estate.

64 \_\_\_\_\_  
65 Collector of Revenue \_\_\_\_\_  
66 County, Missouri  
67 \_\_\_\_\_  
68 Address

69 \_\_\_\_\_  
70 Delinquent Land Tax Attorney  
71 \_\_\_\_\_  
72 Address

73 \_\_\_\_\_  
74 First Publication:  
75 \_\_\_\_\_

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 office, in whose  
4 name land taxes were billed or charged, as to one or more parcels of real estate  
5 described in a certain petition bearing cause No. \_\_\_\_\_ (fill in number of case)  
6 filed in the Circuit Court of \_\_\_\_\_ County, Missouri, at \_\_\_\_\_ (fill in city), on  
7 \_\_\_\_\_, 20\_\_\_\_\_, wherein a foreclosure of the lien of various delinquent tax  
8 bills is sought and a court order asked for the purpose of selling said real estate  
9 at a public sale for payment of all delinquent tax bills, together with interest,  
10 penalties, attorney's fees and costs. Publication of notice of such foreclosure was  
11 commenced on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in \_\_\_\_\_ (here insert

12 ~~name of newspaper), a daily newspaper published in \_\_\_\_\_ (here insert name~~  
13 ~~of city), Missouri].~~

14 Unless all delinquent taxes be paid upon the parcels of real estate described in  
15 said petition and said real estate redeemed prior to the time of the foreclosure sale  
16 of such real estate by the sheriff, the owner or any person claiming any right, title  
17 or interest in or to, or lien upon, any such parcels of real estate, shall be forever  
18 barred and foreclosed of all right, title and interest and equity of redemption in  
19 and to such parcels of real estate; provided, however, that any such persons shall  
20 have the right to file an answer in said suit on or before the \_\_\_\_\_ day of  
21 \_\_\_\_\_, 20\_\_\_\_\_, in the office of the Circuit Clerk and a copy thereof with the  
22 Delinquent Land Tax Attorney, setting forth in detail the nature and amount of  
23 the interest and any defense or objection to the foreclosure.

24 Dated \_\_\_\_\_

25 _____	_____
26 Delinquent Land Tax	Collector of Revenue
27 Attorney	_____ County, Missouri
28 _____	_____
29 Address	Address

141.540. 1. In any county at a certain front door of whose courthouse sales of real estate  
2 are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell  
3 the respective parcels of real estate ordered sold by him or her pursuant to any judgment of  
4 foreclosure by any court pursuant to sections 141.210 to 141.810 and 141.980 to 141.1015 at any  
5 of such courthouses, but the sale of such parcels of real estate shall be held at the same front door  
6 as sales of real estate are customarily made by the sheriff under execution.

7 2. Such advertisements may include more than one parcel of real estate, and shall be in  
8 substantially the following form:

9 NOTICE OF SHERIFF'S  
10 SALE UNDER JUDGMENT OF  
11 FORECLOSURE OF LIENS FOR  
12 DELINQUENT LAND TAXES

13 No. \_\_\_\_\_

14 In the Circuit Court of \_\_\_\_\_ County, Missouri.  
15 In the Matter of Foreclosure of Liens for Delinquent Land Taxes  
16 Collector of Revenue of \_\_\_\_\_ County, Missouri, Plaintiff,  
17 vs.  
18 Parcels of Land encumbered with Delinquent Tax Liens, Defendants.

19 WHEREAS, judgment has been rendered against parcels of real estate for taxes,  
 20 interest, penalties, attorney's fees and costs with the serial numbers of each parcel  
 21 of real estate, the description thereof, the name of the person appearing in the  
 22 petition in the suit, and the total amount of the judgment against each such parcel  
 23 for taxes, interest, penalties, attorney's fees and costs, all as set out in said  
 24 judgment and described in each case, respectively, as follows: (Here set out the  
 25 respective serial numbers, descriptions, names and total amounts of each  
 26 judgment, next above referred to.) and,

27 WHEREAS, such judgment orders such real estate sold by the undersigned  
 28 sheriff, to satisfy the total amount of such judgment, including interest, penalties,  
 29 attorney's fees and costs,

30 NOW, THEREFORE,

31 Public Notice is hereby given that I \_\_\_\_\_, Sheriff of \_\_\_\_\_ County, Missouri,  
 32 will sell such real estate, parcel by parcel, at public auction, to the highest bidder,  
 33 for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the  
 34 \_\_\_\_\_ front door of the \_\_\_\_\_ County Courthouse in \_\_\_\_\_, Missouri, on  
 35 \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and continuing from day to day  
 36 thereafter, to satisfy the judgment as to each respective parcel of real estate sold.

37 If no acceptable bids are received as to any parcel of real estate, said parcel shall  
 38 be sold to the Land Trust of \_\_\_\_\_ (insert name of County), Missouri or Land  
 39 Bank of the City of \_\_\_\_\_ (insert name of municipality), Missouri.

40 Any bid received shall be subject to confirmation by the court.

41 \_\_\_\_\_  
 42 Sheriff of \_\_\_\_\_ County, Missouri

43 \_\_\_\_\_  
 44 Delinquent Land Tax Attorney

45 Address: \_\_\_\_\_

46 First Publication \_\_\_\_\_, 20\_\_\_\_\_

47 3. Such advertisement shall be published [~~four times, once a week, upon the same day~~  
 48 ~~of each week during successive weeks prior to the date of such sale, in a daily newspaper of~~  
 49 ~~general circulation regularly published in the county, qualified according to law for the~~  
 50 ~~publication of public notices and advertisements]~~ **on the front page of the sheriff's website,**  
 51 **if it has one, for a period of four successive weeks. If the sheriff does not have a website,**  
 52 **notice shall be sent to the secretary of state who shall publish such notice on the legal**  
 53 **notices website, established pursuant to section 493.077, for a period of four successive**  
 54 **weeks.**

55           4. In addition to the provisions herein for notice and advertisement of sale, the county  
56 collector shall enter upon the property subject to foreclosure of these tax liens and post a written  
57 informational notice in any conspicuous location thereon. This notice shall describe the property  
58 and advise that it is the subject of delinquent land tax collection proceedings before the circuit  
59 court brought pursuant to sections 141.210 to 141.810 and 141.980 to 141.1015 and that it may  
60 be sold for the payment of delinquent taxes at a sale to be held at ten o'clock a.m., date and place,  
61 and shall also contain a file number and the address and phone number of the collector. If the  
62 collector chooses to post such notices as authorized by this subsection, such posting must be  
63 made not later than the fourteenth day prior to the date of the sale.

64           5. The collector shall, concurrently with the beginning of the publication of sale, cause  
65 to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief  
66 notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to  
67 sections 141.210 to 141.810 and 141.980 to 141.1015, to the persons named in the petition as  
68 being the last known persons in whose names tax bills affecting the respective parcels of real  
69 estate described in said petition were last billed or charged on the books of the collector, or the  
70 last known owner of record, if different, and to the addresses of said persons upon said records  
71 of the collector. The terms "restricted", "registered" or "certified mail" as used in this section  
72 mean mail which carries on the face thereof in a conspicuous place, where it will not be  
73 obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires  
74 a return receipt or a statement by the postal authorities that the addressee refused to receive and  
75 receipt for such mail. If the notice is returned to the collector by the postal authorities as  
76 undeliverable for reasons other than the refusal by the addressee to receive and receipt for the  
77 notice as shown by the return receipt, then the collector shall make a search of the records  
78 maintained by the county, including those kept by the recorder of deeds, to discern the name and  
79 address of any person who, from such records, appears as a successor to the person to whom the  
80 original notice was addressed, and to cause another notice to be mailed to such person. The  
81 collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit  
82 reciting to the court any name, address and serial number of the tract of real estate affected of any  
83 such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt  
84 for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name  
85 or address does not appear on the records of the collector, then of that fact. The affidavit in  
86 addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

87           6. The collector may, at his or her option, concurrently with the beginning of the  
88 publication of sale, cause to be prepared and sent by restricted, registered or certified mail with  
89 postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure  
90 of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if



91 known, of the respective parcels of real estate described in said petition, and to the addressee of  
92 such mortgagee or security holder according to the records of the collector. The terms  
93 "restricted", "registered" or "certified mail" as used in this section mean mail which carries on  
94 the face thereof in a conspicuous place, where it will not be obliterated, the endorsement,  
95 "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement  
96 by the postal authorities that the addressee refused to receive and receipt for such mail. If the  
97 notice is returned to the collector by the postal authorities as undeliverable for reasons other than  
98 the refusal by the addressee to receive and receipt for the notice as shown by the return receipt,  
99 then the collector shall make a search of the records maintained by the county, including those  
100 kept by the recorder of deeds, to discern the name and address of any security holder who, from  
101 such records, appears as a successor to the security holder to whom the original notice was  
102 addressed, and to cause another notice to be mailed to such security holder. The collector shall  
103 prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the  
104 court any name, address and serial number of the tract of real estate affected by any such notices  
105 of sale that are undeliverable because of an addressee's refusal to receive and receipt for the  
106 same, or of any notice otherwise nondeliverable by mail, and stating the reason for the  
107 nondelivery of such notice.

141.785. 1. The land trust shall be authorized to file an action to quiet title pursuant to  
2 section 527.150 as to any real property in which the land trust has an interest. For purposes of  
3 any and all such actions the land trust shall be deemed to be the holder of sufficient legal and  
4 equitable interests, and possessory rights, so as to qualify the land trust as adequate petitioner in  
5 such action.

6 2. Prior to the filing of an action to quiet title the land trust shall conduct an examination  
7 of title to determine the identity of any and all persons and entities possessing a claim or interest  
8 in or to the real property. Service of the petition to quiet title shall be provided to all such  
9 interested parties by the following methods:

10 (1) Registered or certified mail to such identity and address as reasonably ascertainable  
11 by an inspection of public records;

12 (2) In the case of occupied real property by first class mail, addressed to "Occupant";

13 (3) By posting a copy of the notice on the real property;

14 (4) By publication ~~[in a newspaper of general circulation in the municipality in which~~  
15 ~~the property is located]~~ **on the legal notices website, established pursuant to section 493.077;**

16 and

17 (5) Such other methods as the court may order.

18 3. As part of the petition to quiet title the land trust shall file an affidavit identifying all  
19 parties potentially having an interest in the real property, and the form of notice provided.

20           4. The court shall schedule a hearing on the petition within ninety days following filing  
21 of the petition, and as to all matters upon which an answer was not filed by an interested party,  
22 the court shall issue its final judgment within one hundred twenty days of the filing of the  
23 petition.

24           5. The land trust shall be authorized to join in a single petition to quiet title one or more  
25 parcels of real property.

141.850. 1. If any of the lands or town lots contained in the back tax book or list of  
2 delinquent lands or lots remain unredeemed on the first day of January, the collector shall file  
3 suit in the circuit court against such lands or lots to enforce the lien of the state and city.

4           2. The collector shall note opposite such tract in the back tax book the fact that suit has  
5 been commenced and the person against whom commenced.

6           3. When summons has been issued against any defendant and the officer to whom it is  
7 directed makes return that the defendant cannot be found, and the court is satisfied that summons  
8 cannot be served; and in all cases where it is alleged in the petition or in an affidavit  
9 subsequently filed, that the defendants or any one of them are nonresidents of the state of  
10 Missouri, the court or clerk of the court in vacation shall issue an order that notice of such action  
11 be given the defendant by publication **on the front page of the collector's website, if it has one.**  
12 **If the collector does 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 pursuant to section**  
14 **493.077.**

15           4. ~~[The proof of publication may be made by filing in the court an affidavit of the~~  
16 ~~publisher of the newspaper or of any person who would be a competent witness in the cause.~~

17 ~~———5.]~~ If the defendant does not appear and defend, judgment by default shall be rendered,  
18 which judgment shall be as binding and effectual against the property as if there had been  
19 personal service on the defendant.

141.1009. 1. A land bank agency shall be authorized to file an action to quiet title  
2 pursuant to section 527.150 as to any real property in which the land bank agency has an interest.  
3 For purposes of any and all such actions the land bank agency shall be deemed to be the holder  
4 of sufficient legal and equitable interests, and possessory rights, so as to qualify the land bank  
5 agency as adequate petitioner in such action.

6           2. Prior to the filing of an action to quiet title the land bank agency shall conduct an  
7 examination of title to determine the identity of any and all persons and entities possessing a  
8 claim or interest in or to the real property. Service of the petition to quiet title shall be provided  
9 to all such interested parties by the following methods:

10           (1) Registered or certified mail to such identity and address as reasonably ascertainable  
11 by an inspection of public records;

- 12 (2) In the case of occupied real property by first class mail, addressed to "Occupant";
- 13 (3) By posting a copy of the notice on the real property;
- 14 (4) By publication [~~in a newspaper of general circulation in the municipality in which~~  
15 ~~the property is located~~] **on the legal notices website, established pursuant to section 493.077;**
- 16 and
- 17 (5) Such other methods as the court may order.
- 18 3. As part of the petition to quiet title the land bank agency shall file an affidavit  
19 identifying all parties potentially having an interest in the real property, and the form of notice  
20 provided.
- 21 4. The court shall schedule a hearing on the petition within ninety days following filing  
22 of the petition, and as to all matters upon which an answer was not filed by an interested party  
23 the court shall issue its final judgment within one hundred twenty days of the filing of the  
24 petition.
- 25 5. A land bank agency shall be authorized to join in a single petition to quiet title one or  
26 more parcels of real property.

141.1012. A land bank agency may be dissolved as a public body corporate and politic  
2 not less than sixty calendar days' after an ordinance or resolution for such dissolution is passed  
3 by the municipality that established the land bank agency. Not less than sixty calendar days'  
4 advance written notice of consideration of such an ordinance or resolution of dissolution shall  
5 be given to the members of the board of the land bank agency, shall be published [~~in a local~~  
6 ~~newspaper of general circulation within such municipality~~], and shall be sent certified mail to  
7 each trustee of any outstanding bonds of the land bank agency. **Publication of such notice shall**  
8 **be on the front page of the land bank agency's website, if it has one. If the land bank**  
9 **agency does not 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 to section 493.077.**  
11 No land bank agency shall be dissolved while there remains outstanding any bonds, notes, or  
12 other obligations of the land bank agency unless such bonds, notes, or other obligations are paid  
13 or defeased pursuant to the resolution, indenture or other financing document under which such  
14 bonds, notes, or other obligations were issued prior to or simultaneously with such dissolution.  
15 Upon dissolution of a land bank agency pursuant to this section, all real property, personal  
16 property, and other assets of the land bank agency shall be transferred by appropriate written  
17 instrument to and shall become the assets of the municipality that established the land bank  
18 agency. Such municipality shall act expeditiously to return such real property to the tax rolls and  
19 shall market and sell such real property using an open, public method that ensures the best  
20 possible prices are realized while ensuring such real property is returned to a suitable, productive  
21 use for the betterment of the neighborhoods in which such real property is located. Any such real

22 property that was acquired by the dissolved land bank agency pursuant to a deemed sale under  
23 subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984,  
24 or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550 shall be held by  
25 such municipality in trust for the tax bill owners and taxing authorities having an interest in any  
26 tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure, and  
27 upon the sale or other disposition of any such property by such municipality, the proceeds  
28 therefrom shall be applied and distributed in the following order:

29 (1) To the payment of the expenses of sale;

30 (2) To the reasonable costs incurred by such municipality in maintaining and marketing  
31 such property; and

32 (3) The balance shall be paid to the respective taxing authorities that, at the time of the  
33 distribution, are taxing the real property from which the proceeds are being distributed.

144.034. The sales of advertising by ~~[legal]~~ newspapers ~~[pursuant to chapter 493,]~~  
2 advertising agencies, broadcast stations, and standardized outdoor billboard advertising shall be  
3 considered the sale of a service and not the sale of tangible personal property. Purchases of  
4 tangible personal property which are for use in producing advertising by the businesses listed in  
5 the preceding sentence shall be deemed to be purchases for use or consumption and not for  
6 resale. In addition to the exemptions granted under the provisions of section 144.030, the sale  
7 of services as defined in this section shall be specifically exempted from the provisions of  
8 sections 66.600 to 66.635, sections 67.500 to 67.545, sections 92.400 to 92.420, sections 94.500  
9 to 94.570, sections 94.600 to 94.655, sections 94.700 to 94.755, and sections 144.010 to 144.510  
10 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable under  
11 sections 66.600 to 66.635, sections 67.500 to 67.545, sections 92.400 to 92.420, sections 94.500  
12 to 94.570, sections 94.600 to 94.655, sections 94.700 to 94.755, and sections 144.010 to 144.510  
13 and 144.600 to 144.745.

160.665. 1. Any school district within the state may designate one or more elementary  
2 or secondary school teachers or administrators as a school protection officer. The responsibilities  
3 and duties of a school protection officer are voluntary and shall be in addition to the normal  
4 responsibilities and duties of the teacher or administrator. Any compensation for additional  
5 duties relating to service as a school protection officer shall be funded by the local school  
6 district, with no state funds used for such purpose.

7 2. Any person designated by a school district as a school protection officer shall be  
8 authorized to carry concealed firearms or a self-defense spray device in any school in the district.  
9 A self-defense spray device shall mean any device that is capable of carrying, and that ejects,  
10 releases, or emits, a nonlethal solution capable of incapacitating a violent threat. The school  
11 protection officer shall not be permitted to allow any firearm or device out of his or her personal

12 control while that firearm or device is on school property. Any school protection officer who  
13 violates this subsection may be removed immediately from the classroom and subject to  
14 employment termination proceedings.

15 3. A school protection officer has the same authority to detain or use force against any  
16 person on school property as provided to any other person under chapter 563.

17 4. Upon detention of a person under subsection 3 of this section, the school protection  
18 officer shall immediately notify a school administrator and a school resource officer, if such  
19 officer is present at the school. If the person detained is a student then the parents or guardians  
20 of the student shall also be immediately notified by a school administrator.

21 5. Any person detained by a school protection officer shall be turned over to a school  
22 administrator or law enforcement officer as soon as practically possible and shall not be detained  
23 by a school protection officer for more than one hour.

24 6. Any teacher or administrator of an elementary or secondary school who seeks to be  
25 designated as a school protection officer shall request such designation in writing, and submit  
26 it to the superintendent of the school district which employs him or her as a teacher or  
27 administrator. Along with this request, any teacher or administrator seeking to carry a concealed  
28 firearm on school property shall also submit proof that he or she has a valid concealed carry  
29 endorsement or permit, and all teachers and administrators seeking the designation of school  
30 protection officer shall submit a certificate of school protection officer training program  
31 completion from a training program approved by the director of the department of public safety  
32 which demonstrates that such person has successfully completed the training requirements  
33 established by the POST commission under chapter 590 for school protection officers.

34 7. No school district may designate a teacher or administrator as a school protection  
35 officer unless such person has successfully completed a school protection officer training  
36 program, which has been approved by the director of the department of public safety. No school  
37 district shall allow a school protection officer to carry a concealed firearm on school property  
38 unless the school protection officer has a valid concealed carry endorsement or permit.

39 8. Any school district that designates a teacher or administrator as a school protection  
40 officer shall, within thirty days, notify, in writing, the director of the department of public safety  
41 of the designation, which shall include the following:

42 (1) The full name, date of birth, and address of the officer;

43 (2) The name of the school district; and

44 (3) The date such person was designated as a school protection officer.

45 Notwithstanding any other provisions of law to the contrary, any identifying information  
46 collected under the authority of this subsection shall not be considered public information and  
47 shall not be subject to a request for public records made under chapter 610.

48           9. A school district may revoke the designation of a person as a school protection officer  
49 for any reason and shall immediately notify the designated school protection officer in writing  
50 of the revocation. The school district shall also within thirty days of the revocation notify the  
51 director of the department of public safety in writing of the revocation of the designation of such  
52 person as a school protection officer. A person who has had the designation of school protection  
53 officer revoked has no right to appeal the revocation decision.

54           10. The director of the department of public safety shall maintain a listing of all persons  
55 designated by school districts as school protection officers and shall make this list available to  
56 all law enforcement agencies.

57           11. Before a school district may designate a teacher or administrator as a school  
58 protection officer, the school board shall hold a public hearing on whether to allow such  
59 designation. Notice of the hearing shall be published at least fifteen days before the date of the  
60 hearing [~~in a newspaper of general circulation within the city or county in which the school~~  
61 ~~district is located~~] **on the front page of the school district's website, if it has one. If the**  
62 **school district does not have a website, notice shall be sent at least fifteen days before the**  
63 **date of the hearing to the secretary of state who shall publish such notice on the legal**  
64 **notices website, established pursuant to section 493.077, until the date of the hearing has**  
65 **passed.** The board may determine at a closed meeting, as "closed meeting" is defined under  
66 section 610.010, whether to authorize the designated school protection officer to carry a  
67 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 the guidance  
3 of the commissioner of education and the department of elementary and secondary education;

4           (2) Carry out the educational policies of the state relating to public schools that are  
5 provided by law and supervise instruction in the public schools;

6           (3) Direct the investment of all moneys received by the state to be applied to the capital  
7 of any permanent fund established for the support of public education within the jurisdiction of  
8 the department of elementary and secondary education and see that the funds are applied to the  
9 branches of educational interest of the state that by grant, gift, devise or law they were originally  
10 intended, and if necessary institute suit for and collect the funds and return them to their  
11 legitimate channels;

12           (4) Cause to be assembled information which will reflect continuously the condition and  
13 management of the public schools of the state;

14           (5) Require of county clerks or treasurers, boards of education or other school officers,  
15 recorders and treasurers of cities, towns and villages, copies of all records required to be made

16 by them and all other information in relation to the funds and condition of schools and the  
17 management thereof that is deemed necessary;

18 (6) Provide blanks suitable for use by officials in reporting the information required by  
19 the board;

20 (7) When conditions demand, cause the laws relating to schools to be published in a  
21 separate volume, with pertinent notes and comments, for the guidance of those charged with the  
22 execution of the laws;

23 (8) Grant, without fee except as provided in section 168.021, certificates of qualification  
24 and licenses to teach in any of the public schools of the state, establish requirements therefor,  
25 formulate regulations governing the issuance thereof, and cause the certificates to be revoked for  
26 the reasons and in the manner provided in section 168.071;

27 (9) Classify the public schools of the state, subject to limitations provided by law and  
28 subdivision (14) of this section, establish requirements for the schools of each class, and  
29 formulate rules governing the inspection and accreditation of schools preparatory to  
30 classification, with such requirements taking effect not less than two years from the date of  
31 adoption of the proposed rule by the state board of education, provided that this condition shall  
32 not apply to any requirement for which a time line for adoption is mandated in either federal or  
33 state law. Such rules shall include a process to allow any district that is accredited without  
34 provision that does not meet the state board's promulgated criteria for a classification designation  
35 of accredited with distinction to propose alternative criteria to the state board to be classified as  
36 accredited with distinction;

37 (10) Make an annual report on or before the first Wednesday after the first day of January  
38 to the general assembly or, when it is not in session, to the governor for publication and  
39 transmission to the general assembly. The report shall be for the last preceding school year, and  
40 shall include:

41 (a) A statement of the number of public schools in the state, the number of pupils  
42 attending the schools, their sex, and the branches taught;

43 (b) A statement of the number of teachers employed, their sex, their professional  
44 training, and their average salary;

45 (c) A statement of the receipts and disbursements of public school funds of every  
46 description, their sources, and the purposes for which they were disbursed;

47 (d) Suggestions for the improvement of public schools; and

48 (e) Any other information relative to the educational interests of the state that the law  
49 requires or the board deems important;

50 (11) Make an annual report to the general assembly and the governor concerning  
51 coordination with other agencies and departments of government that support family literacy  
52 programs and other services which influence educational attainment of children of all ages;

53 (12) Require from the chief officer of each division of the department of elementary and  
54 secondary education, on or before the thirty-first day of August of each year, reports containing  
55 information the board deems important and desires for publication;

56 (13) Cause fifty copies of its annual report to be reserved for the use of each division of  
57 the state department of elementary and secondary education, and ten copies for preservation in  
58 the state library;

59 (14) Promulgate rules under which the board shall classify the public schools of the state;  
60 provided that the appropriate scoring guides, instruments, and procedures used in determining  
61 the accreditation status of a district shall be subject to a public meeting upon notice ~~[in a~~  
62 ~~newspaper of general circulation in each of the three most populous cities in the state and also~~  
63 ~~a newspaper that is a certified minority business enterprise or woman-owned business enterprise~~  
64 ~~in each of the two most populous cities in the state, and]~~ **published on the front page of the**  
65 **board's website, if it has one. If the board does not have a website, notice shall be sent to**  
66 **the secretary of state who shall publish such notice on the legal notices website, established**  
67 **pursuant to section 493.077.** Notice shall additionally be sent to each district board of  
68 education, each superintendent of a school district, and to the speaker of the house of  
69 representatives, the president pro tem of the senate, and the members of the joint committee on  
70 education[;] . **Notice required pursuant to this subdivision shall be published or given at**  
71 **least fourteen days in advance of the meeting, which shall be conducted by the department of**  
72 **elementary and secondary education not less than ninety days prior to their application in**  
73 **accreditation, with all comments received to be reported to the state board of education;**

74 (15) Have other powers and duties prescribed by law.

162.321. 1. The board of education of any seven-director district may change the name  
2 of the district by unanimous consent of the members of the board, the name to comply with any  
3 applicable regulations of the state board of education, after first giving notice of the change by  
4 publication ~~[in some newspaper published in the county in which the district is located].~~ The  
5 notice shall be published ~~[once a week]~~ for at least three consecutive weeks~~[-The first~~  
6 ~~publication shall be made not less than three weeks]~~ prior to the date upon which the board  
7 proposes to make the change of name~~[-and the last publication shall be made not more than~~  
8 ~~seven days prior to that date. However,]~~ **on the front page of the board's website, if it has**  
9 **one. If the board does not have a website, notice shall be sent at least three weeks prior to**  
10 **the date of the hearing to the secretary of state who shall publish such notice on the legal**  
11 **notices website, established pursuant to section 493.077, until the date of the hearing has**



12 **passed.** If a petition signed by twenty voters residing within the district is filed with the board  
13 on or before the date specified in the notice protesting against the change of name then the  
14 proposed change of name shall be presented as a question at the next municipal election. If the  
15 question is assented to by a majority of the voters of the district voting on the question, the board  
16 of education shall declare the change of name to be in effect.

17 2. The changing of the name of the school district under this section shall in no way  
18 change its classification or have any effect upon its contracts, indebtedness, existence, or other  
19 rights and liabilities.

165.111. 1. The school board of each district, for any year for which it does not cause  
2 an audit to be performed by October thirty-first after the close of the school year, shall make and  
3 publish, not later than September first, ~~[in some newspaper as described in section 493.050~~  
4 ~~published in the school district, and if there is none then in some newspaper of general~~  
5 ~~circulation within the district,]~~ a statement of all receipts of school moneys, when and from what  
6 source derived, and all expenditures, and on what account; also, the present indebtedness of the  
7 district and its nature, and the rate of taxation for all purposes for the year. The statement shall  
8 be duly attested by the president and secretary of the board, and the secretary shall forward a  
9 copy to the state board of education on forms prescribed by the board. **Publication of such**  
10 **statement shall be on the front page of the school district's website, if it has one. If the**  
11 **school district does not have a website, the statement shall be sent to the secretary of state**  
12 **who shall publish such statement on the legal notices website, established pursuant to**  
13 **section 493.077.**

14 2. The state board of education shall not release the state aid apportioned to the district  
15 for the next ensuing school year until a copy of the required statement has been received at its  
16 office in Jefferson City and has been approved by it. Any school board which fails, refuses or  
17 neglects to order the statement to be made, and any officer of the board who fails, refuses, or  
18 neglects to prepare, publish and forward the statement, as required by this section, when ordered  
19 by the board, is guilty of a misdemeanor and punishable by a fine not to exceed one hundred  
20 dollars. Annual or biennial audit summaries shall be published according to section 165.121.

165.121. 1. The school board of each seven-director district shall cause an audit  
2 examination to be made at least biennially of all financial, transportation and attendance records  
3 of the districts. Such examination shall be made in accordance with generally accepted auditing  
4 standards applicable in the circumstances, including such reviews and tests of the system of  
5 internal check and control and of the books, records and other underlying data as are necessary  
6 to enable the independent accountant performing the audit to come to an informed opinion as to  
7 the financial affairs (including attendance and transportation transactions) of the district. An

8 independent auditor who is not regularly engaged as an employee of the school board shall  
9 perform the audit and make a written report of his **or her** findings.

10           2. The board shall supply each member thereof with a copy of the report and in addition  
11 shall furnish one copy each to the state department of elementary and secondary education and  
12 to the superintendent of schools of the county in which the district is located. The cost of the  
13 audit and report shall be paid for out of the incidental fund of the district.

14           3. The report shall contain the following information:

15           (1) A statement of the scope of examination;

16           (2) The auditor's opinion as to whether the audit was made in accordance with generally  
17 accepted auditing standards applicable in the circumstances;

18           (3) The auditor's opinion as to whether the financial statements included in the audit  
19 report present fairly the results of the operations during the period audited;

20           (4) The auditor's opinion as to whether the financial statements accompanying the audit  
21 report were prepared in accordance with generally accepted accounting principles applicable to  
22 school districts;

23           (5) The reason or reasons an opinion is not rendered with respect to items (3) and (4) in  
24 the event the auditor is unable to express an opinion with respect thereto;

25           (6) The auditor's opinion as to whether the district's budgetary and disbursement  
26 procedures conform to the requirements of chapter 67;

27           (7) The auditor's opinion as to whether attendance and transportation records are so  
28 maintained by the district as to disclose accurately average daily attendance and average daily  
29 transportation of pupils during the period of the audit;

30           (8) Financial statements presented in such form as to disclose the operations of each fund  
31 of the school district and a statement of the operations of all funds.

32           4. The school board shall furnish the state department of elementary and secondary  
33 education with its copy of the audit report not later than October thirty-first following the close  
34 of the fiscal period covered by the audit unless, for good cause shown prior to such date, the  
35 commissioner of education or some officer of the department of elementary and secondary  
36 education designated by him **or her** for this purpose grants an extension of time, not to exceed  
37 sixty additional days, for the filing of the report. In the event the report in the approved form is  
38 not filed within the period or extension thereof, further state aid to the district shall thereafter be  
39 withheld until the audit report has been received by the department of elementary and secondary  
40 education.

41           5. **(1)** Within thirty days of the receipt of the audit report the school board shall cause  
42 a summary of the report to be prepared which shall include, together with any other matter the  
43 board deems appropriate, the following:

44           ~~[(1)]~~ (a) A summary statement of fund balances and receipts and disbursements by  
45 major classifications of each fund and all funds;

46           ~~[(2)]~~ (b) A summary statement of the scope of the audit examination;

47           ~~[(3)]~~ (c) The auditor's opinion on the financial statements included in the audit report.

48           (2) Immediately upon the completion of the summary, the school board shall cause it to  
49 be published ~~[once in a newspaper within the county in which all or a part of the district is~~  
50 ~~located which has general circulation within the district or, if there is none, then the board shall~~  
51 ~~cause the summary to be posted in at least five public places within the district].~~ The publication  
52 shall contain information as to where the audit report is available for inspection and examination.  
53 The report shall be kept available for such purposes thereafter. **Publication of the summary**  
54 **shall be on the front page of the school district's website, if it has one. If the school district**  
55 **does not have a website, the summary shall be sent to the secretary of state who shall**  
56 **publish such summary on the legal notices website, established pursuant to section 493.077.**

          165.211. In all seven-director districts, the school board shall select depositaries of the  
2 moneys and funds of the school district. Depositaries may be selected annually or the school  
3 district and depositary may enter into a one- to five-year contract or agreement for the deposit  
4 of the district's moneys or funds at the discretion of the local board of education. Such contract  
5 or agreement may be terminated by the mutual consent of both parties at any time. The school  
6 board, in each year in which depositaries are to be selected, shall receive sealed proposals from  
7 banking institutions in the county or in adjoining counties which desire to be selected as  
8 depositaries of the moneys and funds of the school district. Notice that bids will be received  
9 shall be published by the secretary of the board at least twenty days before the date selected by  
10 the school board for the acceptance of bids ~~[in some newspaper published in the county at least~~  
11 ~~five days in each week, or if there is none, then in a newspaper of general circulation within the~~  
12 ~~county]~~ **on the front page of the board's website, if it has one. If the board does not have a**  
13 **website, notice shall be sent to the secretary of state who shall publish such notice on the**  
14 **legal notices website, established pursuant to section 493.077, until the date selected by the**  
15 **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 Constitution,  
2 the state university is hereby incorporated and created as a body politic and shall be known by  
3 the name of "The Curators of the University of Missouri", and by that name shall have perpetual  
4 succession, power to sue and be sued, complain and defend in all courts; to make and use a  
5 common seal, and to alter the same at pleasure; to take, purchase and to sell, convey and  
6 otherwise dispose of lands and chattels, except that the curators shall not have the power to  
7 subdivide, sell or convey title to any land contained within a university campus or to subdivide,  
8 sell or convey title to any portion of any parcel of land containing in excess of twenty-five

9 hundred contiguous acres unless such transaction is approved by the general assembly by passage  
10 of a concurrent resolution signed by the governor. The curators shall not sell, trade or otherwise  
11 convey or permit the severance of timber, minerals or other natural resources, unless the curators  
12 comply with bidding procedures established by rule that mandate notice of the transaction be  
13 provided in a manner reasonably calculated to apprise prospective purchasers. Such rule or rules  
14 must at a minimum require ~~[at least one]~~ notice of the transaction be published ~~[in a newspaper~~  
15 ~~of general circulation where the resources are located]~~ **either on the curator's website or on**  
16 **the legal notices website, established pursuant to section 493.077.** The curators may act as  
17 trustee in all cases in which there be a gift of property or property left by will to the university  
18 or for its benefit or for the benefit of students of the university; to condemn an appropriate real  
19 estate or other property, or any interest therein, for any public purpose within the scope of its  
20 organization, in the same manner and with like effect as is provided in chapter 523 relating to  
21 the appropriation and valuation of lands taken for telegraph, telephone, gravel and plank or  
22 railroad purposes; provided, that if the curators so elect, no assessment of damages or  
23 compensation under this law shall be payable and no execution shall issue before the expiration  
24 of sixty days after the adjournment of the next regular session of the legislature held after such  
25 assessment is made, but the same shall bear interest at the rate of six percent per annum from its  
26 date until paid; and provided further, that the curators may, at any time, elect to abandon the  
27 proposed appropriation of property by an instrument of writing to that effect, to be filed with the  
28 clerk of the court and entered on the minutes of the court, and as to so much as is thus  
29 abandoned, the assessment of damages or compensation shall be void.

177.073. 1. The board of directors or school board in urban school districts,  
2 metropolitan school districts, and school districts located totally or partially within a first class  
3 charter county adjoining a city not within a county, by an affirmative vote of not less than  
4 two-thirds of all the members, may:

5 (1) Select, direct and authorize the purchase of sites for and authorize the construction  
6 of libraries, schools, school offices, art galleries and museums; and the necessary janitors'  
7 houses, repair buildings, supply houses and parking facilities to be used in the operation and  
8 maintenance of the schools;

9 (2) Authorize and direct the purchase of additional ground needed for school purposes;

10 (3) Authorize and direct the sale and transfer or lease of any real or personal property  
11 belonging to the district which is not required for operation of the school program. Real property  
12 may be sold or leased by listing the property with one or more real estate brokers licensed by the  
13 state of Missouri and paying a commission upon such sale or lease. Real property not sold or  
14 leased through a real estate broker and all personal property shall be sold or leased to the highest  
15 bidder, except that any real or personal school property may be sold or leased to a community

16 group or a city, state agency, municipal corporation, or any other governmental subdivision of  
17 the state located wholly or partially within the boundaries of the district, for public uses and  
18 purposes, at such sum as may be agreed upon between the school district and the community  
19 group or the city, state agency, municipal corporation, or other governmental subdivision of the  
20 state. If property is to be leased by bid, written proposals for lease terms shall be submitted by  
21 potential lessees. The lease proposal offering the most economically advantageous terms shall  
22 be considered the highest lease bid. A purchase proposal may include contingencies; the  
23 proposal offering the most economically advantageous terms shall be the highest bid. All bids  
24 for purchase or lease of real property shall be submitted formally as closed bids. Bids shall be  
25 opened at a meeting, which shall be an open meeting. The board may reject all bids, or negotiate  
26 an acceptable sale or lease with the highest bidder, if all bids are unsatisfactory. The records of  
27 the bid-opening meeting shall be an open record. If real property is not sold or leased through  
28 a real estate broker, notice that the board is holding real property for sale or offering it for lease,  
29 including a planned sale or lease to a community group or a city, state agency, municipal  
30 corporation, or other governmental subdivision of the state, shall be given by publication [~~in a~~  
31 ~~newspaper within the county in which all or a part of the district is located which has general~~  
32 ~~circulation within the district, once a week for two consecutive weeks, the last publication to be~~  
33 ~~at least seven days and not more than fourteen days prior to the date of the bid opening]~~ **on the**  
34 **front page of the board's website, if it has one, for a period of two consecutive weeks prior**  
35 **to the date of the bid opening. If the board does not have a website, notice shall be sent two**  
36 **weeks prior to the date of the bid opening to the secretary of state who shall publish such**  
37 **notice on the legal notices website, established pursuant to section 493.077, until the bid**  
38 **opening has closed.** The term of a lease may be for any period which the board finds is  
39 advantageous and meets the needs of the district. The lease or deed of conveyance shall be  
40 executed by the president and attested by the secretary of the board. If the district has a seal, it  
41 shall be affixed to the deed or lease. The proceeds derived from sale of real property shall be  
42 placed to the credit of the incidental fund of the district. The proceeds from sale of nonrealty and  
43 from leases shall be placed to the credit of the incidental fund.

44 2. The board may receive, in behalf of the school district, any grants, gifts, or devises  
45 made for the benefit of the district or its schools, or any public library, art gallery or museum  
46 under the control of the board.

177.086. 1. Any school district authorizing the construction of facilities which may  
2 exceed an expenditure of fifty thousand dollars shall publicly advertise[~~once a week for two~~  
3 ~~consecutive weeks, in a newspaper of general circulation, qualified pursuant to chapter 493,~~  
4 ~~located within the city in which the school district is located, or if there be no such newspaper,~~  
5 ~~in a qualified newspaper of general circulation in the county, or if there be no such newspaper,~~

6 ~~in a qualified newspaper of general circulation in an adjoining county, and may advertise in~~  
7 ~~business, trade, or minority newspapers,]~~ for bids on said construction. **Publication of such**  
8 **advertisement shall be on the front page of the school district's website, if it has one, for**  
9 **a period of two consecutive weeks. If the school district does not have a website, the**  
10 **advertisement shall be sent to the secretary of state who shall publish such advertisement**  
11 **on the legal notices website, established pursuant to section 493.077, for a period of two**  
12 **consecutive weeks.**

13 2. No bids shall be entertained by the school district which are not made in accordance  
14 with the specifications furnished by the district and all contracts shall be let to the lowest  
15 responsible bidder complying with the terms of the letting, provided that the district shall have  
16 the right to reject any and all bids.

17 3. All bids must be submitted sealed and in writing, to be opened publicly at time and  
18 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 board of  
3 governors of an educational institution;

4 (2) "Educational institution", any school district, including all community college  
5 districts, and any state college or university organized under chapter 174.

6 2. The board of any educational institution may enter into agreements as authorized in  
7 this section in order to provide for the acquisition, construction, improvement, extension, repair,  
8 remodeling, renovation and financing of sites, buildings, facilities, furnishings and equipment  
9 for the use of the educational institution for educational purposes.

10 3. The board may on such terms as it shall approve:

11 (1) Lease sites, buildings, facilities, furnishings and equipment acquired or constructed;  
12 or

13 (2) Notwithstanding the provisions of this chapter or any other provision of law to the  
14 contrary, sell or lease at fair market value, which may be determined by appraisal, any existing  
15 sites, together with any existing buildings and facilities thereon, in order to acquire, construct,  
16 improve, extend, repair, remodel, renovate, furnish and equip buildings and facilities thereon,  
17 and lease back or purchase such sites, buildings and facilities; provided that upon selling or  
18 leasing the sites, buildings or facilities, any lease back to the educational institution is not more  
19 than one year in length, and with not more than twenty-five successive options by the educational  
20 institution to renew the lease under the same conditions; and provided further that there is an  
21 agreement to convey or sell the sites, buildings or facilities, including any improvements,  
22 extensions, renovations, furnishings or equipment, back to the educational institution with clear  
23 title at the end of the period of successive one-year options or at any time bonds, notes or other

24 obligations issued to pay for the improvements, extensions, renovations, furnishings or  
25 equipment have been paid and discharged.

26 4. Any consideration, promissory note or deed of trust which an educational institution  
27 receives for selling or leasing property pursuant to this section shall be placed in a separate fund  
28 or in escrow, and neither the principal or any interest thereon shall be commingled with any other  
29 funds of the educational institutions. At such time as the title or deed for property acquired,  
30 constructed, improved, extended, repaired, remodeled or renovated under this section is  
31 conveyed to the educational institution, the consideration shall be returned.

32 5. The board may make rental payments under such leases out of its general funds or out  
33 of any other available funds, provided that in no event shall the educational institution become  
34 indebted in an amount exceeding in any year the income and revenue of the educational  
35 institution for such year plus any unencumbered balances from previous years.

36 6. Any bonds, notes and other obligations issued to pay for the acquisition, construction,  
37 improvements, extensions, repairs, remodeling or renovations of sites, buildings and facilities,  
38 pursuant to this section, may be secured by a mortgage, pledge or deed of trust of the sites,  
39 buildings and facilities and a pledge of the revenues received from the rental thereof to the  
40 educational institution. Such bonds, notes and other obligations issued shall not be a debt of the  
41 educational institution and the educational institution shall not be liable thereon, and in no event  
42 shall such bonds, notes or other obligations be payable out of any funds or properties other than  
43 those acquired for the purposes of this section, and such bonds, notes and obligations shall not  
44 constitute an indebtedness of the educational institution within the meaning of any constitutional  
45 or statutory debt limitation or restriction.

46 7. The interest on such bonds, notes and other obligations and the income therefrom shall  
47 be exempt from taxation by the state and its political subdivisions, except for death and gift taxes  
48 on transfers. Sites, buildings, facilities, furnishings and equipment owned in connection with  
49 any project pursuant to this section shall be exempt from taxation.

50 8. The board may make all other contracts or agreements necessary or convenient in  
51 connection with any project pursuant to this section.

52 9. Notice that the board is considering a project pursuant to this section shall be given  
53 by publication ~~[in a newspaper published within the county in which all or a part of the~~  
54 ~~educational institution is located which has general circulation within the area of the educational~~  
55 ~~institution, once a week for two consecutive weeks, the last publication to be]~~ at least seven days  
56 prior to the date of the meeting of the board at which such project will be considered and acted  
57 upon. **Such publication shall be made on the front page of the board's website, if it has one,**  
58 **for a period of two consecutive weeks. If the board does not have a website, notice shall**  
59 **be sent two weeks prior to the meeting to the secretary of state who shall publish such**

60 **notice on the legal notices website, established pursuant to section 493.077, until the date**  
61 **of the meeting has passed.**

62           10. Provisions of other law to the contrary notwithstanding, payments made from any  
63 source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the  
64 transfer of the title of real property to the school district, other than those payments made from  
65 the capital projects fund, shall be deducted as an adjustment to the funds payable to the district  
66 pursuant to section 163.031 beginning in the year following the transfer of title to the district,  
67 as determined by the department of elementary and secondary education. No district with  
68 modular buildings leased in fiscal year 2004, with the lease payments made from the incidental  
69 fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any  
70 adjustment to the funds payable to the district under section 163.031 as a result of the transfer  
71 of title.

72           11. Notwithstanding provisions of this section to the contrary, the board of education of  
73 any school district may enter into agreements with the county in which the school district is  
74 located, or with a city, town, or village wholly or partially located within the boundaries of the  
75 school district, in order to provide for the acquisition, construction, improvement, extension,  
76 repair, remodeling, renovation, and financing of sites, buildings, facilities, furnishings, and  
77 equipment for the use of the school district for educational purposes. Such an agreement may  
78 provide for the present or future acquisition of an ownership interest in such facilities by the  
79 school district, by lease, lease-purchase agreement, option to purchase agreement, or similar  
80 provisions, and may provide for a joint venture between the school district and other entity or  
81 entities that are parties to such an agreement providing for the sharing of the costs of acquisition,  
82 construction, repair, maintenance, and operation of such facilities. The school district may  
83 wholly own such facilities, or may acquire a partial ownership interest along with the county,  
84 city, town, or village with which the agreement was executed.

          177.091. 1. The school board in each seven-director district, as soon as sufficient funds  
2 are provided, shall establish an adequate number of elementary schools, and if the demands of  
3 the district require more than one elementary school building, the board shall divide the district  
4 into elementary school wards and fix the boundaries thereof. The board shall select and procure  
5 a site in each ward and erect and furnish a suitable school building thereon.

6           2. The board may also establish high schools and may select and procure sites and erect  
7 and furnish buildings therefor.

8           3. The board may acquire additional grounds when needed for school purposes. If the  
9 directors of both school districts involved agree, such grounds may be located outside of the  
10 boundaries of the district and operated for school purposes.



11           4. If there is any school property, the ownership of which is vested in the district, that  
12 is no longer required for the use of the district, the board, by an affirmative vote of a majority of  
13 the whole board, may authorize and direct the sale or lease of the property, except that, property  
14 outside the boundaries of the school district may not be leased. Real property may be sold or  
15 leased by listing the property with one or more real estate brokers licensed by the state of  
16 Missouri and paying a commission upon such sale or lease. Real property not sold or leased  
17 through a real estate broker and all personal property, unless sold or leased to a public institution  
18 of higher education, shall be sold or leased to the highest bidder. If real property is not sold or  
19 leased through a real estate broker, notice that the board is holding the property for sale or  
20 offering it for lease shall be given by publication [~~in a newspaper within the county in which all~~  
21 ~~or a part of the district is located which has general circulation within the district, once a week~~  
22 ~~for two consecutive weeks, the last publication to be]~~ at least seven days prior to the sale or lease  
23 of the property; except that, any real or personal school property may be sold or leased to a city,  
24 state agency, municipal corporation, or other governmental subdivision of the state located  
25 within the boundaries of the district, for public uses and purposes, by the giving of public notice  
26 as herein provided and at such sum as may be agreed upon between the school district and the  
27 city, state agency, municipal corporation, or other governmental subdivision of the state.  
28 **Publication of notice shall be on the front page of the board's website, if it has one, for a**  
29 **period of two consecutive weeks. If the board does not have a website, notice shall be sent**  
30 **to the secretary of state who shall publish such notice on the legal notices website,**  
31 **established pursuant to section 493.077, for a period of two consecutive weeks.** The lease  
32 or deed of conveyance shall be executed by the president and attested by the secretary of the  
33 board. If the district has a seal, it shall be affixed to the deed or lease. The proceeds derived  
34 from the sale of real property or nonrealty by districts identified as financially stressed pursuant  
35 to section 161.520 shall, until July 1, 1998, be placed to the credit of the incidental fund or the  
36 capital projects fund of the district, with notice of any such sale to be included in the budget and  
37 education plan submitted to the department of elementary and secondary education, and, on and  
38 after July 1, 1998, any such proceeds shall be placed to the credit of the capital projects fund.  
39 The proceeds from the sale of real property or nonrealty and from leases, by any other district,  
40 shall be placed to the credit of the capital projects fund.

41           5. Notwithstanding the provisions of subsection 4 of this section to the contrary, after  
42 twenty-five years from the date of purchase, any city of the fourth classification with more than  
43 four hundred but fewer than five hundred inhabitants and located in any county of the fourth  
44 classification with more than thirty-two thousand nine hundred but fewer than thirty-three  
45 thousand inhabitants located within the boundaries of a school district that has purchased any  
46 real or personal school property from the school district for public uses and purposes, as provided

47 in subsection 4 of this section, may sell the property or use the property for whatever purpose  
48 such city deems necessary.

49 6. The school board of a seven-director district may also list real property for sale on  
50 which a building has been constructed by an approved vocational education class with a real  
51 estate broker licensed by the state of Missouri and pay a commission thereon.

52 7. Other provisions of this section to the contrary notwithstanding, bids for the purchase  
53 of any building constructed by students as part of an approved vocational education class may  
54 be accepted prior to completion of such construction.

182.620. 1. A consolidated public library district may be created by resolution, duly  
2 acted upon, by the governing boards of two or more county public library districts. After the  
3 districts have each resolved to form a consolidated public library district, they shall apply to the  
4 county commissions or county chief executive officers of the county districts served by the  
5 districts being consolidated. Upon approval of the consolidation by the appropriate county  
6 commissions or county executive officers, legal notice that the consolidated public library district  
7 has been created, and containing the names of the districts and members of the governing boards  
8 creating it, the names of the trustees of the consolidated public library district, the name of the  
9 consolidated public library district, the area to be served, the date of its creation and the location  
10 of its principal business office shall be published ~~[in newspapers of general circulation in the~~  
11 ~~county districts to be served by the consolidated public library district]~~ **on the front page of the**  
12 **district's website, if it has one. If the district does not have a website, notice shall be sent**  
13 **to the secretary of state who shall publish such notice on the legal notices website,**  
14 **established pursuant to section 493.077.** Notice shall also be filed with the Missouri state  
15 library commission.

16 2. Whenever five percent of the voters of each of any two or more county library districts  
17 sign a petition, and file it with their appropriate county commissions or county executive officers  
18 requesting submission of the question of permitting the county library districts to create a  
19 consolidated public library district under section 182.610, the county commissions or county  
20 executive officers shall submit the question to the voters at an election. The total vote for  
21 governor at the last general election before the filing of the petition whereat a governor was  
22 elected shall be used to determine the number of voters necessary to sign the petition.

23 3. The question shall be submitted in substantially the following form:

24 Shall the \_\_\_\_\_ county public library district and the \_\_\_\_\_ county public  
25 library district be consolidated and the \_\_\_\_\_ public library district be created?

26 4. If a majority of the voters voting on the question vote for the question in each of the  
27 counties taken separately, it shall be deemed to have been adopted, but if it fails to receive a  
28 majority in any one or more of the counties, it shall be deemed to have failed. The board of

29 election commissioners of each county shall canvass the certified abstracts and notify the  
30 presiding commissioner or county executive officer of each of the county commissions of the  
31 results within twenty days of receipt of the certified abstracts.

32 5. Within thirty days following the notification of the election authority of adoption of  
33 the question by a majority vote or within thirty days following the adoption of the resolution, the  
34 taxing authorities and the boards of trustees of the county library districts affected shall take  
35 appropriate action transferring all title and interest in all property, both real and personal, in the  
36 name of the county public library district to the board of trustees of the consolidated public  
37 library district. Upon the transfer of such title and interest, the property shall become the  
38 property of and subject to the exclusive control of the consolidated public library district.

184.104. 1. In addition to any other information prescribed for a particular notice, all  
2 notices given by a museum pursuant to sections 184.101 to 184.122 shall contain the following  
3 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 in the notice;
- 7 (4) The date of the loan, if known, or the approximate date of acquisition of the property;
- 8 (5) The name of the museum; and
- 9 (6) The name, address, and telephone number of the appropriate official or office to be  
10 contacted regarding the property.

11 2. All notices given by a museum pursuant to sections 184.101 to 184.122 shall be  
12 mailed by restricted certified mail to the lender's or claimant's last known address shown on the  
13 museum's records. Notice is deemed given as of the date of receipt by the lender or claimant if  
14 the museum receives proof of receipt by the lender or claimant within thirty days after mailing  
15 the notice.

16 3. If, after a diligent search of its records, the museum does not know the identity of the  
17 lender, or does not have an address for the lender or claimant, or if proof of receipt is not  
18 received by the museum within thirty days of mailing a notice under subsection 2 of this section,  
19 notice ~~[is deemed]~~ **may be** given ~~[if the museum publishes notice at least once each week for two~~  
20 ~~consecutive weeks in a newspaper of general circulation in both the county, or city if appropriate,~~  
21 ~~in which the museum is located and the county, or city if appropriate, of the lender's or claimant's~~  
22 ~~last address, if known. The date of a notice under this subsection shall be the date of the second~~  
23 ~~published notice]~~ **by publication on the front page of its website, if it has one, for a period**  
24 **of two consecutive weeks. If the museum does not have a website, notice may be given by**  
25 **sending notice to the secretary of state who shall publish such notice on the legal notices**  
26 **website, established pursuant to section 493.077, for a period of two consecutive weeks. For**

27 purposes of this section, a museum is located in the county, or city if appropriate, in which it has  
 28 its principal place of business, or, if a loan of property was made to a branch of a museum in the  
 29 county, or city if appropriate, in which the branch is located.

184.350. 1. Whenever qualified voters representing five percent of the votes cast at the  
 2 last preceding election for governor in any constitutional charter city not located within a county  
 3 and qualified voters representing five percent of the votes cast at the last preceding election for  
 4 governor in a constitutional charter county adjoining such city shall file verified petitions for the  
 5 establishment of a metropolitan zoological park and museum district, comprising a zoological  
 6 subdistrict, and art museum subdistrict or a St. Louis Science Center subdistrict with the  
 7 respective election ~~[officials]~~ **authorities** of such city and county, respectively, requesting such  
 8 election ~~[officials]~~ **authorities** to submit a proposition for the establishment of a metropolitan  
 9 zoological park and museum district comprised of a zoological subdistrict, and art museum  
 10 subdistrict and a St. Louis Science Center subdistrict at the next general or primary election for  
 11 the election of state officers or special election for the submission of such proposition, such  
 12 election ~~[officials]~~ **authorities** shall communicate to their corresponding counterparts and the  
 13 chief executive officers of the respective city and county the fact a verified petition has been  
 14 filed. At such time that both election ~~[officials]~~ **authorities** have received the verified petitions  
 15 described above, then such ~~[officials]~~ **election authorities** shall submit the above described  
 16 proposition or propositions to the qualified voters of such city and county at the next general or  
 17 primary election for the election of state officers or special election. ~~[Such]~~ **The** election  
 18 ~~[officials]~~ **authorities** shall give legal notice at least sixty days prior to such general or primary  
 19 election or special election ~~[in at least two newspapers]~~ **on the front page of their websites, if**  
 20 **they have websites**, that such proposition or propositions shall be submitted at the next general  
 21 or primary election or special election held for submission of this proposition. **If the election**  
 22 **authorities do not have websites, notice shall be sent at least sixty days prior to the election**  
 23 **to the secretary of state who shall publish such notice on the legal notices website,**  
 24 **established pursuant to section 493.077, until the date of the election has passed.**

25 2. Such proposition shall be submitted to the voters in substantially the following form  
 26 at such election:

27 Shall there be established a Metropolitan Zoological Park and Museum District  
 28 comprising the City of \_\_\_\_\_ and the County of \_\_\_\_\_ which district shall  
 29 consist of all or any one of the following subdistricts:

30 a. Zoological Subdistrict with a tax rate not in excess of four cents on each \$100  
 31 of assessed valuation of all taxable property within the district.

32  FOR  AGAINST

33 b. Art Museum Subdistrict with a tax rate not in excess of four cents on each  
 34 \$100 of assessed valuation of taxable property within the district.

35  FOR  AGAINST

36 c. St. Louis Science Center Subdistrict with a tax rate not in excess of one cent  
 37 on each \$100 of assessed valuation of taxable property within the district.

38  FOR  AGAINST

39 3. In the event that a majority of the voters voting on such propositions in such city and  
 40 the majority of voters voting on such propositions in such county at said election cast votes  
 41 "FOR" one or more of the propositions, then the district shall be deemed established and the tax  
 42 rate, as established by the board, for such subdistrict shall be deemed in full force and effect as  
 43 of the first day of the year following the year of said election. The results of the aforesaid  
 44 election shall be certified by the election officials of such city and county, respectively, to the  
 45 respective chief executive officers of such city and county not less than thirty days after the day  
 46 of election. In the event one or more of the propositions shall fail to receive a majority of the  
 47 votes "FOR" in either the city or the county, then such proposition shall not be resubmitted at any  
 48 election held within one year of the date of the election the proposition was rejected. Any such  
 49 resubmissions of one or more of such propositions shall substantially comply with the provisions  
 50 of sections 184.350 to 184.384.

51 4. All costs of the election shall be paid as provided by sections 115.063 and 115.065.

184.353. 1. (1) The board of directors of any metropolitan zoological park and museum  
 2 district, as established according to the provisions of sections 184.350 to 184.384, on behalf of  
 3 the district may request the election ~~[officials]~~ **authorities** of any city and county containing all  
 4 or part of such district to submit the following described proposition to the qualified voters of  
 5 such district at any general, primary or special election. Such election ~~[officials]~~ **authorities**  
 6 shall give legal notice at least sixty days prior to such general, primary or special election ~~[in at~~  
 7 ~~least two newspapers]~~ that such proposition shall be submitted at any general, primary or special  
 8 election held for submission of the proposition. **Such notice shall be published on the front**  
 9 **pages of the election authorities' websites, if they have websites. If the election authorities**  
 10 **do not have websites, notice shall be sent at least sixty days prior to the election to the**  
 11 **secretary of state who shall publish such notice on the legal notices website, established**  
 12 **pursuant to section 493.077, until the date of the election has passed.**

13 (2) Such proposition shall be submitted to the voters in substantially the following form  
 14 at such election:

15 Shall the Metropolitan Zoological Park and Museum District of the City of  
 16 \_\_\_\_\_ and County of \_\_\_\_\_ be authorized to provide for a Botanical Garden  
 17 Subdistrict and be authorized to provide the Botanical Garden Subdistrict with

18 a tax rate not in excess of four cents on each \$100 of assessed valuation of  
19 taxable property within the district?

20  YES

NO

21 (3) In the event that a majority of all the voters voting on such proposition in such city  
22 and a majority of voters voting on such proposition in such county cast "YES" votes on the  
23 proposition, then the botanical garden subdistrict shall be deemed established and the tax rate,  
24 as established by the board for such subdistrict, shall be deemed in full force and effect as of the  
25 first day of the second month following the election. The results of the election shall be certified  
26 by the election ~~[officials]~~ **authorities** of such city and county, respectively, to the respective  
27 chief executive officers of such city and county not less than thirty days after the day of the  
28 election. The cost of the election shall be paid as provided by sections 115.063 and 115.065. In  
29 the event the proposition shall fail to receive a majority of the "YES" votes in either the city or  
30 the county, then the proposition shall not be resubmitted at any election held prior to the next  
31 general or primary election in such city or county in the following year. Any such resubmission  
32 shall subsequently comply with the provisions of sections 184.350 to 184.384.

33 (4) If the botanical garden subdistrict shall be established, then its commissioners, or any  
34 person with whom its commissioners contract, may establish and charge fees for admission to  
35 the premises of the botanical garden subdistrict, or to the premises of any person with whom its  
36 commissioners contract, not to exceed one dollar for adults and fifty cents for children under  
37 sixteen years of age. Any increase in the fees shall be presented prior to implementation for  
38 approval or disapproval to the board of the metropolitan zoological park and museum district of  
39 which the botanical garden subdistrict is a member.

40 2. (1) The board of directors of any metropolitan zoological park and museum district,  
41 as established according to the provisions of sections 184.350 to 184.384, on behalf of the  
42 district may request the election ~~[officials]~~ **authorities** of any city and county containing all or  
43 part of such district to submit the following described proposition to the qualified voters of such  
44 district at any general, primary or special election. Such election ~~[officials]~~ **authorities** shall  
45 give legal notice at least sixty days prior to such general, primary or special election ~~[in at least~~  
46 ~~two newspapers]~~ that such proposition shall be submitted at any general, primary or special  
47 election held for submission of the proposition. **Such notice shall be published on the front**  
48 **pages of the election authorities' websites, if they have websites. If the election authorities**  
49 **do not have websites, notice shall be sent at least sixty days prior to the election to the**  
50 **secretary of state who shall publish such notice on the legal notices website, established**  
51 **pursuant to section 493.077, until the date of the election has passed.**

52 (2) Such proposition shall be submitted to the voters in substantially the following form  
53 at such election:

54 Shall the Metropolitan Zoological Park and Museum District of the City of  
 55 \_\_\_\_\_ and County of \_\_\_\_\_ be authorized to provide for a Transport Museum  
 56 Subdistrict and be authorized to provide the Transport Museum Subdistrict with  
 57 a tax rate not in excess of four cents on each \$100 of assessed valuation of  
 58 taxable property within the district?

59  YES  NO

60 (3) In the event that a majority of all the voters voting on such proposition in such city  
 61 and a majority of voters voting on such proposition in such county cast "YES" votes on the  
 62 proposition, then the transport museum subdistrict shall be deemed established and the tax rate,  
 63 as established by the board for such subdistrict, shall be deemed in full force and effect as of the  
 64 first day of the second month following the election. The results of the election shall be certified  
 65 by the election ~~[officials]~~ **authorities** of such city and county, respectively, to the respective  
 66 chief executive officers of such city and county not less than thirty days after the day of the  
 67 election. The cost of the election shall be paid as provided by sections 115.063 and 115.065. In  
 68 the event the proposition shall fail to receive a majority of the "YES" votes in either the city or  
 69 the county, then the proposition shall not be resubmitted at any election held prior to the next  
 70 general or primary election in such city or county in the following year. Any such resubmission  
 71 shall subsequently comply with the provisions of sections 184.350 to 184.384.

72 (4) If the transport museum subdistrict shall be established, then its commissioners, or  
 73 any person with whom its commissioners contract, may establish and charge fees for admission  
 74 to the premises of the transport museum subdistrict, or to the premises of any person with whom  
 75 its commissioners contract, not to exceed one dollar for adults and fifty cents for children under  
 76 sixteen years of age. Any increase in the fees shall be presented prior to implementation for  
 77 approval or disapproval to the board of the metropolitan zoological park and museum district of  
 78 which the transport museum subdistrict is a member.

79 3. (1) The board of directors of any metropolitan zoological park and museum district,  
 80 as established according to the provisions of sections 184.350 to 184.384, on behalf of the  
 81 district may request the election ~~[officials]~~ **authorities** of any city and county containing all or  
 82 part of such district to submit the following described proposition to the qualified voters of such  
 83 district at any general, primary or special election. Such election ~~[officials]~~ **authorities** shall  
 84 give legal notice at least sixty days prior to such general, primary or special election ~~[in at least~~  
 85 ~~two newspapers]~~ that such proposition shall be submitted at any general, primary or special  
 86 election held for submission of the proposition. **Such notice shall be published on the front**  
 87 **pages of the election authorities' websites, if they have websites. If the election authorities**  
 88 **do not have websites, notice shall be sent at least sixty days prior to the election to the**

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

91 (2) Such proposition shall be submitted to the voters in substantially the following form  
 92 at such election:

93 Shall the Metropolitan Zoological Park and Museum District of the City of  
 94 \_\_\_\_\_ and the County of \_\_\_\_\_ be authorized to provide for a Missouri  
 95 History Museum Subdistrict and be authorized to provide the Missouri History  
 96 Museum Subdistrict with a tax rate not in excess of four cents on each \$100 of  
 97 assessed valuation of taxable property within the district?

98  YES  NO

99 (3) In the event that a majority of all the voters voting on such proposition in such city  
 100 and a majority of voters voting on such proposition in such county cast "YES" votes on the  
 101 proposition, then the Missouri history museum subdistrict shall be deemed established and the  
 102 tax rate, as established by the board for such subdistrict, shall be deemed in full force and effect  
 103 as of the first day of the second month following the election. The results of the election shall  
 104 be certified by the election ~~[officials]~~ **authorities** of such city and county, respectively, to the  
 105 respective chief executive officers of such city and county not less than thirty days after the day  
 106 of the election. The cost of the election shall be paid as provided by sections 115.063 and  
 107 115.065. In the event the proposition shall fail to receive a majority of the "YES" votes in either  
 108 the city or the county, then the proposition shall not be resubmitted at any election held prior to  
 109 the next general or primary or special election in such city or county in the following year. Any  
 110 such resubmission shall subsequently comply with the provisions of sections 184.350 to 184.384.

111 4. (1) The board of directors of any metropolitan zoological park and museum district,  
 112 as established according to the provisions of sections 184.350 to 184.354, on behalf of the  
 113 district may request the election ~~[officials]~~ **authorities** of any city and county containing all or  
 114 part of such district to submit the following described proposition to the qualified voters of such  
 115 district at any general, primary or special election. Such election ~~[officials]~~ **authorities** shall  
 116 give legal notice at least sixty days prior to such general, primary or special election ~~[in at least~~  
 117 ~~two newspapers]~~ that such proposition shall be submitted at any general, primary or special  
 118 election held for submission of the proposition. **Such notice shall be published on the front**  
 119 **pages of the election authorities' websites, if they have websites. If the election authorities**  
 120 **do not have websites, notice shall be sent at least sixty days prior to the election to the**  
 121 **secretary of state who shall publish such notice on the legal notices website, established**  
 122 **pursuant to section 493.077, until the date of the election has passed.**

123 (2) Such proposition shall be submitted to the voters in substantially the following form  
 124 at such election:



125 Shall the Metropolitan Zoological Park and Museum District of the City of  
126 \_\_\_\_\_ and County of \_\_\_\_\_ be authorized to provide for a Symphony  
127 Orchestra Subdistrict and be authorized to provide the Symphony Orchestra  
128 Subdistrict with a tax rate not in excess of four cents on each \$100 of assessed  
129 valuation of taxable property within the district?

130  YES  NO

131 (3) In the event that a majority of all the voters voting on such proposition in such city  
132 and a majority of voters voting on such proposition in such county cast "YES" votes on the  
133 proposition, then the symphony orchestra subdistrict shall be deemed established and the tax rate,  
134 as established by the board for such subdistrict, shall be deemed in full force and effect as of the  
135 first day of the second month following the election. The results of the election shall be certified  
136 by the election ~~[officials]~~ **authorities** of such city and county not less than thirty days after the  
137 day of election. The cost of the election shall be paid as provided by sections 115.063 and  
138 115.065. In the event the proposition shall fail to receive a majority of the "YES" votes in either  
139 the city or the county, then the proposition shall not be resubmitted at any election held prior to  
140 the next general or primary in such city or county in the following year. Any such resubmission  
141 shall subsequently comply with the provisions of sections 184.350 to 184.384.

142 (4) If the symphony orchestra subdistrict shall be established, then its commissioners,  
143 or any person with whom its commissioners contract, may charge such prices from time to time  
144 for tickets for performances conducted under the auspices of the subdistrict or as they or such  
145 person deem proper; provided, however, that no fewer than fifty tickets for each such  
146 performance conducted at the principal concert hall of such subdistrict or such person shall be  
147 made available without charge for distribution to members of the general public and no fewer  
148 than fifty tickets shall be made available without charge for distribution to students in public and  
149 private elementary, secondary schools and colleges and universities in the metropolitan  
150 zoological park and museum district and all performances of the symphony orchestra conducted  
151 at the principal concert hall of the symphony orchestra within the district shall be offered for  
152 broadcast live on a public or commercial AM or FM radio station located in and generally  
153 receivable in the district or on a public or commercial broadcast television station located in or  
154 generally receivable in the district. The symphony orchestra subdistrict shall institute a fully  
155 staffed educational music appreciation program to benefit all of the citizens of the taxing district  
156 at a nominal charge.

157 (5) Immediately following the effective date of the symphony orchestra subdistrict tax  
158 rate any person receiving funds from said tax rate shall become ineligible for program assistance  
159 funding from the Missouri state council on the arts.

160           5. The board of directors of any metropolitan zoological park and museum district, as  
 161 established according to the provisions of sections 184.350 to 184.384, on behalf of the district  
 162 may request the election ~~[officials]~~ **authorities** of any city and county containing all or part of  
 163 such district to submit the following described proposition to the qualified voters of such district  
 164 at any general, primary or special election. Such election ~~[officials]~~ **authorities** shall give legal  
 165 notice at least sixty days prior to such general, primary or special election ~~[in at least two~~  
 166 ~~newspapers]~~ that such proposition shall be submitted at any general, primary or special election  
 167 held for submission of the proposition. **Such notice shall be published on the front pages of**  
 168 **the election authorities' websites, if they have websites. If the election authorities do not**  
 169 **have websites, notice shall be sent at least sixty days prior to the election to the secretary**  
 170 **of state who shall publish such notice on the legal notices website, established pursuant to**  
 171 **section 493.077, until the date of the election has passed.** Such proposition shall be submitted  
 172 to the voters in substantially the following form at such election:

173           Shall a Recreational and Amateur Sports Subdistrict be authorized and provided  
 174 for by the Metropolitan Zoological Park and Museum District of the City of  
 175 \_\_\_\_\_ and the County of \_\_\_\_\_ and such subdistrict be authorized to establish  
 176 a tax rate not in excess of four cents on each \$100 of assessed valuation of  
 177 taxable property within the district for a period not to exceed nine years?

178                            YES                                            NO

179 In the event that a majority of all the voters voting on such proposition in such city and a  
 180 majority of voters voting on such proposition in such county cast "YES" votes on the  
 181 proposition, then the recreation and amateur sports subdistrict shall be deemed established and  
 182 the tax rate, as established by the board for such subdistrict, shall be deemed in full force and  
 183 effect as of the first day of the second month following the election for a period not to exceed  
 184 nine years. The results of the election shall be certified by the election ~~[officials]~~ **authorities** of  
 185 such city and county, respectively, to the respective chief executive officers of such city and  
 186 county not less than thirty days after the day of the election. The cost of the election shall be paid  
 187 as provided by sections 115.063 and 115.065. In the event the proposition shall fail to receive  
 188 a majority of the "YES" votes in either the city or the county, then the proposition shall not be  
 189 resubmitted at any election held prior to the next general or primary or special election in such  
 190 city or county in the following year. Any such resubmission shall subsequently comply with the  
 191 provisions of sections 184.350 to 184.384.

192           6. (1) The board of directors of any metropolitan zoological park and museum district,  
 193 as established according to the provisions of sections 184.350 to 184.384, on behalf of the  
 194 district may request the election ~~[officials]~~ **authorities** of any city and county containing all or  
 195 part of such district to submit the following described proposition to the qualified voters of such

196 district at any general, primary or special election. Such election [~~officials~~] **authorities** shall  
 197 give legal notice at least sixty days prior to such general, primary or special election [~~in at least~~  
 198 ~~two newspapers~~] that such proposition shall be submitted at any general, primary or special  
 199 election held for submission of the proposition. **Such notice shall be published on the front**  
 200 **pages of the election authorities' websites, if they have websites. If the election authorities**  
 201 **do not have websites, notice shall be sent at least sixty days prior to the election to the**  
 202 **secretary of state who shall publish such notice on the legal notices website, established**  
 203 **pursuant to section 493.077, until the date of the election has passed.**

204 (2) Such proposition shall be submitted to the voters in substantially the following form  
 205 at such election:

206 Shall the Metropolitan Zoological Park and Museum District of the City of  
 207 \_\_\_\_\_ and County of \_\_\_\_\_ be authorized to provide for an African-American  
 208 History Museum and Cultural Subdistrict and be authorized to provide the  
 209 African-American history museum and cultural subdistrict with a tax rate not in  
 210 excess of four cents on each \$100 of assessed valuation of taxable property  
 211 within the district?

212  YES  NO

213 (3) In the event that a majority of all the voters voting on such proposition in such city  
 214 and a majority of voters voting on such proposition in such county cast "YES" votes on the  
 215 proposition, then the African-American history museum and cultural subdistrict shall be deemed  
 216 established and the tax rate, as established by the board for such subdistrict, shall be deemed in  
 217 full force and effect as of the first day of the second month following the election. The results  
 218 of the election shall be certified by the election [~~officials~~] **authorities** of such city and county,  
 219 respectively, to the respective chief executive officers of such city and county not less than thirty  
 220 days after the day of the election. The cost of the election shall be paid as provided by sections  
 221 115.063 and 115.065. In the event the proposition shall fail to receive a majority of the "YES"  
 222 votes in either the city or the county, then the proposition shall not be resubmitted at any election  
 223 held prior to the next general or primary election in such city or county in the following year.  
 224 Any such resubmission shall subsequently comply with the provisions of sections 184.350 to  
 225 184.384.

226 (4) If the African-American history museum and cultural subdistrict shall be established,  
 227 then its commissioners, or any person with whom its commissioners contract, may establish and  
 228 charge fees for admission to the premises of the African-American history museum and cultural  
 229 subdistrict, or to the premises of any person with whom its commissioners contract, not to  
 230 exceed one dollar for adults and fifty cents for children under sixteen years of age. Any increase  
 231 in the fees shall be presented prior to implementation for approval or disapproval to the board

232 of the metropolitan zoological park and museum district of which the African-American history  
233 museum and cultural subdistrict is a member.

184.503. 1. The governing body of any eligible county may, by resolution, authorize the  
2 creation of or participation in a district, and may impose a sales tax on all retail sales made  
3 within the eligible county which are subject to sales tax under chapter 144. The tax authorized  
4 in this section shall not exceed one-fourth of one percent, and shall be imposed solely for the  
5 purpose of funding the support of zoological activities within the district. The tax authorized in  
6 this section shall be in addition to all other sales taxes imposed by law, and shall be stated  
7 separately from all other charges and taxes. Such creation of or participation in such district and  
8 the levy of the sales tax may be accomplished individually or on a cooperative basis with another  
9 eligible county or other eligible counties for financial support of the district. A petition  
10 requesting such creation of or participation in such district and the levy of the sales tax for the  
11 purpose of funding the support of zoological activities within the district may also be filed with  
12 the governing body, and shall be signed by not less than the number of qualified electors of an  
13 eligible county equal to five percent of the number of ballots cast and counted at the last  
14 preceding gubernatorial election held in such county. No such resolution adopted or petition  
15 presented under this section shall become effective unless the governing body of the eligible  
16 county submits to the voters residing within the eligible county at a state general, primary, or  
17 special election a proposal to authorize the governing body of the eligible county to create or  
18 participate in a district and to impose a tax under this section. The county election official shall  
19 give legal notice at least sixty days prior to such general or primary election or special election  
20 [~~in at least two newspapers~~] that such proposition or propositions shall be submitted at the next  
21 general or primary election or special election held for submission of this proposition. **Such**  
22 **notice shall be published on the front page of the county election official's website, if it has**  
23 **one. If the county election official does not have a website, notice shall be sent at least sixty**  
24 **days prior to the election to the secretary of state who shall publish such notice on the legal**  
25 **notices website, established pursuant to section 493.077, until the date of the election has**  
26 **passed.** The resolution or proposition shall be printed on the ballot and in the notice of election.  
27 Provisions of this section to the contrary notwithstanding, no tax authorized under the provisions  
28 of this section shall be effective in any eligible noncharter county unless the tax authorized under  
29 the provisions of this section is also collected by an eligible charter county.

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

32 Shall a retail sales tax of \_\_\_\_\_ (insert amount, not to exceed one-quarter of one  
33 percent) be levied and collected for the benefit of the Kansas City Zoological

34 District, which shall be created and consist of the county(s) of \_\_\_\_\_ (insert  
35 name of counties), for the support of zoological activities with the district?

36  YES  NO

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

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

50 4. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall  
51 apply to the tax imposed under this section.

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

64 6. The director of revenue may make refunds from the amounts in the Kansas City  
65 zoological district sales tax trust fund and credited to the district for erroneous payments and  
66 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the  
67 district. If the district abolishes the tax, the county shall notify the director of revenue of the  
68 action at least ninety days prior to the effective date of the repeal and the director of revenue may  
69 order retention in the Kansas City zoological district sales tax trust fund, for a period of one year,

70 of two percent of the amount collected after receipt of such notice to cover possible refunds or  
71 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of  
72 such account. After one year has elapsed after the effective date of abolition of the tax in the  
73 district, the director of revenue shall remit the balance in the account to the district and close the  
74 account of the district. The director of revenue shall notify the district of each instance of any  
75 amount refunded or any check redeemed from receipts due the district.

76 7. Any of the eligible counties composing the Kansas City zoological district may  
77 withdraw from the district by adoption of a resolution and approval of the resolution by a  
78 majority of the qualified electors of the county, in the same manner provided in this section for  
79 creating or becoming a part of the district. The governing body of a withdrawing county shall  
80 provide for the sending of formal written notice of withdrawal from the district to the governing  
81 body of the other county or each of the other counties comprising the district. Actual withdrawal  
82 shall not take effect until ninety days after notice has been sent. A withdrawing county shall not  
83 be relieved from any obligation that such county may have assumed or incurred by reason of  
84 being a part of the district, including, but not limited to, the retirement of any outstanding bonded  
85 indebtedness of the district.

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

13 2. At any time following five years from the date of creation of the Kansas City  
14 zoological district, the commission may borrow moneys for the planning, construction,  
15 equipping, operation, maintenance, repair, extension, expansion, or improvement of any  
16 zoological facility by:

17 (1) Issuing notes, bonds or other instruments in writing of the commission in evidence  
18 of the sum or sums to be borrowed. No notes, bonds or other instruments in writing shall be  
19 issued pursuant to this subsection until the issuance of such notes, bonds or instruments has been  
20 submitted to and approved by a majority of the qualified electors of the district voting at an

21 election called and held thereon. Such election shall be called and held in the manner provided  
22 by law;

23 (2) Issuing refunding notes, bonds or other instruments in writing for the purpose of  
24 refunding, extending or unifying the whole or any part of its outstanding indebtedness from time  
25 to time, whether evidenced by notes, bonds or other instruments in writing. Such refunding  
26 notes, bonds or other instruments in writing shall not exceed in amount the principal of the  
27 outstanding indebtedness to be refunded and the accrued interest thereon to the date of such  
28 refunding;

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

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

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

43 (1) The commission's primary purpose is to support the maintenance and operation of  
44 the Kansas City zoo through donations, contributions, grants, and other financial support;

45 (2) The economic impact upon the district;

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

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

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

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

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

52 5. The commission shall cause to be prepared annually a report on the operations and  
53 transactions conducted by the commission during the preceding year. The report shall be  
54 submitted to the governing bodies of the counties comprising the district, to the governing body  
55 of each county that appoints a commissioner, to the Kansas City, Missouri, board of parks and  
56 recreation, and to the executive board of Friends of the Zoo, Inc. The commission shall publish

57 the annual report ~~[in the official county newspaper of each of the counties comprising the~~  
58 ~~district]~~ **on the front page of its website, if it has one. If the commission does not have a**  
59 **website, the annual report shall be sent to the secretary of state who shall publish such**  
60 **report on the legal notices website, established pursuant to section 493.077.**

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

64 7. Nothing in this section shall be construed as granting the commission authority or  
65 power to manage the Kansas City zoo or to retain title to, or control over, the lands occupied by  
66 the Kansas City zoo.

184.600. 1. A metropolitan zoo district may be established in any city with a population  
2 of one hundred thousand or more inhabitants located within a first class county which does not  
3 adjoin any other first class county, after voter approval pursuant to this section. A zoo district  
4 shall consist of such institutions and places for the collection and exhibition of animals and  
5 animal life, for the instruction and recreation of the people, for the promotion of zoology and  
6 kindred subjects, for the encouragement of zoological study and research and for the increase of  
7 public interest in wild animals and in the protection of wild animal life. The boundaries of any  
8 such metropolitan zoo district shall be the corporate boundaries of the city, any lands annexed  
9 into the city after the establishment of the district and areas adjacent to the city which petition  
10 and vote to become part of the district pursuant to section 184.602. The question shall be  
11 submitted to the qualified voters of the city at a local or state general, primary or special election  
12 upon the petition of five percent of the qualified voters of the city as determined on the basis of  
13 the number of votes cast in the city for governor at the last election held prior to the filing of the  
14 petition, except that such election shall not be held prior to 1992. The election ~~[officials]~~  
15 **authority** shall give legal notice at least sixty days prior to such general or primary election or  
16 special election ~~[in at least one newspaper of general circulation within the city that such~~  
17 ~~proposition shall be submitted at the next general or primary election or special election held for~~  
18 ~~submission of this proposition]~~ **on the front page of its website, if it has one. If the election**  
19 **authority does not have a website, notice shall be sent at least sixty days prior to the**  
20 **election to the secretary of state who shall publish such notice on the legal notices website,**  
21 **established pursuant to section 493.077, until the date of the election has passed. A**  
22 municipality shall include in the ballot a provision for a tax to support the district in an amount  
23 not to exceed ten cents per one hundred dollars assessed valuation of all taxable property within  
24 the district.

25 2. Citizens living in a first class county in an area adjacent to and within two miles of  
26 a city that has formed or has called an election to form a metropolitan zoo may petition the



27 county commission where the city is located to become part of the metropolitan zoo district by  
 28 filing with the county commission a petition containing a description of the area to be included  
 29 in the district and the signatures of five percent of the qualified voters of the area as determined  
 30 by the county clerk on the basis of the number of votes cast in the area for governor at the last  
 31 election held prior to the filing of the petition. The question shall be submitted to the qualified  
 32 voters of the area at a local or state general, primary or special election upon the certification by  
 33 the county clerk that the petition contains the signatures of the required number of qualified  
 34 voters. The election ~~[officials]~~ **authority** shall give legal notice at least sixty days prior to such  
 35 general or primary election or special election ~~[in at least one newspaper of general circulation~~  
 36 ~~within the county that such proposition shall be submitted at the next general or primary election~~  
 37 ~~or special election held for submission of this proposition]~~ **on the front page of its website, if**  
 38 **it has one. If the election authority does not have a website, notice shall be sent at least**  
 39 **sixty days prior to the election to the secretary of state who shall publish such notice on the**  
 40 **legal notices website, established pursuant to section 493.077, until the date of the election**  
 41 **has passed.** The commission shall include in the ballot as requested in the petition a provision  
 42 for a tax to support the district at the rate of tax which residents of the city are required to pay  
 43 to support the district.

44 3. If the election is held in the city such proposition shall be submitted to the voters in  
 45 substantially the following form at such election:

46 Shall there be established a Metropolitan Zoo District comprising the City of \_\_\_\_\_ with a tax rate not to exceed \_\_\_\_\_ cents on each one hundred dollars  
 47 \_\_\_\_\_ of assessed valuation of all taxable property within the district?  
 48

49  FOR  AGAINST

50 4. If the election is held in an area outside the city such proposition shall be submitted  
 51 to the voters in substantially the following form at such election:

52 Shall the area be part of a Metropolitan Zoo District with the City of \_\_\_\_\_ with  
 53 a tax rate not to exceed \_\_\_\_\_ cents on each one hundred dollars of assessed  
 54 valuation of all taxable property within the area?

55  FOR  AGAINST

56 5. In the event that a majority of the voters voting on such proposition in the city at such  
 57 election cast votes "FOR" the proposition, then the district shall be established and the tax rate  
 58 shall be in full force and effect as of the first day of the year following the year of the election.  
 59 The results of the election shall be certified by the election officials of the city not less than thirty  
 60 days after the day of election. In the event the proposition fails to receive a majority of the votes  
 61 "FOR" in the city, then such proposition shall not be resubmitted at any election held within one  
 62 year of the date of the election the proposition was rejected.

63           6. In the event that a majority of the voters voting on such proposition in an area outside  
64 the city at such election cast votes "FOR" the proposition, then the area shall be part of the  
65 metropolitan zoo district as of the first day of the year following the year of the election provided  
66 the voters in the city have voted to form such a district. The results of the election shall be  
67 certified by the election official of the county not less than thirty days after the election. In the  
68 event the proposition fails to receive a majority of the votes "FOR" in the area outside the city,  
69 then such proposition shall not be resubmitted at any election held within one year of the date  
70 of the election the proposition was rejected.

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

14           2. The owners of real property, when assembled, shall organize by the election of a  
15 chairman and secretary of the meeting who shall conduct the election. At the election, each acre  
16 of real property within the district shall be considered as a voting interest, and each owner of real  
17 property shall have one vote in person or by proxy for every acre of real property owned within  
18 the district for each director to be elected. A director need not be a legal voter of the district.

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

24           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 she** shall present  
2 it to the commissioners of the county commission who shall thereupon set the petition for  
3 hearing within not less than thirty nor more than forty days after the filing.

4           2. Notice shall be given by the commissioner of the county commission of the time and  
5 place where the hearing will be held, by publication on ~~[three separate days in one or more~~  
6 ~~newspapers having a general circulation within the territory proposed to be incorporated as an~~  
7 ~~ambulance district, the first of which publications shall be not less than twenty days prior to the~~  
8 ~~date set for the hearing and if there is no such newspaper, then notice shall be posted in ten of~~  
9 ~~the most public places in the territory, not less than twenty days prior to the date set for the~~  
10 ~~hearing]~~ **on the front page of the commission's website, if it has one, for a period of at least**  
11 **twenty days prior to the date set for the hearing. If the commission does not have a**  
12 **website, notice shall be sent at least twenty days prior to the hearing to the secretary of**  
13 **state who shall publish such notice on the legal notices website, established pursuant to**  
14 **section 493.077, until the date of the hearing has passed.** This notice shall include a  
15 description of the territory as set out in the petition, names of municipalities located therein and  
16 the name of the proposed district and the question of creating an ambulance district.

17           3. The costs of printing and publication or posting of notices of public hearing thereon  
18 shall be paid in advance by the petitioners, and, if a district is organized under the provisions of  
19 sections 190.005 to 190.085, they shall be reimbursed out of the funds received by the district  
20 from taxation or other sources.

190.088. 1. A city of the fourth classification with more than two thousand seven  
2 hundred but fewer than three thousand inhabitants and located in any county of the first  
3 classification with more than eighty-three thousand but fewer than ninety-two thousand  
4 inhabitants that is located partially within an ambulance district may file with the ambulance  
5 district's board of directors a notice of intention of detachment stating the city's intent that the  
6 area located within the city and the ambulance district, or a portion of such area, is to be  
7 excluded and taken from the district. The filing of a notice of intention of detachment must be  
8 authorized by ordinance. Such notice of intention of detachment shall describe the subject area  
9 to be excluded from the ambulance district in the form of a legal description and map.

10           2. After filing the notice of intention of detachment with the ambulance district, the city  
11 shall conduct a public hearing on the notice of intention of detachment and give notice by  
12 publication ~~[in a newspaper of general circulation qualified to publish legal matters in the county~~  
13 ~~where the subject area is located, at least once a week for three consecutive weeks prior to the~~  
14 ~~hearing, with the last notice being not more than twenty days and not less than ten days before~~  
15 ~~the hearing]~~ **on the front page of the city's website, if it has one, for a period of at least three**  
16 **consecutive weeks prior to the hearing. If the city does not have a website, notice shall be**  
17 **sent at least three weeks prior to the hearing to the secretary of state who shall publish**  
18 **such notice on the legal notices website, established pursuant to section 493.077, until the**  
19 **date of the hearing has passed.** The hearing may be continued to another date without further

20 notice other than a motion to be entered upon the minutes fixing the time and place of the  
21 subsequent hearing. At the public hearing, the city shall present its reasons why it desires to  
22 detach the subject area from the ambulance district and its plan to provide or cause to be  
23 provided ambulance services to the subject area.

24 3. Following the public hearing, the governing body of the city may approve the  
25 detachment of the subject area from the ambulance district by enacting an ordinance with  
26 two-thirds of all members of the legislative body of the city voting in favor of the ordinance.

27 4. Upon duly enacting such detachment ordinance, the city shall cause three certified  
28 copies of the same to be filed with the county assessor and the clerk of the county wherein the  
29 city is located and one certified copy to be filed with the election authority if different from the  
30 clerk of the county that has jurisdiction over the area being detached.

31 5. Upon the effective date of the ordinance, which may be up to one year from the date  
32 of its passage and approval, the ambulance district shall no longer provide or cause to be  
33 provided ambulance services to the subject area and shall no longer levy and collect any tax upon  
34 the property included within the detached area, provided that all real property excluded from an  
35 ambulance district shall thereafter be subject to the levy of taxes for the payment of any  
36 indebtedness of the ambulance district outstanding at the time of exclusion; provided that after  
37 any real property shall have been excluded from an ambulance district as provided under this  
38 section, any buildings and improvements thereafter erected or constructed on the excluded real  
39 property, all machinery and equipment thereafter installed or placed on the excluded real  
40 property, and all tangible personal property not in the ambulance district at the time of the  
41 exclusion of the subject area shall not be subject to any taxes levied by the ambulance district.

42 6. The city shall also:

43 (1) On or before January first of the second calendar year after the date on which the  
44 property was detached from the ambulance district, pay to the ambulance district a fee equal to  
45 the amount of revenue that would have been generated during the previous calendar year by the  
46 ambulance district tax on the property in the area detached which was formerly part of the  
47 ambulance district;

48 (2) On or before January first of the third calendar year after the date on which the  
49 property was detached from the ambulance district, pay to the ambulance district a fee equal to  
50 four-fifths of the amount of revenue that would have been generated during the previous calendar  
51 year by the ambulance district tax on the property in the area detached which was formerly a part  
52 of the ambulance district;

53 (3) On or before January first of the fourth calendar year occurring after the date on  
54 which the property was detached from the ambulance district, pay to the ambulance district a fee  
55 equal to three-fifths of the amount of revenue that would have been generated during the

56 previous calendar year by the ambulance district tax on the property in the area detached which  
57 was formerly a part of the ambulance district;

58 (4) On or before January first of the fifth calendar year occurring after the date on which  
59 the property was detached from the ambulance district, pay to the ambulance district a fee equal  
60 to two-fifths of the amount of revenue that would have been generated during the previous  
61 calendar year by the ambulance district tax on the property in the area detached which was  
62 formerly a part of the ambulance district; and

63 (5) On or before January first of the sixth calendar year occurring after the date on which  
64 the property was detached from the ambulance district, pay to the ambulance district a fee equal  
65 to one-fifth of the amount of revenue that would have been generated during the previous  
66 calendar year by the ambulance district tax on the property in the area detached which was  
67 formerly a part of the ambulance district.

68 7. The provisions of this section shall not apply to any county in which a boundary  
69 commission has been established under sections 72.400 to 72.423.

192.300. 1. The county commissions and the county health center boards of the several  
2 counties may make and promulgate orders, ordinances, rules or regulations, respectively as will  
3 tend to enhance the public health and prevent the entrance of infectious, contagious,  
4 communicable or dangerous diseases into such county, but any orders, ordinances, rules or  
5 regulations shall not:

6 (1) Be in conflict with any rules or regulations authorized and made by the department  
7 of health and senior services in accordance with this chapter or by the department of social  
8 services under chapter 198; or

9 (2) Impose standards or requirements on an agricultural operation and its appurtenances,  
10 as such term is defined in section 537.295, that are inconsistent with or more stringent than any  
11 provision of this chapter or chapters 260, 640, 643, and 644, or any rule or regulation  
12 promulgated under such chapters.

13 2. The county commissions and the county health center boards of the several counties  
14 may establish reasonable fees to pay for any costs incurred in carrying out such orders,  
15 ordinances, rules or regulations, however, the establishment of such fees shall not deny personal  
16 health services to those individuals who are unable to pay such fees or impede the prevention or  
17 control of communicable disease. Fees generated shall be deposited in the county treasury. All  
18 fees generated under the provisions of this section shall be used to support the public health  
19 activities for which they were generated.

20 3. After the promulgation and adoption of such orders, ordinances, rules or regulations  
21 by such county commission or county health board, such commission or county health board  
22 shall make and enter an order or record declaring such orders, ordinances, rules or regulations

23 to be printed and available for distribution to the public in the office of the county clerk, and  
24 shall require a copy of such order to be published [~~in some newspaper in the county in three~~  
25 ~~successive weeks,~~] not later than thirty days after the entry of such order, ordinance, rule or  
26 regulation **on the front page of the commission or county health board's website, if it has**  
27 **one, for a period of three successive weeks. If the commission or county health board does**  
28 **not have a website, the order, ordinance, rule, or regulation shall be sent to the secretary**  
29 **of state who shall publish such order on the legal notices website, established pursuant to**  
30 **section 493.077, for a period of three successive weeks.**

31 4. Any person, firm, corporation or association which violates any of the orders or  
32 ordinances adopted, promulgated and published by such county commission is guilty of a  
33 misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county  
34 commission or county health board of any such county has full power and authority to initiate  
35 the prosecution 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 application as to  
3 the completeness of such application;

4 (2) Provide [~~written~~] notification to affected persons located within this state at the  
5 beginning of a review. This notification may be given through publication of the review  
6 schedule [~~in all newspapers of general circulation in the area to be served~~] **on the front page of**  
7 **the committee's website, if it has one. If the committee does not have a website, notice shall**  
8 **be sent to the secretary of state who shall publish such notice on the legal notices website,**  
9 **established pursuant to section 493.077;**

10 (3) Hold public hearings on all applications when a request in writing is filed by any  
11 affected person within thirty days from the date of publication of the notification of review;

12 (4) Within one hundred days of the filing of any application for a certificate of need,  
13 issue in writing its findings of fact, conclusions of law, and its approval or denial of the  
14 certificate of need; provided, that the committee may grant an extension of not more than thirty  
15 days on its own initiative or upon the written request of any affected person;

16 (5) Cause to be served upon the applicant, the respective health system agency, and any  
17 affected person who has filed his **or her** prior request in writing, a copy of the aforesaid findings,  
18 conclusions and decisions;

19 (6) Consider the needs and circumstances of institutions providing training programs for  
20 health personnel;

21 (7) Provide for the availability, based on demonstrated need, of both medical and  
22 osteopathic facilities and services to protect the freedom of patient choice; and

23 (8) Establish by regulation procedures to review, or grant a waiver from review,  
24 nonsubstantive projects.

25 The term "filed" or "filing" as used in this section shall mean delivery to the staff of the health  
26 facilities review committee the document or documents the applicant believes constitute an  
27 application.

28 2. Failure by the committee to issue a written decision on an application for a certificate  
29 of need within the time required by this section shall constitute approval of and final  
30 administrative action on the application, and is subject to appeal pursuant to section 197.335 only  
31 on the question of approval by operation of law.

198.220. 1. Upon the filing of the petition with the county clerk, he **or she** shall present  
2 it to the commissioners of the county commission who shall thereupon set the petition for  
3 hearing within not less than thirty nor more than forty days after the filing.

4 2. Notice shall be given by the commissioner of the county commission of the time and  
5 place where the hearing will be held, by publication on ~~[three separate days in one or more~~  
6 ~~newspapers having a general circulation within the territory proposed to be incorporated as a~~  
7 ~~nursing home district, the first of which publications shall be not less than twenty days prior to~~  
8 ~~the date set for the hearing and if there is no such newspaper, then notice shall be posted in ten~~  
9 ~~of the most public places in the territory, not less than twenty days prior to the date set for the~~  
10 ~~hearing]~~ **the front page of the commission's website, if it has one, at least twenty days prior**  
11 **to the date set for the hearing. If the commission does not have a website, notice shall be**  
12 **sent at least twenty days prior to the date set for the hearing to the secretary of state who**  
13 **shall publish such notice on the legal notices website, established pursuant to section**  
14 **493.077, until the date of the hearing has passed.** This notice shall include a description of  
15 the territory as set out in the petition, names of municipalities located therein and the name of  
16 the proposed district and the question of creating a nursing home district.

17 3. The costs of printing and publication or posting of notices of public hearing thereon  
18 shall be paid in advance by the petitioners, and, if a district is organized under sections 198.200  
19 to 198.350, they shall be reimbursed out of the funds received by the district from taxation or  
20 other sources.

204.260. 1. The circuit court shall within thirty days after receiving the petition appoint  
2 three disinterested persons, one of whom shall be a licensed civil engineer or surveyor, as  
3 common sewer district commissioners to lay out and define the boundaries of the proposed  
4 district.

5 2. The common sewer district commissioners may alter or amend the boundaries of the  
6 proposed district as set forth in the petition so that it embraces all of the area capable of being  
7 efficiently drained by the system of trunk sewers, or so as to exclude from the district any part

8 of the natural drainage area which is so situated as not to be benefitted by the proposed trunk  
9 sewers or treatment plants, and for this purpose they shall have power to have made all surveys  
10 and maps necessary to locate and describe the boundaries.

11 3. The common sewer district commissioners shall qualify by taking an oath to faithfully  
12 and impartially perform their duties and when so qualified shall give notice by publication [~~at~~  
13 ~~least five times, in one or more newspapers having a general circulation in the proposed district,~~]  
14 of the time and place where they will meet to consider and establish the boundaries. The notice  
15 shall be [~~given~~] **published** at least twenty days prior to the meeting. **If the district does not**  
16 **have a website, notice shall be sent to the secretary of state who shall publish such notice**  
17 **on the legal notices website, established pursuant to section 493.077, until the date of the**  
18 **meeting has passed**, and the meeting place shall be in the courthouse of the county in which the  
19 major portion of the proposed district lies.

20 4. At the meeting the common sewer district commissioner first named in the order of  
21 appointment shall preside, and all persons residing or owning real property in the proposed  
22 district, or adjacent thereto, shall have the right to be heard as to the location of the boundaries  
23 of the proposed district; and the common sewer district commissioners or a majority of them  
24 after the hearing shall fix and determine the boundaries of the proposed district.

25 5. The common sewer district commissioners may adjourn from day to day until the  
26 hearings are complete, and for their services shall receive such compensation as may be  
27 determined by the circuit court which appoints them. They may employ a competent person as  
28 stenographer and clerk, whose compensation shall be as set by the circuit court.

204.350. 1. The board of trustees for the district shall let contracts for all work to be  
2 done, excepting in case of repairs or emergencies requiring prompt attention, in the construction  
3 of trunk sewers and sewage treatment plants under the authority of sections 204.250 to 204.470,  
4 the expense of which will exceed five hundred dollars, to the lowest responsible bidder therefor,  
5 upon not less than twenty days' notice of the letting[;] . **Notice shall be given by publication [in**  
6 ~~a newspaper of general circulation in the district, and in the discretion of the board, in one or~~  
7 ~~more newspapers of general circulation among contractors]~~ **on the front page of the board's**  
8 **website, if it has one. If the board does not have a website, notice shall be sent to the**  
9 **secretary of state who shall publish such notice on the legal notices website, established**  
10 **pursuant to section 493.077, for a period of twenty days.** The board shall have the power and  
11 authority to reject any and all bids and readvertise the work.

12 2. The board of trustees, subject to the concurrence of the advisory board established by  
13 sections 204.250 to 204.470, shall also have the power to enter into agreements with persons,  
14 firms or corporations of known standing and competence for the execution and preparation of  
15 the surveys, maps and plans needed and required by the board, and also for the laying out and



16 superintendence of work to be constructed under the authority of sections 204.250 to 204.470,  
17 but no single agreement so made shall cover more than one piece or class of work.

204.355. 1. Whenever any sewer district shall have been organized as provided by  
2 sections 204.250 to 204.470, and it shall appear necessary, convenient or advisable to extend the  
3 boundaries of such district for the purpose of including therein a contiguous area which could  
4 be efficiently served by the sewer system of the district, or by reasonable modifications,  
5 extensions or improvements thereof, the boundaries of the district may be extended as provided  
6 in this section, but the extension shall not include any territory within the boundaries of any other  
7 sewer district.

8 2. The trustees of the district may, and shall upon receipt of a petition signed by  
9 twenty-five or more persons residing either within the present boundaries of the district or within  
10 the area of the proposed addition, file with the circuit court having jurisdiction of the district a  
11 petition setting forth the reasonableness or necessity for extending the boundaries of the district,  
12 the boundary lines of the proposed extension, and a prayer for such further action as may be  
13 necessary to determine the question as to whether the boundaries of the district should be  
14 extended.

15 3. The court shall fix a time at which it will hear the petition or any objections thereto,  
16 and it shall be the duty of the clerk of the circuit court to cause a notice to be published ~~in a~~  
17 ~~newspaper of general circulation in the county where the proceedings are pending]~~ **on the front**  
18 **page of the court's website, if it has one,** for three consecutive weeks before the court date];  
19 ~~which]~~ . **If the court does not have a website, notice shall be sent to the secretary of state**  
20 **who shall publish such notice on the legal notices website, established pursuant to section**  
21 **493.077, for a period of three consecutive weeks before the court date. The** notice shall set  
22 out the proposed boundaries of the extension of the district.

23 4. If upon the hearing of the petition and objections, the court shall find that an extension  
24 of the boundaries of the district is necessary or reasonable for the preservation of the public  
25 health or public welfare, or will be of public utility or benefit, the court shall find in favor of the  
26 petitioners and shall render its decree to that effect. In its decree the court may alter or amend  
27 the boundaries of the proposed extension as originally proposed in the petition. If the court shall  
28 find that such an extension is not necessary or will not be of public health or public welfare or  
29 will not be of public utility or benefit and will not be advisable, then it shall find against the  
30 petitioners and shall dismiss the petition.

31 5. If the court shall find in favor of the petitioners, it shall enter its order directing the  
32 appropriate election authority to call and hold an election in the original sewer district and the  
33 territory proposed to be annexed on the question of whether the territory should be annexed to  
34 the sewer district. The notice shall include a description of the territory to be annexed.

35 6. The question shall be submitted in the following form:

36 Shall the \_\_\_\_\_ sewer district annex the contiguous area described in the notice  
37 for this election?

38 7. The election authority shall certify the results of the election to the circuit court having  
39 jurisdiction of the matter. If a majority of the votes cast on the proposition, in the original sewer  
40 district and the territory to be annexed combined, shall be in favor of the annexation, then the  
41 court shall render a decree declaring the boundaries of the district to be extended and describing  
42 the boundaries of the district as extended. If a majority of the votes cast on the proposition, in  
43 the original sewer district and the territory to be annexed combined, shall be against the  
44 annexation, then the court shall render a decree declaring that the proposal to extend the  
45 boundaries has failed and that the boundaries of the sewer district shall remain unchanged.

204.472. 1. (1) Whenever all or any part of a territory located within a sewer district  
2 that is located in any county of the third classification without a township form of government  
3 and with more than forty thousand eight hundred but less than forty thousand nine hundred  
4 inhabitants is included by annexation within the corporate limits of any city of the third  
5 classification with more than sixteen thousand six hundred but less than sixteen thousand seven  
6 hundred inhabitants, but is not receiving sewer service from such district or city at the time of  
7 such annexation, the city and the board of trustees of the district may, within six months after  
8 such annexation becomes effective, develop an agreement to provide sewer service to the  
9 annexed territory. Such an agreement may also be developed for territory that was annexed  
10 between January 1, 1996, and August 28, 2002, but was not receiving sewer service from such  
11 district or such city on August 28, 2002. For the purposes of this section, "not receiving sewer  
12 service" shall mean that no sewer services are being sold within the annexed territory by such  
13 district or city. If the city and the board reach an agreement that detaches any territory from such  
14 district, the agreement shall be submitted to the circuit court having jurisdiction over the major  
15 portion, and the circuit court shall make an order and judgment detaching the territory described  
16 in the agreement from the remainder of the district and stating the boundary lines of the district  
17 after such detachment. At such time that the circuit court's order and judgment becomes final,  
18 the clerk of the circuit court shall file certified copies of such order and judgment with the  
19 secretary of state and with the recorder of deeds and the county clerk of the county or counties  
20 in which the district is located. If an agreement is developed between a city and a sewer district  
21 pursuant to this subsection, subsections 2 to 8 of this section shall not apply to such agreement.

22 (2) Whenever all or any part of a territory located within a sewer district that is located  
23 in any county of the third classification is included by annexation within the corporate limits of  
24 any city, but is not receiving sewer service from such district or city at the time of such  
25 annexation, the city and the board of trustees of the district may, within six months after such

26 annexation becomes effective, develop an agreement to provide sewer service to the annexed  
27 territory. Such an agreement may also be developed for territory that was annexed prior to  
28 August 28, 2010, but was not receiving sewer service from such district or such city as of August  
29 28, 2010. For the purposes of this section, "not receiving sewer service" shall mean that no  
30 sewer services are being sold within the annexed territory by such district or city. If the city and  
31 the board reach an agreement that detaches any territory from such district, the agreement shall  
32 be submitted to the circuit court having jurisdiction over the major portion, and the circuit court  
33 shall make an order and judgment detaching the territory described in the agreement from the  
34 remainder of the district and stating the boundary lines of the district after such detachment. At  
35 such time that the circuit court's order and judgment becomes final, the clerk of the circuit court  
36 shall file certified copies of such order and judgment with the secretary of state and with the  
37 recorder of deeds and the county clerk of the county or counties in which the district is located.  
38 If an agreement is developed between a city and a sewer district pursuant to this subsection,  
39 subsections 2 to 8 of this section shall not apply to such agreement.

40         2. In the event that the board of trustees of such district and the city cannot reach such  
41 an agreement, an application may be made by the board or the city to the circuit court requesting  
42 that three commissioners develop such an agreement. Such application shall include the name  
43 of one commissioner appointed by the applying party. The second party shall appoint one  
44 commissioner within thirty days of the service of the application upon the second party. If the  
45 second party fails to appoint a commissioner within such time period, the circuit court shall  
46 appoint a commissioner on behalf of the second party. Such two named commissioners may  
47 agree to appoint a third disinterested commissioner within thirty days after the appointment of  
48 the second commissioner. In the event that the two named commissioners cannot agree on or  
49 fail to appoint the third disinterested commissioner within thirty days after the appointment of  
50 the second commissioner, the circuit court shall appoint the third disinterested commissioner.

51         3. Upon the filing of such application and the appointment of three such commissioners,  
52 the circuit court shall set a time for one or more hearings and shall order a public notice  
53 including the nature of the application, the annexed area affected, the names of the  
54 commissioners, and the time and place of such hearings, to be published for three weeks  
55 consecutively ~~[in a newspaper published in the county in which the application is pending, the~~  
56 ~~last publication to be not more than seven days]~~ before the date set for the first hearing **on the**  
57 **front page of the circuit court's website, if it has one. If the circuit court does not have a**  
58 **website, notice shall be sent to the secretary of state who shall publish such notice on the**  
59 **legal notices website, established pursuant to section 493.077, until the date of the hearing**  
60 **has passed.**

61 4. The commissioners shall develop an agreement between the district and the city to  
62 provide sewer service to the annexed territory. In developing the agreement, the commissioners  
63 shall consider information presented to them at hearings and any other information at their  
64 disposal including, but not limited to:

65 (1) The estimated future loss of revenue and costs for the sewer district related to the  
66 agreement;

67 (2) The amount of indebtedness of the sewer district within the annexed territory;

68 (3) Any contractual obligations of the sewer district within the annexed area; and

69 (4) The effect of the agreement on the sewer rates of the district.

70 The agreement shall also include a recommendation for the apportionment of costs incurred  
71 pursuant to subsections 2 to 8 of this section, including reasonable compensation for the  
72 commissioners, between the city and the district.

73 5. If the circuit court finds that the agreement provides for necessary sewer service in the  
74 annexed territory, then such agreement shall be fully effective upon approval by the circuit court.  
75 The circuit court shall also review the recommended apportionment of court costs incurred and  
76 the reasonable compensation for the commissioners and affirm or modify such recommendations.

77 6. The order and judgment of the circuit court shall be subject to appeal as provided by  
78 law.

79 7. If the circuit court approves a detachment as part of the territorial agreement, it shall  
80 make its order and judgment detaching the territory described in the application from the  
81 remainder of the district and stating the boundary lines of the district after such detachment.

82 8. At such time that the circuit court's order and judgment becomes final, the clerk of the  
83 circuit court shall file certified copies of such order and judgment with the secretary of state and  
84 with the recorder of deeds and the county clerk of the county or counties in which the district is  
85 located.

86 9. The proportion of the sum of all outstanding bonds and debt, with interest thereon,  
87 that is required to be paid to the sewer district pursuant to this section, shall be the same as the  
88 proportion of the assessed valuation of the real and tangible personal property within the area  
89 sought to be detached bears to the assessed valuation of all of the real and tangible personal  
90 property within the entire area of the sewer district.

204.567. The circuit court with jurisdiction over the formation of a sewer subdistrict and  
2 extension of the boundaries of a common sewer district to include such subdistrict pursuant to  
3 section 204.565 shall, within thirty days after receiving the petition, schedule a public hearing  
4 on the petition. The clerk of the circuit court having such jurisdiction shall give notice of the  
5 time and the place of the public hearing by publication [~~at least once each week~~] **on the front**  
6 **page of the circuit court's website, if it has one, for a period of three consecutive weeks [in**

7 ~~one or more newspapers having a general circulation in the proposed subdistrict and in the~~  
8 ~~common sewer district].~~ **If the circuit court does not have a website, notice shall be sent to**  
9 **the secretary of state who shall publish such notice on the legal notices website, established**  
10 **pursuant to section 493.077, for a period of three consecutive weeks.** Such notice shall state  
11 that the subdistrict will, upon its formation, be a subdistrict of the common sewer district, which  
12 will be identified by name, and shall describe either the boundaries of the proposed subdistrict  
13 or the area to be included within the proposed subdistrict. If the court shall find formation of  
14 such subdistrict reasonable or necessary, the court shall enter its decree extending the boundaries  
15 of the common sewer district, declaring the area to be a sewer subdistrict of the common sewer  
16 district, and approving the map submitted by the petitioners. The decree and map shall then be  
17 filed by the circuit clerk in the office of the recorder of deeds for each county in which any  
18 portion of such subdistrict and of the common sewer district is situated and with the county  
19 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 sewer district  
2 under sections 204.600 to 204.640 shall be substantially as follows: a petition in duplicate  
3 describing the proposed boundaries of the reorganized district sought to be formed, accompanied  
4 by a plat of the proposed district, shall first be filed with each county commission having  
5 jurisdiction in the geographic area the proposed district is situated. Such petition shall be ruled  
6 on by each county commission having jurisdiction within thirty days from the date of hearing the  
7 petition. If the petition for the reorganized district is rejected by any county commission having  
8 jurisdiction, no further action on the proposed district shall take place before the county  
9 commission which rejected the petition or the circuit court of that county in the county which  
10 rejected the petition. If approved by each county commission having jurisdiction, a petition in  
11 duplicate describing the proposed boundaries of the reorganized district sought to be formed,  
12 accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court  
13 of the county wherein the proposed district is situated or with the clerk of the circuit court of the  
14 county having the largest acreage proposed to be included in the proposed district, in the event  
15 that the proposed district embraces lands in more than one county. Such petition, in addition to  
16 such boundary description, shall set forth an estimate of the number of customers of the proposed  
17 district, the necessity for the formation of the district, the probable cost of acquiring or  
18 constructing sanitary sewer improvements with the district, if appropriate, an approximation of  
19 the assessed valuation of taxable property within the district, whether the board of trustees shall  
20 be elected or appointed by the county commission, and such other information as may be useful  
21 to the court in determining whether or not the petition should be granted and a decree of  
22 incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as  
23 an advancement of the costs of the proceeding. The petition shall be signed by not less than fifty

24 voters or property owners within the proposed district and shall request the incorporation of the  
25 territory therein described into a reorganized common sewer district. The petition shall be  
26 verified by at least one of the signers.

27         2. Upon filing, the petition shall be presented to the circuit court, and such court shall  
28 fix a date for a hearing on such petition, as provided in this section. The clerk of the court shall  
29 give notice of the petition filing [~~in some newspaper of general circulation in the county in which~~  
30 ~~the proceedings are pending. If the district extends into any other county, such notice also shall~~  
31 ~~be published in some newspaper of general circulation in such other county]. The notice shall~~  
32 contain a description of the proposed boundary lines of the district and the general purposes of  
33 the petition. The notice shall set forth the date fixed for the hearing on the petition, which shall  
34 not be less than fifteen nor more than twenty-one days after the date of the last publication of the  
35 notice, and shall be on some regular judicial day of the court that the petition is pending. Such  
36 notice shall be signed by the clerk of the circuit court and shall be published [~~in three successive~~  
37 ~~issues of a weekly newspaper or in a daily paper once a week] for three consecutive weeks **on**  
38 **the front page of the court's website, if it has one. If the court does not have a website,**  
39 **notice shall be sent to the secretary of state who shall publish such notice on the legal**  
40 **notices website, established pursuant to section 493.077, until the date of the hearing has**  
41 **passed.**~~

42         3. The court, for good cause shown, may continue the case or the hearing from time to  
43 time until final disposition.

44         4. Exceptions to the formation of a district, or to the boundaries outlined in the petition  
45 for incorporation, may be made by any voter or property owner within the proposed districts,  
46 provided that such exceptions are filed not less than five days prior to the date set for the hearing  
47 on the petition. Such exceptions shall specify the grounds upon which the exceptions are being  
48 made. If any such exceptions are filed, the court shall take them into consideration in passing  
49 upon the petition and also shall consider the evidence in support of the petition and in support  
50 of the exceptions made. Should the court find that the petition should be granted but that  
51 changes should be made in the boundary lines, it shall make such changes in the boundary lines  
52 as set forth in the petition as the court may deem proper and enter its decree of incorporation,  
53 with such boundaries as changed. No public sewer district shall be formed under this chapter,  
54 chapter 249, section 247.035, or any sewer district created and organized under constitutional  
55 authority, the boundaries of which shall encroach upon the corporate boundaries of any sewer  
56 district then existing or upon the certificated boundaries then existing of any sewer corporation  
57 providing service under a certificate of convenience and necessity granted by the public service  
58 commission. Nor shall any public sewer district extend wastewater collection and treatment  
59 services within the boundaries of another district without a written cooperative agreement

60 between such districts or within the certificated boundaries then existing of any sewer  
61 corporation providing service under a certificate of convenience and necessity granted by the  
62 public service commission without a written cooperative agreement between the public sewer  
63 district and the certificated sewer corporation.

64         5. Should the court find that it would not be in the public interest to form such a district,  
65 the petition shall be dismissed at the cost of the petitioners. If the court should find in favor of  
66 the formation of such district, the court shall enter its decree of incorporation, setting forth the  
67 boundaries of the proposed district as determined by the court under the hearing. The decree  
68 shall further contain an appointment of five voters from the district to constitute the first board  
69 of trustees of the district. The court shall designate such trustees to staggered terms from one  
70 to five years such that one director is appointed or elected each year. The trustees appointed by  
71 the court shall serve for the terms designated and until their successors have been appointed or  
72 elected as provided in section 204.610. The decree shall further designate the name of the  
73 district by which it shall officially be known.

74         6. The decree of incorporation shall not become final and conclusive until it is submitted  
75 to the voters residing within the boundaries described in such decree and until it is assented to  
76 by a majority of the voters as provided in subsection 9 of this section or by two-thirds of the  
77 voters of the district voting on the proposition. The decree shall provide for the submission of  
78 the question and shall fix the date of submission. The returns shall be certified by the election  
79 authority to the circuit court having jurisdiction in the case, and the court shall enter its order  
80 canvassing the returns and declaring the result of such election.

81         7. If a majority of the voters of the district voting on such proposition approve of the  
82 proposition, then the court shall, in such order declaring the result of the election, enter a further  
83 order declaring the decree of incorporation to be final and conclusive. In the event, however, that  
84 the court should find that the question had not been assented to by the majority required in this  
85 section, the court shall enter a further order declaring such decree of incorporation to be void.  
86 No appeal shall be permitted from any such decree of incorporation nor from any of the aforesaid  
87 orders. In the event that the court declares the decree of incorporation to be final, the clerk of  
88 the circuit court shall file certified copies of such decree of incorporation and of such final order  
89 with the secretary of state of the state of Missouri, with the recorder of deeds of the county or  
90 counties in which the district is situated, and with the clerk of the county commission of the  
91 county or counties in which the district is situated.

92         8. The costs incurred in the formation of the district shall be taxed to the district, if the  
93 district is incorporated; otherwise the costs shall be paid by the petitioners.

94         9. If petitioners seeking formation of a reorganized common sewer district specify in  
95 their petition that the district to be organized shall be organized without authority to issue general

96 obligation bonds, then the decree relating to the formation of the district shall recite that the  
97 district shall not have authority to issue general obligation bonds. The vote required for such a  
98 decree of incorporation to become final and conclusive shall be a simple majority of the voters  
99 of the district.

100           10. Once a reorganized sewer district is established, the boundaries of the reorganized  
101 sewer district may be extended or enlarged from time to time upon the filing, with the clerk of  
102 the circuit court having jurisdiction, of a petition by either:

103           (1) The board of trustees of the reorganized sewer district and five or more voters or  
104 landowners within the territory proposed to be added to the district; or

105           (2) The board of trustees and a majority of the landowners within the territory that is  
106 proposed to be added to the reorganized sewer district.

107 If the petition is filed by a majority of the voters or landowners within the territory proposed to  
108 be added to the reorganized sewer district, the publication of notice shall not be required,  
109 provided notice is posted in three public places within such territory at least seven days before  
110 the date of the hearing, and provided that there is sworn testimony by at least five landowners  
111 in such territory, or a majority of the landowners if the total landowners in the area are fewer than  
112 ten. Otherwise the procedures for notice substantially shall follow the procedures in subsection  
113 2 of this section for formation. Territory proposed to be added to the reorganized sewer district  
114 may be either contiguous or reasonably close to the boundaries of the existing district, provided  
115 that it shall not include any territory within the corporate boundaries of any sewer district then  
116 existing or within the certificated boundaries then existing of any sewer corporation providing  
117 service under a certificate of convenience and necessity granted by the public service  
118 commission. Upon the entry of a final judgment declaring the court's decree of territory  
119 proposed to be added to the reorganized sewer district to be final and conclusive, the court shall  
120 modify or rearrange the boundary lines of the reorganized sewer district as may be necessary or  
121 advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the  
122 district, if the district is enlarged or extended. Otherwise, such costs shall be paid by the  
123 petitioners. However, no costs shall be taxed to the trustees of the district.

124           11. Should any landowner who owns real estate that is not within the certificated  
125 boundaries of any sewer corporation providing service under a certificate of convenience and  
126 necessity granted by the public service commission or within another sewer district organized  
127 under this chapter or chapters 247 or 249 or under the Missouri Constitution, but that is  
128 contiguous or reasonably close to the existing boundaries of the reorganized sewer district, desire  
129 to have such real estate incorporated in the district, the landowner shall first petition the board  
130 of trustees for its approval. If such approval is granted, the secretary of the board shall endorse  
131 a certificate of the board's approval of the petition. The petition so endorsed shall be filed with



132 the clerk of the circuit court in which the reorganized sewer district is incorporated. It then shall  
133 be the duty of the court to amend the boundaries of such district by a decree incorporating the  
134 real estate. A certified copy of this amended decree including the real estate in the district then  
135 shall be filed in the office of the recorder, in the office of the county clerk of the county in which  
136 the real estate is located, and in the office of the secretary of state. The costs of this proceeding  
137 shall be borne by the petitioning property owner.

138 12. The board of trustees of any reorganized common sewer district may petition the  
139 circuit court of the county containing the majority of the acreage in the district for an amended  
140 decree of incorporation to allow that district to engage in the construction, maintenance, and  
141 operation of water supply and distribution facilities that serve ten or more separate properties  
142 located wholly within the district, are not served by another political subdivision, or are not  
143 located within the certificated area of a water corporation as defined in chapter 386, or within  
144 a public water supply district as defined in chapter 247, and the operation and maintenance of  
145 all such existing water supply facilities. The petition shall be filed by the board of trustees, and  
146 all proceedings shall be in substantially the same manner as in action for initial formation of a  
147 reorganized common sewer district, except that no vote of the residents of the district shall be  
148 required. All applicable provisions of this chapter shall apply to the construction, operation, and  
149 maintenance of water supply facilities in the same manner as they apply to like functions relating  
150 to sewer treatment facilities.

204.604. 1. Any existing common sewer district organized and existing under sections  
2 204.250 to 204.270, and any sewer district organized and existing under chapter 249, may  
3 establish itself as a reorganized common sewer district under sections 204.600 to 204.640 by first  
4 filing a petition with the county commission of the county or counties in which it was established  
5 to approve its reorganization under sections 204.600 to 204.640 if the governing body of the  
6 district has by resolution determined that it is in the best interest of the district to reorganize  
7 under sections 204.600 to 204.640. The petition shall be ruled on by that county commission,  
8 or each county commission if the district exists in more than one county, within thirty days from  
9 the date of hearing the petition. If the petition for the reorganized district is rejected by the county  
10 commission or any county commissions in districts existing in more than one county, no further  
11 action on the reorganized district shall take place before the county commission or commissions  
12 comprising the district or the circuit having jurisdiction over the district court. If approved by  
13 the county commission, or each county commission if the district exists in more than one county,  
14 such petition shall specify whether the board of trustees shall be appointed by the governing body  
15 of the county or elected by the voters of the district. Such petition shall be accompanied by a  
16 cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition

17 shall be signed by the trustees of the district and shall request the conversion of the district into  
18 a reorganized common sewer district.

19           2. Upon filing, the petition shall be presented to the circuit court, and such court shall  
20 fix a date for a hearing on the petition. The clerk of the court shall give notice of the filing of  
21 the petition [~~in some newspaper of general circulation within the existing district or closest to~~  
22 ~~the existing district if there is no newspaper of general circulation within the existing district.~~  
23 ~~If the existing district extends into any other county, such notice also shall be published in some~~  
24 ~~newspaper of general circulation in such other county]. The notice shall contain a description  
25 of the boundary lines of the existing district and the general purposes of the petition. The notice  
26 shall set forth the date fixed for the hearing on the petition, which shall not be less than fifteen  
27 nor more than twenty-one days after the date of the last publication of the notice and shall be on  
28 some regular judicial day of the court where the petition is pending. Such notice shall be signed  
29 by the clerk of the circuit court and shall be published [~~in a newspaper of general circulation]~~ **on**  
30 **the front page of the court's website, if it has one, for a period of three consecutive weeks.**  
31 **If the court does not have a website, notice shall be sent to the secretary of state who shall**  
32 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
33 **until the date of the hearing has passed.**~~

34           3. The court, for good cause shown, may continue the case or the hearing from time to  
35 time until final disposition.

36           4. Exceptions to the conversion of an existing district to a reorganized common sewer  
37 district may be made by any voter or property owner within the proposed district, provided that  
38 such exceptions are filed not less than five days prior to the date set for the hearing on the  
39 petition. Such exceptions shall specify the grounds upon which the exceptions are being made.  
40 If any such exceptions are filed, the court shall take them into consideration and shall consider  
41 the evidence in support of the petition and in support of the exceptions made. Should the court  
42 find that it would not be in the public interest to form such a district, the petition shall be  
43 dismissed at the cost of the petitioners. If the court finds that the conversion of the district to a  
44 reorganized common sewer district under sections 204.600 to 204.640 is in the best interests of  
45 the persons served by the existing district, then the court shall order the district's decree of  
46 incorporation amended to permit reorganization under sections 204.600 to 204.640. The existing  
47 board of trustees for such district shall continue to serve the reorganized common sewer district  
48 until such time as new trustees shall be appointed or elected as provided for in the court's decree.  
49 If their original terms of office are not so designated, the court shall designate such trustees to  
50 staggered terms from one to five years, so that one trustee is appointed or elected each year. The  
51 trustees appointed by the court shall serve for the terms designated and until their successors are

52 appointed or elected as provided in section 204.610. The decree shall further designate the name  
53 of the district by which it officially shall be known.

204.622. 1. The board of trustees for the reorganized common sewer district shall let  
2 contracts for the construction of sewers and sewage treatment plants that will cost more than  
3 twenty-five thousand dollars, except in case of repairs or emergencies requiring prompt attention.  
4 Notice of the contract bid process shall be published [~~in a newspaper of general circulation in~~  
5 ~~the district~~] **on the front page of the board's website, if it has one. If the board does not**  
6 **have a website, notice shall be sent to the secretary of state who shall publish such notice**  
7 **on the legal notices website, established pursuant to section 493.077.** The board shall select  
8 the lowest responsible bidder in no less than twenty days following such publication. The board  
9 shall have the power and authority to reject any and all bids and readvertise the work.

10 2. The board of trustees also shall have the power to enter into agreements with persons  
11 or firms to provide professional services to the board, and the board shall adopt policies for  
12 procuring the services of such professionals. The provisions of sections 8.285 to 8.291 shall be  
13 applicable to the services of architects, engineers, and land surveyors unless the board of trustees  
14 adopts a formal procedure for the procurement of such services.

204.658. 1. After the governing body has made the findings specified in sections  
2 204.650 to 204.672 and plans and specifications for the proposed improvements have been  
3 prepared, the governing body shall by resolution order assessments to be made against each  
4 parcel of real property deemed to be benefitted by an improvement based on the revised  
5 estimated cost of the improvement or, if available, the final cost, and shall order a proposed  
6 assessment roll to be prepared.

7 2. The plans and specifications for the improvement and the proposed assessment roll  
8 shall be filed with the district and shall be open for public inspection. Such district shall, at the  
9 direction of the governing body, publish notice that the governing body will conduct a hearing  
10 to consider the proposed improvement and proposed assessments. Such notice shall be published  
11 [~~in a newspaper of general circulation at least once~~] not more than twenty days and not less than  
12 ten days before the hearing and shall state the project name for the improvement, the date, time,  
13 and place of such hearing, the general nature of the improvement, the revised estimated cost or,  
14 if available, the final cost of the improvement, the boundaries of the sanitary sewer improvement  
15 area to be assessed, and that written or oral objections will be considered at the hearing. **Such**  
16 **notice shall be published on the front page of the governing body's website, if it has one.**  
17 **If the governing body does not have a website, notice shall be sent to the secretary of state**  
18 **who shall publish such notice on the legal notices website, established pursuant to section**  
19 **493.077.** Not less than ten days before, the district shall mail to the owners of record of the real  
20 property in the sanitary sewer improvement area, at their last known post office address, a notice

21 of the hearing and a statement of the cost proposed to be assessed against the real property so  
22 owned and assessed. The failure of any owner to receive such notice shall not invalidate the  
23 proceedings.

205.200. 1. Except in counties operating under the charter form of government, the  
2 county commission in any county wherein a public hospital shall have been established as  
3 provided in sections 205.160 to 205.340 shall levy annually a rate of taxation on all property  
4 subject to its taxing powers in excess of the rates levied for other county purposes to defray the  
5 amount required for the maintenance and improvement of such public hospital and for  
6 constructing and furnishing necessary additions thereto, as certified to it by the board of trustees  
7 of the hospital; the tax levied for such purpose shall not be in excess of one dollar on the one  
8 hundred dollars assessed valuation. The funds arising from the tax levied for such purpose shall  
9 be used for the purpose for which the tax was levied and none other.

10 2. Any funds of the hospital, whether derived from the tax authorized by this section or  
11 from the operation of the hospital, and whether collected before or after October 13, 1965, may  
12 be used for constructing and furnishing necessary additions to the hospital.

13 3. For any ballot proposal in which the maximum levy exceeds fifty cents per one  
14 hundred dollars of assessed valuation, the board of trustees shall publish [~~in a newspaper or~~  
15 ~~newspapers of general circulation~~] and otherwise make available upon request a summary  
16 description of the board's plans for using the money for ongoing hospital operations.  
17 **Publication shall be made on the front page of the board's website, if it has one. If the**  
18 **board does not have a website, the summary description shall be sent to the secretary of**  
19 **state who shall publish such document on the legal notices website, established pursuant**  
20 **to section 493.077.**

205.979. 1. The board of trustees may request that the governing body of the county or  
2 counties request the election [~~officials~~] **authorities** of any county or city not within a county  
3 containing all or part of such service area to submit to the qualified voters of such county, or city  
4 not within a county, at a general, primary, or special election the proposition contained in  
5 subsection 3 of this section. Such election [~~officials~~] **authorities** shall give legal notice at least  
6 sixty days prior to such general, primary, or special election [~~in at least two newspapers~~] that  
7 such proposition shall be submitted at any general, primary, or special election held for  
8 submission of the proposal. **Such notice shall be published on the front pages of the election**  
9 **authorities' websites, if they have websites. If the election authorities do not have websites,**  
10 **notice shall be sent at least sixty days prior to the election to the secretary of state who shall**  
11 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
12 **until the date of the election has passed.** A request by the board of trustees for a proposition

13 to be submitted to the voters as set out in this section shall be considered a request of the county,  
 14 or city not within a county, for purposes of section 115.063.

15 2. The tax may not be levied to exceed forty cents per each one hundred dollars assessed  
 16 valuation therefor.

17 3. The ballot to be used for voting on the proposition shall be substantially in the  
 18 following form:

19 OFFICIAL BALLOT

20 (Check the one for which you wish to vote.)

21 Shall (name of county) establish a community mental health fund to establish,  
 22 improve (and) (or) maintain a community mental health service, and for which  
 23 the (county) shall levy a tax of (insert exact amount to be voted upon) cents per  
 24 each one hundred dollars assessed valuation therefor?

25  YES

NO

26 4. The election shall be conducted and the vote canvassed in the same manner as other  
 27 county elections.

206.030. 1. Upon the filing of the petition with the county clerk, he **or she** shall present  
 2 it to the commissioners of the county commission who shall thereupon set the petition for  
 3 hearing within not less than thirty nor more than forty days after the filing thereof.

4 2. Notice shall be given by the commissioner of the county commission of the time and  
 5 place where the hearing will be held, by publication ~~[on three separate days in one or more~~  
 6 ~~newspapers having a general circulation within the territory proposed to be incorporated as a~~  
 7 ~~hospital district, the first of which publications shall be]~~ not less than twenty days prior to the  
 8 date set for the hearing ~~[and if there is no such newspaper, then notice shall be posted in ten of~~  
 9 ~~the most public places in the territory, not less than twenty days prior to the date set for the~~  
 10 ~~hearing]~~ **on the front page of the commission's website, if it has one. If the commission does**  
 11 **not have a website, notice shall be sent to the secretary of state who shall publish such**  
 12 **notice on the legal notices website, established pursuant to section 493.077.** This notice shall  
 13 include a description of the territory as set out in the petition, names of municipalities located  
 14 therein and the name of the proposed district and the question of creating a hospital district.

15 3. The cost of printing and publication or posting of notices of public hearing thereon  
 16 shall be paid in advance by the petitioners, and, if a district be organized under this chapter, they  
 17 shall be reimbursed out of the funds received by the district from taxation or other sources.

206.060. 1. Each notice shall state briefly the purpose of the election, setting forth the  
 2 question to be voted upon, form of ballot to be used and a description of the territory. The notice  
 3 shall further state that any district upon its establishment shall have the powers, objects and

4 purposes provided by this chapter, and shall have the power to levy a property tax not to exceed  
5 one dollar on the one hundred dollars valuation.

6 2. For any ballot proposal in which the maximum levy exceeds fifty cents per one  
7 hundred dollars of assessed valuation, the board of directors shall publish [~~in a newspaper or~~  
8 ~~newspapers of general circulation~~] and otherwise make available upon request a summary  
9 description of the board's plans for using the money for ongoing hospital operations.  
10 **Publication shall be made on the front page of the board's website, if it has one. If the**  
11 **board does not have a website, the summary description shall be sent to the secretary of**  
12 **state who shall publish such document on the legal notices website, established pursuant**  
13 **to section 493.077.**

214.035. 1. For purposes of this section, the term "lot owner" means the purchaser of  
2 the cemetery lot or such purchaser's heirs, administrators, trustees, legatees, devisees, or assigns.

3 2. Whenever a county, city, town or village has acquired real estate for the purpose of  
4 maintaining a cemetery or has acquired a cemetery from a cemetery association, and such county,  
5 city, town or village or its predecessor in title has conveyed any platted lot or designated piece  
6 of ground within the area of such cemetery, and the governing body of such county, city, town  
7 or village is the governing body of such cemetery pursuant to section 214.010, the title to any  
8 conveyed platted lots or designated pieces of ground, other than ground in which dead human  
9 remains are actually buried and all ground within two feet thereof, may be revested in the county,  
10 city, town or village in the following manner and subject to the following conditions:

11 (1) No interment shall have been made in the lot and the title to such lot shall have been  
12 vested in the present owner for a period of at least fifty years prior to the commencement of any  
13 proceedings pursuant to this section;

14 (2) If the lot owner of any cemetery lot is a resident of the county where the cemetery  
15 is located, the governing body shall cause to be served upon such lot owner a notice that  
16 proceedings have been initiated to revest the title of such lot in the county, city, town or village  
17 and that such lot owner may within the time provided by the notice file with the clerk or other  
18 officer performing the duties of clerk of such county, city, town or village, as applicable, a  
19 statement in writing explaining how rights in the cemetery lot were acquired and such person's  
20 desire to claim such rights in the lot. The notice shall be served in the manner provided for  
21 service of summons in a civil case and shall provide a period of not less than thirty days in which  
22 the statement can be filed. If the governing body ascertains that the statement filed by the lot  
23 owner is correct and the statement contains a claim asserting the rights of the lot owner in the  
24 lot, all proceedings by the governing body to revest title of the lot in the county, city, town or  
25 village shall be null and void and such proceedings shall be summarily terminated by the  
26 governing body as to the lots identified in the statement;

27 (3) If it is determined by the return of the sheriff of the county in which the cemetery is  
28 located that the lot owner is not a resident of the county and cannot be found in the county, the  
29 governing body may cause the notice required by subdivision (2) of this subsection to be  
30 published [~~once each week for two consecutive weeks in a newspaper of general circulation~~  
31 ~~within the county, city, town or village~~] **on the front page of the governing body's website,**  
32 **if it has one, for a period of two consecutive weeks. If the governing body does not have**  
33 **a website, notice may be sent to the secretary of state who shall publish such notice on the**  
34 **legal notices website, established pursuant to section 493.077, for a period of two**  
35 **consecutive weeks.** Such notice shall contain a general description of the title reversion  
36 proceedings to be undertaken by the governing body pursuant to this section, lot numbers and  
37 descriptions and lot owners' names. In addition, the notice shall notify the lot owner that such  
38 lot owner may, within the time provided, file with the clerk or other officer performing the duties  
39 of a clerk a statement setting forth how such lot owner acquired rights in the cemetery lot and  
40 that such lot owner desires to assert such rights. If the governing body ascertains that the  
41 statement filed by the lot owner is correct and the statement contains a claim asserting the rights  
42 of the lot owner in the lot, all proceedings by the governing body to reversion title to the lot in the  
43 county, city, town or village shall be null and void and such proceedings shall be summarily  
44 terminated by the governing body as to the lots identified in the statement;

45 (4) All notices, with proofs of service, mailing and publication of such notices, and all  
46 ordinances or other resolutions adopted by the governing body relative to these reversion  
47 proceedings shall be made a part of the records of such governing body;

48 (5) Upon expiration of the period of time allowed for the filing of statements by lot  
49 owners as contained in the notice served personally, by mail or published, all parties who fail to  
50 file with the clerk, or other officer performing the duties of clerk in such county, city, town or  
51 village, their statement asserting their rights in the cemetery lots shall be deemed to have  
52 abandoned their rights and claims in the lot, and the governing body may bring an action in the  
53 circuit court of the county in which the cemetery is located against all lot owners in default,  
54 joining as many parties so in default as it may desire in one action, to have the rights of the  
55 parties in such lots or parcels terminated and the property restored to the governing body of such  
56 cemetery free of any right, title or interest of all such defaulting parties or their heirs,  
57 administrators, trustees, legatees, devisees or assigns. Such action in all other respects shall be  
58 brought and determined in the same manner as ordinary actions to determine title to real estate;

59 (6) In all such cases the fact that the grantee, holder or lot owner has not, for a term of  
60 more than fifty successive years, had occasion to make an interment in the cemetery lot and the  
61 fact that such grantee, holder or lot owner did not upon notification assert a claim in such lot,

62 pursuant to this section, shall be prima facie evidence that the party has abandoned any rights  
63 such party may have had in such lot;

64 (7) A certified copy of the judgments in such actions quieting title may be filed in the  
65 office of the recorder of deeds in and for the county in which the cemetery is situated;

66 (8) All notices and all proceedings pursuant to this section shall distinctly describe the  
67 portion of such cemetery lot unused for burial purposes and the county, city, town or village shall  
68 leave sufficient ingress to, and egress from, any grave upon the lot, either by duly dedicated  
69 streets or alleys in the cemetery, or by leaving sufficient amounts of the unused portions of the  
70 cemetery for such purposes;

71 (9) This section shall not apply to any lot in any cemetery where a perpetual care contract  
72 has been entered into between such cemetery, the county, city, town or village and the owner of  
73 such lot;

74 (10) Compliance with the terms of this section shall fully revest the county, city, town  
75 or village with, and divest the lot owner of record of, the title to such portions of such cemetery  
76 lot unused for burial purposes as though the lot had never been conveyed to any person, and such  
77 county, city, town or village shall have, hold and enjoy such unclaimed portions of such lots for  
78 its own uses and purposes, subject to the laws of this state, and to the charter, ordinances and  
79 rules of such cemetery and the county, city, town or village.

214.060. Whenever it is desired to have any street, avenue, thoroughfare or place in any  
2 cemetery vacated, the corporation, association or person owning or controlling such cemetery  
3 shall present to the county commission of the county within which such cemetery is located, at  
4 a regular or adjourned term of such commission, a petition praying for such vacation, particularly  
5 describing the street, avenue, thoroughfare or place sought to be vacated~~], and shall file with such~~  
6 ~~petition proof that notice of the filing of such petition has been given for at least twenty days by~~  
7 ~~at least three printed or written notices posted in public places in such cemetery, at least one of~~  
8 ~~which shall be posted in each street, avenue, thoroughfare or place sought to be vacated, and~~  
9 ~~published in some newspaper, if such there be, published in the town or city in which or adjacent~~  
10 ~~or approximate to which such cemetery is located].~~ **Notice shall be published by sending the**  
11 **petition to the commission which shall post such petition on the front page of its website,**  
12 **if it has one. If the commission does not have a website, notice shall be sent to the secretary**  
13 **of state who shall publish such notice on the legal notices website, established pursuant to**  
14 **section 493.077.** If a remonstrance signed by any three lot owners of such cemetery  
15 remonstrating against granting the prayer of such petition be filed on or before the first day of  
16 the term at which such petition is filed, then the county commission shall inform itself as to the  
17 propriety of granting such petition, and if the commission be of the opinion that the petition  
18 should be granted, or if no remonstrance be so filed, the county commission shall make an order



19 vacating the streets, avenues, thoroughfares and places as prayed for in the petition, and the title  
20 to the lands so vacated shall revert to the corporation, association or person by whom the  
21 cemetery was platted or to the successors of such corporation, association or person.

214.209. 1. After a period of seventy-five years since the last recorded activity on a  
2 burial site and after a reasonable search for heirs and beneficiaries, the burial site shall be  
3 abandoned and the right of ownership in the burial site shall revert to the private or public  
4 cemetery, after the cemetery has met the requirements of this section.

5 2. A reasonable search for heirs and beneficiaries pursuant to this section shall include  
6 sending a letter of notice to the last known address of the record property owner[;] and  
7 publishing a copy of the description of the abandoned burial site ~~[in a newspaper qualified to~~  
8 ~~publish public notices as provided in chapter 493, published in the county of the record property~~  
9 ~~owner's last known address, for three weeks; and]~~ **on the front page of the private or public**  
10 **cemetery's website, if it has one, for a period of at least three weeks. If the private or**  
11 **public cemetery does not have a website, the description of the abandoned burial site shall**  
12 **be sent to the secretary of state who shall publish such description on the legal notices**  
13 **website, established pursuant to section 493.077, for a period of at least three weeks.** If no  
14 person proves ownership of the burial site within one year after such publication, the burial site  
15 shall be deemed abandoned.

16 3. If persons with a legitimate claim to the abandoned burial site present themselves after  
17 the abandoned burial site has been used or sold by the private or public cemetery, the person's  
18 claim shall be settled by providing an equal burial site in an equivalent location to the burial site  
19 that reverted to the private or public cemetery.

226.799. Prior to the designation of a road or highway as a scenic byway pursuant to the  
2 provisions of section 226.797, the commission shall ~~[provide written]~~ **publish** notice of its intent  
3 to designate the road or highway as a scenic byway ~~[to newspapers of general circulation in the~~  
4 ~~area or areas affected]~~ **on the front page of its website, if it has one, and provide written**  
5 **notice** to the governing body of each county and each municipality that has jurisdiction over all  
6 or part of the road or highway. **If the commission does not have a website, notice shall be sent**  
7 **to the secretary of state who shall publish such notice on the legal notices website,**  
8 **established pursuant to section 493.077.** Within thirty days after receipt of such notice, the  
9 governing body of each such county or municipality shall conduct a public hearing on the matter.  
10 Within ninety days after the receipt of the notice from the commission, each such governing body  
11 of a county or municipality, after such hearing, shall approve or reject the proposed designation  
12 of the road or highway as a scenic byway and notify the commission of its approval or rejection  
13 of the proposed scenic byway. The commission shall only designate a portion of a road or

14 highway as a scenic byway if the governing body of the county or municipality containing that  
15 portion of the road or highway approves the proposed scenic byway as prescribed in this section.

227.100. 1. All contracts for the construction of said work shall be let to the lowest  
2 responsible bidder or bidders after notice and publication ~~[of an advertisement in a newspaper  
3 published in the county where the work is to be done, and in such other publications as the  
4 commission may determine]~~ **on the legal notices website, established pursuant to section  
5 493.077.**

6 2. Each bid shall be accompanied by a certified check or a cashier's check or a bid bond,  
7 guaranteed by a surety company authorized by the director of the department of commerce and  
8 insurance to conduct surety business in the state of Missouri, equal to five percent of the bid,  
9 which certified check, cashier's check, or bid bond shall be deposited with the commissioner as  
10 a guaranty and forfeited to the state treasurer to the credit of the state road fund in the event the  
11 successful bidder fails to comply with the terms of the proposal, and return to the successful  
12 bidder on execution and delivery of the performance bond provided for in subsection 4. The  
13 checks of the unsuccessful bidders shall be returned to them in accordance with the terms of the  
14 proposal.

15 3. All notices of the letting of contracts under this section shall state the time and place  
16 when and where bids will be received and opened, and all bids shall be sealed and opened only  
17 at the time and place mentioned in such notice and in the presence of some member of the  
18 commission or some person named by the commission for such purpose.

19 4. The successful bidders for the construction of said work shall enter into contracts  
20 furnished and prescribed by the commission and shall give good and sufficient bond, in a sum  
21 equal to the contract price, to the state of Missouri, with sureties approved by the commission  
22 and to ensure the proper and prompt completion of said work in accordance with the provisions  
23 of said contracts, and plans and specifications; provided, that if, in the opinion of the majority  
24 of the members of the commission, the lowest bid or bids for the construction of any of the  
25 roads, or parts of roads, herein authorized to be constructed, shall be excessive, then, and in that  
26 event, said commission shall have the right, and it is hereby empowered and authorized to reject  
27 any or all bids, and to construct, under its own direction and supervision, all of such roads and  
28 bridges, or any part thereof.

227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an  
2 alternative to the requirements and procedures specified by sections 227.040 to 227.100, the state  
3 highways and transportation commission is authorized to enter into highway design-build project  
4 contracts. The total number of highway design-build project contracts awarded by the  
5 commission in any state fiscal year shall not exceed two percent of the total number of all state

6 highway system projects awarded to contracts for construction from projects listed in the  
7 commission's approved statewide transportation improvement project for that state fiscal year.

8         2. Notwithstanding provisions of subsection 1 of this section to the contrary, the state  
9 highways and transportation commission is authorized to enter into additional design-build  
10 contracts for the design, construction, reconstruction, or improvement of Missouri Route 364 as  
11 contained in any county with a charter form of government and with more than two hundred fifty  
12 thousand but fewer than three hundred fifty thousand inhabitants and in any county with a charter  
13 form of government and with more than one million inhabitants, and the State Highway 169 and  
14 96th Street intersection located within a home rule city with more than four hundred thousand  
15 inhabitants and located in more than one county. The state highways and transportation  
16 commission is authorized to enter into an additional design-build contract for the design,  
17 construction, reconstruction, or improvement of State Highway 92, contained in a county of the  
18 first classification with more than one hundred eighty-four thousand but fewer than one hundred  
19 eighty-eight thousand inhabitants, from its intersection with State Highway 169, east to its  
20 intersection with State Highway E. The state highways and transportation commission is  
21 authorized to enter into an additional design-build contract for the design, construction,  
22 reconstruction, or improvement of US 40/61 I-64 Missouri River Bridge as contained in any  
23 county with a charter form of government and with more than one million inhabitants and any  
24 county with a charter form of government and with more than two hundred fifty thousand but  
25 fewer than three hundred fifty thousand inhabitants.

26         3. For the purpose of this section a "design-builder" is defined as an individual,  
27 corporation, partnership, joint venture or other entity, including combinations of such entities  
28 making a proposal to perform or performing a design-build highway project contract.

29         4. For the purpose of this section, "design-build highway project contract" is defined as  
30 the procurement of all materials and services necessary for the design, construction,  
31 reconstruction or improvement of a state highway project in a single contract with a  
32 design-builder capable of providing the necessary materials and services.

33         5. For the purpose of this section, "highway project" is defined as the design,  
34 construction, reconstruction or improvement of highways or bridges under contract with the state  
35 highways and transportation commission, which is funded by state, federal or local funds or any  
36 combination of such funds.

37         6. In using a design-build highway project contract, the commission shall establish a  
38 written procedure by rule for prequalifying design-builders before such design-builders will be  
39 allowed to make a proposal on the project.

40         7. In any design-build highway project contract, whether involving state or federal funds,  
41 the commission shall require that each person submitting a request for qualifications provide a

42 detailed disadvantaged business enterprise participation plan. The plan shall provide information  
43 describing the experience of the person in meeting disadvantaged business enterprise  
44 participation goals, how the person will meet the department of transportation's disadvantaged  
45 business enterprise participation goal and such other qualifications that the commission considers  
46 to be in the best interest of the state.

47 8. The commission is authorized to issue a request for proposals to a maximum of five  
48 design-builders prequalified in accordance with subsection 6 of this section.

49 9. The commission may require approval of any person performing subcontract work on  
50 the design-build highway project.

51 10. Notwithstanding the provisions of sections 107.170, and 227.100, to the contrary,  
52 the commission shall require the design-builder to provide to the commission directly such bid,  
53 performance and payment bonds, or such letters of credit, in such terms, durations, amounts, and  
54 on such forms as the commission may determine to be adequate for its protection and provided  
55 by a surety or sureties authorized to conduct surety business in the state of Missouri or a federally  
56 insured financial institution or institutions, satisfactory to the commission, including but not  
57 limited to:

58 (1) A bid or proposal bond, cash or a certified or cashier's check;

59 (2) A performance bond or bonds for the construction period specified in the  
60 design-build highway project contract equal to a reasonable estimate of the total cost of  
61 construction work under the terms of the design-build highway project contract. If the  
62 commission determines in writing supported by specific findings that the reasonable estimate of  
63 the total cost of construction work under the terms of the design-build highway project contract  
64 is expected to exceed two-hundred fifty million dollars and a performance bond or bonds in such  
65 amount is impractical, the commission shall set the performance bond or bonds at the largest  
66 amount reasonably available, but not less than two-hundred fifty million dollars, and may require  
67 additional security, including but not limited to letters of credit, for the balance of the estimate  
68 not covered by the performance bond or bonds;

69 (3) A payment bond or bonds that shall be enforceable under section 522.300 for the  
70 protection of persons supplying labor and material in carrying out the construction work provided  
71 for in the design-build highway project contract. The aggregate amount of the payment bond or  
72 bonds shall equal a reasonable estimate of the total amount payable for the cost of construction  
73 work under the terms of the design-build highway project contract unless the commission  
74 determines in writing supported by specific findings that a payment bond or bonds in such  
75 amount is impractical, in which case the commission shall establish the amount of the payment  
76 bond or bonds; except that the amount of the payment bond or bonds shall not be less than the

77 aggregate amount of the performance bond or bonds and any additional security to such  
78 performance bond or bonds; and

79 (4) Upon award of the design-build highway project contract, the sum of the performance  
80 bond and any required additional security established under subdivisions (2) and (3) of this  
81 subsection shall be stated, and shall be a matter of public record.

82 11. The commission is authorized to prescribe the form of the contracts for the work.

83 12. The commission is empowered to make all final decisions concerning the  
84 performance of the work under the design-build highway project contract, including claims for  
85 additional time and compensation.

86 13. The provisions of sections 8.285 to 8.291 shall not apply to the procurement of  
87 architectural, engineering or land surveying services for the design-build highway project, except  
88 that any person providing architectural, engineering or land surveying services for the  
89 design-builder on the design-build highway project must be licensed in Missouri to provide such  
90 services.

91 14. The commission shall pay a reasonable stipend to prequalified responsive  
92 design-builders who submit a proposal, but are not awarded the design-build highway project.

93 15. The commission shall comply with the provisions of any act of congress or any  
94 regulations of any federal administrative agency which provides and authorizes the use of federal  
95 funds for highway projects using the design-build process.

96 16. The commission shall promulgate administrative rules to implement this section or  
97 to secure federal funds. Such rules shall be published for comment in the Missouri Register and  
98 shall include prequalification criteria, the make-up of the prequalification review team,  
99 specifications for the design criteria package, the method of advertising, receiving and evaluating  
100 proposals from design-builders, the criteria for awarding the design-build highway project based  
101 on the design criteria package and a separate proposal stating the cost of construction, and other  
102 methods, procedures and criteria necessary to administer this section.

103 17. The commission shall make a status report to the members of the general assembly  
104 and the governor following the award of the design-build project, as an individual component  
105 of the annual report submitted by the commission to the joint transportation oversight committee  
106 in accordance with the provisions of section 21.795. The annual report prior to advertisement  
107 of the design-build highway project contracts shall state the goals of the project in reducing costs  
108 and/or the time of completion for the project in comparison to the design-bid-build method of  
109 construction and objective measurements to be utilized in determining achievement of such  
110 goals. Subsequent annual reports shall include: the time estimated for design and construction  
111 of different phases or segments of the project and the actual time required to complete such work  
112 during the period; the amount of each progress payment to the design-builder during the period

113 and the percentage and a description of the portion of the project completed regarding such  
114 payment; the number and a description of design change orders issued during the period and the  
115 cost of each such change order; upon substantial and final completion, the total cost of the  
116 design-build highway project with a breakdown of costs for design and construction; and such  
117 other measurements as specified by rule. The annual report immediately after final completion  
118 of the project shall state an assessment of the advantages and disadvantages of the design-build  
119 method of contracting for highway and bridge projects in comparison to the design-bid-build  
120 method of contracting and an assessment of whether the goals of the project in reducing costs  
121 and/or the time of completion of the project were met.

122 18. The commission shall give public notice of a request for qualifications [~~in at least~~  
123 ~~two public newspapers that are distributed wholly or in part in this state~~] **on the front page of**  
124 **its website, if it has one**, and **in** at least one construction industry trade publication that is  
125 distributed nationally. **If the commission does not have a website, notice shall be sent to the**  
126 **secretary of state who shall publish such notice on the legal notices website, established**  
127 **pursuant to section 493.077.**

128 19. The commission shall publish its cost estimates of the design-build highway project  
129 award and the project completion date along with its public notice of a request for qualifications  
130 of the design-build project.

131 20. If the commission fails to receive at least two responsive submissions from  
132 design-builders considered qualified, submissions shall not be opened and it shall readvertise the  
133 project.

134 21. For any highway design-build project constructed under this section, the commission  
135 shall negotiate and reach agreements with affected railroads. Such agreements shall include  
136 clearance, safety, insurance, and indemnification provisions, but are not required to include  
137 provisions on right-of-way acquisitions.

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

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

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

11 (a) ~~[A newspaper of general circulation in the city where the proposed project is located]~~  
12 **On the front page of the political subdivision's website, if it has one. If the political**  
13 **subdivision does not have a website, notice shall be sent to the secretary of state who shall**  
14 **publish such notice on the legal notices website, established pursuant to section 493.077;**

15 (b) **In** at least one construction industry trade publication that is nationally distributed;  
16 and

17 (c) **In** such other publications or manner as the governing body of the political  
18 subdivision may determine;

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

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

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

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

26 (3) The political subdivision shall retain oversight of rate-setting methodology;

27 (4) The political subdivision shall have the right to terminate the agreement if the private  
28 partner does not comply with the concession agreement; and

29 (5) The concession agreement is supported by a preliminary engineering and financial  
30 feasibility study, including an estimate of the costs of the project and the rate impact on  
31 customers during the life of the agreement.

32 4. The commission shall not be required to oversee, or issue an annual report under  
33 section 227.669 for, projects approved by political subdivisions, provided that any political  
34 subdivision entering into a concession agreement shall use a public-private partnership  
35 framework that shall include a competitive bidding process.

36 5. Except as provided in subsection 1 of this section, the provisions of sections 71.530,  
37 71.550, 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not  
38 apply to concession agreements that are approved as provided in this section.

39 6. Nothing in this section or chapter shall be construed to authorize or implement the  
40 design or construction of toll roads or bridges.

227.609. 1. The commission shall use a competitive procurement process to form a  
2 public-private partnership under sections 227.600 to 227.669 and may proceed with a project  
3 under sections 227.600 to 227.669 only if the commission issues a request for proposals for the  
4 financing, development, and/or operation of the project on the commission's own initiative or  
5 in response to a request for approval submitted by a potential private partner under section  
6 227.606.

7           2. The commission shall publish a public notice of the commission's request for  
8 proposals, including any deadline for submission of such proposals. The notice shall be  
9 published [~~once a week~~] for two consecutive weeks [~~in~~]:

10           (1) [~~A newspaper of general circulation in the city where the proposed project is located~~]  
11 **On the front page of the commission's website, if it has one. If the commission does not**  
12 **have a website, notice shall be sent to the secretary of state who shall publish such notice**  
13 **on the legal notices website, established pursuant to section 493.077;**

14           (2) **In** at least one construction industry trade publication that is nationally distributed;  
15 and

16           (3) **In** such other publications or manner as the commission may determine.

17           3. The material and information required for submission by a potential private partner  
18 to be responsive to the commission's request for proposal shall be set forth in the proposal.  
19 Notwithstanding the provisions of subsection 2 of section 227.606, the commission shall not  
20 charge a processing and review fee.

228.180. 1. The right of eminent domain is vested in the several counties of the state to  
2 condemn private property for public road purpose, including any land, earth, stone, timber, rock  
3 quarries or gravel pits necessary in establishing, building, grading, repairing or draining such  
4 roads, or in building any bridges, abutments or fills thereon.

5           2. If the county commission be of the opinion that a public necessity exists for the  
6 establishment of a public road, or for the taking of any land or property for such purposes, it shall  
7 by an order of record so declare, and shall direct the county highway engineer within fifteen days  
8 thereafter to survey, mark out and describe said road, or the land or material to be taken, or both,  
9 and to prepare a map thereof, showing the location, courses and distances, and the lands across  
10 or upon which the proposed public road will run, or the area, dimensions, description and  
11 location of any other property to be taken for such purposes, or both, and the county highway  
12 engineer shall file the map and a report of his **or her** proceedings in the premises in the office  
13 of the county clerk. Thereupon the county commission shall cause to be published [~~in some~~  
14 ~~newspaper of general circulation in the county, once each week~~] for three consecutive weeks, a  
15 notice giving the width, beginning, termination, courses and distances and sections and  
16 subdivisions of the land over which the proposed road is to be established, or the location, area,  
17 dimensions and descriptions of any other land or property to be taken, or both, and that such land  
18 or property is sought to be taken for public use for road or bridge purposes. **Such notice shall**  
19 **be published on the front page of the commission's website, if it has one. If the commission**  
20 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
21 **notice on the legal notices website, established pursuant to section 493.077.**



22           3. Claims for damages for the taking of any of such land or property may be filed in the  
23 county clerk's office by the owner of the property or by the conservators of disabled persons or  
24 minors owning the property, within twenty days after the last day of publication. If any claim  
25 for damages be filed, the same shall be heard on the first day of any regular or adjourned term  
26 of the county commission after the expiration of such twenty days.

27           4. If the county commission and the land or property owner be unable to agree on the  
28 amount of the damages, or if persons owning land or property sought to be taken or the  
29 conservator of any disabled person or minor owning such property shall fail to file a claim for  
30 damages, the county commission shall make an order reciting such fact, or facts, as the case may  
31 be, and cause a copy of same to be delivered to the judge of the circuit court of that county, and  
32 a transcript of the record and the original files in such cause shall be transmitted by the county  
33 clerk to the circuit clerk of the county. Upon receipt of the copy of the order of the county  
34 commission by the circuit judge, the circuit court, or the judge thereof in vacation, shall make  
35 an order setting the cause for hearing within thirty days, and if the order fixing the date of the  
36 hearing be made by the judge in vacation, it shall be filed in the office of the circuit clerk and the  
37 clerk shall cause copies of the orders to be served on owners of the property or material to be  
38 taken, and also the conservators of disabled persons or minors having any interest in such  
39 property or material, not less than ten days before the date of the hearing.

40           5. The court, or judge in vacation, shall cause to be impaneled a jury of six residents of  
41 the county not interested in the matter or of kin to any member of the county commission, or to  
42 any landowner in interest. The jury shall view the land, or other property, proposed to be taken,  
43 and shall hear the evidence and determine the question of damages under the direction of the  
44 court or judge. Five of the jury concurring may return a verdict, and in case of a disagreement  
45 another jury may be impaneled.

46           6. The public necessity for taking the property shall in no wise be inquired into by the  
47 circuit court, and the judgment of the circuit court, or judge thereof in vacation, in the cause shall  
48 not be reviewed on appeal or by writ of error.

229.050. 1. Whenever it shall be ordered by the county commission, township board or  
2 district commissioner, as the case may be, that any road, bridge or culvert in the county be  
3 constructed, reconstructed or improved or repaired by contract, and the engineer's estimated cost  
4 thereof exceeds the sum of five hundred dollars, the county, township or district authorities shall  
5 order the county highway engineer, or other engineer in their employ, or both such engineers  
6 acting together, if so desired, to prepare and file with the clerk of the county commission,  
7 township board or district commissioners, as the case may be, all necessary maps, plans,  
8 specifications and profiles, and an estimate of the cost of the work. The county commission or

9 other proper authority may approve or reject the maps, plans, specifications and profiles and  
10 order others prepared and filed.

11 2. When the maps, plans, specifications and profiles have been approved, the county,  
12 township or district authorities shall order the engineer to advertise the letting of the contract  
13 proposed to be let by advertisement [~~in some newspaper published in the county wherein the~~  
14 ~~contract is to be executed, which said~~] **published on the front page of the authority's website,**  
15 **if it has one. If the authority does not have a website, advertisement shall be sent to the**  
16 **secretary of state who shall publish such notice on the legal notices website, established**  
17 **pursuant to section 493.077. Such** advertisement shall be published [~~once a week~~] for three  
18 consecutive weeks[~~, the last insertion to be within ten days of the day of~~] **prior to** letting.

19 3. All bids shall be in writing, accompanied by instructions to bidders which shall be  
20 furnished by the engineer upon application. All bids on road work shall state the unit prices  
21 upon which the same are based. All bids shall be sealed and filed with the clerk of the county  
22 commission, township board or special road district commissioners, and, on the day and at the  
23 hour named in the advertisement, shall be publicly opened and read in the presence of the county  
24 commission, township board or special road district commissioners, and the engineer, and shall  
25 then be recorded in detail in some suitable book. All bids shall be accompanied by a certified  
26 check equal to ten percent of the engineer's estimate of cost, payable to the county treasurer, to  
27 the use of the county, township or road district, as the case may be, or a bidder's bond executed  
28 by some surety company authorized to do business in this state or other good and sufficient  
29 surety in a like sum shall be given, as a guarantee on the part of the bidder that if his **or her** bid  
30 be accepted he **or she** will, within ten days after receipt of notice of such acceptance, enter into  
31 contract and bond to do the work advertised, and in case of default forfeit and pay sum of ten  
32 percent of the engineer's estimate of cost.

33 4. The contract shall be awarded to the lowest responsible bidder. The county  
34 commission may in its discretion reject any or all bids. Any bid in excess of the engineer's  
35 estimate of the cost of the work to be done shall be rejected. When it shall be decided by order  
36 of record to accept any bid, the county, township or district authorities shall order a contract to  
37 be entered into by and between the bidder and the county, township or special road district, as  
38 the case may be. The contract shall have attached to and made a part thereof the proposal sheet,  
39 instructions to bidders, and bid, maps, plans, specifications and profiles.

40 5. Whenever the contract is executed and approved by order of record and endorsement  
41 thereon, it shall be filed and preserved as a permanent record. It shall be incorporated in the  
42 contract that the county, township or special road district shall reserve the right to make any  
43 additions to, omissions from, changes in or substitutions for the work or materials called for by  
44 the drawings and specifications, without notice to the surety on the bond given to secure the

45 faithful performance of the terms of the contract. The bidder must agree that before the county  
46 or political subdivision shall be liable for any additional work or material, the county or political  
47 subdivision must first order the same, and the cost thereof must be agreed upon in writing and  
48 entered of record before such additional work shall apply in case of omissions, deductions or  
49 changes, and the unit prices shall be the basis of the values of such changes.

50 6. In case of disagreement upon the cost or price of any addition, omission or change  
51 ordered or so desired, then it is expressly agreed that the decision of the state highway engineer  
52 shall be received and accepted as fixing definitely and finally the cost of such change, and when  
53 so fixed, the county commission, township board or special road district commissioners shall  
54 enter of record such change. It shall also be provided in the contract that the contractor will  
55 furnish and promptly pay for all labor employed and materials used in the performance of such  
56 contract.

231.220. The township board of directors shall construct and keep in repair all bridges  
2 in their district costing less than one hundred dollars; and shall make all necessary repairs,  
3 costing less than twenty-five dollars, upon bridges which are now or may hereafter be built  
4 within the township; provided, whenever it shall be necessary in any road district for the  
5 township board to cause to be built a bridge, the cost of which exceeds twenty-five dollars, the  
6 board may, in its discretion, advertise for bids by giving at least fifteen days' notice~~], by five~~  
7 ~~written notices, posted in as many public places in said township, or by publication in some~~  
8 ~~newspaper published in the district]~~ of the time and place of letting the contract. **Such notice**  
9 **may be published on the front page of the board's website, if it has one. If the board does**  
10 **not have a website, notice may be sent to the secretary of state who shall publish such**  
11 **notice on the legal notices website, established pursuant to section 493.077.**

231.280. The township board of directors in all counties under township organization  
2 shall keep, or cause to be kept, a full, true and correct record of all moneys received and  
3 disbursed on account of roads and bridges and all other receipts and disbursements of every  
4 nature in such township, showing in detail from whom and on what account such money was  
5 received, and to whom and for what purpose disbursed, together with a complete inventory of  
6 all tools, road machinery and other property belonging to the township, together with such other  
7 information as to the condition of roads and bridges and the needs of same as may be deemed  
8 of value~~], and]~~. Within thirty days after the end of the fiscal year of said township board of  
9 directors, which fiscal year shall begin and end on the same date as the fiscal year of the county  
10 in which such township is located, **the board** shall cause to be published an itemized statement  
11 of such receipts and expenditures, inventory of tools, machinery and other property ~~[in some~~  
12 ~~newspaper published in such township, and if there be no newspaper published in the township,~~  
13 ~~then such publication may be made in any newspaper of general circulation within such township~~

14 ~~published in the county]~~ **on the front page of its website, if it has one. If the board does not**  
15 **have a website, such statement shall be sent to the secretary of state who shall publish such**  
16 **statement on the legal notices website, established pursuant to section 493.077.** Such  
17 statement shall be made by the township clerk under the direction of the township board, and  
18 shall be sworn to by such clerk, and it shall be the duty of the township clerk within thirty days  
19 after the end of the fiscal year of said township board to file one copy of such detailed statement  
20 with the county clerk of such county, and the county clerk shall lay the same before the county  
21 commission at its next regular meeting.

231.370. Contracts for the laying of such sidewalks, curbs, gutters, combinations of curb  
2 and gutter and roadways as are provided for in section 231.360, shall be authorized and let by  
3 the aforesaid county commission to the lowest and best bidder therefor~~[, said]~~ . **The commission**  
4 ~~[first giving]~~ **shall give** notice thereof by publication~~[, which notice shall be published]~~ for  
5 fifteen days ~~[in a daily newspaper or for three insertions in a weekly newspaper at the county seat~~  
6 ~~of such county]~~ **on the front page of the commission's website, if it has one. If the**  
7 **commission does not 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 to section 493.077,**  
9 **for a period of fifteen days.** Said notice ~~[must]~~ **shall** contain a summary of the specifications  
10 showing the kind of material required, the width and the thickness of such sidewalk, curbs,  
11 gutters, combinations of curb and gutter and roadway and the manner of paying therefor, together  
12 with the time and place where said specifications may be examined; provided, that all sidewalks  
13 constructed under the provisions of sections 231.360 to 231.390, shall be of uniform width not  
14 less than four feet in any one block, and the general specifications of such sidewalk or sidewalks  
15 shall be determined by the county commission in conformity with the wishes of the petitioners.

231.410. Contracts for the laying of such sidewalks and roadways as are provided for in  
2 section 231.400 shall be authorized and let by the aforesaid county commission to the lowest and  
3 best bidder therefor~~[, said]~~ . **The commission** ~~[first giving]~~ **shall give** notice thereof by  
4 publication~~[, which notice shall be published]~~ for fifteen days ~~[in a daily newspaper or for three~~  
5 ~~insertions in a weekly newspaper published at the county seat of such county]~~ **on the front page**  
6 **of the commission's website, if it has one. If the commission does not have a website, notice**  
7 **shall be sent to the secretary of state who shall publish such notice on the legal notices**  
8 **website, established pursuant to section 493.077, for a period of fifteen days.** Said notice  
9 ~~[must]~~ **shall** contain specifications showing the kind of material required, the width and the  
10 thickness of such sidewalk and roadway and the manner of paying therefor; provided, that all  
11 sidewalks constructed under the provisions of sections 231.400 to 231.430 shall be of uniform  
12 width not less than four feet in any one block, and the general specifications of such sidewalk

13 or sidewalks shall be determined by the county commission in conformity with the wishes of the  
14 petitioners.

233.150. 1. The said board shall make an annual settlement with the county commission  
2 during the month of August in each year, which settlement shall contain a full and correct  
3 itemized statement of all moneys received and from what sources received and for what purpose  
4 the same has been expended, giving each particular item, and shall be subscribed and sworn to  
5 by at least two members of said board before some officer authorized by the laws of this state  
6 to administer oaths, a copy of which settlement shall be filed with the county clerk~~[,] and~~ . **Such**  
7 **statement** may be published ~~[in some newspaper published in said road district]~~ , in the  
8 discretion of the city council, ~~[the expenses of which shall be paid out of the city treasury]~~ **on the**  
9 **front page of the board's website, if it has one. If the board does not have a website, notice**  
10 **shall be sent to the secretary of state who may publish such notice on the legal notices**  
11 **website, established pursuant to section 493.077.**

2. Should any such board fail to make the annual settlement required herein during the  
13 month of August in each year, then the county, or its treasurer, shall not be authorized until such  
14 report be filed to pay out any sum, or sums, of money which may be due to said road district, or  
15 which may be set aside and placed to the credit of said road district. The board shall send a copy  
16 of such annual settlement to the state highways and transportation commission at Jefferson City  
17 at the time of the filing.

233.175. 1. Whenever a petition, signed by the owners of a majority of the acres of land  
2 within a district proposed to be organized, and setting forth the proposed name of the district, and  
3 giving the boundaries thereof and the number of acres owned by each signer of such petition, and  
4 the whole number of acres embraced therein, and the names of other owners of land within such  
5 boundaries so far as known, and the number of acres owned by each so far as known, and praying  
6 for the organization of a public road district in accordance with sections 233.170 to 233.315,  
7 shall be filed in the office of the clerk of the county commission thirty days before the beginning  
8 of the next regular term of said commission, the said clerk shall give notice ~~[by at least three~~  
9 ~~publications in some weekly newspaper printed in the county and by at least five handbills put~~  
10 ~~up at public places within the district]~~ of the presentation of said petition, and of the date of the  
11 beginning of the next regular term of the county commission at which the same may be heard.  
12 **Such notice shall be published on the front page of the commission's website, if it has one,**  
13 **for a period of three weeks. If the commission does not have a website, notice shall be sent**  
14 **to the secretary of state who shall publish such notice on the legal notices website,**  
15 **established pursuant to section 493.077, for a period of three weeks.** Said notices shall  
16 contain the names of at least three signers of said petition and set out the boundaries of said  
17 proposed district, and shall notify all owners of land in the then existing district who may desire

18 to oppose the formation thereof to appear on the first day of such regular term of the county  
19 commission and file their written remonstrance thereto.

20           2. All landowners owning land in the then existing district may join in one remonstrance,  
21 or each such owner may file his **or her** separate remonstrance, and each remonstrance shall be  
22 in writing, and shall state specifically and separately the objection or objections of the  
23 remonstrators to the formation of such proposed road district, and shall be filed in said county  
24 commission with the clerk thereof on or before the first day of said regular term.

25           3. On the first day of said term of the county commission, or as soon thereafter as its  
26 business will permit, the county commission shall hear such petition and remonstrance, and shall  
27 make any change in the boundaries of such proposed district as the public good may require and  
28 make necessary, and if after such changes are made it shall appear to the county commission that  
29 such petition is signed or in writing consented to by the owners of a majority of all the acres of  
30 land within the district as so changed, the county commission may, if in its discretion it finds that  
31 the public good will be benefitted, make an order incorporating such public road district, and  
32 such order shall set out the boundaries of such district as established. If no remonstrance shall  
33 have been filed, or all remonstrances filed are overruled by the county commission, the  
34 commission shall determine whether such petition has been signed by the owners of a majority  
35 of the acres of land in the district, and if so, shall make an order incorporating the district with  
36 the boundaries given in the petition, or with such boundaries as may be set forth in an amended  
37 petition signed by the owners of a majority of the acres of land affected thereby; and such  
38 amended petition may be filed at any time before the making of the order establishing a road  
39 district, but the boundaries proposed for the district shall not be so changed as to embrace any  
40 land not included in the notice given by the clerk unless the owner thereof shall in writing  
41 consent thereto, or shall appear at the hearing, and is notified in an open meeting of the county  
42 commission of such fact and given an opportunity to file or join in a remonstrance.

43           4. Whenever an order is so made incorporating a public road district such district shall  
44 thereupon become, by the name mentioned in such order, a political subdivision of the state for  
45 governmental purposes with all the powers mentioned in this section and such others as may be  
46 conferred by law.

233.205. 1. Whenever, in any road district so incorporated, a petition, signed by the  
2 owners of a majority of the acres of the land in the district that is within one-half mile of a public  
3 road or a part of a public road in the district, is delivered to the president or secretary of the board  
4 of special road district commissioners of the district, praying that such public road or part of a  
5 public road be permanently improved and the cost of the improvement assessed against all lands  
6 in the district, and stating therein the points between which the improvement is desired, and the  
7 nature and kind of improvement desired, and stating the number of installments, not exceeding

8 fifteen, in which they desire that such cost be payable, said commissioners shall procure, prepare,  
9 or cause to be prepared, a map of the district and have such public road or part of a public road  
10 indicated thereon, and shall prepare, or cause to be prepared, a profile of such public road or part  
11 of a public road, and plans and specifications for the improvement of such road or part of a  
12 public road, and an estimate of the cost of making such improvement.

13 2. Such map, profile and plans and specifications, or a copy thereof, and such estimate  
14 shall, upon the completion thereof, be submitted to the state highway engineer for approval, who  
15 shall approve the same or so revise them that they will meet with his **or her** approval, or prepare  
16 such plans and specifications and estimate as will meet with his **or her** approval, and return to  
17 the commissioners said map and profile, or a copy thereof, and such plans and specifications and  
18 estimate of the cost of such improvement as he **or she** may prepare or approve of.

19 3. And said special road district commissioners shall fix a fair and impartial valuation  
20 on each tract of land within said district independent of the buildings thereon, and prepare a list  
21 of the lands within the district, and indicate in such list the valuation so fixed upon each tract of  
22 said land and what tracts lie within one-half mile of said public road or part of a public road, and  
23 what tracts, if any, at a greater distance than one-half mile and less than one mile, and what  
24 tracts, if any, at a greater distance than one mile and less than one and one-half miles, and what  
25 tracts, if any, at a greater distance than one and one-half miles. If said commissioners cannot  
26 agree upon the valuation to be fixed upon any tract of land in the district, they shall arrive at the  
27 value thereof by adding together the valuation placed thereon independent of the buildings  
28 thereon by each of the commissioners and dividing the total thereof by three.

29 4. Said special road district commissioners, upon completion of such list of lands, shall  
30 annex a certificate thereto that they believe the same to be correct, and they shall acknowledge  
31 execution of such certificate as deeds of real estate are required to be acknowledged~~[; and]~~ .  
32 Upon completion of such list of lands, and annexing such certificate thereto and so  
33 acknowledging execution of such certificate, and receiving from the state highway engineer plans  
34 and specifications prepared or approved by him **or her** for the improvement of said public road  
35 or part of a public road, and an estimate prepared or approved by him **or her** of the cost of such  
36 improvement, the commissioners shall file such petition and said list of lands, and said map and  
37 profile or a copy thereof, and the plans and specifications and estimate prepared or approved by  
38 the state highway engineer, with the clerk of the county commission, who shall thereupon give  
39 notice~~[;]~~ by ~~[at least two publications in some weekly newspaper published in the county,]~~  
40 **publication** that said commissioners have filed with him **or her** a petition, purporting to be  
41 signed by landowners of said district, for improvement of a public road or a part of a public road  
42 in said district, and plans and specifications for such improvement and an estimate of the cost  
43 thereof, and a list of the lands in the district in which is indicated the valuation fixed by them on

44 each tract of said lands independent of buildings thereon, and such notice shall state a day, not  
45 less than two weeks later than the date of the ~~[first]~~ publication of such notice, upon which the  
46 county commission will be in session and will consider protests against such improvement and  
47 objections and exceptions to such petition and such list of lands and the valuations therein  
48 indicated. **Publication of notice shall be on the front page of the district's website, if it has**  
49 **one, for a period of two weeks. If the district does not have a website, notice shall be sent**  
50 **to the secretary of state who shall publish such notice on the legal notices website,**  
51 **established pursuant to section 493.077, for a period of two weeks.**

52 5. Should the county commission fail for any cause to be in session on the day stated in  
53 such notice, the clerk shall give a new notice appointing some other day for the consideration of  
54 such protests, objections and exceptions.

233.225. 1. Whenever a special tax is so ordered, and the county commission states in  
2 the order that the petitioners desire that the cost of the improvement be payable in one  
3 installment, the clerk of the county commission shall make out a separate special tax bill against  
4 each tract of land in the district for the amount so assessable against it. Each of such special tax  
5 bills shall be in favor of such road district, shall be numbered, and shall state the date of the order  
6 of the county commission pursuant to which the improvement is to be made, and describe the  
7 tract of land against which it is issued and state the amount so assessed against such tract of land,  
8 and shall be signed by the president or vice president of the district and be attested by the clerk  
9 of the county commission.

10 2. The clerk of the county commission shall procure and keep a suitable record book and  
11 record therein an abstract or description of each of said special tax bills, and shall deposit such  
12 special tax bills with the county treasurer, and cause notice to be given ~~[by one publication in a~~  
13 ~~newspaper published in the county that special tax bills in favor of said road district have been~~  
14 ~~issued pursuant to an order of the county commission, giving]~~ **indicating** the date of such order~~;~~  
15 ~~and]~~ . **Notice shall be delivered to the county treasurer to whom payment thereof may be made.**  
16 **Such notice shall additionally be published on the front page of the commission's website,**  
17 **if it has one, for a period of at least one week. If the commission does not have a website,**  
18 **notice shall be sent to the secretary of state who shall publish such notice on the legal**  
19 **notices website, established pursuant to section 493.077, for a period of at least one week.**  
20 Each of such special tax bills shall constitute a lien upon the land described therein, for the  
21 amount thereof and such interest as may accrue thereon, and all costs in collecting the same,  
22 including reasonable attorney's fee to be fixed by the county commission and taxed as costs in  
23 the action brought to enforce payment; which lien will be paramount to all other liens except of  
24 the state for general state, county, school and road taxes. Each of such special tax bills as are not



25 paid at the expiration of thirty days after the date of such order, shall thereafter bear interest at  
26 the rate of eight percent per annum.

27         3. The county treasurer shall receive payments of such special tax bills and keep a record  
28 of each payment and of the name of the party making same, and shall cancel such special tax  
29 bills as they are paid, and shall give such district credit for the amount of each payment to him  
30 **or her** on a special account kept with said district of payments to him **or her** on account of such  
31 tax bills, indicating therein the amounts paid as principal of such special tax bills and the amount  
32 paid as interest. Whenever any of such tax bills has been cancelled by the county treasurer and  
33 is exhibited to the clerk of the county commission, or the county treasurer reports payment of any  
34 such special tax bills to the clerk of the county commission, he **or she** shall note the payment  
35 thereof in said record book.

36         4. If any such special tax bills be unpaid at the expiration of thirty days after the date of  
37 such order, the special road district commissioners may borrow money not exceeding the  
38 aggregate amount of such special tax bills as are then unpaid, and at a rate of interest not  
39 exceeding eight percent per annum, and as such unpaid special tax bills are paid, shall draw  
40 warrants on the county treasurer for the amount of such payments, to pay whatever may be so  
41 borrowed, with interest thereon; but neither the road district nor the commissioners shall be  
42 obligated to pay whatever may be so borrowed, or interest thereon, except out of the collections  
43 of such unpaid special tax bills. Money so borrowed shall be deposited with the county treasurer  
44 to the credit of such road district.

45         5. If any such special tax bills be unpaid at the expiration of six months after the date of  
46 such order, the commissioners may, and if any are unpaid at the expiration of twelve months  
47 after such date, they shall cause suits to be instituted for foreclosure of the lien thereof. Such  
48 suits shall be instituted in the circuit court of the county, by any attorney the commissioners may  
49 designate and order the county treasurer to deliver such unpaid special tax bills to. The road  
50 district shall be plaintiff in such suits and any or all parties having an interest in the property to  
51 be affected thereby may be made defendants. In all such suits, each special tax bill shall be  
52 prima facie evidence of a valid lien in favor of the district, and upon the land described therein,  
53 for the amount stated therein. In all suits, so instituted, there shall be taxed as costs in favor of  
54 the attorney instituting the suit, a reasonable attorney's fee to be fixed by the court.

55         6. All money collected on special tax bills and all money the special road district  
56 commissioners may so borrow, and all interest that may accrue thereon while on deposit in any  
57 county depository, shall be used, and warrants drawn on the treasurer therefor, for the following  
58 purposes only: To pay the cost and expense incurred by the special road district commissioners,  
59 as found by the county commission, in the preparation of such plans, specifications, estimate,  
60 map and profile, and said list of lands, and a reasonable attorney's fee, as found by the

61 commission, for such petitioners, and to pay the cost of improving said public road or part of a  
62 public road in accordance with the plans and specifications so filed with the clerk of the county  
63 commission, and such working, administrative and incidental expenses, not otherwise provided  
64 for by law, as may be incurred in making such improvement and in procuring, collecting and  
65 paying the cost of such improvement, and the balance, if any, shall be used in paying expenses  
66 of maintaining such improvement; but if any money should be borrowed by the special road  
67 district commissioners, it shall be repaid, with interest thereon, out of the collections of such  
68 special tax bills as were unpaid at the time such money was borrowed.

233.285. The repealing of the sections and law repealed by this law shall not have the  
2 effect of abating, nullifying, suspending or vitiating any public road district incorporated, or  
3 established by preliminary order, prior to the taking effect of this law or any proceedings by any  
4 such public road district; but any public road district finally incorporated, or established only by  
5 preliminary order, prior to the taking effect of this law, except districts established only by  
6 preliminary order in which there has been held a meeting of landowners of the district, in  
7 compliance with laws repealed by this law, at which owners of a majority of the acres of land in  
8 the district failed to vote in favor of the improvement of any road or roads proposed to be  
9 improved, shall, from and after the taking effect of this law, by the name mentioned in the  
10 preliminary order of the county commission establishing it, be a political subdivision of the state  
11 for governmental purposes with all the powers mentioned in sections 233.170 to 233.315 and  
12 such others as may from time to time be given by law, and shall, after the taking effect of  
13 sections 233.170 to 233.315, proceed, and shall have and exercise, and the commissioners and  
14 landowners and voters thereof shall have and exercise, the same privileges, powers and duties  
15 as if such district was incorporated after the taking effect of sections 233.170 to 233.315 and  
16 under and in accordance with sections 233.170 to 233.315; except that valid contracts made or  
17 entered into before the taking effect of sections 233.170 to 233.315, under laws hereby repealed,  
18 shall be complied with the same as if such laws were still in force; and except that any such  
19 district in which there has been a meeting of landowners of the district, in compliance with laws  
20 repealed by sections 233.170 to 233.315, at which owners of a majority of the acres of land in  
21 the district voted that any road or roads therein be improved and the cost thereof charged against  
22 the lands in the district, may proceed, and the commissioners thereof may proceed in making  
23 such improvement, and tax bills, or bonds may be issued and collected on account of such  
24 improvement, in the same manner as if the laws repealed by sections 233.170 to 233.315 were  
25 still in force and effect and sections 233.170 to 233.315 not yet in effect; but in case no contract  
26 for such improvement has been entered into, or tax bills or bonds issued by reason of such vote  
27 for such improvement, such district, and the commissioners and landowners thereof may, in  
28 making such improvement or issuing tax bills or bonds on account thereof, proceed as if such

29 district had not been incorporated until after the taking effect of sections 233.170 to 233.315, and  
30 was incorporated under and in compliance with sections 233.170 to 233.315~~[-or said]~~ . The  
31 special road district commissioners may file with the clerk of the county commission the  
32 tabulated statement or statements of the lands in the district as prepared previous to such  
33 meeting, and, if they have not done so already, make out and file with the clerk of the county  
34 commission a report of the action of the landowners at such meeting, signed and acknowledged  
35 by them~~[-and the clerk of the county commission,]~~ after such report and tabulated statement are  
36 so filed~~[-]~~ . **The clerk of the county commission shall give notice~~[-by at least two publications~~**  
37 ~~in some weekly newspaper published in the county,]~~ that said special road district commissioners  
38 have filed ~~[with him]~~ a report of an election in such district, and a tabulated statement of the  
39 lands in the district, showing the valuations fixed by them on each tract thereof for the purposes  
40 of an assessment for road improvement voted upon at such meeting~~[-and]~~ . Such notice shall  
41 **be published on the front page of the commission's website, if it has one, for a period of two**  
42 **weeks. If the commission does not have a website, notice shall be sent to the secretary of**  
43 **state who shall publish such notice on the legal notices website established pursuant to**  
44 **section 493.077, for a period of two weeks. The notice shall additionally** state a day not less  
45 than two weeks later than the date of the ~~[first]~~ publication of such notice, upon which the county  
46 commission will be in session and will hear and consider exceptions and objections to such  
47 report and tabulated statement and to the valuations so fixed on any or all tracts of land in the  
48 district, and the county commission shall, upon said day or as soon thereafter as the business of  
49 the county commission will permit, hear and consider any objections or exceptions that may be  
50 made to such report, and at such hearing such report shall be prima facie evidence of the  
51 statements therein made, and the county commission, if no objections or exceptions are made  
52 to such report, or if it find, after considering and hearing any objections that may be so made, and  
53 any evidence that may be offered, that such special road district commissioners prior to such  
54 meeting, and at such meeting, proceeded in compliance with the law then in force, and called  
55 such meeting and gave notice thereof in compliance with the law then in force, and that the  
56 action of the landowners at such meeting was as stated in such report, the county commission  
57 shall hear and consider such objections and exceptions as may be made to such tabulated  
58 statement or to valuations fixed on lands in the district as in such tabulated statement indicated,  
59 and, after hearing and considering such objections and exceptions, and such evidence as may be  
60 offered, shall make any alterations and corrections of said tabulated statement, and of the  
61 valuations so fixed and indicated, or fix such valuations on any of such lands, as it may deem  
62 proper, and shall thereupon approve such tabulated statement, and the valuations indicated  
63 therein, and order the clerk of the county commission to annex to said tabulated statement a  
64 certificate of such approval, and thereafter such district, and the special road district

65 commissioners thereof, and the clerk of the county commission, in making such improvement  
 66 and contracting for the same, or in issuing tax bills to pay for the same, or issuing bonds or tax  
 67 bills to pay such bonds, may proceed as if this law had not taken effect, and the laws hereby  
 68 repealed still in effect, except that the special road district commissioners need not make out and  
 69 certify to the county clerk a description of the lands in the district as required by laws hereby  
 70 repealed, and the county clerk in apportioning against each tract of land in the district its share  
 71 of the cost of the improvement or its share of the principal and interest on the bonds, shall use,  
 72 for the purpose of making such apportionment, such tabulated statement as so approved by the  
 73 commission.

233.295. 1. Whenever a petition, signed by the owners of a majority of the acres of land  
 2 within a road district organized under the provisions of sections 233.170 to 233.315, shall be  
 3 filed with the county commission of any county in which such district is situated, setting forth  
 4 the name of the district and the number of acres owned by each signer of such petition and the  
 5 whole number of acres in such district, the county commission shall have power, if in its opinion  
 6 the public good will be thereby advanced, to disincorporate such road district. No such road  
 7 district shall be disincorporated until notice is published ~~[in at least one newspaper of general~~  
 8 ~~circulation in the county where the district is situated for four weeks successively prior to the~~  
 9 ~~hearing of such petition]~~ **on the front page of the commission's website, if it has one. If the**  
 10 **commission does not 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 to section 493.077,**  
 12 **until the date of the hearing has passed.**

2. In any county with a population of at least thirty-two thousand inhabitants which  
 14 adjoins a county of the first classification which contains a city with a population of one hundred  
 15 thousand or more inhabitants that adjoins no other county of the first classification, whenever  
 16 a petition signed by at least fifty registered voters residing within the district organized under the  
 17 provisions of sections 233.170 to 233.315 is filed with the county clerk of the county in which  
 18 the district is situated, setting forth the name of the district and requesting the disincorporation  
 19 of such district, the county clerk shall certify for election the following question to be voted upon  
 20 by the eligible voters of the district:

21 Shall the \_\_\_\_\_ incorporated road district organized under the provisions of  
 22 sections 233.170 to 233.315, RSMo, be dissolved?

23  YES  NO

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

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

29           4. Notwithstanding other provisions of this section to the contrary, in any county of the  
30 first classification with more than one hundred four thousand six hundred but less than one  
31 hundred four thousand seven hundred inhabitants, any petition to disincorporate a road district  
32 organized under sections 233.170 to 233.315 shall be presented to the county commission or  
33 similar authority. The petition shall be signed by the lesser of fifty or a majority of the registered  
34 voters residing within the district, shall state the name of the district, and shall request the  
35 disincorporation of the district. If a petition is submitted as authorized in this section, and it is  
36 the opinion of the county commission that the public good will be advanced by the  
37 disincorporation after providing notice and a hearing as required in this section, then the county  
38 commission shall disincorporate the road district. This subsection shall not apply to any road  
39 district located in two counties.

40           5. Notwithstanding other provisions of this section to the contrary, in any county of the  
41 third classification without a township form of government and with more than thirty-four  
42 thousand but fewer than thirty-four thousand one hundred inhabitants, any petition to  
43 disincorporate a road district organized under sections 233.170 to 233.315 shall be presented to  
44 the county commission or similar authority. The petition shall be signed by the lesser of fifty or  
45 a majority of the registered voters residing within the district, shall state the name of the district,  
46 and shall request the disincorporation of the district. If a petition is submitted as authorized in  
47 this section, and it is the opinion of the county commission that the public good will be advanced  
48 by the disincorporation after providing notice and a hearing as required in this section, then the  
49 county commission shall disincorporate the road district. This subsection shall not apply to any  
50 road district located in two counties.

51           6. Notwithstanding other provisions of this section to the contrary, in any county of the  
52 second classification with more than fifty-four thousand two hundred but fewer than fifty-four  
53 thousand three hundred inhabitants, any petition to disincorporate a road district organized under  
54 sections 233.170 to 233.315 shall be presented to the county commission or similar authority.  
55 The petition shall be signed by the lesser of fifty or a majority of the registered voters residing  
56 within the district, shall state the name of the district, and shall request the disincorporation of  
57 the district. If a petition is submitted as authorized in this section, and it is the opinion of the  
58 county commission that the public good will be advanced by the disincorporation after providing  
59 notice and a hearing as required in this section, then the county commission shall disincorporate  
60 the road district. This subsection shall not apply to any road district located in two counties.

61 7. Notwithstanding other provisions of this section to the contrary, in any county, any  
62 petition to disincorporate a road district organized under sections 233.170 to 233.315 shall be  
63 presented to the county commission or similar authority. The petition shall be signed by the  
64 lesser of fifty or a majority of the registered voters residing within the district, shall state the  
65 name of the district, and shall request the disincorporation of the district. If a petition is  
66 submitted as authorized in this section, and it is the opinion of the county commission that the  
67 public good 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 district. This  
69 subsection shall not apply to any road district located in two counties.

70 8. Notwithstanding other provisions of this section to the contrary, in any county, a  
71 petition to disincorporate a road district located in two counties organized under sections 233.170  
72 to 233.315 shall be presented to the county commission or similar authority in each county in  
73 which the road district is located. Each petition shall be signed by the lesser of fifty or a majority  
74 of the registered voters residing within the district and county, shall state the name of the district,  
75 and shall request the disincorporation of the district. If a petition is submitted as authorized in  
76 this section, and it is the opinion of the county commission in each county in which the road  
77 district is located that the public good will be advanced by the disincorporation after providing  
78 notice and a hearing as required in this section, then the county commission in each county in  
79 which the road district is located shall disincorporate the road district. A road district located  
80 in two counties shall not be disincorporated until it is disincorporated in each county in which  
81 it is located.

82 9. (1) The county commission or similar authority shall have the power to combine two  
83 or more road districts organized under sections 233.170 to 233.315 upon petition signed by a  
84 majority of the commissioners in each of the road districts seeking to be combined.

85 (2) The petition presented to the county commission or similar authority shall set forth  
86 the request that the road districts desire to be consolidated and shall set forth the proposed name  
87 of the new road district. If a petition is submitted as authorized in this subsection, then the  
88 county commission or similar authority shall hold a public hearing at a place and time it  
89 designates after it has published notice of the hearing [~~for four consecutive weeks in a newspaper~~  
90 ~~of general circulation in the county~~] **on the front page of the commission's website, if it has**  
91 **one. If the commission does not have a website, notice shall be sent to the secretary of state**  
92 **who shall publish such notice on the legal notices website, established pursuant to section**  
93 **493.077, until the state of the hearing has passed.**

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

96 authority shall issue its order consolidating the districts and set the effective date of the  
97 consolidation in such order.

98 (4) Upon consolidation, the county commission or similar authority shall appoint the  
99 three initial commissioners of the consolidated district: one for a term of one year, one for a term  
100 of two years, and one for a term of three years.

101 (5) Upon consolidation, all assets and liabilities of the combined districts shall vest in  
102 the new consolidated district. In the event the tax levies of the combined districts are different,  
103 then the initial tax levy for the consolidated district shall be the lower of the districts that were  
104 combined until changed as provided by statute.

105 (6) The county commission or similar authority shall have the power to make deeds, bills  
106 of sale, or other instruments transferring the assets of the districts combined to the new  
107 consolidated district and shall have all other powers necessary to effectuate the consolidation and  
108 transfer of all assets and liabilities to the consolidated road district.

109 (7) The provisions of this subsection shall not apply to any road district located in two  
110 counties.

233.316. 1. The boundaries of any special road district in any county with a population  
2 of less than one hundred thousand inhabitants which contains all or part of a city with a  
3 population of three hundred fifty thousand or more inhabitants may be changed in the manner  
4 prescribed in this section. A change of boundaries of the special road district shall not impair  
5 or affect its organization or its rights in or to property, or any of its rights or privileges; nor shall  
6 it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might  
7 be liable or chargeable had any change of boundaries not been made.

8 2. Fifty percent of the owners of any territory or tract of land adjacent to the special road  
9 district who own not less than fifty percent of the real estate in such territory or tract of land may  
10 file with the commissioners of the special road district a petition in writing praying that such real  
11 property be included within the district. The petition shall describe the property to be included  
12 in the district and shall describe the property owned by the petitioners and shall be deemed to  
13 give assent of the petitioners to the inclusion in the district of the property described in the  
14 petition.

15 3. The clerk or secretary of the board of road district commissioners shall cause notice  
16 of the filing of any petition filed pursuant to this section to be given and published ~~[in a~~  
17 ~~newspaper of general circulation in the county in which the property is located, which]~~ **on the**  
18 **front page of the board's website, if it has one. If the board does not have a website, notice**  
19 **shall be sent to the secretary of state who shall publish such notice on the legal notices**  
20 **website, established pursuant to section 493.077. The notice shall recite the filing of such**  
21 **petition, the number of petitioners, a general description of the boundaries of the area proposed**

22 to be included and the prayer of the petitioners, giving notice to all persons interested to appear  
23 at the office of the board at the time named in the notice and show cause in writing why the  
24 petition should not be granted. The board shall at the time and place mentioned, or at such time  
25 or times to which the hearing may be adjourned, proceed to hear the petition and all objections  
26 thereto presented in writing by any person showing cause why the petition should not be granted.  
27 The failure of any person interested to show cause in writing why such petition shall not be  
28 granted shall be deemed as an assent on his **or her** part to the inclusion of such lands in the  
29 district as prayed for in the petition.

30 4. If the board deems it in the best interest of the district, it shall grant the petition, but  
31 if the board determines that some portion of the property mentioned in the petition cannot as a  
32 practical matter be served by the district, or if it deems it for the best interest of the district that  
33 some portion of the property in the petition not be included in the district, then the board shall  
34 not grant the petition. If the petition is granted, the board shall make an order to that effect and  
35 file the same with the circuit clerk; however, such order shall not be final unless and until the  
36 governing body of the county approves the boundary change.

37 5. The special road district shall maintain any public road located within the territory or  
38 tract of land included within the boundaries of a special road district under this section in the  
39 same manner as it maintains other roads under its jurisdiction, and in addition, such territory or  
40 tract of land so included in the district shall be subject to taxes levied by the district on all  
41 property located within the district.

233.325. 1. Whenever a petition, signed by the owners of a majority of the acres of land  
2 owned by residents of the county residing within the district proposed to be organized, and  
3 setting forth the proposed name of the district, and giving the boundaries thereof and the number  
4 of acres owned by each signer and the names of other owners of land residing within such  
5 boundaries so far as known, and the number of acres owned by each so far as known, and praying  
6 for the organization of a special road district in accordance with sections 233.320 to 233.445,  
7 shall be filed in the office of the clerk of the county commission thirty days before the beginning  
8 of the next regular term of said commission, the ~~[said]~~ clerk shall give notice ~~[by at least three~~  
9 ~~publications in some weekly newspaper printed in the county, or by at least five handbills put~~  
10 ~~up at public places within the district,]~~ of the presentation of said petition, and of the date of the  
11 beginning of the next regular term of the county commission at which the same may be heard.  
12 **The notice shall be published on the front page of the commission's website, if it has one,**  
13 **for a period of three weeks. If the commission does not have a website, notice shall be sent**  
14 **to the secretary of state who shall publish such notice on the legal notices website,**  
15 **established pursuant to section 493.077, for a period of three weeks.** Said notices shall  
16 contain the names of at least three signers of said petition and set out the boundaries of said



17 proposed district, and shall notify all resident owners of land in said proposed district, who may  
18 desire to oppose the formation thereof to appear on the first day of such regular term of the  
19 county commission and file their written remonstrance thereto.

20 2. All resident landowners owning land within the proposed district may join in one  
21 remonstrance, or each such owner may file his **or her** separate remonstrance, and each  
22 remonstrance shall be in writing and shall state specifically and separately the objection or  
23 objections of the remonstrators to the formation of such proposed road district, and shall be filed  
24 in said county commission with the clerk thereof on or before the first day of said regular term.

25 3. On the first day of said term of the county commission, or as soon thereafter as its  
26 business will permit, the county commission shall hear such petition and remonstrance, and may  
27 make any change in the boundaries of such proposed district as the public good may require and  
28 make necessary, and if after such changes are made it shall appear to the county commission that  
29 such petition is signed or in writing consented to by the owners of a majority of all the acres of  
30 land owned by residents of the county residing within the district as so changed, the county  
31 commission shall make an order incorporating such public road district, and such order shall set  
32 out the boundaries of such district as established.

33 4. If no remonstrance shall have been filed, or all remonstrances filed are overruled by  
34 the county commission, the commission shall determine whether such petition has been signed  
35 by the owners of a majority of the acres of land owned by residents of the county residing within  
36 the district, and if so, shall make an order incorporating the district with the boundaries given in  
37 the petition, or such boundaries as may be set forth in an amended petition signed by the owners  
38 of a majority of the acres of land owned by residents of the county residing within the district,  
39 affected thereby; and such amended petition may be filed at any time before the making of the  
40 order establishing a road district, but the boundaries proposed for the district shall not be so  
41 changed as to embrace any land not included in the notice given by the clerk unless the owner  
42 thereof shall in writing consent thereto, or shall appear at the hearing, and is notified in an open  
43 meeting of the county commission of such fact and given an opportunity to file or join in a  
44 remonstrance.

45 5. Whenever an order is so made incorporating a public road district, such district shall  
46 thereupon become, by the name mentioned in such order, a political subdivision of the state for  
47 governmental purposes with all the powers mentioned in this section and such others as may be  
48 conferred by law.

233.350. 1. Whenever, in any road district so incorporated a petition signed by the  
2 owners of a majority of the acres of the land owned by residents of the county residing within  
3 the district that is within one-half mile of a public road or a part of a public road in the district,  
4 is delivered to the president or secretary of the board of special road district commissioners of

5 the district praying that such public road or part of a public road be permanently improved and  
6 the cost of the improvement assessed against all lands in the district, and stating therein the  
7 points between which the improvement is desired, and the nature and kind of improvement  
8 desired, and stating the number of installments, not exceeding fifteen, in which they desire that  
9 such cost be payable, said special road district commissioners shall procure, prepare, or cause  
10 to be prepared, a map of the district and have such public road or part of a public road indicated  
11 thereon, and shall prepare, or cause to be prepared, a profile of such public road or part of public  
12 road, and plans and specifications for the improvement of such roads or parts of public roads and  
13 an estimate of the cost of making such improvements. Such map, profile and plan and  
14 specifications, or a copy thereof, and such estimate shall, upon the completion thereof, be  
15 submitted to the state highway engineer for approval, who shall approve the same or so revise  
16 them that they will meet with his **or her** approval, or prepare such plans and specifications and  
17 estimate as will meet with his **or her** approval, and return to the commissioners said map and  
18 profile, or a copy thereof, and such plans and specifications and estimate of the cost of such  
19 improvements as he **or she** may prepare or approve.

20         2. And said special road district commissioners shall fix a fair and impartial valuation  
21 on each tract of land within said district independent of the buildings thereon, and prepare a list  
22 of the lands within the district, and indicate in such list the valuation so fixed upon each tract of  
23 land and what tracts lie within one-half mile of said public road or a part of public road, and what  
24 tracts, if any, at a greater distance than one-half mile and less than one mile, and what tracts, if  
25 any, at a greater distance than one mile and less than one and one-half miles, and what tracts, if  
26 any, at a greater distance than one and one-half miles.

27         3. If said special road district commissioners cannot agree upon the valuation to be so  
28 fixed upon any tract of land in the district, they shall arrive at the value thereof by adding  
29 together the valuation placed thereon independent of the buildings thereon by each of the special  
30 road district commissioners and dividing the total thereof by three.

31         4. Said special road district commissioners, upon completion of such list of lands, shall  
32 annex a certificate thereto that they believe the same to be correct, and they shall acknowledge  
33 execution of such certificate as deeds of real estate are required to be acknowledged; and upon  
34 completion of such list of lands, and annexing such certificate and receiving from the state  
35 highway engineer plans and specifications prepared or approved by him **or her** for the  
36 improvement of said public roads or part of a public road, and an estimate prepared or approved  
37 by him **or her** of the cost of such improvements, the special road district commissioners shall  
38 file such petition and said list of lands, and said map and profile or copy thereof, and the plans  
39 and specifications and estimate prepared or approved by the state highway engineer, with the  
40 clerk of the county commission, who shall thereupon give notice~~[- by at least two publications~~

41 ~~in some weekly newspaper published in the county,]~~ that said special road district commissioners  
42 have filed ~~[with him]~~ a petition, purporting to be signed by landowners residing within said  
43 district, for improvement of a public road or a part of a public road in said district, and plans and  
44 specifications for such improvements and an estimate of the cost thereof, and a list of the lands  
45 in the district in which is indicated the valuation fixed by them on each tract of said lands  
46 independent of buildings thereon, and such notice shall state a day, not less than two weeks later  
47 than the date of the ~~[first]~~ publication of such notice, upon which the county commission will  
48 be in session and will consider protests against such improvement and objections and exceptions  
49 to such petition and such list of lands and the valuation of therein indicated. **Notice shall be**  
50 **published on the front page of the commission's website, if it has one, for a period of two**  
51 **weeks. If the commission does not have a website, notice shall be sent to the secretary of**  
52 **state who shall publish such notice on the legal notices website, established pursuant to**  
53 **section 493.077, for a period of two weeks.** Should the county commission fail for any cause  
54 to be in session on the day stated in such notice, the clerk shall give a new notice appointing  
55 some other day for the consideration of such protests, objections and exceptions.

233.370. 1. Whenever a special tax is so ordered, and the county commission states in  
2 the order that the petitioners desire that the cost of the improvements be payable in one  
3 installment, the clerk of the county commission shall make out a special separate tax bill against  
4 each tract of land in the district for the amount so assessable against it. Each of such special tax  
5 bills shall be in favor of such road district, shall be numbered, and shall state the date of the order  
6 of the county commission pursuant to which the improvement is to be made and describe the  
7 tract of land against which it is issued and state the amount so assessed against such tract of land,  
8 and shall be signed by the president or vice president of the district and be attested by the clerk  
9 of the county commission.

10 2. The clerk of the county commission shall procure and keep a suitable record book and  
11 record therein an abstract or description of each of said special tax bills and shall deposit such  
12 special tax bills with the district treasurer, and cause notice to be given ~~[by one publication in~~  
13 ~~a newspaper published in the county,]~~ that special tax bills in favor of said road district have  
14 been issued pursuant to an order to the county commission, giving the date of such order~~[-and]~~  
15 . **Such notice shall be** delivered to ~~the~~ district treasurer to whom payment thereof may be made.  
16 **Notice shall additionally be published on the front page of the commission's website, if it**  
17 **has one, for a period of one week. If the commission does not have a website, notice shall**  
18 **be sent to the secretary of state who shall publish such notice on the legal notices website,**  
19 **established pursuant to section 493.077, for a period of one week.**

20 3. Each of such special tax bills shall constitute a lien upon the land described therein,  
21 for the amount thereof and such interest as may accrue thereon, and all costs in collecting the

22 same, including a reasonable attorney's fee to be fixed by the county commission and taxed as  
23 costs in any action brought to enforce payment; which lien shall be paramount to all other liens  
24 except that of the state for general state, county, school and road taxes. Each of such special tax  
25 bills as are not paid at the expiration of thirty days after the date of such order, shall thereafter  
26 bear interest at the rate of eight percent per annum.

27 4. The district treasurer shall receive payment of such special tax bills and keep a record  
28 of each payment and of the name of the party making same, and shall cancel such special tax  
29 bills as they are paid, and shall give such districts credit for the amount of each payment to him  
30 **or her** on a special account kept with said district of payments to him **or her** on account of such  
31 tax bills, indicating therein the amounts paid as principal of such special tax bills and the amount  
32 paid as interest. Whenever any of such tax bills have been cancelled by the district treasurer and  
33 is exhibited to the clerk of the county commission, or the district treasurer reports payment of  
34 any such special tax bills to the clerk of the county commission, he **or she** shall note the payment  
35 thereof in said record book.

36 5. If any such special tax bills be unpaid at the expiration of thirty days after the date of  
37 such order, the special road district commissioners may borrow money not exceeding the  
38 aggregate amount of such special tax bills as are then unpaid, and at a rate of interest not  
39 exceeding eight percent per annum, and as such unpaid special tax bills are paid, shall draw  
40 warrants on the district treasurer for the amount of such payment to pay whatever may be so  
41 borrowed, with interest thereon; but neither the road district nor the special road district  
42 commissioners shall be obligated to pay whatever may be so borrowed, or interest thereon,  
43 except out of the collections of such unpaid special tax bills. Money so borrowed shall be  
44 deposited with the district treasurer to the credit of such road district.

45 6. If any such special tax bills be unpaid at the expiration of six months after the date of  
46 such order, the special road district commissioners may, and if any are unpaid at the expiration  
47 of twelve months after such date, they shall cause suits to be instituted for foreclosure of the lien  
48 thereof. Such suits shall be instituted in the circuit court of the county, by any attorney the  
49 special road district commissioners may designate and to whom they shall order the district  
50 treasurer to deliver such unpaid special tax bills. The road district shall be plaintiff in such suits  
51 and any or all parties having an interest in the property to be affected thereby may be made  
52 defendants. In all such suits, each special tax bill shall be prima facie evidence of a valid lien  
53 in favor of the district, and upon the land described therein, for the amount stated therein. In all  
54 suits so instituted, there shall be taxed as costs in favor of the attorney instituting the suit, a  
55 reasonable attorney's fee to be fixed by the court.

56 7. All moneys collected on special tax bills and all money the special road district  
57 commissioners may so borrow, and all interest that may accrue thereon while on deposit in any

58 depository, shall be used, and warrants drawn on the treasurer therefor, for the following  
59 purposes only: To pay the cost and expense incurred by the special road district commissioners,  
60 as found by the county commission, in the preparation of such plans, specifications, estimate,  
61 map and profile, and said list of lands, and a reasonable attorney's fee, as found by the county  
62 commission, for such petitioners, and to pay the cost of improving said public road or part of  
63 public road in accordance with the plans and specifications so filed with the clerk of the county  
64 commission and such working, administrative and incidental expenses, not otherwise provided  
65 for by law, as may be incurred in making such improvement and in procuring, collecting and  
66 paying the cost of such improvement, and the balance, if any, shall be used in paying expenses  
67 of maintaining such improvement, but if any money should be borrowed by the special road  
68 district commissioners, it shall be repaid, with interest thereon, out of the collections of such  
69 special tax bills as were unpaid at the time such money was borrowed.

233.425. Whenever a petition, signed by the owners of a majority of the acres of land  
2 owned by residents of the county residing within the district organized under the provisions of  
3 sections 233.320 to 233.445, shall be filed with the county commission of any county in which  
4 such district is situated, setting forth the name of the district and the number of acres owned by  
5 each signer of such petition and the whole number of acres in such district, the county  
6 commission shall have power, if in its opinion the public good will be thereby advanced, to  
7 disincorporate such road district. No such road district shall be disincorporated until notice is  
8 published [~~in at least one newspaper of general circulation in the county where the district is~~  
9 ~~situated~~] for four weeks successively prior to the hearing of such petition **on the front page of**  
10 **the commission's website, if it has one. If the commission does not have a website, notice**  
11 **shall be sent four weeks prior to the hearing to the secretary of state who shall publish such**  
12 **notice on the legal notices website, established pursuant to section 493.077, until the date**  
13 **of the hearing has passed.**

233.503. 1. Whenever a petition, signed by the majority of the owners of land within  
2 the subdistrict proposed to be organized, and setting forth the proposed name of the subdistrict,  
3 and giving the boundaries thereof and the number of signers and the names of other owners of  
4 land residing within such boundaries so far as known, and praying for the organization of a  
5 special road subdistrict in accordance with sections 233.500 to 233.520, shall be filed in the  
6 office of the clerk of the county commission thirty days before any meeting of the county  
7 commission, the clerk shall give notice [~~by at least three publications in some weekly newspaper~~  
8 ~~of general circulation in the county, and by at least five handbills put up at public places within~~  
9 ~~the subdistrict,~~] of the presentation of such petition, and of the date of such meeting of the county  
10 commission at which the same may be heard. **Such notice shall be published on the front**  
11 **page of the commission's website, if it has one, for three weeks. If the commission does not**

12 **have a website, notice shall be sent three weeks prior to the hearing to the secretary of state**  
13 **who shall publish such notice on the legal notices website, established pursuant to section**  
14 **493.077, until the date of the hearing has passed.** Such notices shall contain the names of at  
15 least three signers of the petition and set out the boundaries of the proposed subdistrict, and shall  
16 notify all resident owners of land in the proposed subdistrict, who may desire to oppose the  
17 formation thereof to appear at such meeting of the county commission and file their written  
18 remonstrance thereto.

19 2. All resident landowners owning land within the proposed subdistrict may join in one  
20 remonstrance, or each such owner may file his **or her** separate remonstrance, and each  
21 remonstrance shall be in writing and shall state specifically and separately the objection or  
22 objections of the remonstrators to the formation of such proposed road subdistrict, and shall be  
23 filed with the clerk of the county commission on or before such meeting of the county  
24 commission.

25 3. At such meeting of the county commission, the county commission shall hear such  
26 petition and remonstrance, and may make any change in the boundaries of such proposed  
27 subdistrict as the public good may require and make necessary, and if after such changes are  
28 made it shall appear to the county commission that such petition is signed or in writing consented  
29 to by a majority of all the landowners residing within the subdistrict as so changed, the county  
30 commission shall make an order incorporating such special road subdistrict, and such order shall  
31 set out the boundaries of such subdistrict as established.

32 4. If no remonstrance shall have been filed, or all remonstrances filed are overruled by  
33 the county commission, the commission shall determine whether such petition has been signed  
34 by a majority of the owners of land within the subdistrict, and if so, shall make an order  
35 incorporating the subdistrict with the boundaries given in the petition, or such boundaries as may  
36 be set forth in an amended petition signed by a majority of the owners of land within the  
37 subdistrict affected by the amended petition. Such amended petition may be filed at any time  
38 before the making of the order establishing a special road subdistrict, but the boundaries  
39 proposed for the subdistrict shall not be so changed as to embrace any land not included in the  
40 notice given by the clerk unless the owner thereof shall in writing consent thereto, or shall appear  
41 at the hearing, and is notified in an open meeting of the county commission of such fact and  
42 given an opportunity to file or join in a remonstrance.

43 5. Whenever an order is so made incorporating a special road subdistrict, such subdistrict  
44 shall thereupon become, by the name mentioned in such order, a political subdivision of the state  
45 for governmental purposes with all the powers mentioned in sections 233.500 to 233.520.

233.520. 1. Whenever a petition, signed by a majority of the owners of land within a  
2 special road subdistrict organized under the provisions of sections 233.500 to 233.520 shall be

3 filed with the county commission of any county in which the subdistrict is situated, setting forth  
4 the name of the subdistrict and the number of signers of such petition and the total number of  
5 landowners in the subdistrict, the county commission shall have power, if in its opinion the  
6 public good will be thereby advanced, to disincorporate such special road subdistrict. No such  
7 special road subdistrict shall be disincorporated until notice is published [~~in a newspaper of~~  
8 ~~general circulation in the county where the subdistrict is situated~~] for four successive weeks prior  
9 to the hearing of the petition **on the front page of the commission's website, if it has one. If**  
10 **the commission does not have a website, notice shall be sent four weeks prior to the hearing**  
11 **to the secretary of state who shall publish such notice on the legal notices website,**  
12 **established pursuant to section 493.077, until the date of the hearing has passed.**

13         2. No dissolution of such special road subdistrict shall invalidate or affect any right  
14 accruing to such special road subdistrict or to any person, or invalidate or affect any contract  
15 entered into or imposed on such special road subdistrict.

16         3. Whenever the county commission shall dissolve any such special road subdistrict, the  
17 county commission shall appoint some competent person to act as trustee for the special road  
18 subdistrict so dissolved, and such trustee, before entering upon the discharge of his **or her** duties,  
19 shall take and subscribe an oath that he **or she** will faithfully discharge the duties of his **or her**  
20 office, and shall give bond with sufficient security to be approved by the county commission, to  
21 the use of such disincorporated special road subdistrict, conditioned for the faithful discharge of  
22 his **or her** duty.

23         4. The trustee shall have power to prosecute and defend to final judgment all suits  
24 instituted by or against the special road subdistrict, collect all moneys due the same, liquidate all  
25 lawful demands against the same, and for that purpose shall sell any property belonging to such  
26 special road subdistrict, or so much thereof as may be necessary, and generally to do all acts  
27 requisite to bring to a speedy close all the affairs of the special road subdistrict, and for that  
28 purpose, under the order and direction of the county commission, to exercise all the powers given  
29 by law to the special road subdistrict.

30         5. When the trustee shall have closed the affairs of the special road subdistrict, and shall  
31 have paid all debts due by the special road subdistrict, he **or she** shall pay over to the county  
32 treasurer all money remaining in his **or her** hands, and take receipt therefor, and deliver to the  
33 clerk of such county commission all books, papers, records and deeds belonging to the dissolved  
34 special road subdistrict.

234.120. 1. If such city shall contain two hundred thousand or more inhabitants and the  
2 price for such right-of-way shall be reasonable, and such city, through its proper authorities shall  
3 propose to pay as much as one-half of the cost of such right-of-way, and bonds of such county  
4 for payment of the remainder of such cost would, if issued, increase the indebtedness of such

5 county to exceed the constitutional limit, or if an election shall be held in such county pursuant  
6 to the general law governing elections on the issuance of bonds by counties, and less than the  
7 constitutionally required percentage of the voters at such election vote for increase of  
8 indebtedness; or if the owners of a majority of acres of the land in such county and within two  
9 miles of such bridge, or the proposed site thereof if not then constructed, shall petition the county  
10 commission of such county, praying that bonds payable by special assessments be issued to  
11 provide funds for use in purchasing such right-of-way and paying any and all expenses  
12 preliminary to and incidental to issuance and sale of such bonds; the county commission, if it  
13 finds that such petition was signed by owners of a majority of the land in the county and within  
14 two miles of such bridge or such proposed site, which finding shall thereafter be conclusive  
15 evidence of such fact, shall appoint three commissioners, each of whom shall be a resident of and  
16 an owner of land in the county. If any commissioner so appointed shall fail or refuse to qualify  
17 as such commissioner, or to properly perform his **or her** duties as such, the county commission  
18 shall appoint another.

19         2. Such commissioners shall qualify within ten days after being appointed, by taking,  
20 subscribing and filing with the county clerk of the county the oath prescribed by the constitution,  
21 and that they will faithfully, honestly and impartially discharge their duties as such  
22 commissioners according to law.

23         3. After so qualifying, such commissioners shall prepare, or cause to be prepared, a map  
24 of territory embracing all lands in this state and on the side of the stream adjoined by the county  
25 and within ten miles of the location or proposed location of such bridge and the commissioners  
26 shall prepare, or cause to be prepared, a list of all the lands, and shall fix a fair and impartial  
27 valuation on each tract of such lands independent of the buildings thereon, and indicate on such  
28 list the valuation so fixed upon each tract of such land, and what tracts lie within two miles of  
29 the location or proposed location of such bridge and what at a greater distance than two miles  
30 and not more than four miles, and what more than four miles and not over seven miles, and what  
31 over seven miles and within ten miles thereof. Each tract of land of forty acres, according to a  
32 government survey, and each of the smallest subdivisions of land that has been lawfully platted  
33 and each separate tract of less than forty acres shall, for the purpose of this section, be regarded  
34 as within two miles of such location or proposed location if the major portion thereof is so, and  
35 more than two miles and not over four miles from such location or proposed location if the major  
36 portion thereof is so, and more than four miles and not over seven miles if the major portion  
37 thereof is so, and over seven miles and within ten miles therefrom if the major portion thereof  
38 is so. If such lands lie in two or more counties, the commissioners shall indicate in such list what  
39 lands lie in each of the counties.



40           4. The word "lands", as used in this section, shall be construed as meaning both lands  
41 and lots, and without regard to whether they are within any incorporated city, town or village.

42           5. If the commissioners cannot agree upon the valuation to be fixed upon any tract of  
43 such lands, they shall arrive at the value thereof by adding together the valuation placed thereon  
44 independent of the buildings thereon by each of them, and dividing the total thereof by three.  
45 The commissioners, upon completion of such list of lands shall annex a certificate thereto that  
46 they believe the same to be correct; and they shall file such a list of lands, with such certificate  
47 annexed thereto, with the county clerk of the county in which they were appointed, who shall  
48 thereupon give notice~~[, in each county including any of such lands, by at least two publications~~  
49 ~~in a weekly newspaper published therein,]~~ that the commissioners have so filed the list of lands,  
50 and setting forth therein the boundaries embracing all of such lands, and stating therein that all  
51 lands within such boundaries shall be subject to assessment to pay special assessment bonds, and  
52 such notice shall state a day not less than two weeks later than the date of the ~~[first]~~ publication  
53 of such notice, upon which the county commission will be in session and will consider objections  
54 and exceptions to such list of lands and the valuation therein indicated. **Notice shall be**  
55 **published on the front page of the commission's website, if it has one, for a period of two**  
56 **weeks prior to the hearing. If the commission does not have a website, notice shall be sent**  
57 **two weeks prior to the hearing to the secretary of state who shall publish such notice on the**  
58 **legal notices website, established pursuant to section 493.077, until the date of the hearing**  
59 **has passed.** Such notice shall state that all persons owning or interested in land within the  
60 boundaries may file written objections and exceptions to the list of lands and valuations, with  
61 the county clerk, at any time previous to such day, and be heard thereon on such day.

62           6. Should such county commission fail for any cause to be in session on the day stated  
63 in such notice, the county clerk shall give a new notice appointing some other day for  
64 consideration of such objections and exceptions. Such objections and exceptions shall be in  
65 writing and signed by or for the party offering the same, and shall describe the land owned or in  
66 which the party offering the same is interested, and shall specifically state the objections of such  
67 party to the list of lands or to valuations therein indicated, and shall be filed with the county clerk  
68 before the day stated in such notice for the consideration thereof. The county commission on  
69 such day, or as soon thereafter as the business of the county commission will permit, shall  
70 consider the list, and the objections and exceptions thereto that may be so filed, and hear any  
71 evidence offered in support thereof or contrary thereto. Such hearing may be continued from  
72 time to time as the ends of justice may require. After consideration of all such objections and  
73 exceptions, if any, and hearing such evidence as may be so offered, the county commission shall  
74 make any alterations and corrections of such list of lands, and of the valuation fixed by said  
75 commissioners of any of the lands, or fix such valuation on the lands as it may deem proper, and

76 shall thereupon approve such list of lands, and order the clerk of the county commission to annex  
77 to the list of lands a certificate of such approval; and the county commission shall make an order  
78 stating and allowing reasonable compensation for the commissioners, and the expense incurred  
79 by them, including engineer and attorney fees, in preparing or causing to be prepared the map  
80 and list of lands, which compensation shall not exceed five dollars per day for each  
81 commissioner, and the county commission shall thereafter enter into a contract, or cause a  
82 contract to be entered into in conjunction with such city, for the purchase of such right-of-way  
83 and for the payment of the portion of the purchase price payable by the county, with such bonds,  
84 or out of funds to be derived from the sale of such bonds, and by such means only; and such  
85 commission shall thereafter issue such bonds for the amount payable by the county of such  
86 purchase price, plus the amount of such compensation and expense, and any and all expenses  
87 incidental to the issuance and sale of such bonds, and such additional amount as will cover the  
88 discount at which such bonds may be sold and pay interest on such bonds until the first  
89 assessment to pay such bonds shall become payable.

90           7. Such bonds shall be issued in denominations of not less than one hundred dollars  
91 each, and bear interest from their date at a rate not exceeding the rate per annum permitted by  
92 law, payable on the first days of April and October after such date until all of the bonds shall be  
93 paid. The principal shall become due and payable in installments, which need not be equal, and  
94 shall be such that the first thereof shall become payable on the first interest-paying day after the  
95 first of such special assessments shall become payable and one each year thereafter, but so as all  
96 installments shall become payable within twenty years and the last thereof not less than eighteen  
97 years after the date of the bonds. Both principal and interest shall be payable at some convenient  
98 banking house or trust company's office to be named in the bonds.

99           8. The bonds shall be signed by the presiding commissioner of the county commission  
100 and attested by the county clerk, and the clerk shall register them in a suitable book for that  
101 purpose. After being so registered, they shall be presented to the state auditor for registration,  
102 who shall register them as bonds mentioned in section 108.260 are required by law to be  
103 registered, and the provisions of such law as amended shall be applicable to special assessment  
104 bonds issued pursuant to this law the same as to bonds mentioned in such law as amended. Such  
105 bonds, after being so registered by the state auditor, shall be deposited with the treasurer of the  
106 county, in whose custody they shall remain until disposed of as authorized by this section.

107           9. The county commission may sell the bonds, or any of them, at public or at private sale,  
108 for not less than ninety-five percent of their face value or may use such bonds, or any portion of  
109 them, at not less than ninety-five percent of their face value in paying for such right-of-way.  
110 Such bonds, and the interest thereon, shall be payable and collectible only out of moneys derived

111 from special assessments against the lands and from money derived from the sale of such bonds  
112 and interest that may accrue on funds so derived while on deposit with any depository.

113           10. The county commission, either before or after issuance of such bonds, may have an  
114 adjudication of their validity, by the circuit court of the county, by filing a petition therefor with  
115 the circuit clerk of the county, setting forth therein the boundaries embracing all of the lands and  
116 stating what counties include such lands. The circuit clerk, when such petition shall have been  
117 so filed, shall ~~cause notice to be published in four successive issues of a weekly newspaper, in~~  
118 ~~each of the counties,~~ **give notice to the public by publication on the front page of the circuit**  
119 **court's website, if it has one, for a period of four weeks**, stating therein such boundaries, and  
120 that all persons owning or interested in lands within such boundaries are thereby summoned to  
121 appear before the circuit court on the first day of the term thereof in such notice named and show  
122 any reason there may be why such bonds should not be adjudged valid or cannot be paid by  
123 special assessments against the lands. The notice shall also state the term of the circuit court,  
124 which shall be the first term fifteen or more days after the last publication of such notice, at  
125 which such parties are required to appear, and the first day thereof. The circuit court shall  
126 consider any and all reasons that may be submitted on or before the first day of the term why  
127 such bonds should not be adjudged valid or cannot be paid by special assessments against the  
128 lands and any evidence offered in support thereof or against the same; and unless the contrary  
129 shall be shown and proven to the satisfaction of the court, shall adjudge the bonds valid, and that  
130 the lands shall be subject to special assessments to pay same. **If the circuit court does not have**  
131 **a website, notice required under this subsection shall be sent to the secretary of state who**  
132 **shall publish such notice on the legal notices website, established pursuant to section**  
133 **493.077.**

134           11. After issuance of such bonds, the county clerk of the county issuing them shall  
135 prepare a list of such lands and of the valuations thereof for special assessment purposes and  
136 therein give to all lands within two miles of the location or proposed location of such bridge the  
137 valuations indicated by the list approved by the county commission, and to lands a greater  
138 distance than two miles and not more than four miles from such location or proposed location,  
139 seventy-five percent of the valuations so indicated therefor, and lands more than four miles and  
140 not over seven miles, fifty percent of the valuations so indicated, and lands over seven miles  
141 from and within ten miles of such location or proposed location, twenty-five percent of the  
142 valuations thereof so indicated.

143           12. If the list includes land in more than one county, the county clerk shall prepare for  
144 and supply the county clerk of each other county embracing any of the land a list of such lands  
145 as are in the county of each and the valuations thereof as so given in the list so prepared for

146 special assessment purposes, and shall certify to each of them as special assessments are ordered  
147 the rate at which the lands are assessed and are to be charged in the tax books to be prepared.

148 13. The county commission shall each year order a special assessment against the lands  
149 of such percent of the valuations thereof as so given in such list for special assessment purposes  
150 as shall suffice to pay such of the bonds, and such interest as shall become payable before the  
151 next assessment thereafter shall become payable. The county clerk of each county embracing  
152 any of such lands shall charge such assessments on his **or her** tax books against the lands subject  
153 thereto, and when so charged such assessments shall constitute a lien upon the lands charged  
154 therewith for the amount thereof and all interest and penalties that may accrue thereon and all  
155 cost in collecting the same, including attorney fees to be taxed as cost in the action to enforce  
156 payment, which lien shall be paramount to all other liens except of the state for state, county,  
157 school and road taxes, and such assessments shall become due and payable and be subject to  
158 penalties and interest at the same rate when in default as such taxes; and suits to foreclose the  
159 lien of such assessment may be instituted and enforced in the same manner as for such taxes; and  
160 county collectors shall receive and receipt for such assessments as are charged on their tax books,  
161 and interest and penalties thereon, the same as for taxes so charged.

162 14. In suits to enforce the lien of any such assessments, bills thereof issued by the county  
163 shall be prima facie evidence of the amounts of the assessments, and that they are valid liens  
164 against the lands charged therewith as indicated by such bills. The county treasurer of any  
165 county issuing such bonds shall be the custodian of funds derived therefrom, and from such  
166 special assessments, and shall be liable on his **or her** official bond therefor, and county collectors  
167 collecting any such assessments shall pay them to him **or her**. He **or she** shall deposit such  
168 funds in the county depository and interest accruing thereon when so deposited shall be for the  
169 same use as funds derived from assessments, and he **or she** shall disburse all such funds as  
170 contemplated by this law.

234.130. 1. Any such city may increase its indebtedness by issuing and selling its bonds  
2 for funds for use in making a purchase or purchases by authority of this law and paying expenses  
3 of holding an election as by this section authorized and other expenses preliminary or incidental  
4 to the issuance and sale of such bonds. Such increase of indebtedness shall not cause the  
5 indebtedness of the city to exceed the constitutional limit. The council, trustees, or other proper  
6 authorities of the city, shall order an election to be held, and an election shall be held, as by this  
7 section provided, for the purpose of testing the sense of the voters of the city on the proposition  
8 to so increase indebtedness and the constitutionally required percentage of those voting at such  
9 election favor the increase of indebtedness.

10 2. Such council, trustees, or other proper authorities, shall give, or cause to be given, ~~[at~~  
11 ~~least three weeks']~~ notice of such election ~~[in a newspaper published in such city, or if there be~~

12 ~~no such newspaper, then by posting up ten printed or written handbills in ten different public~~  
 13 ~~places in such city. If there are one or more daily newspapers published in the city, which are~~  
 14 ~~qualified to publish public advertisements and orders of publication as provided by law, such~~  
 15 ~~notice shall be published in at least one of such newspapers. If the notice is published in a~~  
 16 ~~newspaper as provided in this section, such publication shall be made at least once in each of the~~  
 17 ~~three weeks, the last publication to be within two weeks of the date of such election]. Notice~~  
 18 **shall be published on the front page of the council, trustees, or other proper authorities'**  
 19 **website, if it has one, for a period of three weeks. If the council, trustees, or other proper**  
 20 **authorities do not have a website, notice shall be sent at least three weeks prior to the**  
 21 **election to the secretary of state who shall publish such notice on the legal notices website,**  
 22 **established pursuant to section 493.077, until the date of the election has passed.**

23 3. Such election shall be held and judges thereof appointed as in case of other elections  
 24 in such city, except that the board of election commissioners of the city, if there be such a board,  
 25 or other proper authorities having charge of such election shall provide at least two voting places  
 26 in each ward of the municipality conducting such election, if there be more than one ward, and  
 27 for that purpose they may combine as many election precincts in each ward as in their opinion  
 28 may be proper. The judges and clerks of the precinct in which a voting place is located shall act  
 29 as the judges and clerks of such election for such combined precinct. Except as provided in this  
 30 section, such election shall be conducted in the same manner and by the same election  
 31 commissioners, if there be such election commissioners, judges and clerks and other officers and  
 32 employees as other elections are conducted.

33 4. Such election may be held at the same time as any other election of the city, whether  
 34 general or special, in which event the voting precincts, judges, clerks and the booths used shall  
 35 be the same as at such other election, but not the same ballots or ballot boxes.

238.212. 1. If the petition was filed by registered voters or by a governing body, the  
 2 circuit clerk in 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 contained in~~  
 4 ~~the proposed district to publish once a week] **publication on the front page of the circuit**~~  
 5 **court's website, if it has one, for a period of four consecutive weeks [a notice] in substantially**  
 6 **[#] the following form:**

7 **NOTICE OF PETITION**  
 8 **TO SUBMIT TO A POPULAR VOTE THE CREATION AND FUNDING OF**  
 9 **A TRANSPORTATION DEVELOPMENT DISTRICT**  
 10 Notice is hereby given to all persons residing or owning property in (here  
 11 specifically describe the proposed district boundaries), within the state of  
 12 Missouri, that a petition has been filed asking that upon voter approval, a

13 transportation development district by the name of "\_\_\_\_\_ Transportation  
 14 Development District" be formed for the purpose of developing the following  
 15 transportation project: (here summarize the proposed transportation project or  
 16 projects). The petition also requests voter approval of the following method(s) of  
 17 funding the district, which (may) (shall not) increase the total taxes imposed  
 18 within the proposed district: (describe the proposed funding methods). A copy of  
 19 this petition is on file and available at the office of the clerk of the circuit court  
 20 of \_\_\_\_\_ County, located at \_\_\_\_\_, Missouri. You are notified to join  
 21 in or file your own petition supporting or answer opposing the creation of the  
 22 transportation development district and requesting a declaratory judgment, as  
 23 required by law, no later than the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
 24 You may show cause, if any there be, why such petition is defective or proposed  
 25 transportation development district or its funding method, as set forth in the  
 26 petition, is illegal or unconstitutional and should not be submitted for voter  
 27 approval at a general, primary or special election as directed by this court.

28 \_\_\_\_\_  
 29 \_\_\_\_\_

30 Clerk of the Circuit Court of \_\_\_\_\_ County

31 **2. If the circuit court does not have a website, notice required pursuant to**  
 32 **subsection 1 of this section shall be sent to the secretary of state who shall publish such**  
 33 **notice on the legal notices website, established pursuant to section 493.077.**

34 **3.** The circuit court may also order a public hearing on the question of the creation and  
 35 funding of the proposed district, if it deems such appropriate, under such terms and conditions  
 36 as it deems appropriate. The circuit court shall order at least one public hearing on the creation  
 37 and funding of the proposed district, if the petition for creating such district was filed by the  
 38 owners of record of all real property within the proposed district. If a public hearing is ordered,  
 39 notice of the time, date and place of the hearing shall also be given in the notice specified in  
 40 subsection 1 of this section.

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if  
 2 any persons eligible to be registered voters reside within the district the following procedures  
 3 shall be followed:

4 (1) After the district has been declared organized, the court shall upon petition of any  
 5 interested person order the county clerk to cause an election to be held in all areas of the district  
 6 within one hundred twenty days after the order establishing the district, to elect the district board  
 7 of directors which shall be not less than five nor more than fifteen;

8 (2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and  
9 shall file with the election authority of such county a statement under oath that he or she  
10 possesses all of the qualifications set out in this section for a director. Thereafter, such candidate  
11 shall have his or her name placed on the ballot as a candidate for director;

12 (3) The director or directors to be elected shall be elected at large. The candidate  
13 receiving the most votes from qualified voters shall be elected to the position having the longest  
14 term, the second highest total votes elected to the position having the next longest term, and so  
15 forth. Each initial director shall serve the one-, two- or three-year term to which he or she was  
16 elected, and until a successor is duly elected and qualified. Each successor director shall serve  
17 a three-year term. The directors shall nominate and elect an interim director to complete any  
18 unexpired term of a director caused by resignation or disqualification; and

19 (4) Each director shall be a resident of the district. Directors shall be registered voters  
20 at least twenty-one years of age.

21 2. Notwithstanding anything to the contrary contained in section 238.216, if no persons  
22 eligible to be registered voters reside within the district, the following procedures shall apply:

23 (1) Within thirty days after the district has been declared organized, the circuit clerk of  
24 the county in which the petition was filed shall, upon giving notice ~~[by causing publication to  
25 be made once a week for two consecutive weeks in a newspaper of general circulation in the  
26 county, the last publication of which shall be at least ten days before the day of the meeting  
27 required by this section]~~, call a meeting of the owners of real property within the district at a day  
28 and hour specified in a public place in the county in which the petition was filed for the purpose  
29 of electing a board of not less than five and not more than fifteen directors, to be composed of  
30 owners or representatives of owners of real property in the district~~;~~ ~~provided that,~~ . **Notice of  
31 such meeting shall be published on the front page of the district's website, if it has one, for  
32 a period of two weeks. If the district does not have a website, notice of the meeting shall  
33 be sent two weeks prior to the meeting to the secretary of state who shall publish such  
34 notice on the legal notices website, established pursuant to section 493.077, until the date  
35 of the meeting has passed. Notwithstanding the foregoing,** if all the owners of property in  
36 the district joined in the petition for formation of the district, such meeting may be called by  
37 order of the court without further publication. For the purposes of determining board  
38 membership, the owner or owners of real property within the district and their legally authorized  
39 representative or representatives shall be deemed to be residents of the district; for business  
40 organizations and other entities owning real property within the district, the individual or  
41 individuals legally authorized to represent the business organizations or entities in regard to the  
42 district shall be deemed to be a resident of the district;

43 (2) The property owners, when assembled, shall organize by the election of a chairman  
44 and secretary of the meeting who shall conduct the election. At the election, each acre of real  
45 property within the district shall represent one share, and each owner may have one vote in  
46 person or by proxy for every acre of real property owned by such person within the district;

47 (3) The one-third of the initial board members receiving the most votes shall be elected  
48 to positions having a term of three years. The one-third of initial board members receiving the  
49 next highest number of votes shall be elected to positions having a term of two years. The lowest  
50 one-third of initial board members receiving sufficient votes shall be elected to positions having  
51 a term of one year. Each initial director shall serve the term to which he or she was elected, and  
52 until a successor is duly elected and qualified. Successor directors shall be elected in the same  
53 manner as the initial directors at a meeting of the real property owners called by the board. Each  
54 successor director shall serve a three-year term. The directors shall nominate and elect an  
55 interim director to complete any unexpired term of a director caused by resignation or  
56 disqualification;

57 (4) Directors shall be at least twenty-one years of age.

58 3. Notwithstanding any provision of section 238.216 and this section to the contrary, if  
59 the petition for formation of the district was filed pursuant to subsection 5 of section 238.207,  
60 the following procedures shall be followed:

61 (1) If the district is comprised of four or more local transportation authorities, the board  
62 of directors shall consist of the presiding officer of each local transportation authority within the  
63 district. If the district is comprised of two or three local transportation authorities, the board of  
64 directors shall consist of the presiding officer of each local transportation authority within the  
65 district and one person designated by the governing body of each local transportation authority  
66 within the district;

67 (2) Each director shall be at least twenty-one years of age and a resident or property  
68 owner of the local transportation authority the director represents.

69 A director designated by the governing body of a local transportation authority may be removed  
70 by such governing body at any time with or without cause; and

71 (3) Upon the assumption of office of a new presiding officer of a local transportation  
72 authority, such individual shall automatically succeed his **or her** predecessor as a member of the  
73 board of directors. Upon the removal, resignation or disqualification of a director designated by  
74 the governing body of a local transportation authority, such governing body shall designate a  
75 successor director.

76 4. The commission shall appoint one or more advisors to the board, who shall have no  
77 vote but shall have the authority to participate in all board meetings and discussions, whether  
78 open or closed, and shall have access to all records of the district and its board of directors.



79           5. If the proposed project is not intended to be merged into the state highways and  
80 transportation system under the commission's jurisdiction, the local transportation authority that  
81 will assume maintenance of the project shall appoint one or more advisors to the board of  
82 directors who shall have the same rights as advisors appointed by the commission.

83           6. Any county or counties located wholly or partially within the district which is not a  
84 local transportation authority pursuant to subdivision (4) of subsection 1 of section 238.202 may  
85 appoint one or more advisors to the board who shall have the same rights as advisors appointed  
86 by the commission.

          238.310. 1. Any number of natural persons, not less than three, each of whom is at least  
2 twenty-one years of age and a registered voter within this state, may file with the commission  
3 a written application with preliminary plans and specifications for a project requesting that the  
4 commission authorize the creation of a transportation corporation to act within a designated area.  
5 The application shall also provide a proposed plan for financing the project. The commission  
6 may charge a filing fee for the application.

7           2. The commission shall order a local public hearing and shall cause to be published  
8 notice that the commission is considering authorizing a project and the incorporation of a  
9 transportation corporation. The notice shall specify the time, date, and place of the hearing and  
10 shall be given by publication ~~[in a newspaper published in the county or counties in which all~~  
11 ~~or part of the project is to be located which has a general circulation once a week for four~~  
12 ~~consecutive weeks. The last publication shall be at least fifteen days prior to the date of the~~  
13 ~~hearing]~~ **on the front page of the commission's website, if it has one, for a period of four**  
14 **weeks. If the commission does not have a website, notice shall be sent four weeks prior to**  
15 **the hearing to the 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 hearing has passed.**  
17 The commission shall also give at least fifteen days written notice of such hearing to the owners  
18 of all fee interests of record in all tracts of real property located within the area proposed to be  
19 included within the limits of the project.

20           3. The commission shall also serve written notice on each county, city, town and village  
21 in which all or part of a project is to be located that the commission is considering authorizing  
22 a project and the incorporation of the transportation corporation. Each such county, city, town  
23 and village shall be entitled to review the written application with preliminary plans and  
24 specifications. Approval of the project by the governing body of each such county, city, town  
25 and village is a condition precedent to approval of the project and the corporation by the  
26 commission.

27           4. After the hearing, the commission shall consider the matter of authorizing the project  
28 and the incorporation of the transportation corporation at a regular commission meeting. If the

29 commission by minute finds that the project will improve or is a necessary or desirable extension  
30 of the state highways and transportation system and that the proposed corporation will have  
31 adequate funds to finance the proposed project, the commission may approve the articles of  
32 incorporation for the corporation and the project subject to the corporation making any revisions  
33 in the plans and specifications required by the commission and the corporation entering into a  
34 mutually satisfactory agreement regarding development and future maintenance of the project.

35 5. The commission shall designate the area of the state in which the corporation may act,  
36 and such area may include territory within one or more counties, municipalities or other political  
37 subdivisions of the state. The commission may authorize creation of one or more corporations  
38 to act within the same designated area, provided that the commission minute approving the  
39 creation of each corporation shall specify the public purposes which each corporation will  
40 further.

41 6. No corporation may be formed unless the commission has duly adopted a commission  
42 minute which shall be conclusive evidence of the commission's approval of the project and the  
43 articles of incorporation.

241.160. Whenever, in the judgment of said county commission, it shall be to the interest  
2 of said counties to do so, they shall order the sheriff to sell the same at public vendue to the  
3 highest bidder, after giving sixty days' notice~~[- by publication in some newspaper published in~~  
4 ~~the county, if there be one, or if there be no such paper published in the county, then by at least~~  
5 ~~ten written or printed handbills put up at ten public places within the county, containing]~~ of such  
6 **sale. Notice shall be published on the front page of the commission's website, if it has one.**  
7 **If the commission does not have a website, notice shall be sent sixty days prior to the sale**  
8 **to the secretary of state who shall publish such notice on the legal notices website,**  
9 **established pursuant to section 493.077, until the date of the sale has passed. The notice**  
10 **shall contain** a general description of the lands to be sold, by section, township and range. Such  
11 lands shall be sold in such quantities, at such times and places, and on such terms as they may  
12 think proper, and as set forth in such notice, with or without draining or reclaiming the same, as  
13 in their discretion they may think most conducive to the interest of their respective counties; and  
14 all sales made under the provisions of sections 241.010 to 241.280 shall conform to the  
15 subdivisions prescribed by the laws of the United States; provided, however, that no land shall  
16 be sold under the provisions of said sections for less than one dollar and twenty-five cents per  
17 acre; and provided further, that the county commissions of the several counties in this state may,  
18 if in their judgment it is deemed advisable, sell any of the swamp or overflowed lands in their  
19 counties at private sale, without advertisement as provided in this section, at a price not less than  
20 one dollar and twenty-five cents per acre; provided further, that in all cases where the county  
21 commissions of this state have, prior to 1880, sold or disposed of any such swamplands in their

22 respective counties and issued, or caused to be issued, patents for the same, and the patentees,  
 23 or those holding under them, have been claiming such lands and paying county and state taxes  
 24 thereon for more than twenty years, such grant shall be deemed and held to be good and valid,  
 25 and no action shall be maintained for the purpose of setting aside or calling in question such  
 26 patent or patents.

242.030. 1. Immediately after such articles of association shall have been filed, the clerk  
 2 in whose office the articles of association have been filed shall give notice ~~[by causing~~  
 3 ~~publication to be made once a week for four consecutive weeks in some newspaper published~~  
 4 ~~in each county in which are situate lands and other property of the district, the last insertion to~~  
 5 ~~be made at least fifteen days prior to the first day of the next regular term of the circuit court at~~  
 6 ~~which said articles of association and petition are to be heard; said]~~ **of such filing. Notice shall**  
 7 **be published on the front page of the office's website, if it has one, for a period of four**  
 8 **weeks. If the office does not have a website, notice shall be sent to the secretary of state**  
 9 **who shall publish such notice on the legal notices website, established pursuant to section**  
 10 **493.077, for a period of four weeks.** Notice shall be substantially in the following form and  
 11 it shall be deemed sufficient for all purposes of sections 242.010 to 242.690:

12 NOTICE OF APPLICATION TO FORM DRAINAGE DISTRICT.

13 Notice is hereby given to all persons interested in the following described real  
 14 estate and other property in \_\_\_\_\_ County of Missouri (here describe the  
 15 property as set out in the articles of association) that articles of association asking  
 16 that the foregoing lands and other property be formed into a drainage district  
 17 under the provisions of chapter 242, and that the lands and other property as  
 18 above described will be affected by the formation of said drainage district and be  
 19 rendered liable to taxation for the purposes of paying the expenses of organizing  
 20 and making and maintaining the improvements that may be found necessary to  
 21 drain, protect and reclaim the lands and other property in said district, and you,  
 22 and each of you, are hereby notified to appear at a session of this court to be held  
 23 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ in \_\_\_\_\_ County, and show  
 24 cause, if any there be, why said drainage district as set forth in the articles of  
 25 association shall not be organized as a public corporation of the state of Missouri.

26 \_\_\_\_\_  
 27 Clerk of the circuit court of \_\_\_\_\_ County.

28 2. The circuit court of the county in which said articles of association have been filed  
 29 shall thereafter maintain and have original and exclusive jurisdiction coextensive with the  
 30 boundaries and limits of said district without regard to county lines, for all purposes of sections  
 31 242.010 to 242.690; provided, that where lands in different counties are sought to be

32 incorporated in the same district, it shall not be necessary to include all of the lands and other  
33 property in said proposed drainage district in the notice published in the different counties, but  
34 only such lands and other property in the district as are situate in the respective counties.

242.050. 1. The board of supervisors of any drainage district organized under the  
2 provisions of sections 242.010 to 242.690, for and in its behalf, or the owners of a majority of  
3 the acres in any tract or tracts of swamp, wet or overflow lands or lands subject to overflow lying  
4 adjacent to such district, or having an outlet in common with lands in the district, shall have the  
5 right to file a petition in the office of the clerk of the court organizing such district, asking that  
6 the boundary lines of such district be changed or extended so as to annex and include such lands.  
7 Said petition shall describe the boundary lines of the tract or tracts sought to be annexed and state  
8 the names of the owners of such tracts together with descriptions of tracts owned by each; when  
9 the name or names of any owner or owners of any such lands or other property are unknown this  
10 fact shall be set out in said petition.

11 2. As soon as said petition has been filed the clerk of the court shall give notice of such  
12 filing ~~[by causing publication to be made once a week for four consecutive weeks in some~~  
13 ~~newspaper published in each county in which any part of the lands sought to be annexed are~~  
14 ~~situate;]~~ **on the front page of the court's website, if it has one, for a period of four weeks.**  
15 **If the court does not 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 to section 493.077,**  
17 **for a period of four weeks.** Said notice need not contain the names of the owners of said lands  
18 and other property or descriptions of tracts owned by each, but it will be sufficient to describe  
19 said lands by sections and parts of sections; the notice shall state the purpose of the petition, that  
20 the lands will be rendered liable to taxation to pay the cost of making and maintaining the  
21 improvement found necessary to drain and reclaim said lands, and that any owner of said lands  
22 shall have the right to file objections to said petition on or before fifteen days after the last  
23 publication of the notice, which said date of filing objections shall be stated in said notice.

24 3. Any owners of land, or other property sought to be annexed, not petitioning, or the  
25 board of supervisors of the district, if not petitioning, shall have the right to file objections within  
26 fifteen days after the last publication of the notice herein provided for but not thereafter, setting  
27 out why said petition should not be granted. Such objection shall be limited to a denial of the  
28 statements in the petition and shall be heard and determined by the court as early and speedily  
29 as possible, at either a regular, adjourned or special term, and the court shall annex all lands and  
30 other property described in the petition that are found to be swamp, wet or overflow lands or  
31 lands subject to overflow, or lands having an outlet in common with lands in the district.

32 4. After such extension or extensions have been made, the board of supervisors of the  
33 district shall proceed to reclaim the lands and other property in the district as enlarged, by either

34 constructing and putting into force or completing the improvements set out in the plan for  
35 reclamation already adopted or to be adopted, or by formulating and adopting enlargements,  
36 additions and extensions to drains, channels, levees or other improvements in the plan already  
37 adopted, and thereafter the same shall be proceeded with in the same manner or as nearly as  
38 possible, as provided by sections 242.010 to 242.690.

39 5. Any petition filed under this section, all maps, profiles and reports of the chief  
40 engineer of such district, and records of the board shall be deemed prima facie evidence in all  
41 proceedings under this section as to all facts therein. The term "lying adjacent to the district" as  
42 used herein shall be construed by the courts to mean situate nearby or in the vicinity of any  
43 drainage district, or touching such district in part or in whole.

44 6. Any owner of lands or other property, or the board of supervisors, for and on behalf  
45 of the district, shall have the right to appeal from the finding or decree of the court extending or  
46 refusing to extend the boundary lines of such district, said appeal to be prosecuted the same as  
47 provided for appeals under the civil code.

48 7. The amendments contained herein are declared to be remedial in character, shall be  
49 liberally construed by the courts promptly and shall apply to districts already organized, in  
50 process of organization or to be hereafter organized by circuit courts of this state.

242.140. 1. The incorporation of every drainage district, heretofore or hereafter  
2 incorporated under and by virtue of the provisions of sections 242.010 to 242.690, shall be  
3 dissolved if, at any time before bonds are issued and negotiated to construct the works and  
4 improvements as provided by the plan of reclamation adopted by its board of supervisors, the  
5 owners of a majority of the acres of land within said drainage district petition the circuit court,  
6 wherein said drainage district was incorporated, for a dissolution thereof, provided, that upon  
7 the filing of any such petition, said circuit court shall, before dissolving said corporation  
8 ascertain and determine the amount of money in the treasury of, or owing to, said corporation,  
9 and the amount of all warrants issued and unpaid by it and the amount of the debts and other  
10 obligations owing by it; and, if said amount of money in the treasury and owing to said  
11 corporation, is in excess of the amount of said warrants, debts and other obligations, said circuit  
12 court shall order said warrants, debts and other obligations to be forthwith paid and discharged,  
13 and said excess divided among all the owners of land in said drainage district who paid the same  
14 thereto, in the proportions in which they paid the same; but, if said amount of money, in the  
15 treasury and owing to said corporation, is not sufficient to pay and discharge said warrants, debts  
16 and other obligations then said circuit court shall order said board of supervisors to levy and  
17 collect a uniform tax upon each and every acre of land within said drainage district, sufficient  
18 in amount to pay said deficiency, and to thereupon pay the same.

19           2. At any time during the corporate life of such drainage district, when all outstanding  
20 bonds shall have been paid and when all other indebtedness of said district shall have been paid  
21 or when there is sufficient money on hand to pay any and all outstanding indebtedness, and when  
22 there is sufficient money on hand to pay the costs and expenses of the dissolution of said  
23 corporation as herein provided, the board of supervisors may, and, on a petition of one-tenth of  
24 the landowners, owning one-tenth of the lands in said district, shall, call a meeting of the  
25 landowners in said district for the purpose of determining whether or not said district shall be  
26 dissolved and its corporate life terminated, first giving three weeks' notice of the object, purpose  
27 and place of such meeting by ~~notices printed~~ **notice published on the front page of the**  
28 **board's website, if it has one**, for three weeks successively ~~[in some newspaper or newspapers~~  
29 ~~printed and published in the county or counties in which said drainage district lies; provided,~~  
30 ~~however, that]~~ . **If the board does not have a website, notice shall be sent three weeks prior**  
31 **to the meeting to the secretary of state who shall publish such notice on the legal notices**  
32 **website, established pursuant to section 493.077, until the date of the meeting has passed.**  
33 Not more than one such meeting for purposes of dissolution shall be held each year.

34           3. If a majority of the landowners voting at said meeting and owning a majority of the  
35 acres of land in said district voting at said meeting vote in favor of the dissolution of the  
36 incorporation of said drainage district, the board of supervisors shall cause to be filed in the  
37 circuit court wherein said drainage district was incorporated, a petition setting out the facts: that  
38 there are no outstanding bonds of said district; that there is no other outstanding indebtedness  
39 of said district, or that there is sufficient money on hand to pay any outstanding indebtedness,  
40 as the case may be, and that there is sufficient money on hand to pay the cost and expenses of  
41 such dissolution; that due notice has been given or the clerk thereof in vacation shall cause notice  
42 to be given by ~~[publication in some newspaper printed and published in said county]~~ **notice**  
43 **published on the front page of the board's website, if it has one** for four successive weeks,  
44 the last publication being not less than fifteen days before the day to which said petition is made  
45 returnable, directed to the creditors, landowners and all persons interested, of the filing of said  
46 petition, its object and purpose, and ordering them to show cause, if any there be, on said first  
47 day, why said corporation should not be dissolved. **If the board does not have a website,**  
48 **notice shall be sent three weeks prior to the meeting to the secretary of state who shall**  
49 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
50 **until the date of the meeting has passed.**

51           4. If, upon a hearing of said petition, the court find the facts aforesaid and find that there  
52 are no outstanding debts and that there is sufficient money to pay the expenses of dissolution,  
53 it shall enter its order dissolving said corporation. If it find there is sufficient money on hand to  
54 pay all outstanding debts it shall order said debts paid and thereafter, on proper showing of their



11 Notice is hereby given to all persons interested in the following described land  
 12 and property in \_\_\_\_\_ County (or counties) Missouri (here describe land and  
 13 property) included within "\_\_\_\_\_ drainage district" that the commissioners  
 14 heretofore appointed to assess benefits and damages to the property and lands  
 15 situate in said drainage district and to appraise the cash value of the land  
 16 necessary to be taken for rights-of-way, holding basins and other works of said  
 17 district within or without the limits of said district, filed their report in this office  
 18 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and you and each of you are hereby  
 19 notified that you may examine said report and file exceptions to all or any part  
 20 thereof, as provided by law,

21 \_\_\_\_\_  
 22 Clerk of the circuit court of \_\_\_\_\_ County, Missouri.

23 ~~[provided, that where lands in different counties are contained in said report, the said notice shall~~  
 24 ~~be published in some newspaper in each county in which such lands so affected are situate, and~~  
 25 ~~it shall not be necessary to publish a list of all of said lands in each county, but only that part of~~  
 26 ~~same situate in the respective counties.]~~

242.310. 1. The board of supervisors for and in behalf of any drainage district, organized  
 2 under sections 242.010 to 242.690, may file a petition in the office of the clerk of the court  
 3 organizing said district, asking permission to amend or change the plan for reclamation. Said  
 4 petition shall specifically set forth the change or amendment desired and in case commissioners  
 5 have already appraised the values of lands to be taken for works set out in the plan for  
 6 reclamation sought to be amended and assessed the benefits and damages to the lands, said  
 7 petition shall ask for the appointment of three commissioners to appraise the land to be taken for  
 8 use in the district, assess benefits and damages accruing to the lands of and property affected by  
 9 the proposed amendment or change.

2. Upon the filing of the said petition the clerk of said circuit court shall cause a notice  
 11 to be given to all the owners of land and other property situated in said district. Said notice ~~shall~~  
 12 ~~be given by publication in some newspaper published in the county in which said district was~~  
 13 ~~organized and said notice]~~ may be in the following form, and shall be deemed sufficient for all  
 14 purposes herein:

15 State of Missouri )  
 16 ) ss.  
 17 County of \_\_\_\_\_ )

18 To the owners and all other persons interested in the land and corporate property  
 19 of \_\_\_\_\_ district of Missouri:



20 You, and each of you, are hereby notified that the \_\_\_\_\_ drainage district of  
 21 Missouri, by its board of supervisors, has filed in the office of the circuit clerk of  
 22 \_\_\_\_\_ County, Missouri, its petition praying said circuit court for permission  
 23 to amend or change (as the case may be) its plan for reclamation and unless you  
 24 show cause to the contrary on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the  
 25 prayer of said petition may be granted and said plan for reclamation may be  
 26 amended and changed accordingly, and commissioners appointed to appraise  
 27 property and to assess benefits and damages accruing to the lands or properties  
 28 affected by such changes.

29

30 \_\_\_\_\_  
 Clerk, Circuit Court \_\_\_\_\_ County.

31 Said notice shall be ~~[inserted once a week]~~ **published on the front page of the circuit court's**  
 32 **website, if it has one, for a period of two consecutive weeks** ~~[in some newspaper published in~~  
 33 ~~each county having lands in the district].~~ **If the circuit court does not have a website, notice**  
 34 **shall be sent to the 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 consecutive weeks.**

36 3. Any owner of land or property affected by the proposed change or amendment shall  
 37 have a right to file his **or her** objections to the granting of the prayer of said petition within ten  
 38 days after the last publication of the notice herein provided for. Said court shall hear said  
 39 petition and any objections that may be filed against said petition in a summary manner, and if  
 40 it should appear from the testimony offered that the objections should be sustained and that the  
 41 plan for reclamation should not be changed, or amended, then the court shall dismiss the petition.  
 42 But if it shall appear from the testimony offered that the prayer of said petition should be granted  
 43 in whole or in part, the court shall allow and decree such change, or amendment. The clerk of  
 44 said circuit court shall make a certified copy of such finding and judgment and furnish the same  
 45 to the secretary of the board of supervisors who shall preserve the same in his **or her** office.

46 4. At the same session of the court at which the plan for reclamation is amended,  
 47 changed or extended, the court may appoint three commissioners who shall possess the  
 48 qualifications defined in section 242.240, to view the lands and other property affected by such  
 49 change in the plan for reclamation and to assess said lands and property with the benefits and  
 50 damages accruing thereto on account of the execution of the plan for reclamation as changed or  
 51 amended, and said commissioners shall make a report to the court of their finding, after which  
 52 the same proceeding shall be had concerning said report as is now provided for hearing  
 53 objections to original reports appraising lands and assessing benefits and damages; provided, that  
 54 if said district shall have outstanding any bonds or other negotiable evidences of indebtedness,  
 55 any new assessment of benefit made in accordance with this section shall not diminish the total

56 amount of the unpaid assessed benefits in said districts more than ten percent, or below one  
 57 hundred and twenty-five percent, of the amount of the principal of such bond and other  
 58 negotiable certificates of indebtedness issued by said district.

242.485. 1. The board of supervisors may, if in their judgment it seems best, issue  
 2 additional bonds which do not exceed ninety percent of the amount of new taxes levied pursuant  
 3 to paragraph 2 of section 242.450. The funds derived from the sale of said bonds shall be used  
 4 only to pay the costs of replacing, repairing, and reconstructing the drainage works and  
 5 improvements called for and completed pursuant to the plan for reclamation originally adopted  
 6 by the board of supervisors.

7 2. The board of supervisors shall issue such additional bonds only if, at a meeting called  
 8 for such purpose, the issuance of the bonds obtains the approval of the owners of two-thirds of  
 9 the acreage in the district having benefits assessed against it. The owners of property within the  
 10 district shall vote at such meeting in the manner provided in sections 242.150 and 242.160.

11 3. Notice for the meeting referred to in paragraph 2 shall be in substantially the following  
 12 form:

13 NOTICE OF MEETING OF \_\_\_\_\_ DRAINAGE DISTRICT

14 Notice is hereby given to owners of land and other property in \_\_\_\_\_ drainage  
 15 district of Missouri that a meeting will be held on \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_  
 16 o'clock at \_\_\_\_\_ in \_\_\_\_\_ County for the purpose of approving the issuance  
 17 of bonds to finance the cost of replacing, repairing and reconstructing the  
 18 drainage works and improvements called for and contemplated in the plan for  
 19 reclamation originally adopted by the board of supervisors, and transacting such  
 20 further business as may come before said meeting. The meeting will be open to  
 21 the public.

22 Done by order of the Board of Supervisors this \_\_\_\_\_ day of  
 23 \_\_\_\_\_, 20\_\_\_\_\_.

24 \_\_\_\_\_  
 25 Secretary of the Board of Supervisors

26 4. The secretary shall cause the notice of the meeting to be published ~~[once a week]~~ **on**  
 27 **the front page of the board's website, if it has one,** for ~~[two]~~ **a period of three** consecutive  
 28 weeks ~~[in some newspaper published in each county in which lands of the district are situated,~~  
 29 ~~the last insertion to be at least ten days]~~ before the day of such meeting. **If the board does not**  
 30 **have a website, notice shall be sent at least three weeks before the date of the hearing to the**  
 31 **secretary of state who shall publish such notice on the legal notices website, established**  
 32 **pursuant to section 493.077, until the date of the meeting has passed.**

33           5. The bonds shall be issued in all other respects pursuant to and in accordance with the  
34 provisions of section 242.480.

242.696. 1. The board of supervisors of the major district shall, within ninety days after  
2 the service of a certified copy of petition upon the secretary of the major district at its office, by  
3 order of its board either agree to accept the petitioning district or to reject same under the  
4 provisions of sections 242.692 to 242.699. In either event, a certified copy of its action shall be  
5 filed by its secretary in the office of the clerk of the circuit court in which the petition is pending  
6 within twenty days after the board action.

7           2. In the event the action of the major district shall be to agree and accept the petition  
8 to annex minor district to major district, the clerk of the circuit court shall give notice of the  
9 filing of the petition and the acceptance thereof [~~by causing publication to be made once a week]~~  
10 **on the front page of the board of supervisor's website, if it has one, for a period of four**  
11 **consecutive weeks** [~~in some newspaper published in each county in which any lands or property~~  
12 ~~within the boundaries of the minor district shall be situate]. **If the board of supervisors does**~~  
13 **not have a website, notice shall be sent to the secretary of state who shall publish such**  
14 **notice on the legal notices website, established pursuant to section 493.077, for a period of**  
15 **four consecutive weeks.** Such notice need not contain the names of the owners of the lands and  
16 property, or descriptions of the tracts of land owned and property affected in the minor district,  
17 but it will be sufficient to describe the owners and lands as being all the owners of the lands and  
18 property embraced in the boundaries of the minor district petitioning; the notice shall also state  
19 the purpose of the petition by the minor district to the major district is to annex to the major  
20 district the minor district and that the petitioning minor district lands and property and owners  
21 will become a part of the major district which assumes all liabilities, and that the major district  
22 accepts the benefit assessments of the minor district as a basis of assessment of taxes thereafter,  
23 and in cases of overlaps of the districts, the combined benefits shall be added on each tract of  
24 land or property and the combined assessments of the minor and the major districts shall be the  
25 true benefit assessment for tax purposes hereafter; and if the petition is granted, the minor district  
26 shall become a part of the major district and the minor district shall cease to be as an  
27 organization. That any owner of land or other property against which benefits are assessed lying  
28 within the boundaries of the minor district petitioning to be annexed shall have the right to file  
29 objections in the office of the said circuit clerk within fifteen days but not after the last  
30 publication of notice which said date of filing objection shall be stated in said notice.

31           3. Objections so filed shall set out why petition should not be granted. Such objections  
32 shall be limited to a denial of the statements in the petition and should be heard and determined  
33 by the court as early and speedily as possible, at either a regular, adjourned or special term, and  
34 the court shall set such motions down for hearing at the earliest possible time, not later than

35 fifteen days after the time for filing same expires, and hear same speedily. If the court finds the  
36 statements in the petition and in the agreement and acceptance to be true, after due hearing, the  
37 said court shall by its judgment and decree annex the minor district to the major district reciting  
38 the facts in its judgment consistent with sections 242.692 to 242.699.

39 4. Upon rendition of the decree the clerk of the court shall cause a certified copy of the  
40 judgment and decree of the court to be served upon the secretary or any other officer of the minor  
41 district. The board of supervisors and its officers of the minor district shall thereupon proceed  
42 to deliver to the secretary of the board of the major district all of its books, records and supplies  
43 it has on hand, and the treasurer of said minor district shall forthwith deliver to the treasurer of  
44 the major district all of the moneys and property in his **or her** hands and charged up to him **or**  
45 **her**, taking the receipt of the secretary of the major district therefor, which shall terminate the  
46 existence of the minor district.

242.720. 1. The chief engineer appointed by the board of supervisors of any mine  
2 drainage district, as provided in section 242.220, shall make a survey of the lands, both surface  
3 and underground, within the district, and of all mineralized lands adjacent thereto that may or  
4 will be benefitted by such system of drainage, and report thereon in writing to the board of  
5 supervisors, with maps and profiles of such survey, showing the shafts, drifts, drill holes,  
6 underground excavations and underground watercourses, with plans for draining, dewatering and  
7 reclaiming such lands for mining purposes, together with designs and plans for the construction  
8 of a custom concentrating plant or plants and all necessary facilities in connection therewith,  
9 including also an estimate of the amount of ores and minerals available for mining from such  
10 lands upon completion and execution of such plans. Such report, or any modification thereof  
11 approved by the chief engineer shall be adopted by the board of supervisors as the plan for  
12 reclamation as provided in section 242.230.

13 2. On the filing and adoption of the plan for reclamation, the board of supervisors shall,  
14 by resolution, provide for the levy and collection of the taxes and charges hereinbefore and  
15 hereinafter provided for, including provisions for the increase thereof as provided for in section  
16 242.740, and shall give notice thereof by ~~causing~~ **posting** such resolution ~~[to be published once~~  
17 ~~a week]~~ **on the front page of the board's website, if it has one, for a period of two consecutive**  
18 ~~weeks [in some newspaper published in each county in which the said district or any part thereof~~  
19 ~~may be located].~~ **If the board does not have a website, the resolution shall be sent to the**  
20 **secretary of state who shall publish such resolution on the legal notices website, established**  
21 **pursuant to section 493.077, for a period of two consecutive weeks.**

22 3. Any owner of land within the district or adjacent thereto that may or will be benefitted  
23 by such plan for reclamation may, within ten days following the last day of publication of said

24 notice, file with the secretary of the board of supervisors, exceptions to such tax levies or  
 25 charges.

26 4. Thereupon the board of supervisors shall, within five days after the filing of such  
 27 exceptions, hear and determine the same, and in case any such landowner is not satisfied with  
 28 the determination of such exceptions by such board, he **or she** may file his **or her** exceptions in  
 29 the form of a petition in the circuit court by which the district was organized, and such court shall  
 30 hear and determine the same as provided in section 242.280.

31 5. The chief engineer shall keep a complete record of the drainage of said district and the  
 32 lands affected thereby and of the operation of such concentrating plant or plants, and shall file  
 33 a written report thereon from time to time as may be requested by the board of supervisors, but  
 34 at least once each year.

243.060. Immediately after the report of the viewers and engineer has been filed~~[- it will~~  
 2 ~~be the duty of]~~ the county clerk ~~[to]~~ **shall** cause notice thereof to be published ~~[in some~~  
 3 ~~newspaper published in the county wherein the proceedings are pending. Such notice shall be~~  
 4 ~~published once a week]~~ **on the front page of the clerk's website for a period of three**  
 5 ~~consecutive weeks[- three times, and]~~ . **If the county clerk does not have a website, notice**  
 6 **shall be sent to the secretary of state who shall publish such notice on the legal notices**  
 7 **website, established pursuant to section 493.077, for a period of three consecutive weeks.**  
 8 **Notice** shall be in substantially the following form:

9 NOTICE OF PENDENCY OF PETITION TO FORM DRAINAGE DISTRICT.  
 10 Notice is hereby given to all persons interested in the following described land  
 11 and other property in \_\_\_\_\_ County of Missouri (here describe the property as  
 12 set out in the petition and report of the viewers and engineer) that there has been  
 13 filed in this office a petition for the organization of a drainage district under the  
 14 provisions of chapter 243, RSMo, that the duly appointed viewers and engineer  
 15 have made and filed their report in this office, and that the lands and other  
 16 property as above described will be affected by the formation of the proposed  
 17 drainage district and be rendered liable to taxation for the purpose of paying the  
 18 expenses of organizing and incorporating the district and making and maintaining  
 19 the improvements that may be found necessary to drain, protect and reclaim the  
 20 lands and other property therein and you and each of you are hereby notified that  
 21 you may examine the said petition and report and file exceptions to all or any part  
 22 thereof as provided by law.

23 \_\_\_\_\_  
 24 Clerk of the county commission of \_\_\_\_\_ County,  
 25 Missouri.

243.110. Upon the filing of the report of the viewers and engineer, the clerk shall immediately give notice of the filing thereof, by publication ~~[in some newspaper published in the county wherein the proceeding is pending. Such notice shall be published]~~ **on the front page of its website, if it has one, for a period of three successive weeks**~~[, three times, and]~~ . **If the clerk does not have a website, notice shall be sent to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077, for a period of three successive weeks.** Notice shall be substantially in the following form, to wit:

NOTICE OF FILING OF VIEWERS' REPORT IN DRAINAGE DISTRICT

NO. \_\_\_\_\_ OF \_\_\_\_\_ COUNTY, MISSOURI.

Notice is hereby given to all persons interested in the following described land and other property included within drainage district No. \_\_\_\_\_ of \_\_\_\_\_ County, Missouri (here describe land and other property), that the viewers heretofore appointed to establish the precise location of the improvements, to assess benefits and damages to the property and lands situate in said drainage district and to appraise the cash value of land necessary to be taken for rights-of-way and other works of said district within or without the limits of said district, filed their report in this office on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and you and each of you are hereby notified that you may examine said report and file exceptions to all or any part thereof, as provided by law.

\_\_\_\_\_  
Clerk of the county commission of \_\_\_\_\_ County,  
Missouri.

243.160. 1. The county commission for and on behalf of a drainage district shall have full power and authority to build, construct, excavate and complete all or any works and improvements which may be needed to complete the improvements located, described and set forth in the duly confirmed report of the viewers and engineer.

2. To accomplish that end the said county commission is hereby authorized and empowered to employ men and teams and to rent or purchase machinery, employ men to operate same and directly have charge of and construct the works and improvements, or by the use of other or more efficient means than provided for in the plans adopted.

3. ~~[They]~~ **The commission** may, in their discretion, let the contract for such works and improvements either as a whole or in sections. The county commission shall fix the time and place of letting contracts for the construction of the improvements, and cause notice thereof, containing a description of the work to be let, to be given by the clerk of the county commission, by publication ~~[in three consecutive issues of some weekly newspaper of general circulation, published in the county, and by at least one insertion in some suitable contractor's or trade~~

15 ~~journal, the last insertion to be at least ten]~~ **on the front page of the commission's website, if**  
 16 **it has one, for a period of thirty-one** days before the day of letting. **If the commission does**  
 17 **not have a website, notice shall be sent thirty-one days before the day of letting to the**  
 18 **secretary of state who shall publish such notice on the legal notices website, established**  
 19 **pursuant to section 493.077, until the day of letting has passed.**

243.220. 1. When any ditches or other improvements constructed under this chapter  
 2 need to be enlarged, cleaned out, obstructions removed therefrom or new work done, five or  
 3 more of the owners of land originally assessed for the construction of any such ditches, or other  
 4 improvements, may file a statement in writing with the county clerk setting forth such necessity.

5 2. Upon the filing of such statement, it shall be the duty of the county commission, at its  
 6 next meeting thereafter, to direct the district engineer, or an engineer of their selection, as the  
 7 case may be, to proceed at once to view the premises and to make a report to the commission in  
 8 writing of the repairs and improvements necessary to be made and the probable cost of making  
 9 such improvements as will restore the said ditch, drain or levy to an efficient condition.

10 3. It shall be the duty of the county commission to forthwith consider said report and if  
 11 the commission finds that the improvements, or any of them, recommended in said report should  
 12 be made, it shall direct the district engineer, or an engineer of their selection, as the case may be,  
 13 to proceed with all due diligence in the making of such repairs and improvements, directing such  
 14 engineer to purchase such supplies and employ such labor as may be necessary to accomplish  
 15 such repairs and improvements and make an itemized report to the county commission in that  
 16 behalf, all of which shall be paid out of the maintenance fund of that district.

17 4. If it shall be found by the county commission that repairs and improvements are  
 18 necessary to be made at a cost in excess of the money available from the maintenance fund, then  
 19 ~~[it should be the duty of]~~ the county commission ~~[to]~~ **shall** direct such repairs or improvements  
 20 to be made as may be necessary and can be paid out of the maintenance fund and to cause the  
 21 clerk thereof to set the hearing of the matter of the levying of an additional tax for such  
 22 improvements as cannot be made out of the maintenance fund, for hearing on the first day of the  
 23 next regular term of the county commission ~~[and to]~~ . **The clerk shall** give notice of such  
 24 hearing by publication ~~[in three issues of some weekly newspaper published in the county, the~~  
 25 ~~last insertion to be prior to the day set for the hearing, which said]~~ **on the front page of the**  
 26 **commission's website, if it has one, for a period of three weeks. If the commission does not**  
 27 **have a website, notice shall be sent to the secretary of state who shall publish such notice**  
 28 **on the legal notices website, established pursuant to section 493.077, for a period of three**  
 29 **weeks.** Notice may be in the following form:

30 Notice is hereby given to the landowners of drainage district No. \_\_\_\_\_ of  
 31 \_\_\_\_\_ County, Missouri, that a statement has been filed with the undersigned

32 clerk by five or more landowners of said district, alleging that the ditches or other  
 33 improvements of said district, should be enlarged, cleaned out, have obstructions  
 34 removed, or new work done and that the district engineer has viewed the  
 35 premises and reported to the county commission the necessity for repairs and  
 36 improvements in excess of the money available from the maintenance fund and  
 37 that said statement and report of the engineer has been set down for hearing on  
 38 the first day of the next \_\_\_\_\_ term of the county commission and unless good  
 39 cause to the contrary be shown, the county commission will make an order  
 40 requiring the district engineer, or an engineer of their selection, as the case may  
 41 be, to cause said ditches to be enlarged, cleaned out, obstructions removed  
 42 therefrom and new work done as may be determined by the commission and the  
 43 cost of said work will be divided pro rata according to the original assessment of  
 44 benefits against the lands included in such drainage district.

45 \_\_\_\_\_  
 46 Clerk of the county commission of \_\_\_\_\_ County,  
 47 Missouri.

243.460. 1. When ~~[such]~~ a petition shall have been filed **pursuant to section 243.450**  
 2 in the office of the clerk of the circuit court of the county wherein lies the greatest number of  
 3 acres in the proposed consolidated district, the clerk shall immediately cause **notice** to be  
 4 published ~~[in some newspaper in each county having lands in the proposed district]~~ **on the front**  
 5 **page of the circuit court's website, if it has one, for a period of three consecutive weeks**~~;~~  
 6 ~~three times, a notice,]~~ . **If the circuit court does not have a website, notice shall be sent to**  
 7 **the secretary of state who shall publish such notice on the legal notices website, established**  
 8 **pursuant to section 493.077, for a period of three consecutive weeks. Notice shall be in**  
 9 substantially ~~[in]~~ the following form:

10 To all persons owning or interested in any lands in drainage districts numbered  
 11 \_\_\_\_\_, \_\_\_\_\_ County, Missouri:  
 12 Notice is hereby given to all persons owning or interested in any lands in  
 13 drainage districts Nos. \_\_\_\_\_, \_\_\_\_\_ County, Missouri, that a petition has been  
 14 filed in my office asking that the aforesaid districts be consolidated into one  
 15 district, and adjudged a public corporation to continue as such for a term of  
 16 \_\_\_\_\_ years, under the name of "Consolidated Drainage District No. \_\_\_\_\_ of  
 17 \_\_\_\_\_ County, Missouri", and that said petition will be heard on the \_\_\_\_\_ day  
 18 of \_\_\_\_\_, 20\_\_\_\_.

19 \_\_\_\_\_  
 20 Clerk of the circuit court of \_\_\_\_\_ County, Missouri.



21           2. The circuit court of the county in which said petition has been filed shall thereafter,  
22 for all purposes of this chapter, have and maintain original and exclusive jurisdiction coextensive  
23 with the boundaries and limits of said district without regard to county lines.

          243.550. Whenever the owners of twenty-five percent or more of the acreage of the lands  
2 in the district shall file a petition with the county commission stating that there has been a  
3 material change in the values of the property in the district since the last previous assessment of  
4 benefits or readjustment of the assessment of benefits and praying for a readjustment of the  
5 assessment of benefits for the purpose of making a more equitable basis for the levy of the  
6 maintenance tax or for the purpose of levying a new tax to pay the costs of the completion of the  
7 proposed works and improvements as shown in any supplemental plan for reclamation, or for  
8 both of the aforesaid purposes, the county commission shall give notice of the filing and hearing  
9 of the petition by posting such notice in a prominent place in the court house and by publication  
10 ~~[in a newspaper of general circulation in the county once a week for at least four consecutive~~  
11 ~~weeks, the last insertion to be at least fifteen days prior to the hearing of the petition]~~ **on the**  
12 **front page of the commission's website, if it has one, for a period of six weeks. If the**  
13 **commission does not have a website, notice shall be sent six weeks prior to the date of the**  
14 **hearing to the secretary of state who shall publish such notice on the legal notices website,**  
15 **established pursuant to section 493.077, until the date of the hearing has passed.** The notice  
16 may be in the following form:

17           Notice is hereby given to all persons interested in the lands and property included  
18 within the \_\_\_\_\_ district that a petition has been filed in the office of the county  
19 commission of \_\_\_\_\_ County, \_\_\_\_\_, praying for a readjustment of the  
20 assessment of benefits for the purpose(s) of \_\_\_\_\_, and that the petition will be  
21 heard by the county commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

22 \_\_\_\_\_  
23 Clerk of \_\_\_\_\_ County

24 Upon hearing of the petition if the county commission finds that there has been a material change  
25 in the values of property in the district since the last previous assessment of benefits, the county  
26 commission shall order that there be made a readjustment of the assessment of benefits for the  
27 purpose of providing a basis upon which to levy the maintenance tax of the district or for the  
28 purpose of levying a new tax to pay the costs of the completion of the proposed works and  
29 improvements as shown in any supplemental plan for reclamation, or for both of the aforesaid  
30 purposes.

          245.020. 1. After such articles of association shall have been filed, the clerk in whose  
2 office the articles of association have been filed shall ~~[give]~~ **publish** notice ~~[by causing~~  
3 ~~publication to be made once in some newspaper published in each county in which the land and~~

4 ~~other property of the district are situate. Such notice shall be published]~~ **on the front page of**  
 5 **the circuit clerk's website, if it has one,** within fourteen days of filing of the articles~~[, and] .~~  
 6 **If the circuit clerk does not have a website, notice shall be sent within fourteen days of**  
 7 **filing of the articles to the secretary of state who shall publish such notice on the legal**  
 8 **notices website, established pursuant to section 493.077.** The notice shall be substantially in  
 9 the following form and it shall be deemed sufficient for all purposes of sections 245.010 to  
 10 245.280:

11 NOTICE OF APPLICATION TO FORM LEVEE DISTRICT.

12 Notice is hereby given to all persons interested in the following described real  
 13 estate and other property in \_\_\_\_\_ County of Missouri (here describe the  
 14 property as set out in the articles of association) that articles of association asking  
 15 that the foregoing lands and other property be formed into a levee district under  
 16 the provisions of sections 245.010 to 245.280, RSMo, have been filed in this  
 17 office, and the foregoing real estate and other property will be affected by the  
 18 formation of said levee district and be rendered liable to taxation for the purposes  
 19 of paying the expenses of organizing and making and maintaining the  
 20 improvements that may be found necessary to effect the leveeing and reclamation  
 21 of the land and other property in said district, and you and each of you may file  
 22 objections or exceptions to said articles of association and petition on or before  
 23 the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in this office, but not thereafter, if any  
 24 there be, why said levee district as set forth in the articles of association shall not  
 25 be organized as a public corporation of the state of Missouri.

26 \_\_\_\_\_,  
 27 Clerk of circuit court of \_\_\_\_\_ County.

28 The circuit court of the county in which said articles of association have been filed shall  
 29 thereafter maintain and have original and exclusive jurisdiction coextensive with the boundaries  
 30 and limits of said district without regard to county lines, for all purposes of this law; provided,  
 31 that where lands in different counties are sought to be incorporated in the same district, it shall  
 32 not be necessary to include all of the lands in said proposed levee district in the notice published  
 33 in the different counties, but only such lands and other property in the district as are situate in  
 34 the respective counties.

35 2. Within fourteen days of the filing of the articles, those petitioning for the creation of  
 36 the district shall mail, by certified mail, a copy of the notice contained in this section to the  
 37 names as listed on the county assessor's records of the owners of land identified in the petition  
 38 or other individual or corporate franchise property in the district identified in the petition,  
 39 including all public entities owning land within the district.

245.060. 1. Within thirty days after any levee district shall have been organized and incorporated under the provisions of section 245.025 the circuit clerk of the court organizing such district shall~~], upon giving notice by causing publication to be made once a week for two consecutive weeks in some newspaper published in each county in which lands of the district are located, the last insertion to be at least ten days before the day of such meeting,]~~ call a meeting of the owners of real estate or other property located in such district, including the authorized representative of any corporation which owns real estate or other property located in such district~~], at a day and hour specified in some public place in the county in which the district was organized,]~~ for the purpose of electing a board of five supervisors, to be composed of owners of real estate in the district, which may include the authorized representative of any corporation which owns real estate or other property in the district, two of whom at least shall be residents of the county or counties in which the district is located, or some adjoining counties[;] .

2. **Notice of the meeting called pursuant to subsection 1 of this section shall be published on the front page of the court's website, if it has one, for a period of twenty-four days prior to the meeting. If the court does not have a website, notice shall be sent twenty-four days prior to the meeting to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077, until the date of the meeting has passed. Such notice shall specify a day, hour, and location in some public place in the county in which the district was organized at which the meeting shall take place.**

3. The landowners, when assembled, shall organize by the election of a chairman and secretary of the meeting, who shall conduct the election; at such election each and every acre of land and each and every mile of right-of-way of every corporation owning a franchise in the district shall represent one share, and each owner shall be entitled to one vote in person or by proxy for every acre of land or mile of right-of-way owned by him or her in such district, and the five persons receiving the highest number of votes shall be declared elected as supervisors; and the supervisors shall immediately by lot determine the terms of their office, which shall be respectively one, two, three, four and five years, and they shall serve until their successors shall have been elected and qualified; provided, that if the levee district be located wholly within a third or fourth class city of this state, or within any city in this state under fifty thousand population operating under a special charter then the owner of each lot, tract, parcel or subdivision thereof, as set forth in the final decree of the court creating and incorporating such levee district, shall be entitled to one vote, in person or by 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 of said circuit court shall give notice thereof ~~[by causing publication to be made once in some newspaper published in each county in the district]~~ **on the front page of the circuit court's website, if it**

4 **has one. If the circuit court does not have a website, notice shall be sent to the secretary**  
 5 **of state who shall publish such notice on the legal notices website, established pursuant to**  
 6 **section 493.077.** It shall not be necessary for said clerk to name the parties interested, but it shall  
 7 be sufficient to say:

8 NOTICE FOR FILING OF COMMISSIONERS' REPORT

9 For \_\_\_\_\_ Levee District.

10 Notice is hereby given to all persons interested in the following described land  
 11 and property in \_\_\_\_\_ County (or counties), Missouri (here describe land and  
 12 property), included within " \_\_\_\_\_ levee district" that the commissioners  
 13 heretofore appointed to assess benefits and damages to the property and lands  
 14 situated in said levee district and to appraise the cash value of the land necessary  
 15 to be taken for rights-of-way, and other works of said district within or without  
 16 the limits of said district, filed their report in this office on the \_\_\_\_\_ day of  
 17 \_\_\_\_\_, 20 \_\_\_\_\_, and you, and each of you, are hereby notified that you may  
 18 examine said report and file exceptions to all or any part thereof, as provided by  
 19 law.

20 \_\_\_\_\_,  
 21 Clerk of the circuit court of \_\_\_\_\_ County, Missouri.

22 ~~[Provided, that where lands in different counties are contained in said report, the said notice shall~~  
 23 ~~be published in some newspaper in each county in which such lands so affected are situate, and~~  
 24 ~~it shall not be necessary to publish a list of all of said lands in each county, but only that part of~~  
 25 ~~same situate in the respective counties.]~~

26 **2.** The commissioners shall mail, by certified mail, a copy of the notice contained in this  
 27 section to the parties contained in subsection 2 of section 245.020 within one week of filing the  
 28 report.

245.140. 1. The board of supervisors for and in behalf of any levee district organized  
 2 under the provisions of sections 245.010 to 245.280, or the owners of land adjacent to such  
 3 district, shall have the right to file a petition in the office of the clerk of the court organizing the  
 4 district praying the court to amend its former decree incorporating the district, by correcting the  
 5 names of landowners, by striking out any such names, by adding, striking out or correcting the  
 6 descriptions of any lands within or alleged to be within the boundary lines of any such district,  
 7 or in any other manner amend its decree; said petition may ask permission of the court for said  
 8 board to amend or change the plan for reclamation, or to correct any errors, omissions or other  
 9 mistakes that have been discovered in the plan for reclamation, or said petition may ask that the  
 10 boundary lines of said district be extended so as to include lands not described by and included  
 11 in the articles of association filed and the decree of the court incorporating the district. If such

12 petition asks the court permission to change the plan for reclamation or that the boundary lines  
 13 of such district be in any manner changed, it shall also ask the court to appoint three  
 14 commissioners as provided for under the provisions of section 245.110 to appraise the land that  
 15 shall be taken for rights-of-way or other works, or assess the benefits and damages to any or all  
 16 lands, railroad and other property already in the district or that may be annexed to the district by  
 17 the proposed amendments, and changes to the plan for reclamation or the proposed change in the  
 18 boundary lines of said district.

19 2. After said petition shall have been filed, the court wherein said petition is filed, if in  
 20 session, or the clerk thereof in vacation, shall fix the date, not less than forty-five nor exceeding  
 21 sixty days from the date of filing of said petition, on or before which objections, if any, shall be  
 22 filed to said petition~~[, and]~~ . The clerk shall give notice of the filing of said petition and of the  
 23 date on or before which objections, if any, to said petition~~[, and the clerk shall give notice of the~~  
 24 ~~filing of said petition]~~ and of the date on or before which objections, if any, to said petition shall  
 25 be filed by ~~[causing]~~ publication ~~[to be made once a week]~~ **on the front page of the court's**  
 26 **website, if it has one, for a period of** four consecutive weeks ~~[in some newspaper published in~~  
 27 ~~each county in which are situate the land and other property affected by the proposed changes,~~  
 28 ~~amendments and corrections mentioned in said petition, the first insertion to be made]~~ not more  
 29 than fourteen days after the date on which the petition was filed. **If the court does not have a**  
 30 **website, notice shall be sent, not more than fourteen days after the date on which the**  
 31 **petition was filed, to the secretary of state who shall publish such notice on the legal notices**  
 32 **website, established pursuant to section 493.077, until the date on which objections shall**  
 33 **be filed.** Said notice shall be substantially in the following form and it shall be deemed  
 34 sufficient for all purposes of sections 245.010 to 245.280:

35 NOTICE OF LEVEE HEARING

36 To the owners and all persons interested in the lands, corporate and other  
 37 property in and adjacent to " \_\_\_\_\_ levee district".

38 You, and each of you, are hereby notified that a petition has been filed in this  
 39 office praying the circuit court of \_\_\_\_\_ County for permission to (here insert  
 40 the prayer of said petition with the lands mentioned therein and the names of the  
 41 owners thereof), and you, and each of you, may file objections to the prayer of  
 42 said petition, on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in this office,  
 43 but not thereafter, if any there be, why the prayer of said petition should not be  
 44 granted.

45 \_\_\_\_\_,  
 46 Clerk of circuit court of \_\_\_\_\_ County, Missouri.

47           3. Where lands or other property in different counties will be affected by the proposed  
48 changes, amendments and corrections enumerated in the said petition, it shall not be necessary  
49 to include all the said lands or other property in the notice published in the different counties, but  
50 only such of said lands and other property as are situated in the respective counties. Any owner  
51 of land or other property that will be affected by the proposed changes, amendments and  
52 corrections mentioned in the petition, may on or before the date fixed and published as above  
53 provided, file objections in the court or if in vacation thereof, in the office of the clerk of such  
54 court wherein the said petition is filed, to the granting of the prayer of the said petition; provided,  
55 that the court may in vacation or term time extend the time upon terms. The court shall hear said  
56 petition and all objections that may have been filed against said petition in a summary manner  
57 without unnecessary delay, and enter its decree according to its findings.

58           4. The clerk of said court shall, within fifteen days after the granting of such decree,  
59 transmit a certified copy of said decree and a copy of the petition to the secretary of the board  
60 of supervisors, who shall transmit a copy of the same to each of the recorders of deeds of the  
61 counties having land in the district and to the secretary of state. Each such recorder shall file and  
62 preserve the same in his **or her** office, and for such filing and preserving he **or she** shall receive  
63 a fee of one dollar.

64           5. If said decree of the court provides that the plan for reclamation may be amended,  
65 changed or corrected or the boundary lines of the district extended, the court shall appoint three  
66 commissioners, possessing the same qualifications as the commissioners appointed under the  
67 provisions of section 245.110, to appraise property to be taken, assess benefits and damages and  
68 estimate the cost of improvements the same as is required of commissioners acting under the  
69 provisions of section 245.120. Said commissioners shall make their report in writing and file the  
70 same with the circuit clerk, after which the case shall be proceeded with in the same manner as  
71 is now provided for in sections 245.010 to 245.280 for the organization of levee districts;  
72 provided, that if the petition be dismissed the district shall pay the cost, but if the petition be  
73 sustained in whole or in part, the objectors shall pay the court costs. In case the benefits and  
74 damages have been assessed on the land and other property remaining in the district and the court  
75 finds the same will not be altered by either the change in the boundary line or change in the plan  
76 for reclamation, the court shall not appoint commissioners to make assessments.

245.181. 1. The board of supervisors may, if in their judgment it seems best, issue  
2 additional bonds which do not exceed ninety-one percent of the amount of new taxes levied  
3 pursuant to paragraph 2 of section 245.180. The funds derived from the sale of said bonds shall  
4 be used only to pay the costs of replacing, repairing, and reconstructing the works and  
5 improvements called for and completed pursuant to the plan for reclamation originally adopted  
6 by the board of supervisors.



9 **has passed.** The commission shall **additionally** mail, by certified mail, a copy of the notice of  
10 the intention to form a district to the names listed on the county assessor's records of the owners  
11 of land or other individual or corporate franchise property in the district, including all public  
12 entities owning land within the district.

245.320. 1. Any such levee district now existing but not organized under sections  
2 245.285 to 245.545 may become organized under sections 245.285 to 245.545, and when so  
3 organized hereunder, shall be entitled to the benefit of all of the provisions of sections 245.285  
4 to 245.545 in the following manner: Upon the presentation of a petition of not less than ten  
5 resident landowners whose lands are taxed in such district proposing to reorganize, or if such  
6 district shall be composed of lands lying in more than one county, then upon the presentation of  
7 a petition of ten such resident taxed landowners, from each of the counties in which the lands in  
8 such district are situate, to the board of directors, supervisors or managers of such district (by  
9 whatever name they may be known) requesting the submission to an election of the question of  
10 a change of organization, such board of directors shall enter upon the record of the district  
11 proposing to change its organization, the fact of the presentation of the petition, the object  
12 thereof, and the names and residences of the petitioners requesting that such election be held;  
13 such board of directors, if a majority thereof are in favor of such change, shall make an order that  
14 the question of such proposed change shall be submitted to a vote of the landowners.

15 2. A certified copy of the record of the board of directors, together with a true certified  
16 copy of the petition of the landowners, shall be presented to the county commission of the county  
17 in which such district is situated, at some regular term thereof, or to each of the county  
18 commissions of the counties composing such district, if there be more than one county therein.  
19 Upon the receipt of the record at any regular term the county commission, or commissions, shall  
20 make an order that an election be held in the district, or in each county in the district, if there be  
21 more than one county, for the purpose of voting upon the question of the proposed change. This  
22 election shall be held not more than sixty days after the same shall be ordered. No one shall be  
23 a qualified voter at such election unless his or her name shall appear as an assessed landowner  
24 upon the current tax books of the district. Each such landowner shall be entitled to cast as many  
25 votes as he or she shall have acres of land assessed for taxation in the district as shown by the  
26 said tax books of the district. Voters may vote in person or by proxy; provided, that all proxies  
27 shall be in writing and acknowledged as deeds of conveyance are required to be acknowledged.  
28 The election shall be held at the county seat of the county or counties composing the district, but  
29 the same need not be held on the same day in each county, if there be more than one.

30 3. **(1)** Four judges and two clerks of election shall be appointed for each county in the  
31 district by the board of directors of the district seeking the change of organization, by and with  
32 the consent of the county commission.



33           (2) Notice of said election shall be given by publication [~~in some newspaper published~~  
34 ~~in the county in which the election is held for at least four insertions prior to the holding of the~~  
35 ~~same]~~ **on the front page of the election authority's website, if it has one, for a period of four**  
36 **weeks prior to the election. If the election authority does not have a website, notice shall**  
37 **be sent four weeks prior to the election to the secretary of state who shall publish such**  
38 **notice on the legal notices website, established pursuant to section 493.077, until the date**  
39 **of the election has passed.**

40           (3) The judges and clerks of election shall be sworn in the manner now required by law  
41 for the holding of municipal elections. The judges and clerks of election shall certify to the  
42 county commission of the county wherein such election was held the result thereof, which  
43 certificates shall show the votes for and against the proposed change of organization.

          245.395. [~~Said~~] **The board of directors shall, at their first meeting after the expiration**  
2 **of one year from date of their organization, and annually thereafter make and publish** [~~in some~~  
3 ~~newspaper published in the county composing the levee district, and when composed of two or~~  
4 ~~more counties, then in each county lying in such district,]~~ **a full and complete statement of the**  
5 **amount and kind of levee work done in the district, with amount of money collected and**  
6 **disbursed during the preceding year, showing from what officer and what account any money has**  
7 **been received, and to what individuals and on what account any money has been paid, and shall**  
8 **strike a balance showing a deficit, if any, or the balance in the treasury, if any. Such statement**  
9 **shall be published on the front page of the board's website, if it has one. If the board does**  
10 **not have a website, the statement shall be sent to the secretary of state who shall publish**  
11 **such statement on the legal notices website, established pursuant to section 493.077.**

          245.460. Said assessment book shall be made out by the assessors of their respective  
2 counties in the levee district, and a fair copy thereof shall be returned to the president of the  
3 board of directors of the levee district in which the assessments have been made, at the same  
4 time assessors are required, under the general revenue laws of the state, to make out and return  
5 to the county commission a copy of the assessor's book for state and county taxes, and shall file  
6 the original assessment book in the office of the clerk of the county commission of the county  
7 in which the assessment is made. Upon the filing of the copy or copies of the assessment book,  
8 as required by this section, the board of directors shall call a meeting of the landowners of said  
9 levee district at some place convenient to some part of said work or contemplated work, and shall  
10 give at least thirty days' notice of the time and place of said meeting and the purpose thereof, by  
11 **publication of advertisement** [~~in some newspaper published in the county composing the levee~~  
12 ~~district, and when lying in two or more counties, then in some newspaper published in each of~~  
13 ~~said counties]~~ **on the front page of the board's website, if it has one. If the board does not**  
14 **have a website, notice shall be sent thirty days prior to the meeting to the secretary of state**

15 **who shall publish such notice on the legal notices website, established pursuant to section**  
16 **493.077, until the date of the meeting has passed.** At such meeting the board of directors shall  
17 submit the reports, specifications, surveys, maps, profiles and estimates made by the engineers,  
18 together with the assessments, as returned by the county assessors, to said meeting for action, and  
19 requiring the owners of said lands and the holders of any lien thereon to show cause at said  
20 meeting why said lands should not be assessed with their proportional part of said work.

246.070. 1. Whenever authorized by the owners of two-thirds of the acreage in any  
2 drainage or levee district heretofore or hereafter organized or reorganized under any of the  
3 drainage or levee laws of this state at a meeting called for the purpose and in the manner set out  
4 in section 246.090, by ballot wherein each acre owner shall be entitled to one vote, the board of  
5 supervisors may issue tax anticipation warrants bearing not to exceed six percent interest per  
6 annum, which shall be payable from one to not exceeding four years from date of issuance, both  
7 interest and principal payable out of the maintenance fund of the district.

8 2. ~~[In addition to the procedure provided in subsection 1 of this section, the board of~~  
9 ~~supervisors of a levee or drainage district in a county which has been declared a disaster area by~~  
10 ~~declaration of the President of the United States during 1993 or 1995, may elect to issue tax~~  
11 ~~anticipation notes following a public meeting for which notice has been given of at least two~~  
12 ~~weeks in a newspaper meeting the requirements of subsection 2 of section 246.090, and after~~  
13 ~~vote of the landowners of the district. Notwithstanding the provisions of subsection 2 of section~~  
14 ~~246.090 to the contrary, the board may issue the notes following a vote of at least two-thirds of~~  
15 ~~the votes cast by landowners present at the public meeting in favor of issuing the notes. The~~  
16 ~~notes may be issued by the board bearing an interest rate not to exceed six percent per annum,~~  
17 ~~which shall be payable from one to not more than four years from the date of issuance.~~

18 ~~3. In addition to the procedures provided in subsections 1 and 2 of this section, the board~~  
19 ~~of supervisors of any levee or drainage district in a county in this state which has been declared~~  
20 ~~a disaster area by declaration of the President of the United States during 1993 or 1995, may~~  
21 ~~upon a vote of the majority of the members of the board at a public meeting of which public~~  
22 ~~notice has been given of at least two weeks, borrow funds for the use of the district and may~~  
23 ~~issue negotiable notes in evidence thereof, payable out of anticipated revenues to be derived from~~  
24 ~~assessments, benefits or other levee or drainage district revenues, for any year or immediately~~  
25 ~~following year in which the notes are issued. The notes may be issued at any time and from time~~  
26 ~~to time, and shall be issued according to law unless otherwise provided in this section. Notes~~  
27 ~~issued pursuant to this subsection shall be issued by the board bearing an interest rate not to~~  
28 ~~exceed six percent per annum, which shall be payable from one year from the date of issuance.~~  
29 ~~A separate note shall be issued to evidence the borrowing for the benefit of the district and, if~~

30 ~~applicable, any funds of the district. All revenues raised by levee districts or drainage districts~~  
 31 ~~shall not be considered as taxes pursuant to the laws of this state.~~

32 ~~———4.]~~ Notwithstanding the provisions of section 246.080 or other statutory provisions  
 33 regarding the issuance of tax anticipation notes to the contrary, the aggregate outstanding  
 34 principal amount of the notes issued under the provisions of subsection 2 or 3 of this section in  
 35 any period subject to this section for the use of the levee or drainage district may be up to but  
 36 shall not exceed the amount necessary to repair levees damaged by a natural disaster that  
 37 occurred in 1993 or 1995, including but not limited to the amount necessary to secure federal  
 38 matching funds for the levee or drainage district. No amount of tax anticipation notes issued by  
 39 a levee or drainage district shall be included in any debt ceiling computation required by current  
 40 law except that the district may not issue more than the amount necessary to repair levees  
 41 damaged by a natural disaster that occurred in 1993 or 1995, including but not limited to the  
 42 amount necessary to secure federal matching funds for the levee or drainage district.

43 ~~[5-]~~ 3. The clerk or secretary of the board, or if none, the presiding officer of the board,  
 44 shall certify on the back of each note that the note is issued pursuant to authority granted in this  
 45 section, and list the aggregate principal amount of all prior notes issued against the district which  
 46 are unpaid at the date of the note's issuance.

47 ~~[6. Authority to issue notes pursuant to subsection 2 or 3 of this section shall terminate~~  
 48 ~~January 1, 1998.]~~

246.090. 1. Whenever the board of supervisors at a regular or special meeting deems  
 2 it expedient and necessary for the best interest of the district that tax anticipation warrants be  
 3 issued for the purposes stated in section 246.080, they shall enter in the minutes of the meeting  
 4 an order setting forth the expediency and necessity directing the secretary to draw up a notice  
 5 which shall be substantially in the following form:

6 Notice to landowners in \_\_\_\_\_ drainage district. All landowners in \_\_\_\_\_  
 7 drainage district are hereby notified that a meeting of such will be held on the  
 8 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, \_\_\_\_\_ o'clock, at \_\_\_\_\_ for the purpose of  
 9 voting on the proposition of authorizing the board of supervisors to issue tax  
 10 anticipation warrants, bearing \_\_\_\_\_ percent interest. The warrants to be used  
 11 for the purpose of \_\_\_\_\_ for \_\_\_\_\_ dollars, payable as follows: \_\_\_\_\_  
 12 By order of the board of supervisors.

13 \_\_\_\_\_  
 14 Secretary.

15 2. The secretary shall cause the notice to be published ~~[by three weekly insertions in~~  
 16 ~~some newspaper in the county containing the district or the greatest portion thereof, or in some~~  
 17 ~~adjoining county if none in containing county, the last insertion to be not less than ten days~~

18 ~~before the date set]~~ **on the front page of the board's website, if it has one, for a period of**  
19 **thirty-one days prior to the date set by the board. If the board does not have a website,**  
20 **notice shall be sent thirty-one days prior to the date set by the board to the secretary of**  
21 **state who shall publish such notice on the legal notices website, established pursuant to**  
22 **section 493.077, until the date set by the board has passed.** The publisher shall file proof of  
23 publication with the secretary before the day set for meeting. Upon filing of the proof by the  
24 secretary, the notice shall be conclusively deemed sufficient and legal notice of publication  
25 thereof. At the day set each landowner may cast one vote for each acre or fraction thereof owned  
26 by him **or her** for or against the proposition of issuing the warrants as set out in the notice. If  
27 two-thirds of the acres in the district are voted for the proposition, then the tellers shall so certify  
28 to the board, and the board shall make an order to the secretary to duly enter the results in the  
29 records of the district. Thereafter the board shall proceed to issue the authorized tax anticipation  
30 warrants as authorized.

246.160. 1. The board of supervisors of any drainage or levee district heretofore  
2 organized or that may be hereafter organized in any circuit court or the county commission of  
3 any drainage or levee district heretofore organized or that may be hereafter organized in any  
4 county commission of this state, whether said original district has been reorganized in whole or  
5 in part, or whether said district in whole or in part has elected to be reorganized under sections  
6 242.010 to 242.690, or the board of directors of any district organized or reorganized under  
7 sections 245.285 to 245.545, whenever in the judgment of such board or court or county  
8 commission, as the case may be, it is advisable and for the best interest of the landowners of any  
9 such district, may, unless a majority of the owners owning a majority of the acres of land within  
10 said district shall, at the hearing herein provided for, object to said proceedings, from time to  
11 time as may be necessary, to refund all or any part of its bond indebtedness by taking up and  
12 exchanging such of its outstanding bonds as the holders thereof may be willing to surrender, and  
13 issue in lieu thereof new bonds of such district payable at such longer time, not exceeding forty  
14 years from their date, as such district may determine and the holders of the outstanding bonds  
15 are willing to accept.

16 2. Such refunding bonds shall not exceed in the aggregate the amount of bonds refunded  
17 thereby and they shall bear interest at a rate not exceeding the same rate as the bonds refunded,  
18 which interest shall be payable semiannually and said refunding bonds when issued may be  
19 exchanged for the outstanding bonds, if the holders thereof so agree, or said refunding bonds may  
20 be sold for not less than ninety-five cents on the dollar and accrued interest, and the proceeds of  
21 the sale of said bonds shall be used solely in the payment of the outstanding bonds and the cost,  
22 expense and discount incident to the issuing of such refunding bonds.

23           3. In the event refunding bonds are issued, any landowner shall have the right at any time  
 24 within two weeks after the order providing for their issue is made in which to pay the full amount  
 25 of uncollected principal tax or assessment chargeable to his **or her** land for the payment of bonds  
 26 proposed to be refunded and his **or her** lands shall thereby be released from the tax or  
 27 assessment for the payment of the refunding bonds, but shall remain subject to additional taxes,  
 28 if any, that may be levied by such district pursuant to law. Unless and until refunding bonds  
 29 shall have been authorized and issued, the rate of tax or assessment or amount of assessment  
 30 applicable to the bonds to be refunded shall not be reduced.

31           4. Notice shall be given by such board [ø] , court, or county commission to the  
 32 landowners, persons, and corporations owning any interest in any lands or other property  
 33 assessed in said district of its intention to refund said bonds by ~~[inserting a notice in a weekly~~  
 34 ~~newspaper published in each county in which the lands in said district may lie; there shall be two~~  
 35 ~~insertions of said notice in said weekly paper or papers, the last insertion to be not less than five~~  
 36 ~~days prior to the hearing;]~~ **publication on the front page of the board, court, or county**  
 37 **commission's website, if it has one, for a period of nineteen days prior to the hearing. If**  
 38 **the board, court, or county commission does not have a website, notice shall be sent**  
 39 **nineteen days prior to the hearing to the secretary of state who shall publish such notice**  
 40 **on the legal notices website, established pursuant to section 493.077, until the date of the**  
 41 **hearing has passed.** Such hearing [tø] shall be held before such board [ø] , court, or county  
 42 commission, as the case may be, at such convenient place as may be designated by such board  
 43 or court or county commission.

44           5. The notice to all parties interested will be sufficient if substantially in the following  
 45 form:

46           All persons or corporations interested in lands or other property lying in \_\_\_\_\_  
 47 district, take notice.

48           That \_\_\_\_\_ district desires to refund all or part of its outstanding bonded  
 49 indebtedness and that at \_\_\_\_\_ in the city of \_\_\_\_\_ on the \_\_\_\_\_ day of  
 50 \_\_\_\_\_, 20\_\_\_\_\_, any landowner or other person or corporation having an  
 51 interest in any land or property in said district may appear before the board of  
 52 trustees (or supervisors or directors, as the case may be) of said district (or before  
 53 the county commission of \_\_\_\_\_ County, as the case may be), and show any  
 54 cause why said refunding should not be done, and you are further notified that if  
 55 a majority of the owners owning a majority of the acres of land in said district  
 56 object to such refunding, the said refunding shall be abandoned. You will further  
 57 take notice that unless such refunding shall be abandoned, any landowner will  
 58 have the right at any time within two weeks after the making of the order

59 providing for the issuing of refunding bonds by said board or court or  
 60 commission, if any such order be made within which to pay the full amount of  
 61 uncollected principal tax or assessment chargeable to his **or her** land or any tract  
 62 thereof for the payment of bonds proposed to be refunded, and any tract on which  
 63 such tax or assessment shall be paid will be released from any tax or assessment  
 64 for the payment of such refunding bonds, but shall remain subject to additional  
 65 taxes, if any, that may be levied by such district pursuant to law. Of which you  
 66 will take due notice and govern yourselves accordingly.

67  
 68

---

69 6. When the bonds of any such district are refunded pursuant to the authority hereby  
 70 conferred, the collection of the corresponding installment of taxes or assessments for the  
 71 payment of the original bonds shall be deferred for a like period. It shall be the duty of the  
 72 district issuing such refunding bonds to make proper provisions for their payment in like manner  
 73 as is required in the case of the issuance of original bonds by the act under which such district  
 74 is or shall be incorporated, and the holder of such refunding bonds shall have the same rights as  
 75 are given the holders of bonds under the act or acts under which such districts are respectively  
 76 incorporated. Any landowner failing to avail himself **or herself** of the privilege conferred by this  
 77 section of paying in full the unpaid principal tax or assessment against his **or her** land shall not  
 78 be heard to complain by reason of additional interest to be collected from his **or her** lands by  
 79 reason of the extension of the bonds. Taxes or assessments levied for the payment of refunding  
 80 bonds shall be secured by the same lien as other taxes of such district.

81 7. No proceedings shall be required for the issuance of refunding bonds other than those  
 82 provided by this section and all powers necessary to be exercised by such district in order to carry  
 83 out the provisions of this section are hereby conferred upon such districts. The powers conferred  
 84 by this section may be exercised by any drainage or levee district heretofore or hereafter  
 85 organized under any law in this state and shall apply to bonds of such districts whether heretofore  
 86 or hereafter issued; provided further, that in the event any district shall avail itself of the  
 87 provisions of this section and desires to issue refunding bonds extending beyond the charter life  
 88 of said district, the issuing of said bonds shall automatically extend the charter life of such  
 89 district for a period of twenty years beyond the date of the last maturing refunding bond so  
 90 issued.

247.031. 1. Territory included in a district that is not being served by such district may  
 2 be detached from such district provided that there are no outstanding general obligation or  
 3 special obligation bonds and no contractual obligations of greater than twenty-five thousand  
 4 dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of

5 water. If any such bonds or debt is outstanding, and the written consent of the holders of such  
6 bonds or the creditors to such debt is obtained, then such territory may be detached in spite of  
7 the existence of such bonds or debt, except such consent shall not be required for special  
8 obligation bonds if the district has no water lines or other facilities located within any of the  
9 territory detached. Detachment may be made by the filing of a petition with the circuit court in  
10 which the district was incorporated. The petition shall contain a description of the tract to be  
11 detached and a statement that the detachment is in the best interest of the district or the  
12 inhabitants and property owners of the territory to be detached, together with the facts supporting  
13 such allegation. The petition may be submitted by the district acting through its board of  
14 directors, in which case the petition shall be signed by a majority of the board of directors of the  
15 district. The petition may also be submitted by voters residing in or by landowners owning land  
16 in the territory sought to be detached. If there are more than ten voters and landowners in such  
17 territory, the petition shall be signed by five or more voters or landowners within the territory;  
18 if there are less than ten voters and landowners within such territory, the petition shall be signed  
19 by fifty percent or more of the voters and landowners within the territory. In the event there are  
20 no voters living within such territory proposed to be detached, then the petition may be submitted  
21 by owners of more than fifty percent of the land in the territory proposed to be detached, in  
22 which case said petition shall be signed by the owners so submitting the petition. In the event  
23 the petition is not submitted by the district acting through its board of directors, the petitioner  
24 shall name the district as a defendant and serve a copy of the petition upon the district by  
25 certified or registered mail with a return receipt requested at least thirty-five days before the date  
26 of the hearing of the petition.

27       2. Such petition shall be filed in the circuit court having jurisdiction and the court shall  
28 set a date for hearing on the proposed detachment and the clerk of the circuit court shall give  
29 notice of the filing of the petition and the hearing to the district by certified or registered mail  
30 with a return receipt requested if the district is not the petitioner~~[- and in a newspaper of general~~  
31 ~~circulation in the county in which the proceedings are pending and in a newspaper of general~~  
32 ~~circulation in the territory proposed to be detached. Such notice shall be published in three~~  
33 ~~consecutive issues of a weekly newspaper, or in lieu thereof, in twenty consecutive issues of a~~  
34 ~~daily newspaper. The last insertion of the notice shall be made not less than seven nor more than~~  
35 ~~twenty-one days before the hearing date] . **Notice shall additionally be published on the front**~~

36 **page of the circuit court's website, if it has one, for a period of four consecutive weeks prior**  
37 **to the hearing. If the circuit court does not have a website, notice shall be sent four weeks**  
38 **prior to the hearing to the secretary of state who shall publish such notice on the legal**  
39 **notices website, established pursuant to section 493.077, until the date of the hearing has**  
40 **passed.** Such notice shall be substantially as follows:

41 IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI  
 42 NOTICE OF THE FILING OF A PETITION  
 43 FOR TERRITORIAL DETACHMENT FROM  
 44 PUBLIC WATER SUPPLY DISTRICT NO. \_\_\_\_\_  
 45 OF \_\_\_\_\_ COUNTY, MISSOURI.

46 To all voters and landowners of land within the boundaries of the  
 47 above-described district:

48 You are hereby notified:

49 1. That a petition has been filed in this court for the detachment of the  
 50 following tracts of land from the above-named public water supply  
 51 district, as provided by law:

52 (Describe tracts of land).

53 2. That a hearing on said petition will be held before this court in \_\_\_\_\_ on  
 54 the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_m.

55 3. Exceptions or objections to the detachment of said tracts from said public  
 56 water supply district may be made by the district or any voter or  
 57 landowner of land within the district from which territory is sought to be  
 58 detached, provided such exceptions or objections are in writing, specify  
 59 the grounds on which they are made, and are filed with the court not later  
 60 than five days prior to the date of the hearing of the petition.

61 4. The names and addresses of the attorneys for the petitioner are:

62 \_\_\_\_\_  
 63 Clerk of the Circuit Court of  
 64 \_\_\_\_\_ County, Missouri

65 3. The court, for good cause shown, may continue the case or the hearing thereon from  
 66 time to time until final disposition thereof.

67 4. Exceptions or objections to the detachment of such territory may be made by any voter  
 68 or landowner within the boundaries of the district, including the territory to be detached. In the  
 69 event the petition is not submitted by the district acting through its board of directors, the district  
 70 may file exceptions or objections. Exceptions or objections shall be in writing, shall specify the  
 71 grounds upon which they are made, and shall be filed not later than five days before the date set  
 72 for hearing the petition. In considering the petition for detachment, the court shall take into  
 73 consideration the evidence in support of and opposition to the petition, including such exceptions  
 74 and objections. If the court finds that the detachment will be in the best interest of the district  
 75 and the inhabitants and landowners of the area to be detached will not be adversely affected or  
 76 if the court finds that the detachment will be in the best interest of the inhabitants and



77 landowners of the territory to be detached and will not adversely affect the remainder of the  
78 district, it shall approve the detachment and grant the petition.

79           5. If the court approves the detachment, it shall make its order detaching the territory  
80 described in the petition from the remainder of the district, or in the event it shall find that only  
81 a portion of said territory should be detached, the court shall order such portion detached from  
82 the district. The court shall also make any changes in subdistrict boundary lines it deems  
83 necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes  
84 shall not become effective until the next annual election of a member of the board of directors.

85           6. A certified copy of the court's order shall be filed in the office of the recorder of deeds  
86 and in the office of the county clerk in each county in which any of the territory of the district  
87 prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding  
88 shall be borne by the petitioner or petitioners.

247.040. 1. Proceedings for the formation of a public water supply district shall be  
2 substantially as follows: a petition in duplicate describing the proposed boundaries of the district  
3 sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk  
4 of the circuit court of the county wherein the proposed district is situate, or with the clerk of the  
5 circuit court of the county having the largest acreage proposed to be included in the proposed  
6 district, in the event that the proposed district embraces lands in more than one county. Such  
7 petition, in addition to such boundary description, shall set forth an estimate of the number of  
8 customers of the proposed district, the necessity for the formation of the district, the probable  
9 cost of the improvement, an approximation of the assessed valuation of taxable property within  
10 the district and such other information as may be useful to the court in determining whether or  
11 not the petition should be granted and a decree of incorporation entered. Such petition shall be  
12 accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding,  
13 and the petition shall be signed by not less than fifty voters or owners of real property within the  
14 proposed district and shall pray for the incorporation of the territory therein described into a  
15 public water supply district. The petition shall be verified by at least one of the signers of the  
16 petition, including a statement confirming that service has been made by certified mail to the city  
17 manager or the business office of any municipality with boundaries located not more than one  
18 mile from any boundary of the proposed district.

19           2. Upon the filing of the petition, the same shall be presented to the circuit court, and  
20 such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the  
21 clerk of the court shall give notice of the filing of the petition [~~in some newspaper of general~~  
22 ~~circulation in the county in which the proceedings are pending, and if the district extends into~~  
23 ~~any other county or counties, such notice shall also be published in some newspaper of general~~  
24 ~~circulation in such other county or counties]~~ **on the front page of the circuit court's website,**

25 **if it has one, for a period of three consecutive weeks prior to the hearing. If the circuit**  
26 **court does not have a website, notice shall be sent three weeks prior to the hearing to the**  
27 **secretary of state who shall publish such notice on the legal notices website, established**  
28 **pursuant to section 493.077, until the date of the hearing has passed.** The notice shall  
29 contain a description of the proposed boundary lines of the district and the general purposes of  
30 the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be  
31 less than seven nor more than twenty-one days after the date of the last publication of the notice  
32 and shall be on some regular judicial day of the court wherein the petition is pending. Such  
33 notice shall be signed by the clerk of the circuit court [~~and shall be published in three successive~~  
34 ~~issues of a weekly newspaper or in a daily newspaper once a week for three consecutive weeks].~~

35 3. The court, for good cause shown, may continue the case or the hearing thereon from  
36 time to time until final disposition thereof.

37 4. Exceptions to the formation of a district, or to the boundaries outlined in the petition  
38 for the incorporation thereof, may be made by any voter or owner of real property in the proposed  
39 district or by any municipality with boundaries located not more than one mile from any  
40 boundary of the proposed district; provided, such exceptions are filed not less than five days  
41 prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds  
42 upon which the exceptions are being made. If any such exceptions be filed, the court shall take  
43 them into consideration in passing upon the petition and shall also consider the evidence in  
44 support of the petition and in support of the exceptions made. Should the court find that the  
45 petition should be granted but that changes should be made in the boundary lines, it shall make  
46 such changes in the boundary lines as set forth in the petition as to the court may seem meet and  
47 proper, and thereupon enter its decree of incorporation, with such boundaries as changed.

48 5. Should the court find that it would not be to the public interest to form such a district,  
49 the petition shall be dismissed at the costs of the petitioners. If, however, the court should find  
50 in favor of the formation of such district, the court shall enter its decree of incorporation, setting  
51 forth the boundaries of the proposed district as determined by the court pursuant to the aforesaid  
52 hearing. The decree of incorporation shall also divide the district into five subdistricts and shall  
53 fix their boundary lines, all of which subdistricts shall have approximately the same area and  
54 shall be numbered. The decree shall further contain an appointment of one voter from each of  
55 such subdistricts, to constitute the first board of directors of the district. No two members of  
56 such board so appointed or hereafter elected or appointed shall reside in the same subdistrict,  
57 except as provided in section 247.060. If no qualified person who lives in the subdistrict is  
58 willing to serve on the board, the court may appoint, or the voters may elect, an otherwise  
59 qualified person who lives in the district but not in the subdistrict. The court shall designate two  
60 of such directors so appointed to serve for a term of two years and one to serve for a term of one

61 year. And the directors thus appointed by the court shall serve for the terms thus designated and  
62 until their successors shall have been appointed or elected as herein provided. The decree shall  
63 further designate the name and number of the district by which it shall hereafter be officially  
64 known.

65 6. The decree of incorporation shall not become final and conclusive until it shall have  
66 been submitted to the voters residing within the boundaries described in such decree and until  
67 it shall have been assented to by a majority of the voters as provided in subsection 9 of this  
68 section or by two-thirds of the voters of the district voting on the proposition. The decree shall  
69 provide for the submission of the question and shall fix the date thereof. The returns shall be  
70 certified by the judges and clerks of election to the circuit court having jurisdiction in the case  
71 and the court shall thereupon enter its order canvassing the returns and declaring the result of  
72 such election.

73 7. If, upon canvass and declaration, it is found and determined that the question shall  
74 have been assented to by a majority of two-thirds of the voters of the district voting on such  
75 proposition, then the court shall, in such order declaring the result of the election, enter a further  
76 order declaring the decree of incorporation to be final and conclusive. In the event, however, that  
77 the court should find that the question had not been assented to by the majority above required,  
78 the court shall enter a further order declaring such decree of incorporation to be void and of no  
79 effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid  
80 orders. In the event that the court declares the decree of incorporation to be final, as herein  
81 provided for, the clerk of the circuit court shall file certified copies of such decree of  
82 incorporation and of such final order with the secretary of state of the state of Missouri, and with  
83 the recorder of deeds of the county or counties in which the district is situate and with the clerk  
84 of the county commission of the county or counties in which the district is situate.

85 8. The costs incurred in the formation of the district shall be taxed to the district, if the  
86 district be incorporated, otherwise against the petitioners.

87 9. If petitioners seeking formation of a public water supply district specify in their  
88 petition that the district to be organized shall be organized without authority to issue general  
89 obligation bonds, then the decrees relating to the formation of the district shall recite that the  
90 district shall not have authority to issue general obligation bonds and the vote required for such  
91 a decree of incorporation to become final and conclusive shall be a simple majority of the voters  
92 of the district voting on such proposition.

247.085. 1. The board of directors of any public water supply district shall have power  
2 to sell and convey part or all of the property of the district to any city, owning and operating a  
3 waterworks system, in consideration whereof the city shall obligate itself to pay or assume the  
4 payment of all outstanding bond obligations of the district, and to provide reasonable and

5 adequate water service and furnish water ample in quantity for all needful purposes, and pure and  
6 wholesome in quality, to the inhabitants of the territory lying within the district, during such  
7 period of time and under such terms and conditions as may be agreed upon by the city and the  
8 board of directors of the district~~]; provided, however, that~~ . No action shall be taken as provided  
9 herein until said city and public water supply district shall cause a printed notice of their  
10 intention to act under this section to be published ~~[in a manner prescribed for by law in a~~  
11 ~~newspaper having a general circulation in said city and public water supply district, and a~~  
12 ~~statement of the time and manner of said publication shall be recited in any agreement or contract~~  
13 ~~executed hereunder]~~ **on the front page of either the city or the public water supply district's**  
14 **website, if either has one. If neither the city nor the public water supply district has a**  
15 **website, notice shall be sent to the secretary of state who shall publish such notice on the**  
16 **legal notices website, established pursuant to section 493.077.**

17         2. Thereafter the board of directors may sell and convey any remaining property of the  
18 district and after payment of the debts of the district, other than bond obligations, the board of  
19 directors may use the funds of the district for the purpose of providing fire protection or for any  
20 other public purpose which in the opinion of the board will be beneficial to the inhabitants of the  
21 district.

22         3. The powers granted by this section are in addition to the powers granted by law and  
23 are not subject to the terms and conditions set forth in those sections.

247.160. 1. Whenever all or any part of the territory of any public water supply district  
2 organized under sections 247.010 to 247.220 is or has been included by annexation within the  
3 corporate limits of a municipality, the board of directors of any such district shall have the power  
4 to contract with such municipality for operating the waterworks system within such annexed  
5 area, or the board of directors may, subject to the provisions of this section and section 247.170,  
6 lease, contract to sell, sell or convey any or all of its water mains, plant or equipment located  
7 within such annexed area to such municipality and such contract shall also provide for the  
8 detachment and exclusion from such public water supply district of that part thereof located  
9 within the corporate limits of such city; provided, that in case of sale or conveyance, all bonds  
10 of the district, whether general obligation bonds constituting a lien on the property located within  
11 the district, or special obligation or revenue bonds constituting a lien on the income and revenues  
12 arising from the operation of the water system:

13         (1) Are paid in full, or

14         (2) A sum sufficient to pay all of such bonds together with interest accrued or to accrue  
15 thereon, together with other items of expense provided in such bonds, is deposited with the fiscal  
16 agent named in the bonds for the purpose of full payment, or

17 (3) Such city has entered into a firm commitment to pay in lump sum or installments not  
18 less than that proportion of the sum of all existing liquidated obligations and of all unpaid  
19 revenue bonds, with interest thereon to date, of such public water supply district, as the assessed  
20 valuation of the real and tangible personal property within the area annexed bears to the assessed  
21 valuation of all the real and tangible personal property within the entire area of such district,  
22 according to the official county assessment of such property as to December thirty-first of the  
23 calendar year next preceding, or

24 (4) Consent in writing is obtained from the holders of all such bonds.

25 2. In any such case in which the board of directors by agreement leases, contracts to sell,  
26 sells or conveys the property of the district within the annexed area to such a municipality, an  
27 application shall be made by one of the contracting parties to the circuit court originally  
28 incorporating such district, which application shall set forth a description of the annexed area,  
29 that part thereof sought to be detached and excluded, a copy of the agreement entered into by the  
30 parties, the facts concerning bondholders and their rights, and requesting an order of the court  
31 approving or disapproving such contract.

32 3. Upon the filing of such application, the court shall set a time for the hearing thereof  
33 and shall order a public notice setting forth the nature of the application, the annexed area  
34 affected and sought to be detached and excluded, a description of the property within the  
35 annexed area leased, contracted to be sold, sold or conveyed, and the time and place of such  
36 hearing~~[, to]~~ **such notice shall be published on the front page of the court's website, if it has**  
37 **one, for [three] a period of four weeks consecutively**~~[, in a newspaper published in the county~~  
38 ~~in which the application is pending, the last publication to be not more than seven days]~~ before  
39 the date set for hearing. **If the court does not have a website, notice shall be sent four weeks**  
40 **before the date set for hearing to the secretary of state who shall publish such notice on the**  
41 **legal notices website, established pursuant to section 493.077, until the date of the hearing**  
42 **has passed.**

43 4. If the court finds that the agreement protects the bondholders' rights and provides for  
44 the rendering of necessary water service in the territory embracing the district, then such  
45 agreement shall be fully effective upon approval by the court. Such decree shall also thereupon  
46 vest in said city the absolute title, free and clear of all liens or encumbrances of every kind and  
47 character, to all tangible real and personal property of such public water supply district located  
48 within the part of such district situated within the corporate limits of such city, with full power  
49 in such city to use and dispose of such tangible real and personal property as it deems best in the  
50 public interest. In the event that territory is detached and excluded from the district, the court  
51 shall include in its decree a description of the district after such detachment. If a detachment of  
52 territory is made, the court shall also make any changes in subdistrict boundary lines the court

53 deems necessary to meet the requirements of sections 247.010 to 247.227. No subdistrict  
54 changes shall become effective until the next annual election of the board of directors.

55           5. In the event that territory is detached and excluded from the district, a certified copy  
56 of the court's order shall be filed by the circuit clerk in the office of the recorder of deeds, in the  
57 office of the county clerk in each county in which any of the territory of the district before the  
58 detachment is located, and in the office of the secretary of state. Costs of the proceeding shall  
59 be borne by the petitioner or petitioners.

          247.165. 1. Whenever all or any part of a territory located within a public water supply  
2 district organized pursuant to sections 247.010 to 247.220 is included by annexation within the  
3 corporate limits of a municipality, but is not receiving water service from such district or such  
4 municipality at the time of such annexation, the municipality and the board of directors of the  
5 district may, within six months after such annexation becomes effective, develop an agreement  
6 to provide water service to the annexed territory. Such an agreement may also be developed  
7 within six months after August 28, 2001, for territory that was annexed between January 1, 1996,  
8 and August 28, 2001, but was not receiving water service from such district or such municipality  
9 on August 28, 2001, except that such territory annexed in a county of the first classification  
10 without a charter form of government and with a population of more than sixty-three thousand  
11 eight hundred but less than seventy thousand inhabitants must have been annexed between  
12 January 1, 1999, and August 28, 2001. For the purposes of this section, "not receiving water  
13 service" shall mean that no water is being sold within the annexed territory by such district or  
14 municipality. If the municipality and district reach an agreement that detaches any territory from  
15 such district, the agreement shall be submitted to the circuit court originally incorporating such  
16 district, and the court shall make an order and judgment detaching the territory described in the  
17 agreement from the remainder of the district and stating the boundary lines of the district after  
18 such detachment. The court shall also make any changes in subdistrict boundary lines it deems  
19 necessary to meet the requirements of sections 247.110 to 247.227. Such subdistrict lines shall  
20 not become effective until the next election after the effective date of the agreement. At such  
21 time that the court's order and judgment becomes final, the clerk of the circuit court shall file  
22 certified copies of such order and judgment with the secretary of state and with the recorder of  
23 deeds and the county clerk of the county or counties in which the district is located. If an  
24 agreement is developed between a municipality and a water district pursuant to this subsection,  
25 subsections 2 to 8 of this section shall not apply to such agreement.

26           2. In any case in which the board of directors of such district and such municipality  
27 cannot reach such an agreement, an application may be made by the district or the municipality  
28 to the circuit court originally incorporating such district, requesting that three commissioners  
29 develop such an agreement. Such application shall include the name of one commissioner

30 appointed by the applying party. The second party shall appoint one commissioner within thirty  
31 days of the service of the application upon the second party. If the second party fails to appoint  
32 a commissioner within such time period, the court shall appoint a commissioner on behalf of the  
33 second party. Such two named commissioners may agree to appoint a third disinterested  
34 commissioner within thirty days after the appointment of the second commissioner. In any case  
35 in which such two commissioners cannot agree on or fail to make the appointment of the third  
36 disinterested commissioner within thirty days after the appointment of the second commissioner,  
37 the court shall appoint the third disinterested commissioner.

38 3. Upon the filing of such application and the appointment of three such commissioners,  
39 the court shall set a time for one or more hearings and shall order a public notice including the  
40 nature of the application, the annexed area affected, the names of the commissioners, and the  
41 time and place of such hearings~~[, to]~~. **Such notice shall be published on the front page of the**  
42 **court's website, if it has one, for [three] a period of four weeks consecutively [in a newspaper**  
43 ~~published in the county in which the application is pending, the last publication to be not more~~  
44 ~~than seven days before the date set for the first hearing]~~ **prior to the date set for the hearing.**  
45 **If the court does not have a website, notice shall be sent four weeks prior to the date set for**  
46 **the hearing to 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 hearing has passed.**

48 4. The commissioners shall develop an agreement between the district and the  
49 municipality to provide water service to the annexed territory. In developing the agreement, the  
50 commissioners shall consider information presented to them at hearings and any other  
51 information at their disposal including, but not limited to:

- 52 (1) The estimated future loss of revenue and costs for the water district related to the  
53 agreement;
- 54 (2) The amount of indebtedness of the water district within the annexed territory;
- 55 (3) Any contractual obligations of the water district within the annexed area; and
- 56 (4) The effect of the agreement on the water rates of the district.

57 Such agreement shall also include a recommendation for the apportionment of court costs,  
58 including reasonable compensation for the commissioners, between the municipality and the  
59 water district.

60 5. If the court finds that the agreement provides for necessary water service in the  
61 annexed territory, then such agreement shall be fully effective upon approval by the court. The  
62 court shall also review the recommended apportionment of court costs and the reasonable  
63 compensation for the commissioners and affirm or modify such recommendations.

64 6. The order and judgment of the court shall be subject to appeal as provided by law.

65           7. If the court approves a detachment as part of the territorial agreement, it shall make  
66 its order and judgment detaching the territory described in the petition from the remainder of the  
67 district and stating the boundary lines of the district after such detachment. The court shall also  
68 make any changes in subdistrict boundary lines it deems necessary to meet the requirements of  
69 sections 247.110 to 247.227. Any subdistrict lines shall not become effective until the next  
70 annual regular election.

71           8. At such time that the court's order and judgment becomes final, the clerk of the circuit  
72 court shall file certified copies of such order and judgment with the secretary of state and with  
73 the recorder of deeds and the county clerk of the county or counties in which the district is  
74 located.

247.215. 1. The board of directors of any public water supply district which is  
2 dependent upon purchases of water to supply its needs may sell and convey part or all of its water  
3 mains, plant, real estate, or equipment to any water corporation as defined in section 386.020 if  
4 all bonds of the district, whether general obligation bonds constituting a lien on the property  
5 within the district or special obligation or revenue bonds constituting a lien on the income and  
6 revenues arising from the operation of the water system:

7           (1) Are to be paid in full, or

8           (2) A sum sufficient to pay all of such bonds together with interest accrued or to accrue  
9 thereon, together with all other items of expense incident to the payment of such bonds, shall be  
10 set aside from the proceeds of said sale and deposited with the fiscal agent named in the bonds  
11 for the purpose of full payment.

12           2. After the board of directors of any public water supply district has entered into a  
13 contract to sell part or all of its water mains, plant, real estate or equipment, pursuant to this  
14 section, an application shall be made by said board of directors to the circuit court which  
15 originally incorporated the district, which application shall set forth a copy of the contract  
16 entered into by the parties, and the facts concerning the bondholders and their rights, and  
17 requesting an order of the court approving or disapproving the contract.

18           3. Upon the filing of the application, the court shall set a time for the hearing thereof and  
19 shall order a public notice setting forth the nature of the application, a description of the property  
20 to be sold, and the time and place for the hearing[~~,-to~~]. **Such notice shall be published on the**  
21 **front page of the court's website, if it has one, for [three] a period of four weeks**  
22 **consecutively[~~,-in a newspaper of general circulation in the county in which the application is~~**  
23 **pending, the last publication to be not more than five days before the date set for the hearing]**  
24 **prior to the date set for the hearing. If the court does not have a website, notice shall be**  
25 **sent four weeks prior to the date set for the hearing to the secretary of state who shall**



26 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
27 **until the date of the hearing has passed.**

28 4. If the court finds that the contract provides for the sale of all of the mains, plants, real  
29 estate and equipment of the district and protects the bondholders' rights, and also provides for  
30 the rendering of the necessary water service in the territory embracing the district, and is in the  
31 best interest of the residents and property owners of the district, it shall, by its decree, approve  
32 the contract and order dissolution of the district, provided that such dissolution is assented to by  
33 a two-thirds majority of the voters of the district, voting on the question and provided further,  
34 that the dissolution of the district shall not become final until after all its debts have been paid  
35 and the disposition of funds of the district has been fully carried out as hereinafter provided to  
36 the satisfaction of the court, after which a final decree may be entered.

37 5. Such water supply district shall not be finally dissolved, upon the sale of all of its  
38 assets, until final liquidation thereof and until the trustees of the district have first paid to the  
39 collector of the county, or counties, in which the district is located all of its remaining funds  
40 which shall be applied pro rata toward the payment and satisfaction of the taxes of the residents  
41 and property owners of the district on their respective personal and real property tax bills for the  
42 next ensuing year or years. In the event that the sum of money so paid to the collector would  
43 amount to less than the equivalent of one cent reduction in the tax rate and thus impose upon the  
44 collector a cost burden in excess of the money so paid, then and in that event said funds shall be  
45 paid over to the treasurer of the various school districts having real estate within the said water  
46 supply district in the ratio that the assessed valuation of such school district bears to the whole  
47 assessed valuation of the water supply district.

247.217. 1. Any two or more contiguous public water supply districts organized under  
2 the provisions of sections 247.010 to 247.220 may be consolidated into a single district by a  
3 decree of the circuit court in which the district with the largest acreage was originally  
4 incorporated and organized.

5 2. Proceedings for consolidation of such districts shall be substantially as follows: The  
6 board of directors of each of the districts to be consolidated shall authorize, by resolution passed  
7 at a regular meeting or a special meeting called for such purpose, its president, on behalf of the  
8 district, to petition the circuit court having jurisdiction for consolidation with any one or more  
9 other contiguous public water supply districts.

10 3. Such petition shall be filed in the circuit court having jurisdiction and the court shall  
11 set a date for a hearing thereon and the clerk shall give notice ~~[thereof in some newspaper of~~  
12 ~~general circulation in each county in which each of the districts proposed to be consolidated is~~  
13 ~~located]~~ **by publication on the front page of the court's website, if it has one. If the court**

14 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
15 **notice on the legal notices website, established pursuant to section 493.077.**

16 4. Such notice shall be substantially as follows:

17 IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI  
18 NOTICE OF THE FILING OF A PETITION  
19 FOR CONSOLIDATION OF  
20 PUBLIC WATER SUPPLY DISTRICT NO. \_\_\_\_\_,  
21 OF \_\_\_\_\_ COUNTY, MISSOURI, AND  
22 PUBLIC WATER SUPPLY DISTRICT NO. \_\_\_\_\_,  
23 OF \_\_\_\_\_ COUNTY, MISSOURI  
24 (Additional districts may be named as required.)

25 To all voters, landowners, and interested persons within the boundaries of the  
26 above-described public water supply districts:

27 You are hereby notified:

- 28 1. That a petition has been filed in this court for the consolidation of the  
29 above-named public water supply districts into one public water supply  
30 district, as provided by law.
- 31 2. That a hearing on said petition will be held before this court on the  
32 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_m.
- 33 3. Exceptions or objections to the consolidation of said districts may be  
34 made by any voters or landowners of any of such districts proposed to be  
35 consolidated, provided such exceptions or objections are filed in writing  
36 not less than five days prior to the date set for the hearing on the petition.
- 37 4. The names and addresses of the attorneys for the petitioner are:

38 \_\_\_\_\_  
39 Clerk of the Circuit Court of  
40 \_\_\_\_\_ County, Missouri

41 5. The notice **required by this section** shall be published [~~in three consecutive issues~~  
42 ~~of a weekly newspaper in each county in which any portion of any district proposed to be~~  
43 ~~consolidated lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each~~  
44 ~~county in which any portion of any district proposed to be consolidated lies; the last insertion of~~  
45 ~~such notice to be made not less than seven nor more than twenty-one days] **for a period of three**  
46 **consecutive weeks** before the hearing.~~

47 6. The court, for good cause shown, may continue the case or the hearing thereon from  
48 time to time until final disposition thereof.

49           7. Exceptions or objections to the consolidation of such districts may be made by any  
50 voter or landowner within the boundaries of the proposed district. The exceptions or objections  
51 shall be in writing and shall specify the grounds upon which the same are made and shall be filed  
52 not later than five days before the date set for hearing the petition. If any such exceptions or  
53 objections are filed, the court shall take them into consideration in passing upon the petition for  
54 consolidation and shall also consider the evidence in support of the petition. If the court finds  
55 that the consolidation will provide for the rendering of necessary water service in the districts,  
56 and is in the best interest of the voters and the landowners of the district, it shall, by its decree,  
57 approve such consolidation. The decree of consolidation shall set an effective date for the  
58 consolidation of the districts and shall provide that the proposed consolidated district shall be  
59 divided into five subdistricts and shall fix boundary lines of each subdistrict, all of which  
60 subdistricts shall have approximately the same area and shall be numbered.

61           8. The decree of consolidation shall not become final and conclusive until it has been  
62 submitted to voters in each of the districts proposed to be included in the consolidated district.

63           9. If, upon canvass and declaration of the results, it is found and determined that the  
64 question has been assented to by a majority of the voters of each district voting on the question,  
65 the court shall issue its order declaring the results of the elections, declaring its previous decree  
66 of consolidation to be final and conclusive, and in addition, the decree shall provide for an  
67 election of a director from each of the subdistricts set forth in the decree of the court as specified  
68 in subsection 7 of this section. The terms of office for the directors elected at such election shall  
69 be as follows: The director elected from the subdistrict designated by the circuit court as number  
70 one shall serve until the next regular election, or until his **or her** successor has been elected and  
71 qualified; those directors elected from the subdistricts designated by the circuit court as numbers  
72 two and three shall serve until the regular election following the next regular election or until  
73 their successors have been elected and qualified; those directors elected from the subdistricts  
74 designated by the circuit court as numbers four and five shall serve until the annual regular  
75 election following the next two regular elections, or until their successors have been elected and  
76 qualified. Thereafter all directors shall be elected as provided by sections 247.010 to 247.220.  
77 The election shall be held at least thirty days before the effective date of the consolidation. The  
78 returns shall be certified by the judges and clerks of election to the circuit court having  
79 jurisdiction and the court shall thereupon enter its order naming the directors from each  
80 subdistrict.

81           10. The eligibility and requirements for a director for a consolidated district shall be  
82 identical with those set forth in section 247.060 and no two members of the board shall reside  
83 in the same subdistrict. Any candidate shall have his **or her** name imprinted upon the ballot,

84 provided he **or she** shall file a declaration of intention to become such a candidate with the clerk  
85 of the circuit court.

86 11. In its final decree, the court shall designate a name for the consolidated district which  
87 shall be as follows: Consolidated Public Water Supply District No. \_\_\_\_\_, of \_\_\_\_\_ County,  
88 Missouri.

89 12. On the effective date of the consolidation of the districts, the newly elected directors  
90 shall organize in the same manner as is provided in sections 247.010 to 247.220, and all of such  
91 provisions shall apply to consolidated public water supply districts in the same manner as to  
92 other public water supply districts.

93 13. At the time of the effective date of the consolidation, all the property of the original  
94 districts shall be combined and administered as one unit, which shall be subject to the liens,  
95 liabilities and obligations of the original districts, provided that if any district included in the  
96 consolidated district has issued general obligation bonds which are outstanding at the time of the  
97 consolidation, any taxes to be levied to pay the bonds and interest thereon shall be levied only  
98 upon the property within the original district issuing the bonds as it existed on the date of such  
99 issuance. All special obligation or revenue bonds issued by any district included in the  
100 consolidated district shall be paid in accordance with the terms thereof, without preference, from  
101 the revenue received by the consolidated district.

102 14. A certified copy of the decrees of the court shall be filed in the office of the recorder  
103 and in the office of the county clerk in each county in which any part of the consolidated district  
104 is located, and in the office of the secretary of state. Such copies shall be filed by the clerk of  
105 the circuit court and the filing fees shall be taxed as costs.

247.220. 1. Proceedings for the dissolution of a public water supply district shall be  
2 substantially the same as proceedings for the formation of such a district, as follows: A petition  
3 describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the  
4 circuit court of the county wherein the subject district is situate, or with the clerk of the circuit  
5 court of the county having the largest acreage within the boundaries of the subject district, in the  
6 event that the subject district embraces lands in more than one county. Such petition, in addition  
7 to such boundary description, shall allege that further operation of the subject district is  
8 inimicable to the best interests of the inhabitants of the district, that the district should, in the  
9 interest of the public welfare and safety, be dissolved, that an alternative water supplier is  
10 available and better able to supply water to the inhabitants of the district, and such other  
11 information as may be useful to the court in determining whether the petition should be granted  
12 and a decree of dissolution entered. Such petition shall also include a detailed plan for payment  
13 of all debt and obligations of the district at the time of dissolution. Such petition shall be  
14 accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding

15 and the petition shall be signed by not less than one-fifth of the registered voters from each  
16 subdistrict, or fifty registered voters from each subdistrict, whichever is less, within the subject  
17 district. The petition shall be verified by at least one of the signers thereof and shall be served  
18 upon the board of directors of the district as provided by law. The district shall be a party, and  
19 if the board of directors in its discretion determines that such dissolution is not in the public  
20 interest, the district shall oppose such petition and pay all cost and expense thereof.

21         2. Upon the filing of the petition, the same shall be presented to the circuit court, and  
22 such court shall fix a date for a hearing on such petition, as provided in this section. Thereupon,  
23 the clerk of the court shall give notice of the filing of the petition [~~in some newspaper of general~~  
24 ~~circulation in the county in which the proceedings are pending, and if the district extends into~~  
25 ~~any other county or counties, such notice shall also be published in some newspaper of general~~  
26 ~~circulation in such other county or counties]~~ **on the front page of the court's website, if it has**  
27 **one, for a period of three consecutive weeks. If the court does not have a website, notice**  
28 **shall be sent three weeks prior to the hearing to the secretary of state who shall publish**  
29 **such notice on the legal notices website, established pursuant to section 493.077, until the**  
30 **date of the hearing has passed.** The notice shall contain a description of the subject boundary  
31 lines of the district and the general purposes of the petition, and shall set forth the date fixed for  
32 the hearing on the petition, which shall not be less than seven nor more than twenty-one days  
33 after the date of the last publication of the notice and shall be on some regular judicial day of the  
34 court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court  
35 [~~and shall be published in three successive issues of a weekly newspaper or in twenty successive~~  
36 ~~issues of a daily newspaper].~~

37         3. The court, for good cause shown, may continue the case or the hearing thereon from  
38 time to time until final disposition thereof.

39         4. Exceptions to the dissolution of a district may be made by any voter or landowner of  
40 the district, and by the district as herein provided; such exceptions shall be filed not less than five  
41 days prior to the date set for the hearing on the petition. Such exceptions shall specify the  
42 grounds upon which the exceptions are filed and the court shall take them into consideration in  
43 passing upon the petition and shall also consider the evidence in support of the petition and in  
44 support of the exceptions made. Unless petitioners prove that all debts and financial obligations  
45 of the district can be paid in full upon dissolution, the petition shall be dismissed at the cost of  
46 the petitioners.

47         5. Should the court find that it would not be to the public interest to dissolve a district,  
48 the petition shall be dismissed at the costs of the petitioners. If, however, the court should find  
49 in favor of the petitioners, the court shall enter its interlocutory decree of dissolution which

50 decree shall provide for the submission of the question to the voters of the district in substantially  
51 the following form:

52 Shall \_\_\_\_\_ Public Water Supply District be dissolved?

53 6. The decree of dissolution shall not become final and conclusive until it shall have  
54 been submitted to the voters residing within the boundaries described in such decree and until  
55 it shall have been assented to by a majority of two-thirds of the voters of the district voting on  
56 the proposition. The decree shall provide for the submission of the question and shall fix the  
57 date thereof. The returns shall be certified by the election authority to the circuit court having  
58 jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and  
59 declaring the result of such election.

60 7. If, upon canvass and declaration, it is found and determined that the question shall  
61 have been assented to by a majority of two-thirds of the voters of the district voting on such  
62 proposition then the court shall, in such order declaring the result of the election, enter a further  
63 order declaring the decree of dissolution to be final and conclusive. In the event, however, that  
64 the court should find that the question had not been assented to by the majority required, the  
65 court shall enter a further order declaring such decree of dissolution to be void and of no effect.  
66 No appeal shall lie from any of the aforesaid orders. In the event that the court declares the  
67 decree of dissolution to be final, as provided in this section, the clerk of the circuit court shall  
68 file certified copies of such decree of dissolution and of such final order with the secretary of  
69 state of the state of Missouri, and with the recorder of deeds of the county or counties in which  
70 the district is situate and with the clerk of the county commission of the county or counties in  
71 which the district is situate.

72 8. Notwithstanding anything in this section to the contrary, no district shall be dissolved  
73 until after all of its debts shall have been paid, and the court, in its decree of dissolution, shall  
74 provide for the disposition of the property of the district.

248.020. 1. The circuit court or courts so petitioned are hereby authorized to appoint  
2 three disinterested persons, one of whom shall be a civil engineer or surveyor, as commissioners  
3 to lay out and define the boundaries of the proposed sanitary district.

4 2. Said commissioners may alter or amend the boundaries of the proposed district, as set  
5 forth in the petition or petitions, so that it may embrace all of the area capable of being efficiently  
6 drained by the common outlet or channel, or by the system of sewers or drains, or so as to  
7 exclude from the sanitary district any part of the natural drainage area which is so situated as not  
8 to be benefitted by the proposed sanitary drainage, and for this purpose they shall have power  
9 to have made all surveys and maps necessary to locate and describe the said boundaries.

10 3. Said commissioners shall qualify by taking **an** oath to faithfully and impartially  
11 perform their duties, and when so qualified shall give notice ~~by publication at least five times,~~

12 ~~in one or more newspapers having a general circulation in the proposed district,]~~ of the time and  
13 place where they will meet to consider and establish said boundaries. Said notice shall be given  
14 at least twenty days prior to the meeting and the meeting place shall be in the courthouse of the  
15 county, or city hall of the city. **Notice shall be published on the front page of the circuit  
16 court's website, if it has one. If the circuit court does not have a website, notice shall be  
17 sent to the secretary of state who shall publish such notice on the legal notices website,  
18 established pursuant to section 493.077.**

19 4. At the meeting the commissioner first named in the order of appointment shall  
20 preside, and all persons residing or owning real property in such proposed district, or adjacent  
21 thereto, shall have the right to be heard as to the location of the boundaries of such proposed  
22 district; and the commissioners or a majority of them after such hearing shall fix and determine  
23 the boundaries of the proposed district.

24 5. The commissioners may adjourn from day to day until the hearing shall be complete,  
25 and for their services shall receive ten dollars per day each, for each day of actual service. They  
26 may employ a competent person as stenographer and clerk, whose compensation shall be five  
27 dollars per day.

248.090. 1. ~~[It shall be the duty of]~~ The board of trustees ~~[to]~~ **shall** make the necessary  
2 surveys, and to map out and define the several natural drainage areas in the district, and to lay  
3 out a general plan for the drainage thereof; besides the main outlet or outlets, the plan shall  
4 embrace branches or submains, necessary for a complete system of principal drains for the entire  
5 district. Branch or submains to be paid for out of the general revenue of the district shall not be  
6 extended beyond the point at which they will receive the drainage of an area of less than eight  
7 hundred acres. Outlets and the larger branches or submains may be open channels, whose  
8 general course shall be followed by intercepting sewers, to collect and convey sewage or polluted  
9 drainage. The board shall also subdivide the district into convenient subdistricts, not larger than  
10 one thousand acres in extent, within which the sewers or drains necessary to complete the  
11 drainage shall be constructed at the expense of the subdistrict, as provided in section 248.160.

12 2. When such plans are complete for a definite district or subdistrict, the board of  
13 trustees shall adopt them by ordinance, and such ordinance, when published ~~[in one or more  
14 newspapers having general circulation in the sanitary district]~~ **on either the front page of the  
15 board's website or the legal notices website, established pursuant to section 493.077,** shall  
16 be binding upon all persons, corporations and municipalities; and nothing shall be done affecting  
17 the drainage of any part of the district, other than ordinary farm or agricultural drains, by any  
18 person, corporation or municipality inconsistent with such plans or without the permission of  
19 said board of trustees.

248.110. 1. The board of trustees for the sanitary district shall let contracts for all work to be done, excepting in case of repairs or emergencies requiring prompt attention, in the construction of channels, drains or sewers, under the authority of this chapter, the expense of which will exceed five hundred dollars, to the lowest responsible bidder therefor, upon not less than twenty days' notice of said letting~~;~~. **Notice shall be** given by publication ~~[in a newspaper of general circulation in the district, and in the discretion of the said board, in one or more newspapers of general circulation among contractors]~~ **on the front page of the district's website, if it has one. If the district does not have a website, notice shall be sent to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077, for a period of twenty days.** The said board shall have the power and authority to reject any and all bids, and readvertise the work.

2. The board of trustees shall also have the power to enter into agreements with persons, firms or corporations of known standing and competence for the execution and preparation of the surveys, maps and plans needed and required by the said board, and also for the laying out and superintendence of work to be constructed under the authority of this chapter; but 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 shall be the duty of]~~ the court ~~[to]~~ **shall** fix a time at which it will hear objections as provided in section 249.060 and ~~[it shall be the duty of]~~ the clerk of the circuit court ~~[to]~~ **shall** cause a notice thereof to be published ~~[in some newspaper of general circulation in the county wherein the proceedings are pending]~~ **on the front page of the court's website, if it has one. If the court does not have a website, notice shall be sent to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077.** Such notice shall be published ~~[once a week]~~ for three consecutive weeks and shall be substantially ~~[as follows]~~ **in the following form:**

Notice is hereby given to all persons owning property within the district bounded as follows: (Here set out boundaries given in report of engineer.)

That there has been filed in this office a petition for the organization of a \_\_\_\_\_ sewer district (describing the type) under the provisions of (here name this act or the appropriate Revised Statute of Missouri); that the duly appointed engineer has made and filed his **or her** report in this office and that property within the above described boundaries will be affected by the formation of the proposed sewer district and be rendered liable to taxation for the purpose of paying the expenses of organizing and incorporating the district and making and maintaining the improvements that may be found necessary for the construction and maintenance of said sewer system, and you and each of you are hereby notified that you may



21 examine said petition and report and file exceptions to all or any part thereof on  
 22 or before the day set for the hearing being the \_\_\_\_\_ day of \_\_\_\_\_.

23  
 24

\_\_\_\_\_  
 Clerk of the circuit court of \_\_\_\_\_ County, Missouri.

249.134. 1. Immediately after the report of the engineer has been filed, the court shall  
 2 fix a time at which it will hear such petition or any objections thereto [~~and it shall be the duty of~~  
 3 the clerk of the circuit court ~~to~~ **shall** cause a notice thereof to be published [~~in some newspaper~~  
 4 ~~of general circulation in the county wherein the proceedings are pending,~~] **on the front page of**  
 5 **the court's website, if it has one, for a period of** three consecutive weeks, which notice shall  
 6 set out the boundaries of the proposed extension of the district as shown in the report of the  
 7 engineer, and shall notify all persons within such district and all persons within the boundaries  
 8 of the proposed extension of such district, who own property liable for or which may become  
 9 liable for taxation for the sewer system of such district or of such district if extended, that on or  
 10 before the time so fixed by the court they may file objections to either or both the petition or the  
 11 engineer's report and that such petition and that any objections thereto will be heard by the court  
 12 at the time so fixed. **If the court does not have a website, notice required by this subsection**  
 13 **shall be sent three weeks prior to the hearing to the secretary of state who shall publish**  
 14 **such notice on the legal notices website, established pursuant to section 493.077, until the**  
 15 **date of the hearing has passed.**

16 2. If upon the hearing upon such petition and objections the court shall find that an  
 17 extension of the boundaries of such district within the boundaries as set forth in the engineer's  
 18 report or within any part thereof is necessary for the preservation of the public health or public  
 19 welfare or will be of public utility or benefit and will be advisable, the court shall find in favor  
 20 of the petitioners and shall render its decree to that effect. If the court shall find that such an  
 21 extension is not necessary or will not be of public health or public welfare or will not be of  
 22 public utility or benefit and will not be advisable, then it shall find against the petitioners and  
 23 shall dismiss the petition.

24 3. If the court shall find in favor of the petitioners then (except as hereinbelow set out)  
 25 it shall enter its order directing the election authority to call and hold separate elections, both in  
 26 the original sewer district and in the territory proposed to be annexed, upon the question of  
 27 whether such territory should be annexed to the sewer district. The notice shall include a  
 28 description of the territory to be annexed.

29 4. The question shall be submitted in substantially the following form:  
 30 Shall the \_\_\_\_\_ sewer district annex the contiguous area described in the notice  
 31 for this election?

32           5. The election authority shall certify the results of the election to the circuit court having  
33 jurisdiction of the matter. If a majority of the votes cast on the proposition, both in the original  
34 sewer district and in the territory to be annexed, shall be in favor of such annexation, then the  
35 court shall render a decree declaring the boundaries of such district to be extended and describing  
36 the boundaries of the district as extended. If a majority of the votes cast on the proposition in  
37 either the original district or in the territory to be annexed shall be against such annexation, then  
38 the court shall render a decree declaring that the proposal to extend the boundaries has failed and  
39 that the boundaries of such sewer district shall remain unchanged.

40           6. Provided, however, that, notwithstanding the above provisions of this section, no  
41 election shall be held on the question of the annexation to a sewer district of contiguous territory  
42 in the following circumstances: (a) That at or before the time the circuit court shall render the  
43 decree calling the election there shall be presented to the court a written statement agreeing to  
44 the annexation of the territory to the district, signed by a majority of the owners of land in the  
45 territory to be annexed, who shall also be the owners of more than one-half of the land in such  
46 territory; (The term "owner", as used in this provision, shall mean the holder of the legal title to  
47 a freehold interest in land, including mortgagors and grantors in deeds of trust to secure debts;  
48 remaindermen, reversioners, and holders of equitable interests shall not be considered in  
49 computing the number of owners who sign the petition or in computing the total number of  
50 owners in the territory); (b) That the board of trustees of the sewer district to which the territory  
51 is to be annexed shall, by action recorded on its minutes, accept the annexation of such territory  
52 and shall file with the court a certified copy of the record of its action at or before the rendition  
53 of the decree calling the election. If such a petition of landowners and such certified copy of the  
54 action of the board of trustees shall be filed with the court as above stated, and if the court shall  
55 find upon the hearing in favor of the petitioners, then the court shall render its decree declaring  
56 the boundaries of such district to be extended and describe the boundaries of the district as  
57 extended. If the boundaries of the district be extended, a certified copy of the final decree shall  
58 be filed in the office of the recorder of deeds in the county in which such proceedings are  
59 pending and in the office of the secretary of state.

249.340. 1. Whenever it shall be ordered by the board of trustees of the sewer district  
2 that any sewer or system of sewers in the incorporated sewer district be constructed in  
3 accordance with the provisions of sections 249.010 to 249.420 and the engineer's estimated cost  
4 thereof exceeds the sum of five hundred dollars the said board of trustees shall order its said  
5 engineer to prepare and file with the secretary of said board of trustees all necessary maps, plans,  
6 specifications and profiles and the estimated cost of the work. Said board of trustees may  
7 approve or reject the maps, plans, specifications and profiles and have others prepared and filed.

8           2. When the maps, plans, specifications and profiles have been approved, the said board  
9 of trustees shall order its engineer to advertise the letting of the contract, proposed to be let, by  
10 ~~[advertisement in some newspaper that has a general circulation in the district wherein the~~  
11 ~~contract is to be executed which said advertisements shall be published once a week]~~  
12 **publication on the board's website, if it has one, for a period three consecutive weeks**~~[-the~~  
13 ~~last insertion to be within ten days of the day of the letting]~~ . **If the board does not have a**  
14 **website, notice shall 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 period of three**  
16 **consecutive weeks.**

17           3. All bids should be in writing accompanied by instructions to bidders which shall be  
18 furnished by the engineer of said board of trustees upon application. All bids on sewer work  
19 shall state the unit price upon which the same are based. All bids shall be sealed and filed with  
20 the secretary of said board of trustees, and, on the day and at the hour named in the  
21 advertisement, shall be publicly opened and read in the presence of the board of trustees and the  
22 engineer of said board and shall then be recorded in detail in some suitable book. All bids shall  
23 be accompanied by a certified check equal to ten percent of the engineer's estimate of cost,  
24 payable to the said board of trustees, or a bidder's bond executed by some surety company  
25 authorized to do business in this state or other good and sufficient surety in a like sum shall be  
26 given, as guarantee on the part of the bidder that if his **or her** bid be accepted he **or she** will,  
27 within ten days after receipt of notice of such acceptance, enter into contract and bond with good  
28 and sufficient sureties to be approved by the board to do the work advertised, and in case of  
29 default, forfeit and pay the sum of ten percent of the engineer's estimate of cost. The contract  
30 shall be awarded to the lowest and best bidder. The said board of trustees may in its discretion  
31 reject any and all bids. Any bid in excess of the engineer's estimate of the cost of the work to be  
32 done shall be rejected.

33           4. When it shall be decided by order of record to accept any bid the said board of trustees  
34 shall order a contract to be entered into between the bidder and the said board of trustees. The  
35 contract shall have attached to and made a part thereof the proposal sheet, instructions to bidders,  
36 the bid, maps, plans, specification, and profiles. Whenever the contract is executed and approved  
37 by order of record and endorsement thereon it shall be filed and preserved as a permanent record  
38 in the office of the said board of trustees.

39           5. It shall be incorporated in the contract that the said board of trustees shall reserve the  
40 right to make any additions to, omissions from, changes in, or substitution for the work or  
41 materials called for by drawings and specifications, without notice to the surety on the bond  
42 given to secure the faithful performance of the terms of the contract. The bidder must agree that  
43 before the sewer district shall be liable for any additional work or material the board of trustees

44 of said sewer district must first order the same and the cost thereof must be agreed upon in  
45 writing and entered of record before such additional work shall apply in case of omissions,  
46 deductions or changes, and the unit price shall be the basis of the valuation of such changes. In  
47 case of disagreement upon the cost or price of any addition, omission or change ordered or so  
48 desired, then it is expressly agreed that the decision of the engineer of said board of trustees shall  
49 be received and accepted as fixing definitely and finally the cost of such change and when so  
50 fixed the said board of trustees shall enter of record such change. It shall also be provided in the  
51 contract that the contractor will furnish and promptly pay for all labor employed and materials  
52 used in the performance of such contract, and pay all bills incurred by said contractor in  
53 performance of said contract or contracts.

249.360. The board shall subdivide the district into convenient subdistricts not larger  
2 than one thousand acres in extent, and prescribe the boundaries thereof within which the sewers  
3 and drains necessary to complete the drainage shall be constructed at the expense of the  
4 subdistrict when organized, as provided in sections 249.370 to 249.420, but no lands within the  
5 boundaries of an incorporated city shall be included in any such subdistrict without the consent  
6 of such city expressed by resolution or ordinance of the governing legislative body thereof.  
7 When such plans are completed for such subdistricts and filed, the board of trustees may adopt  
8 them by resolution, and such resolution, when published ~~[in one or more newspapers having a~~  
9 ~~general circulation in the sewer district]~~ **on either the front page of the board's website or the**  
10 **legal notices website, established pursuant to section 493.077**, shall be binding upon all  
11 persons, firms and corporations; and nothing shall be done affecting the drainage and disposition  
12 of sewage outside of cities in the district, other than ordinary farm or agricultural drains,  
13 inconsistent with such plan, without the permission of the board of trustees as evidenced by the  
14 records of proceedings 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 are furnished  
3 under one contract;
- 4 (2) "Design-build contract", a contract between a sewer district and a design-build  
5 contractor to furnish the architecture, engineering, and related design services, and the labor,  
6 materials, and other construction services required for a specific construction project;
- 7 (3) "Design-build contractor", any individual, partnership, joint venture, corporation, or  
8 other legal entity that furnishes architecture or engineering services and construction services  
9 either directly or through subcontracts;
- 10 (4) "Design-build project", the design, construction, alteration, addition, remodeling, or  
11 improvement of any sewer district buildings or facilities under contract with a sewer district.  
12 Contracts for design-build projects that involve the construction, replacement or rehabilitation

13 of a sewer district pump station or any other project that is located solely on sewer district  
14 property, such that in all cases, the project must exceed an expenditure of one million dollars.  
15 Design-build projects shall not include projects built on easements or rights-of-way dedicated  
16 to the sewer district involving open-cut sewer lines or rehabilitation of sewer district sewer lines;

17 (5) "Design criteria package", performance-oriented specifications for the design-build  
18 project sufficient to permit a design-build contractor to prepare a response to the sewer district's  
19 request for proposals for a design-build project, which may include preliminary designs for the  
20 project or portions thereof;

21 (6) "Sewer district", any metropolitan sewer district established under Section 30(a),  
22 Article VI, Constitution of Missouri.

23 2. (1) Notwithstanding any other provision of law to the contrary, any sewer district is  
24 authorized to enter into design-build contracts for design-build projects that exceed an  
25 expenditure of one million dollars.

26 (2) In using a design-build contract, the sewer district shall establish a written procedure  
27 by rule for prequalifying design-build contractors before such design-build contractors will be  
28 allowed to make a proposal on the project.

29 (3) The sewer district shall adopt procedures for:

30 (a) The prequalification review team;

31 (b) Specifications for the design criteria package;

32 (c) The method of advertising, receiving, and evaluating proposals from design-build  
33 contractors;

34 (d) The criteria for awarding the design-build contract based on the design criteria  
35 package and a separate proposal stating the cost of construction; and

36 (e) Other methods, procedures, and criteria necessary to administer this section.

37 (4) The sewer district is authorized to issue a request for proposals to a maximum of five  
38 design-build contractors who are prequalified in accordance with this section.

39 (5) The sewer district may require approval of any person performing subcontract work  
40 on the design-build project including, but not limited to, those furnishing design services, labor,  
41 materials or equipment.

42 3. (1) Before the prequalification process specified in this section, the sewer district  
43 shall publicly advertise~~[, once a week]~~ **on the front page of its website, if it has one**, for a  
44 **period of two consecutive weeks**~~[, in a newspaper of general circulation, qualified under chapter~~  
45 ~~493, located within the cities located in the sewer district, or if there be no such newspaper, in~~  
46 ~~a qualified newspaper of general circulation in the county, or if there be no such newspaper, in~~  
47 ~~a qualified newspaper of general circulation in an adjoining county, and may advertise in~~  
48 ~~business, trade, or minority newspapers, for qualification submissions on said design-build~~

49 project]. **If the district does not have a website, notice shall be sent to the secretary of state**  
50 **who shall publish such notice on the legal notices website, established pursuant to section**  
51 **493.077, for a period of two consecutive weeks.**

52 (2) If the sewer district fails to receive at least two responsive submissions from  
53 prequalified design-build contractors, submissions shall not be opened and the sewer shall  
54 readvertise the project.

55 (3) The sewer district shall have the right to reject any and all submissions and proposals.

56 (4) The proposals from prequalified design-build contractors shall be submitted sealed  
57 and in writing, to be opened publicly at the time and place of the sewer district's choosing.  
58 Technical proposals and qualifications submissions shall be submitted separately from any cost  
59 proposals. No cost proposal shall be opened until the technical proposals and qualifications  
60 submissions are first opened, evaluated, and ranked in accordance with the criteria identified by  
61 the sewer district in the request for proposals.

62 (5) The design-build contract shall be awarded to the design-build contractor whose  
63 proposal represents the best overall value to the sewer district in terms of quality, technical skill,  
64 schedule, and cost.

65 (6) No proposal shall be entertained by the sewer district that is not made in accordance  
66 with the request for proposals furnished by the sewer district.

67 4. (1) The payment bond requirements of section 107.170 shall apply to the design-build  
68 project. All persons furnishing design services shall be deemed to be covered by the payment  
69 bond the same as any person furnishing labor or materials; however, the performance bond for  
70 the design-build contractor does not need to cover the design services as long as the design-build  
71 contractor or its subcontractors providing design services carry professional liability insurance  
72 in an amount established by the sewer district in the request for proposals.

73 (2) Any person or firm providing architectural, engineering, or land surveying services  
74 for the design-build contractor on the design-build project shall be duly licensed or authorized  
75 in this state to provide such services as required by chapter 327.

76 5. (1) A sewer district planning a design-build project shall retain an architect or  
77 engineer, as appropriate to the project type, under sections 8.285 to 8.291, to assist with  
78 programming, site selection, master plan, the design criteria package, preparation of the request  
79 for proposals, prequalifying design-build contractors, evaluation of proposals, and preparation  
80 of forms necessary to award the design-build contract. The sewer district shall also retain that  
81 same architect or engineer or another to perform contract administration functions on behalf of  
82 the sewer district during the construction phase and after project completion. If the sewer district  
83 has an architect or engineer capable of fulfilling the functions described in this section, the sewer  
84 district is exempt from being required to retain another such professional.

85 (2) Any architect or engineer who is retained by a sewer district under this section shall  
86 be ineligible to act as the design-build contractor, or to participate as part of the design-build  
87 contractor's team as a subcontractor, joint venturer, partner, or otherwise for the same  
88 design-build project for which the architect or engineer was hired by the sewer district.

89 6. Under section 327.465, any design-build contractor that enters into a design-build  
90 contract for a sewer district is exempt from the requirement that such person or entity hold a  
91 certificate of registration or such corporation hold a certificate of authority if the architectural,  
92 engineering, or land surveying services to be performed under the contract are performed through  
93 subcontracts with properly licensed and authorized persons or entities, and not performed by the  
94 design-build contractor or its own employees.

249.480. 1. The county commission shall set a day for hearing anyone who might be  
2 interested with regard to the proposed work and shall publish the resolution with a notice of the  
3 time and place of hearing ~~[in some local newspaper of general circulation, published in the~~  
4 ~~county, and if possible in the district affected by the resolution, and designated by the county~~  
5 ~~commission,]~~ **on the front page of its website, if it has one, for a period of** at least two weeks  
6 before the date of the hearing~~], and by posting a copy of the resolution in five public places in~~  
7 ~~the proposed sewer district or districts].~~ **If the commission does not have a website, notice**  
8 **shall be sent two weeks prior to the hearing to the secretary of state who shall publish such**  
9 **notice on the legal notices website, established pursuant to section 493.077, until the date**  
10 **of the hearing has passed.** At such hearing anyone interested in the proposed construction or  
11 operation of sewers may appear and present his **or her** views to the county commission.

12 2. Unless a majority of the registered voters within the sewer districts shall file a protest  
13 in writing with the county clerk on or before the day set for a hearing, the county commission  
14 may proceed with the construction of the sewers. If such a majority protest is filed, the county  
15 commission shall have no authority to proceed with said work unless the department of health  
16 and senior services or the department of natural resources files with the county clerk a written  
17 recommendation that such sewer is necessary for sanitary or other purposes, in which case the  
18 county commission shall have the right to proceed as if no protest had been filed. The  
19 determination of the county commission as to the sufficiency of any protest shall be conclusive  
20 unless such determination is attacked by a proceeding in the circuit court within ten days after  
21 such determination. After the expiration of six months after the filing of any such protest a new  
22 resolution may be adopted if deemed necessary by the county commission.

249.510. If the county commission determines to proceed with the construction of  
2 district sewers it shall cause plans and specifications to be prepared by the sewer engineer and  
3 shall advertise for bids for said work by causing a notice to bidders to be published~~;~~ **on the**  
4 **front page of its website, if it has one, for a period of** at least two weeks prior to the date of

5 receiving bids~~[, in a newspaper of general circulation published in said county]~~. **If the**  
 6 **commission does not have a website, notice shall be sent, at least two weeks prior to the**  
 7 **date of receiving bids, to the secretary of state who shall publish such notice on the legal**  
 8 **notices website, established pursuant to section 493.077, until the date of receiving bids.**  
 9 All contracts for such work shall be awarded to the lowest and best bidder, but the county  
 10 commission may reject any and all bids.

249.765. 1. Immediately after the petition has been filed, the clerk in whose office the  
 2 petition has been filed shall give notice by ~~[causing] publication [to be made once a week]~~ **on**  
 3 **the front page of the clerk's website, if it has one, for [four] a period of six** consecutive weeks  
 4 ~~[in some newspaper published in the county in which is situate the real property of the district,~~  
 5 ~~the last insertion to be made at least fifteen days]~~ prior to the first day of the next regular term  
 6 of the circuit court at which the petition is to be heard. **If the clerk does not have a website,**  
 7 **notice shall be sent, six weeks prior to the first day of the next regular term of the circuit**  
 8 **court, to the secretary of state who shall publish such notice on the legal notices website,**  
 9 **established pursuant to section 493.077.**

10 2. The notice shall be substantially in the following form and it shall be deemed  
 11 sufficient for all purposes of sections 249.760 to 249.810.

12 NOTICE OF APPLICATION TO FORM SEWER DISTRICT

13 Notice is hereby given to all persons interested in the following described real  
 14 property in \_\_\_\_\_ County of Missouri (here describe the property as set out in  
 15 the petition) that a petition asking that the foregoing real property be formed into  
 16 a sewer district under the provisions of sections 249.760 to 249.810, RSMo, and  
 17 that the real property as above described will be affected by the formation of the  
 18 sewer district and be rendered liable to taxation for the purposes of paying the  
 19 expenses of organizing and making and maintaining the improvements that may  
 20 be found necessary for the construction and maintenance of sewage treatment  
 21 facilities and the sewer system in the district, and you, and each of you, are  
 22 hereby notified to appear at the next term of this court to be held on the \_\_\_\_\_  
 23 day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ in \_\_\_\_\_ County, and show cause, if any  
 24 there be, why the sewer district as set forth in the petition shall not be organized  
 25 as a public corporation of the state of Missouri.

26 \_\_\_\_\_  
 27 Clerk of the circuit court of \_\_\_\_\_ County.

249.800. The board of any district contemplating the issuance of revenue bonds under  
 2 the provisions of sections 249.760 to 249.810 may give notice of its intention to issue the bonds  
 3 without submitting the proposition to the voters of the district, the notice to state the maximum



4 amount of bonds proposed to be issued and the general purpose of the bonds. The notice shall  
5 further state the right of the voters in the district to file their written protest against the issuance  
6 of the bonds as hereinafter provided. The notice shall be published [~~twice in a newspaper~~  
7 ~~published in the county in which the district is located~~] **on the front page of the district's**  
8 **website, if it has one. If the district does not have a website, notice shall be sent to the**  
9 **secretary of state who shall publish such notice on the legal notices website, established**  
10 **pursuant to section 493.077.** If within fifteen days after the date of the [~~first~~] publication of the  
11 notice there shall not be filed with the secretary of the district a written protest against issuance  
12 of such revenue bonds, signed by a number equal to twenty-five percent of the voters voting at  
13 the last preceding election of supervisors within the sewer district, the board of the district shall  
14 have power to issue the revenue bonds of the district to the amount and for the purpose specified  
15 in the notice without an election. If within fifteen days after the date of the [~~first~~] publication of  
16 the notice there is filed with the secretary of the district a written protest against the issuance of  
17 the revenue bonds signed by the requisite number of voters within the sewer district, the board  
18 of the district shall thereupon submit the proposed revenue bond issue to the voters of the district  
19 and, if a majority of the voters voting on the question shall vote in favor thereof, the proposed  
20 improvements may be made and the revenue bonds issued in payment of the cost thereof.

249.810. 1. The incorporation of every district, heretofore or hereafter incorporated  
2 under and by virtue of the provisions of sections 249.760 to 249.810, shall be dissolved if, at any  
3 time before bonds are issued and negotiated to construct the works and improvements as  
4 provided by the plan of reclamation adopted by its board of supervisors, twenty-five percent or  
5 more of the registered voters of the district petition the circuit court wherein the district was  
6 incorporated for a dissolution thereof; provided, that upon the filing of any such petition, the  
7 circuit court shall, before dissolving the corporation, ascertain and determine the amount of  
8 money in the treasury of, or owing to, the district, and the amount of all warrants issued and  
9 unpaid by it and the amount of the debts and other obligations owing by it; and, if the amount  
10 of money in the treasury and owing to the district is in excess of the amount of the warrants,  
11 debts and other obligations, the circuit court shall order such warrants, debts and other  
12 obligations to be forthwith paid and discharged, and the excess divided among all the owners of  
13 land in the district who paid the same thereto, in the proportions in which they paid the same;  
14 but, if the amount of money, in the treasury and owing to the corporation, is not sufficient to pay  
15 and discharge the warrants, debts and other obligations, then the circuit court shall order the  
16 board of supervisors to levy and collect a uniform tax upon the real property within the district,  
17 sufficient in amount to pay the deficiency, and to thereupon pay the same.

18 2. At any time during the corporate life of the district, when all outstanding bonds have  
19 been paid and when all other indebtedness of the district has been paid or when there is sufficient

20 money on hand to pay any and all outstanding indebtedness, and when there is sufficient money  
21 on hand to pay the costs and expenses of the dissolution of the corporation as herein provided,  
22 the board of supervisors may, and on a petition of a number of voters equal to twenty-five  
23 percent of those voting at the last preceding election of supervisors shall, submit the question to  
24 the voters to determine whether or not the district shall be dissolved and its corporate life  
25 terminated.

26 3. If the majority of the voters voting on the question vote in favor of the dissolution of  
27 the incorporation of the district, the board of supervisors shall cause to be filed in the circuit  
28 court wherein the district was incorporated, a petition setting out the facts; that there are no  
29 outstanding bonds of the district; that there is no other outstanding indebtedness of the district,  
30 or that there is sufficient money on hand to pay any outstanding indebtedness, as the case may  
31 be, and that there is sufficient money on hand to pay the cost and expenses of the dissolution;  
32 that due notice has been given of the meeting; and, that a majority, qualified as herein provided,  
33 voted in favor of the dissolution. Whereupon the court or the clerk thereof in vacation shall  
34 cause notice to be given by publication [~~in some newspaper printed and published in the county]~~  
35 **on the front page of the court's website, if it has one for [four] a period of six** successive  
36 weeks[~~, the last publication being not less than fifteen days]~~ before the first day of the term to  
37 which the petition is made returnable, directed to the creditors, landowners and all persons  
38 interested, of the filing of the petition, its object and purpose, and ordering them to show cause,  
39 if any there be, on the first day, why the corporation should not be dissolved. **If the district does  
40 not have a website, notice shall be sent to the secretary of state six weeks before the first  
41 day of the term to which the petition is made returnable, and the secretary shall publish  
42 such notice on the legal notices website, established pursuant to section 493.077.**

43 4. If, upon a hearing of the petition, the court finds the facts aforesaid and finds that there  
44 are no outstanding debts and that there is sufficient money to pay the expenses of dissolution,  
45 it shall enter its order dissolving said corporation. If it finds there is sufficient money on hand  
46 to pay all outstanding debts, it shall order the debts paid and thereafter, on proper showing of  
47 their payment, enter its order of dissolution.

249.939. The plans and specifications for the improvement and the proposed assessment  
2 roll shall be filed with the city or county clerk and shall be open for public inspection. Such  
3 clerk shall thereupon, at the direction of the governing body of the city or county, publish notice  
4 that the governing body will conduct a hearing to consider the proposed improvement and  
5 proposed assessments. Such notice shall be published [~~in a newspaper of general circulation at  
6 least once,~~] **on the front page of the clerk's website, if it has one,** not more than twenty days  
7 and not less than ten days before the hearing, and shall state the project name for the  
8 improvement, the date, time and place of such hearing, the general nature of the improvement,

9 the revised estimated cost or, if available, the final cost of the improvement, the boundaries of  
10 the sewage or storm water facility improvement district to be assessed, and that written or oral  
11 objections will be considered at the hearing. At the same time, the city or county clerk shall mail  
12 to the owners of record of the property made liable to pay the assessments, at their last known  
13 post-office address, a notice of the hearing and a statement of the cost proposed to be assessed  
14 against the property so owned and assessed. **If the clerk does not have a website, notice  
15 required by this section shall be sent not more than twenty days and not less than ten days  
16 before the hearing to the secretary of state who shall publish such notice on the legal  
17 notices website, established pursuant to section 493.077, until the date of the hearing has  
18 passed.** The failure of any owner to receive such notice shall not invalidate the proceedings.

249.1103. The governing body of the county receiving the proposal pursuant to section  
2 249.1100 shall set a day for a public hearing prior to election for the creation of a consolidated  
3 sewer district and shall publish the resolution with a notice of the time and place of public  
4 hearing [~~in some local newspaper of general circulation, published in such county in which any  
5 district proposed to be consolidated lies~~] **on the front page of its website, if it has one,** at least  
6 thirty days before the date of the hearing. **If the governing body does not have a website,  
7 notice shall be sent at least thirty days before the date of the hearing to the secretary of  
8 state who shall publish such notice on the legal notices website, established pursuant to  
9 section 493.077, until the date of the hearing has passed.** At such hearing anyone interested  
10 in the proposed consolidation of sewer districts may appear and present their views to the  
11 governing body of the county.

251.330. 1. Before the adoption, amendment or extension of the comprehensive plan  
2 or portion thereof, the regional planning commission shall file such plan or part with the state  
3 office and hold at least one public hearing thereon, fifteen days' notice of the time and place of  
4 which shall be published [~~in at least one newspaper having general circulation within each  
5 county covered by the plan or portion thereof, and~~] **on the front page of the commission's  
6 website, if it has one. If the commission does not have a website, fifteen days' notice shall  
7 be sent to the secretary of state who shall publish such notice on the legal notices website,  
8 established pursuant to section 493.077, until the date of the hearing has passed.  
9 Additionally,** fifteen days' notice of such hearing shall be given to the state office and each local  
10 governmental unit within the region and shall be posted at least fifteen days in advance thereof  
11 in at least one conspicuous place in each township covered by the plan or portion thereof. The  
12 hearing may be adjourned from time to time.

13 2. The regional planning commission may amend, extend or add to the comprehensive  
14 plan or carry any part or subject matter into greater detail in the same manner as the making and  
15 adoption of the original plan.

251.370. Any local governmental unit within the region may adopt all or any portion of  
2 the plans and other programs prepared and adopted by the regional planning commission. Before  
3 the adoption, amendment or extension of the plan or portion thereof, the governing body of any  
4 political subdivision shall hold at least one public hearing thereon, fifteen days' notice of the time  
5 and place of which shall be published ~~[in at least one newspaper having general circulation~~  
6 ~~within the political subdivision, and/or]~~ **on the front page of the governing body's website,**  
7 **if it has one. If the governing body does not have a website, fifteen days' notice shall be**  
8 **sent to the secretary of state who shall publish such notice on the legal notices website,**  
9 **established pursuant to section 493.077, until the date of the hearing has passed.**  
10 **Additionally,** notice of such hearing shall be given the state office and shall be posted at least  
11 fifteen days in advance thereof in at least three conspicuous public places within the political  
12 subdivision.

251.430. Within ninety days of the issuance by the governor of an order creating a  
2 regional planning commission, any local unit of government within the boundaries of such region  
3 may withdraw from the jurisdiction of such commission by a two-thirds vote of the members of  
4 the governing body after a public hearing ~~[of which]~~ . **Notice of such public hearing shall [have**  
5 **been] be given not more than three nor less than two weeks prior [thereto] by registered mail to**  
6 **the commission and to the public by publication [in a newspaper of general circulation within**  
7 **the boundaries of such local unit of government] on the front page of the local unit of**  
8 **government's website, if it has one. If the local unit of the government does not have a**  
9 **website, notice shall be sent at least two but not more than three weeks prior to the hearing**  
10 **to the secretary of state who shall publish such notice on the legal notices website,**  
11 **established pursuant to section 493.077, until the date of the hearing has passed.** A local  
12 unit **of government** may withdraw from a regional planning commission at the end of any fiscal  
13 year by a two-thirds vote of the members of the governing body.

253.080. 1. The director of the department of natural resources may construct, establish  
2 and operate suitable public services, privileges, conveniences and facilities on any land, site or  
3 object under the department's jurisdiction and control, and may charge and collect reasonable  
4 fees for the use of the same. The director may charge reasonable fees for supplying services on  
5 state park areas. Any facilities so constructed under this provision shall only be done by  
6 appropriated funds unless the director has entered into an agreement with a donor to provide  
7 nonstate funds as support funding for the project.

8 2. The director may award by contract to any suitable person, persons, corporation or  
9 association the right to construct, establish and operate public services, privileges, conveniences  
10 and facilities on any land, site or object under the department's control for a period not to exceed  
11 twenty-five years with a renewal option, and may supervise and regulate any and all charges and

12 fees of operations by private enterprise for supplying services and operating facilities on state  
13 park areas.

14 3. All contracts awarded under this section shall be entered into upon the basis of  
15 competitive sealed bids. A sworn financial statement shall accompany each bid, and all contracts  
16 shall be let by the director after public notice of the time of the letting. All bids submitted prior  
17 to the bid closing shall be considered. For concession contracts with expected annual gross  
18 receipts of twenty-five thousand dollars or more, advertisements for bids [~~in daily or weekly~~  
19 ~~newspapers~~] shall be made by the director **on the front page of the department's website**. The  
20 director shall accept the bid most favorable to the state from a responsible and reputable person  
21 but may, for good cause, reject any bid. The director shall give preference to all firms,  
22 corporations, or individuals doing business as Missouri firms, corporations, or individuals,  
23 whenever competing bids, in their entirety, are comparable.

24 4. The director shall not enter into a contract or a renewal for a contract as provided in  
25 subsection 2 of this section for a period in excess of ten years unless the director determines that  
26 the extended contract period is necessary to allow the contractor to make substantial capital or  
27 other improvements to the site subject to the contract and such improvements are of sufficient  
28 value to the state to necessitate the longer contract term.

29 5. A good and sufficient bond conditioned upon the faithful performance of the contract  
30 and compliance with this law shall be required of all contractors, except that if the contractor  
31 states he or she is unable to provide a bond, the contractor shall place a cash reserve in an escrow  
32 account in an amount proportional to the volume of the contractor's business on the lands  
33 controlled by the department of natural resources.

34 6. Any person who contracts under this section with the state shall keep true and accurate  
35 records of his or her receipts and disbursements arising out of the performance of the contract  
36 and shall permit the department of natural resources to audit them. The department of natural  
37 resources shall audit the receipts and disbursement of each concession contract once every two  
38 years and upon the expiration of the concession contract. For the purpose of subsection 5 of this  
39 section and this subsection, no contract shall be deemed to extend to operations or management  
40 in more than one state park unless the director has determined such extension to be in the best  
41 interest of the state based on an assessment of the needs of the state park system or the financial  
42 and operational history of the facility.

43 7. No person shall be permitted to offer or advertise merchandise or other goods for sale  
44 or rental, or to maintain any concession, or use any park facilities, buildings, trails, roads or other  
45 state park property for commercial use except by written permission or concession contract with  
46 the department of natural resources; except that, the provisions of this subsection shall not apply  
47 to the normal and customary use of public roads by commercial and noncommercial

48 organizations for the purpose of transporting persons or vehicles, including, but not limited to,  
49 canoes.

50 8. The director, upon request, may authorize a private person, corporation, or other entity  
51 to provide services to visitors to any lands, sites, or objects under the department's control for  
52 a term not to exceed two years, through a commercial use permit, without soliciting competitive  
53 sealed bids. A commercial use permit shall not be considered to be a concession contract under  
54 this section, and no other subsection of this section shall be applicable to a commercial use  
55 permit except where expressly stated. Any commercial use permit shall be subject to terms and  
56 conditions established by the director and shall be limited to commercial operations with annual  
57 gross receipts of not more than one hundred thousand dollars resulting from services originating  
58 and provided solely within a state park or historic site pursuant to the commercial use permit,  
59 and which involve only incidental use of state park or historic site facility space or resources.

253.300. All leases granted under sections 253.290 to 253.320 shall be entered into only  
2 upon the basis of competitive sealed bids. A sworn financial statement shall accompany each  
3 bid, and all contracts shall be let by the director of the department of natural resources at a  
4 regular meeting after public notice of the time of such letting. All bids submitted prior to the  
5 opening of the meeting shall be considered. Such advertisements for bids shall be made [~~in daily~~  
6 ~~or weekly newspapers of general circulation~~] **by publication on the front page of the**  
7 **department's website for a period of** three consecutive weeks as necessary to give notice by  
8 the director. The director shall accept the bid most favorable to the state from a responsible and  
9 reputable person but may, for good cause, reject any bid.

256.645. Within thirty days of August 28, 1992, the governing body of each county listed  
2 in section 256.643 shall adopt a plan for the county establishing the precise boundary of that  
3 portion of the county to be included in the district. The governing body of each county adopting  
4 a plan shall direct the clerk of the county court to call a meeting of the owners of real estate of  
5 one acre or more per parcel situated in that county. Notice shall be given by publication [~~once~~  
6 ~~a week three consecutive weeks in some newspaper of general circulation in the county~~] **on the**  
7 **front page of the governing body's website, if it has one, for a period of** at least [~~ten~~] **thirty-**  
8 **one** days before the day of the meeting. **If the governing body does not have a website, notice**  
9 **shall be sent at least thirty-one days before the day of the meeting to the secretary of state**  
10 **who shall publish such notice on the legal notices website, established pursuant to section**  
11 **493.077, until the day of the meeting has passed.** The notice shall specify the meeting day,  
12 time, and place in the county; and that the purpose of the meeting is to determine whether the  
13 qualified voters wish to become a part of the district, and if so, to elect commissioners.

257.250. Whenever the board of trustees lets contracts for necessary works or  
2 concessions, it shall be governed as follows:

3 (1) Contracts let for necessary works may be either as a whole or in parts, except that for  
4 works costing over five thousand dollars the board shall advertise and award same by open  
5 competitive letting and public contract as hereinafter provided:

6 (a) Advertisements calling for bids shall be published~~[, once a week]~~ **on the front page**  
7 **of the board's website, if it has one, for a period of three consecutive weeks**~~[, completed on~~  
8 ~~date of last publication, in at least one newspaper of general circulation within the district]~~ . **If**  
9 **the board does not 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 to section 493.077,**  
11 **for a period of three consecutive weeks.**

12 (b) The board may let the contract to the lowest or best bidder having adequate  
13 experience, skill, plant equipment and responsibility and who shall give a good bond and  
14 sufficient bond, with a reputable surety company as security conditioned on the carrying out of  
15 the contract.

16 (c) Contracts shall be in writing and shall be accompanied by or shall refer to plans or  
17 specifications for the work to be done, or materials, services or equipment to be furnished. All  
18 contracts shall be approved by the board of trustees and signed by a designated officer-trustee  
19 of the board and by the contractor, and shall be executed in duplicate.

20 (d) In case of a sudden emergency when it is necessary in the opinion of the board, in  
21 order to protect life or property within the district, the advertising of the contracts may be waived  
22 upon the consent of a majority of the board of trustees.

23 (2) Concessions may be granted or leased on, along, or between properties of the district  
24 for businesses serving people using the resources or facilities of the district, for definite periods,  
25 whenever the board deems it for the best interest and general welfare of the district. All sums  
26 so collected shall be placed in the general fund. No concession or privilege shall be granted or  
27 leased without public notice and competitive bidding therefor submitted in writing and accepted  
28 by the board of trustees, all in the same manner as provided in this section for contracts for  
29 necessary works.

259.140. 1. The council shall prescribe rules and regulations governing the practice and  
2 procedure before it.

3 2. No order, or amendment thereof, except in an emergency, shall be made by the council  
4 without a public hearing upon at least ten days' notice. The public hearing shall be held at such  
5 time and place as may be prescribed by the council, and any interested person shall be entitled  
6 to be heard.

7 3. When an emergency requiring immediate action is found to exist the council is  
8 authorized to issue an emergency order without notice of hearing, which shall be effective upon  
9 promulgation. No emergency order shall remain effective for more than fifteen days.

10           4. Any notice required by this chapter shall be given at the election of the council either  
11 by personal service or by letter to the last recorded address of the person to whom the order is  
12 directed and one publication in a newspaper of general circulation in the county where the land  
13 affected, or some part thereof, is situated. If the notice is applicable throughout the state, then  
14 it shall be published ~~[in a newspaper of general circulation which is published in Jefferson City]~~  
15 **on the legal notices website, established pursuant to section 493.077.** The notice shall issue  
16 in the name of the state, shall be signed by the state geologist, shall specify the style and number  
17 of the proceeding, the time and place of the hearing, and shall briefly state the purpose of the  
18 proceeding. Should the council elect to give notice by personal service, such service may be  
19 made by any officer authorized to serve process, or by any agent of the council, in the same  
20 manner as is provided by law for the service of original notices in civil actions in the circuit  
21 courts of the state. Proof of the service by such agent shall be by the affidavit of the person  
22 making personal service.

23           5. All orders issued by the council shall be in writing, shall be entered in full and indexed  
24 in books to be kept by the state geologist for that purpose, and shall be public records open for  
25 inspection at all times during reasonable office hours. A copy of any rule, regulation, or order  
26 certified by the state geologist or any officer of the council shall be received in evidence in all  
27 courts of this state with the same effect as the original.

28           6. The council may act upon its own motion, or upon the petition of any interested  
29 person. On the filing of a petition concerning any matter within the jurisdiction of the council,  
30 the council shall promptly fix a date for a hearing thereon, and shall cause notice of the hearing  
31 to be given. The hearing shall be held without undue delay after the filing of the petition. The  
32 council shall enter its order within thirty days after the hearing. In the event that the matter is  
33 submitted on a question or questions of fact, the council shall enter its order within thirty days  
34 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 processing  
2 facility or solid waste disposal area of a solid waste management system without first obtaining  
3 an operating permit from the department. It shall be unlawful for any person to construct a solid  
4 waste processing facility or solid waste disposal area without first obtaining a construction  
5 permit from the department pursuant to this section. A current authorization to operate issued  
6 by the department pursuant to sections 260.200 to 260.345 shall be considered to be a permit to  
7 operate for purposes of this section for all solid waste disposal areas and processing facilities  
8 existing on August 28, 1995. A permit shall not be issued for a sanitary landfill to be located in  
9 a flood area, as determined by the department, where flood waters are likely to significantly  
10 erode final cover. A permit shall not be required to operate a waste stabilization lagoon, settling



11 pond or other water treatment facility which has a valid permit from the Missouri clean water  
12 commission even though the facility may receive solid or semisolid waste materials.

13 2. No person or operator may apply for or obtain a permit to construct a solid waste  
14 disposal area unless the person has requested the department to conduct a preliminary site  
15 investigation and obtained preliminary approval from the department. The department shall,  
16 within sixty days of such request, conduct a preliminary investigation and approve or disapprove  
17 the site.

18 3. All proposed solid waste disposal areas for which a preliminary site investigation  
19 request pursuant to subsection 2 of this section is received by the department on or after August  
20 28, 1999, shall be subject to a public involvement activity as part of the permit application  
21 process. The activity shall consist of the following:

22 (1) The applicant shall notify the public of the preliminary site investigation approval  
23 within thirty days after the receipt of such approval. Such public notification shall be by certified  
24 mail to the governing body of the county or city in which the proposed disposal area is to be  
25 located and by certified mail to the solid waste management district in which the proposed  
26 disposal area is to be located;

27 (2) Within ninety days after the preliminary site investigation approval, the department  
28 shall conduct a public awareness session in the county in which the proposed disposal area is to  
29 be located. The department shall provide public notice of such session by both ~~[printed]~~  
30 **electronic** and broadcast media at least thirty days prior to such session. ~~[Printed notification~~  
31 ~~shall include publication in at least one newspaper having general circulation within the county~~  
32 ~~in which the proposed disposal area is to be located.]~~ **Electronic notification shall require**  
33 **publication on the front page of the department's website.** Broadcast notification shall  
34 include public service announcements on radio stations that have broadcast coverage within the  
35 county in which the proposed disposal area is to be located. The intent of such public awareness  
36 session shall be to provide general information to interested citizens on the design and operation  
37 of solid waste disposal areas;

38 (3) At least sixty days prior to the submission to the department of a report on the results  
39 of a detailed site investigation pursuant to subsection 4 of this section, the applicant shall conduct  
40 a community involvement session in the county in which the proposed disposal area is to be  
41 located. Department staff shall attend any such session. The applicant shall provide public  
42 notice of such session by both printed and broadcast media at least thirty days prior to such  
43 session. Printed notification shall include publication in at least one newspaper having general  
44 circulation within the county in which the proposed disposal area is to be located. Broadcast  
45 notification shall include public service announcements on radio stations that have broadcast  
46 coverage within the county in which the proposed disposal area is to be located. Such public

47 notices shall include the addresses of the applicant and the department and information on a  
48 public comment period. Such public comment period shall begin on the day of the community  
49 involvement session and continue for at least thirty days after such session. The applicant shall  
50 respond to all persons submitting comments during the public comment period no more than  
51 thirty days after the receipt of such comments;

52 (4) If a proposed solid waste disposal area is to be located in a county or city that has  
53 local planning and zoning requirements, the applicant shall not be required to conduct a  
54 community involvement session if the following conditions are met:

55 (a) The local planning and zoning requirements include a public meeting;

56 (b) The applicant notifies the department of intent to utilize such meeting in lieu of the  
57 community involvement session at least thirty days prior to such meeting;

58 (c) The requirements of such meeting include providing public notice by printed or  
59 broadcast media at least thirty days prior to such meeting;

60 (d) Such meeting is held at least thirty days prior to the submission to the department of  
61 a report on the results of a detailed site investigation pursuant to subsection 4 of this section;

62 (e) The applicant submits to the department a record of such meeting;

63 (f) A public comment period begins on the day of such meeting and continues for at least  
64 fourteen days after such meeting, and the applicant responds to all persons submitting comments  
65 during such public comment period no more than fourteen days after the receipt of such  
66 comments.

67 4. No person may apply for or obtain a permit to construct a solid waste disposal area  
68 unless the person has submitted to the department a plan for conducting a detailed surface and  
69 subsurface geologic and hydrologic investigation and has obtained geologic and hydrologic site  
70 approval from the department. The department shall approve or disapprove the plan within thirty  
71 days of receipt. The applicant shall conduct the investigation pursuant to the plan and submit  
72 the results to the department. The department shall provide approval or disapproval within sixty  
73 days of receipt of the investigation results.

74 5. (1) Every person desiring to construct a solid waste processing facility or solid waste  
75 disposal area shall make application for a permit on forms provided for this purpose by the  
76 department. Every applicant shall submit evidence of financial responsibility with the  
77 application. Any applicant who relies in part upon a parent corporation for this demonstration  
78 shall also submit evidence of financial responsibility for that corporation and any other  
79 subsidiary thereof.

80 (2) Every applicant shall provide a financial assurance instrument or instruments to the  
81 department prior to the granting of a construction permit for a solid waste disposal area. The  
82 financial assurance instrument or instruments shall be irrevocable, meet all requirements

83 established by the department and shall not be cancelled, revoked, disbursed, released or allowed  
84 to terminate without the approval of the department. After the cessation of active operation of  
85 a sanitary landfill, or other solid waste disposal area as designed by the department, neither the  
86 guarantor nor the operator shall cancel, revoke or disburse the financial assurance instrument or  
87 allow the instrument to terminate until the operator is released from postclosure monitoring and  
88 care responsibilities pursuant to section 260.227.

89 (3) The applicant for a permit to construct a solid waste disposal area shall provide the  
90 department with plans, specifications, and such other data as may be necessary to comply with  
91 the purpose of sections 260.200 to 260.345. The application shall demonstrate compliance with  
92 all applicable local planning and zoning requirements. The department shall make an  
93 investigation of the solid waste disposal area and determine whether it complies with the  
94 provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to  
95 sections 260.200 to 260.345. Within twelve consecutive months of the receipt of an application  
96 for a construction permit the department shall approve or deny the application. The department  
97 shall issue rules and regulations establishing time limits for permit modifications and renewal  
98 of a permit for a solid waste disposal area. The time limit shall be consistent with this chapter.

99 (4) The applicant for a permit to construct a solid waste processing facility shall provide  
100 the department with plans, specifications and such other data as may be necessary to comply with  
101 the purpose of sections 260.200 to 260.345. Within one hundred eighty days of receipt of the  
102 application, the department shall determine whether it complies with the provisions of sections  
103 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a  
104 permit to construct an incinerator ~~[as defined in section 260.200]~~ or a material recovery facility  
105 ~~[as defined in section 260.200]~~, and within six months for permit modifications, the department  
106 shall approve or deny the application. Permits issued for solid waste facilities shall be for the  
107 anticipated life of the facility.

108 (5) If the department fails to approve or deny an application for a permit or a permit  
109 modification within the time limits specified in subdivisions (3) and (4) of this subsection, the  
110 applicant may maintain an action in the circuit court of Cole County or that of the county in  
111 which the facility is located or is to be sited. The court shall order the department to show cause  
112 why it has not acted on the permit and the court may, upon the presentation of evidence  
113 satisfactory to the court, order the department to issue or deny such permit or permit  
114 modification. Permits for solid waste disposal areas, whether issued by the department or  
115 ordered to be issued by a court, shall be for the anticipated life of the facility.

116 (6) The applicant for a permit to construct a solid waste processing facility shall pay an  
117 application fee of one thousand dollars. Upon completion of the department's evaluation of the  
118 application, but before receiving a permit, the applicant shall reimburse the department for all

119 reasonable costs incurred by the department up to a maximum of four thousand dollars. The  
120 applicant for a permit to construct a solid waste disposal area shall pay an application fee of two  
121 thousand dollars. Upon completion of the department's evaluations of the application, but before  
122 receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred  
123 by the department up to a maximum of eight thousand dollars. Applicants who withdraw their  
124 application before the department completes its evaluation shall be required to reimburse the  
125 department for costs incurred in the evaluation. The department shall not collect the fees  
126 authorized in this subdivision unless it complies with the time limits established in this section.

127 (7) When the review reveals that the facility or area does conform with the provisions  
128 of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections  
129 260.200 to 260.345, the department shall approve the application and shall issue a permit for the  
130 construction of each solid waste processing facility or solid waste disposal area as set forth in  
131 the application and with any permit terms and conditions which the department deems  
132 appropriate. In the event that the facility or area fails to meet the rules and regulations adopted  
133 pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant  
134 stating the reason for denial of a permit.

135 6. Plans, designs, and relevant data for the construction of solid waste processing  
136 facilities and solid waste disposal areas shall be submitted to the department by a registered  
137 professional engineer licensed by the state of Missouri for approval prior to the construction,  
138 alteration or operation of such a facility or area.

139 7. Any person or operator as defined in section 260.200 who intends to obtain a  
140 construction permit in a solid waste management district with an approved solid waste  
141 management plan shall request a recommendation in support of the application from the  
142 executive board created in section 260.315. The executive board shall consider the impact of  
143 the proposal on, and the extent to which the proposal conforms to, the approved district solid  
144 waste management plan prepared pursuant to section 260.325. The executive board shall act  
145 upon the request for a recommendation within sixty days of receipt and shall submit a resolution  
146 to the department specifying its position and its recommendation regarding conformity of the  
147 application to the solid waste plan. The board's failure to submit a resolution constitutes  
148 recommendation of the application. The department may consider the application, regardless of  
149 the board's action thereon and may deny the construction permit if the application fails to meet  
150 the requirements of sections 260.200 to 260.345, or if the application is inconsistent with the  
151 district's solid waste management plan.

152 8. If the site proposed for a solid waste disposal area is not owned by the applicant, the  
153 owner or owners of the site shall acknowledge that an application pursuant to sections 260.200  
154 to 260.345 is to be submitted by signature or signatures thereon. The department shall provide

155 the owner with copies of all communication with the operator, including inspection reports and  
156 orders issued pursuant to section 260.230.

157 9. The department shall not issue a permit for the operation of a solid waste disposal area  
158 designed to serve a city with a population of greater than four hundred thousand located in more  
159 than one county, if the site is located within one-half mile of an adjoining municipality, without  
160 the approval of the governing body of such municipality. The governing body shall conduct a  
161 public hearing within fifteen days of notice, shall publicize the hearing in at least one newspaper  
162 having general circulation in the municipality, and shall vote to approve or disapprove the land  
163 disposal facility within thirty days after the close of the hearing.

164 10. Upon receipt of an application for a permit to construct a solid waste processing  
165 facility or disposal area, the department shall notify the public of such receipt:

166 (1) By legal notice published ~~[in a newspaper of general circulation in the area of the~~  
167 ~~proposed disposal area or processing facility]~~ **on the department's website;**

168 (2) By certified mail to the governing body of the county or city in which the proposed  
169 disposal area or processing facility is to be located; and

170 (3) By mail to the last known address of all record owners of contiguous real property  
171 or real property located within one thousand feet of the proposed disposal area and, for a  
172 proposed processing facility, notice as provided in section 64.875 or section 89.060, whichever  
173 is applicable.

174 If an application for a construction permit meets all statutory and regulatory requirements for  
175 issuance, a public hearing on the draft permit shall be held by the department in the county in  
176 which the proposed solid waste disposal area is to be located prior to the issuance of the permit.  
177 The department shall provide public notice of such hearing by both printed and broadcast media  
178 at least thirty days prior to such hearing. Printed notification shall include publication in at least  
179 one newspaper having general circulation within the county in which the proposed disposal area  
180 is to be located. Broadcast notification shall include public service announcements on radio  
181 stations that have broadcast coverage within the county in which the proposed disposal area is  
182 to be located.

183 11. After the issuance of a construction permit for a solid waste disposal area, but prior  
184 to the beginning of disposal operations, the owner and the department shall execute an easement  
185 to allow the department, its agents or its contractors to enter the premises to complete work  
186 specified in the closure plan, or to monitor or maintain the site or to take remedial action during  
187 the postclosure period. After issuance of a construction permit for a solid waste disposal area,  
188 but prior to the beginning of disposal operations, the owner shall submit evidence that he or she  
189 has recorded, in the office of the recorder of deeds in the county where the disposal area is  
190 located, a notice and covenant running with the land that the property has been permitted as a

191 solid waste disposal area and prohibits use of the land in any manner which interferes with the  
192 closure and, where appropriate, postclosure plans filed with the department.

193         12. Every person desiring to obtain a permit to operate a solid waste disposal area or  
194 processing facility shall submit applicable information and apply for an operating permit from  
195 the department. The department shall review the information and determine, within sixty days  
196 of receipt, whether it complies with the provisions of sections 260.200 to 260.345 and the rules  
197 and regulations adopted pursuant to sections 260.200 to 260.345. When the review reveals that  
198 the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules  
199 and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a  
200 permit for the operation of each solid waste processing facility or solid waste disposal area and  
201 with any permit terms and conditions which the department deems appropriate. In the event that  
202 the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200  
203 to 260.345, the department shall issue a report to the applicant stating the reason for denial of  
204 a permit.

205         13. Each solid waste disposal area, except utility waste landfills unless otherwise and to  
206 the extent required by the department, and those solid waste processing facilities designated by  
207 rule, shall be operated under the direction of a certified solid waste technician in accordance with  
208 sections 260.200 to 260.345 and the rules and regulations promulgated pursuant to sections  
209 260.200 to 260.345.

210         14. Base data for the quality and quantity of groundwater in the solid waste disposal area  
211 shall be collected and submitted to the department prior to the operation of a new or expansion  
212 of an existing solid waste disposal area. Base data shall include a chemical analysis of  
213 groundwater drawn from the proposed solid waste disposal area.

214         15. Leachate collection and removal systems shall be incorporated into new or expanded  
215 sanitary landfills which are permitted after August 13, 1986. The department shall assess the  
216 need for a leachate collection system for all types of solid waste disposal areas, other than  
217 sanitary landfills, and the need for monitoring wells when it evaluates the application for all new  
218 or expanded solid waste disposal areas. The department may require an operator of a solid waste  
219 disposal area to install a leachate collection system before the beginning of disposal operations,  
220 at any time during disposal operations for unfilled portions of the area, or for any portion of the  
221 disposal area as a part of a remedial plan. The department may require the operator to install  
222 monitoring wells before the beginning of disposal operations or at any time during the  
223 operational life or postclosure care period if it concludes that conditions at the area warrant such  
224 monitoring. The operator of a demolition landfill or utility waste landfill shall not be required  
225 to install a leachate collection and removal system or monitoring wells unless otherwise and to

226 the extent the department so requires based on hazardous waste characteristic criteria or site  
227 specific geohydrological characteristics or conditions.

228         16. Permits granted by the department, as provided in sections 260.200 to 260.345, shall  
229 be subject to suspension for a designated period of time, civil penalty or revocation whenever  
230 the department determines that the solid waste processing facility or solid waste disposal area  
231 is, or has been, operated in violation of sections 260.200 to 260.345 or the rules or regulations  
232 adopted pursuant to sections 260.200 to 260.345, or has been operated in violation of any permit  
233 terms and conditions, or is creating a public nuisance, health hazard, or environmental pollution.  
234 In the event a permit is suspended or revoked, the person named in the permit shall be fully  
235 informed as to the reasons for such action.

236         17. Each permit for operation of a facility or area shall be issued only to the person  
237 named in the application. Permits are transferable as a modification to the permit. An  
238 application to transfer ownership shall identify the proposed permittee. A disclosure statement  
239 for the proposed permittee listing violations contained in the definition of disclosure statement  
240 found in section 260.200 shall be submitted to the department. The operation and design plans  
241 for the facility or area shall be updated to provide compliance with the currently applicable law  
242 and rules. A financial assurance instrument in such an amount and form as prescribed by the  
243 department shall be provided for solid waste disposal areas by the proposed permittee prior to  
244 transfer of the permit. The financial assurance instrument of the original permittee shall not be  
245 released until the new permittee's financial assurance instrument has been approved by the  
246 department and the transfer of ownership is complete.

247         18. Those solid waste disposal areas permitted on January 1, 1996, shall, upon  
248 submission of a request for permit modification, be granted a solid waste management area  
249 operating permit if the request meets reasonable requirements set out by the department.

250         19. In case a permit required pursuant to this section is denied or revoked, the person  
251 may request a hearing in accordance with section 260.235.

252         20. Every applicant for a permit shall file a disclosure statement with the information  
253 required by and on a form developed by the department of natural resources at the same time the  
254 application for a permit is filed with the department.

255         21. Upon request of the director of the department of natural resources, the applicant for  
256 a permit, any person that could reasonably be expected to be involved in management activities  
257 of the solid waste disposal area or solid waste processing facility, or any person who has a  
258 controlling interest in any permittee shall be required to submit to a criminal background check  
259 under section 43.543.

260         22. All persons required to file a disclosure statement shall provide any assistance or  
261 information requested by the director or by the Missouri state highway patrol and shall cooperate

262 in any inquiry or investigation conducted by the department and any inquiry, investigation or  
263 hearing conducted by the director. If, upon issuance of a formal request to answer any inquiry  
264 or produce information, evidence or testimony, any person required to file a disclosure statement  
265 refuses to comply, the application of an applicant or the permit of a permittee may be denied or  
266 revoked by the director.

267 23. If any of the information required to be included in the disclosure statement changes,  
268 or if any additional information should be added after the filing of the statement, the person  
269 required to file it shall provide that information to the director in writing, within thirty days after  
270 the change or addition. The failure to provide such information within thirty days may constitute  
271 the basis for the revocation of or denial of an application for any permit issued or applied for in  
272 accordance with this section, but only if, prior to any such denial or revocation, the director  
273 notifies the applicant or permittee of the director's intention to do so and gives the applicant or  
274 permittee fourteen days from the date of the notice to explain why the information was not  
275 provided within the required thirty-day period. The director shall consider this information when  
276 determining whether to revoke, deny or conditionally grant the permit.

277 24. No person shall be required to submit the disclosure statement required by this  
278 section if the person is a corporation or an officer, director or shareholder of that corporation or  
279 any subsidiary thereof, and that corporation:

280 (1) Has on file and in effect with the federal Securities and Exchange Commission a  
281 registration statement required under Section 5, Chapter 38, Title 1 of the Securities Act of 1933,  
282 as amended, 15 U.S.C. Section 77e(c);

283 (2) Submits to the director with the application for a permit evidence of the registration  
284 described in subdivision (1) of this subsection and a copy of the corporation's most recent annual  
285 form 10-K or an equivalent report; and

286 (3) Submits to the director on the anniversary date of the issuance of any permit it holds  
287 under the Missouri solid waste management law evidence of registration described in subdivision  
288 (1) of this subsection and a copy of the corporation's most recent annual form 10-K or an  
289 equivalent report.

290 25. After permit issuance, each facility shall annually file an update to the disclosure  
291 statement with the department of natural resources on or before March thirty-first of each year.  
292 Failure to provide such update may result in penalties as provided for under section 260.240.

293 26. Any county, district, municipality, authority, or other political subdivision of this  
294 state which owns and operates a sanitary landfill shall be exempt from the requirement for the  
295 filing of the disclosure statement and annual update to the disclosure statement.

296 27. Any person seeking a permit to operate a solid waste disposal area, a solid waste  
297 processing facility, or a resource recovery facility shall, concurrently with the filing of the



298 application for a permit, disclose any convictions in this state, county or county-equivalent public  
299 health or land use ordinances related to the management of solid waste. If the department finds  
300 that there has been a continuing pattern of adjudicated violations by the applicant, the department  
301 may deny the application.

302         28. No permit to construct or permit to operate shall be required pursuant to this section  
303 for any utility waste landfill located in a county of the third classification with a township form  
304 of government which has a population of at least eleven thousand inhabitants and no more than  
305 twelve thousand five hundred inhabitants according to the most recent decennial census, if such  
306 utility waste landfill complies with all design and operating standards and closure requirements  
307 applicable to utility waste landfills pursuant to sections 260.200 to 260.345 and provided that  
308 no waste disposed of at such utility waste landfill is considered hazardous waste pursuant to the  
309 Missouri hazardous waste law.

260.215. 1. Except as provided in subsection 4 of this section, each city and each county  
2 or a combination of cities and counties shall provide individually or collectively for the  
3 collection and disposal of solid wastes for those areas within its boundaries that are to be served  
4 by the solid waste management system; shall be responsible for implementing their approved  
5 plan required by section 260.220 as it relates to the storage, collection, transportation, processing,  
6 and disposal of their solid wastes; and may purchase all necessary equipment, acquire all  
7 necessary land, build any necessary buildings, incinerators, transfer stations, or other structures,  
8 lease or otherwise acquire the right to use land or equipment. Each city and county may levy and  
9 collect charges for the necessary cost of providing such services, and may levy an annual tax not  
10 to exceed ten cents on the one hundred dollars assessed valuation, as authorized by Article X,  
11 Section 11(c), of the Constitution for public health purposes to implement a plan for solid waste  
12 management, and to do all other things necessary to provide for a proper and effective solid  
13 waste management system; except that, the county may not levy a service charge or annual tax  
14 upon the inhabitants of any incorporated city, town or village that has an approved plan for solid  
15 waste management, unless the city, town or village contracts with the county for solid waste  
16 management and consents to the county service charge or tax levy. The tax or service charge  
17 authorized by this section shall not be levied if the tax or service charge is levied pursuant to  
18 some other provision of law, but if a tax is levied for the operation of a sanitary landfill and such  
19 tax is less than the maximum amount authorized by this section, a tax in an amount equal to the  
20 difference between such tax and that authorized in this section may be levied and collected.

21         2. Any city or county may adopt ordinances or orders, rules, regulations, or standards for  
22 the storage, collection, transportation, processing or disposal of solid wastes which shall be in  
23 conformity with the rules and regulations adopted by the department for solid waste management  
24 systems. Nothing in sections 260.200 to 260.245 shall usurp the legal right of a city or county

25 from adopting and enforcing local ordinances, rules, regulations, or standards for the storage,  
26 collection, transportation, processing, or disposal of solid wastes equal to or more stringent than  
27 the rules or regulations adopted by the department pursuant to sections 260.200 to 260.245. Any  
28 county or city which adopts orders or ordinances for the management of solid waste shall ensure  
29 that such orders or ordinances provide for safe and adequate management of solid waste pursuant  
30 to an approved plan under section 260.220 and are not substantially inconsistent with the  
31 requirements of sections 260.200 and 260.245 and the rules and regulations promulgated  
32 pursuant thereto.

33 3. (1) Cities or counties may contract as provided in chapter 70 with any person, city,  
34 county, common sewer district, political subdivision, state agency or authority in this or other  
35 states to carry out their responsibilities for the storage, collection, transportation, processing, or  
36 disposal of solid wastes.

37 (2) The board of trustees of any common sewer district incorporated pursuant to sections  
38 204.250 to 204.470 may petition the circuit court of the judicial circuit in which is located the  
39 county containing the largest portion of the land area in the district to amend the decree of  
40 incorporation to permit the common sewer district to engage in the construction, operation and  
41 maintenance of a solid waste disposal facility to serve properties within the common sewer  
42 district. The petition shall be filed by the board of trustees and all proceedings shall be  
43 conducted in the same manner as in an action for the initial formation of a common sewer district  
44 pursuant to sections 204.250 to 204.470, except that no vote of the residents of the district shall  
45 be required. The construction, operation and maintenance of a solid waste disposal facility by  
46 a common sewer district shall comply with the provisions of sections 204.250 to 204.470 in the  
47 same manner as they shall comply to like functions relating to sewer facilities, and comply with  
48 the provisions of this chapter relating to solid waste disposal.

49 4. (1) Nothing contained in this section and section 260.220 shall apply to any  
50 unincorporated area in all second, third and fourth class counties or any county of the first class  
51 with a population of less than one hundred thousand in accordance with the most recent  
52 decennial census or to any incorporated city having a population of five hundred or less located  
53 in such counties; except that any exempted city, village or county may, after public hearing held  
54 on not less than twenty days' public notice by ~~publishing a copy of the notice in some newspaper~~  
55 ~~qualified to publish legal notices under chapter 493 and having a general circulation within the~~  
56 ~~city, village or county once each week] **publication on the front page of its website, if it has**~~  
57 **one**, for three consecutive weeks, elect through its governing body to purchase equipment,  
58 acquire land, build buildings, incinerators, transfer stations or other structures, lease or otherwise  
59 acquire the right to use land or equipment, levy and collect charges for services, levy an annual  
60 tax, and do all other things necessary to provide for a proper and effective solid waste

61 management system, as provided in subsection 1 of this section, and may adopt ordinances, rules,  
62 regulations or standards as provided in subsection 2 of this section, and may contract as provided  
63 in subsection 3 of this section. **If any exempted city, village, or county does not have a**  
64 **website, such entity may provide public notice of the aforementioned hearing by sending**  
65 **such notice not less than twenty days prior to a hearing to the secretary of state who shall**  
66 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
67 **until the date of the hearing has passed.**

68 (2) No city or county shall be required itself to operate or contract for the operation of  
69 solid waste collection, transportation or disposal services, or to collect service charges therefor,  
70 except to the extent that the department finds after public notice and public hearing, that  
71 privately owned and operated services are not reasonably available on a voluntary basis by  
72 contract or otherwise, or that the use of or failure to use such privately owned services has  
73 substantially endangered the public health or has resulted in a substantial public nuisance. Upon  
74 such a finding by the department, such city or county shall itself operate or contract for the  
75 operation of such solid waste collection, transportation and disposal services as may be  
76 reasonably necessary to remedy such danger to the public health or to abate such public nuisance,  
77 until such city or county, by its solid waste management plan, demonstrates that the storage,  
78 collection, transportation, processing and disposal of solid wastes will by other means be carried  
79 out in a manner which protects the public health, prevents the creation of public nuisances, and  
80 prevents the pollution of the land, air and water of the state. Any person aggrieved by the finding  
81 of the department, including any city or county or any privately owned or operated service, may  
82 appeal as provided in chapter 536.

83 5. Any city or county which establishes a service charge for solid waste collection  
84 services shall state the service charge separately from any other charge of any kind. No city or  
85 county shall withhold, or authorize the withholding of, any other utility service for failure to  
86 collect the separately stated service charge.

87 6. Any city or county may contract with any municipal utility, investor owned utility,  
88 REA co-op, public water supply district, county sewer district, or any other type of utility to  
89 collect monthly service fees for the collection of solid waste.

260.330. 1. Except as otherwise provided in subsection 6 of this section, effective  
2 October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to  
3 one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each  
4 operator of the solid waste demolition landfill shall collect a charge equal to one dollar per ton  
5 or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less  
6 collection costs, to the department of natural resources for deposit in the "Solid Waste  
7 Management Fund" which is hereby created. On October 1, 1992, and thereafter, the charge

8 imposed herein shall be adjusted annually by the same percentage as the increase in the general  
9 price level as measured by the Consumer Price Index for All Urban Consumers for the United  
10 States, or its successor index, as defined and officially recorded by the United States Department  
11 of Labor or its successor agency. No annual adjustment shall be made to the charge imposed  
12 under this subsection during October 1, 2005, to October 1, 2027, except an adjustment amount  
13 consistent with the need to fund the operating costs of the department and taking into account  
14 any annual percentage increase in the total of the volumetric equivalent of solid waste accepted  
15 in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be  
16 transported out of this state for disposal that is accepted at transfer stations. No annual increase  
17 during October 1, 2005, to October 1, 2027, shall exceed the percentage increase measured by  
18 the Consumer Price Index for All Urban Consumers for the United States, or its successor index,  
19 as defined and officially recorded by the United States Department of Labor or its successor  
20 agency and calculated on the percentage of revenues dedicated under subdivision (1) of  
21 subsection 2 of section 260.335. Any such annual adjustment shall only be made at the  
22 discretion of the director, subject to appropriations. Collection costs shall be established by the  
23 department and shall not exceed two percent of the amount collected pursuant to this section.

24         2. The department shall, by rule and regulation, provide for the method and manner of  
25 collection.

26         3. The charges established in this section shall be enumerated separately from the  
27 disposal fee charged by the landfill and may be passed through to persons who generated the  
28 solid waste. Moneys transmitted to the department shall be no less than the amount collected  
29 less collection costs and in a form, manner and frequency as the department shall prescribe. The  
30 provisions of section 33.080 to the contrary notwithstanding, moneys in the account shall not  
31 lapse to general revenue at the end of each biennium. Failure to collect the charge does not  
32 relieve the operator from responsibility for transmitting an amount equal to the charge to the  
33 department.

34         4. The department may examine or audit financial records and landfill activity records  
35 and measure landfill usage to verify the collection and transmittal of the charges established in  
36 this section. The department may promulgate by rule and regulation procedures to ensure and  
37 to verify that the charges imposed herein are properly collected and transmitted to the  
38 department.

39         5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall  
40 transmit a fee to the department for deposit in the solid waste management fund which is equal  
41 to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such  
42 fee shall be applicable to all solid waste to be transported out of the state for disposal. On  
43 October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the

44 same percentage as the increase in the general price level as measured by the Consumer Price  
45 Index for All Urban Consumers for the United States, or its successor index, as defined and  
46 officially recorded by the United States Department of Labor or its successor agency. No annual  
47 adjustment shall be made to the charge imposed under this subsection during October 1, 2005,  
48 to October 1, 2027, except an adjustment amount consistent with the need to fund the operating  
49 costs of the department and taking into account any annual percentage increase in the total of the  
50 volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills  
51 and demolition landfills and solid waste to be transported out of this state for disposal that is  
52 accepted at transfer stations. No annual increase during October 1, 2005, to October 1, 2027,  
53 shall exceed the percentage increase measured by the Consumer Price Index for All Urban  
54 Consumers for the United States, or its successor index, as defined and officially recorded by the  
55 United States Department of Labor or its successor agency and calculated on the percentage of  
56 revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual  
57 adjustment shall only be made at the discretion of the director, subject to appropriations. The  
58 department shall prescribe rules and regulations governing the transmittal of fees and verification  
59 of waste volumes transported out of state from transfer stations. Collection costs shall also be  
60 established by the department and shall not exceed two percent of the amount collected pursuant  
61 to this subsection. A transfer station with the sole function of separating materials for recycling  
62 or resource recovery activities shall not be subject to the fee imposed in this subsection.

63         6. Each political subdivision which owns an operational solid waste disposal area may  
64 designate, pursuant to this section, up to two free disposal days during each calendar year. On  
65 any such free disposal day, the political subdivision shall allow residents of the political  
66 subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste  
67 disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to  
68 this section. Notice of any free disposal day shall be posted at the solid waste disposal area site  
69 and ~~in at least one newspaper of general circulation in the political subdivision~~ **on the front**  
70 **page of the political subdivision's website, if it has one,** no later than fourteen days prior to  
71 the free disposal day. **If the political subdivision does not have a website, notice shall be sent**  
72 **not less than fourteen days prior to the free disposal day to the secretary of state who shall**  
73 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
74 **until the date of the free disposal day has passed.**

260.395. 1. After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any  
3 person to transport any hazardous waste in this state without first obtaining a hazardous waste  
4 transporter license. Any person transporting hazardous waste in this state shall file an  
5 application for a license pursuant to this subsection which shall:

6 (1) Be submitted on a form provided for this purpose by the department and shall furnish  
7 the department with such equipment identification and data as may be necessary to demonstrate  
8 to the satisfaction of the department that equipment engaged in such transportation of hazardous  
9 waste, and other equipment as designated in rules and regulations pursuant to sections 260.350  
10 to 260.430, is adequate to provide protection of the health of humans and the environment and  
11 to comply with the provisions of any federal hazardous waste management act and sections  
12 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350  
13 to 260.430. If approved by the department, this demonstration of protection may be satisfied by  
14 providing certification that the equipment so identified meets and will be operated in accordance  
15 with the rules and regulations of the Missouri public service commission and the federal  
16 Department of Transportation for the transportation of the types of hazardous materials for which  
17 it will be used;

18 (2) Include, as specified by rules and regulations, demonstration of financial  
19 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or  
20 any combination thereof which shall be related to the number of units, types and sizes of  
21 equipment to be used in the transport of hazardous waste by the applicant;

22 (3) Include, as specified in rules and regulations, a fee payable to the state of Missouri  
23 which shall consist of an annual application fee, plus an annual use fee based upon tonnage,  
24 mileage or a combination of tonnage and mileage. The fees established pursuant to this  
25 subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars  
26 annually. No fee shall be collected pursuant to this subdivision from railroads that pay a fee  
27 pursuant to subsection 18 of this section. Fees collected pursuant to this subdivision shall be  
28 deposited in the hazardous waste fund created pursuant to section 260.391.

29 2. If the department determines the application conforms to the provisions of any federal  
30 hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and  
31 regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste  
32 transporter license with such terms and conditions as it deems necessary to protect the health of  
33 humans and the environment. The department shall act within ninety days after receipt of the  
34 application. If the department denies the license, it shall issue a report to the applicant stating  
35 the reason for denial of the license.

36 3. A license may be suspended or revoked whenever the department determines that the  
37 equipment is or has been operated in violation of any provision of sections 260.350 to 260.430  
38 or any standard, rule or regulation, order, or license term or condition adopted or issued pursuant  
39 to sections 260.350 to 260.430, poses a threat to the health of humans or the environment, or is  
40 creating a public nuisance.

41           4. Whenever a license is issued, renewed, denied, suspended or revoked by the  
42 department, any aggrieved person, by petition filed with the administrative hearing commission  
43 within thirty days of the decision, may appeal such decision as provided by sections 621.250 and  
44 640.013. Once the administrative hearing commission has reviewed the appeal, the  
45 administrative hearing commission shall issue a recommended decision to the commission on  
46 license issuance, renewal, denial, suspension, or revocation. The commission shall issue its own  
47 decision, based on the appeal, for license issuance, renewal, denial, suspension, or revocation.  
48 If the commission changes a finding of fact or conclusion of law made by the administrative  
49 hearing commission, or modifies or vacates the decision recommended by the administrative  
50 hearing commission, it shall issue its own decision, which shall include findings of fact and  
51 conclusions of law. The commission shall mail copies of its final decision to the parties to the  
52 appeal or their counsel of record. The commission's decision shall be subject to judicial review  
53 pursuant to chapter 536. No judicial review shall be available until and unless all administrative  
54 remedies are exhausted.

55           5. A license shall be issued for a period of one year and shall be renewed upon proper  
56 application by the holder and a determination by the department that the applicant is in  
57 compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and  
58 regulations, orders and license terms and conditions adopted or issued pursuant to sections  
59 260.350 to 260.430.

60           6. A license is not required for the transport of any hazardous waste on the premises  
61 where it is generated or onto contiguous property owned by the generator thereof, or for those  
62 persons exempted in section 260.380. Nothing in this subsection shall be interpreted to preclude  
63 the department from inspecting unlicensed hazardous waste transporting equipment and to  
64 require that it be adequate to provide protection for the health of humans and the environment.

65           7. After six months from the effective date of the standards, rules and regulations  
66 adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to  
67 construct, substantially alter or operate, including operations specified in the rules and  
68 regulations, a hazardous waste facility without first obtaining a hazardous waste facility permit  
69 for such construction, alteration or operation from the department. Such person must submit to  
70 the department at least ninety days prior to submitting a permit application a letter of intent to  
71 construct, substantially alter or operate any hazardous waste disposal facility. The person must  
72 file an application within one hundred eighty days of the filing of a letter of intent unless granted  
73 an extension by the commission. The department shall publish such letter of intent ~~[as specified~~  
74 ~~in section 493.050 within ten days of receipt of such letter]~~ **on its website**. The letter shall be  
75 published ~~[once each week]~~ for four weeks ~~[in the county where the hazardous waste disposal~~  
76 ~~facility is proposed]~~. Once such letter is submitted, all conditions for the permit application

77 evaluation purposes in existence as of the date of submission shall be deemed frozen, in that no  
78 subsequent action by any person to change such conditions in an attempt to thwart a fair and  
79 impartial decision on the application for a permit shall be allowed as grounds for denial of the  
80 permit. Any person before constructing, substantially altering or operating a hazardous waste  
81 facility in this state shall file an application for a permit which shall:

82 (1) Be submitted on a form provided for this purpose by the department and shall furnish  
83 the department with plans, specifications and such other data as may be necessary to demonstrate  
84 to the satisfaction of the department that such facility does or will provide adequate protection  
85 of the health of humans and the environment and does or will comply with the provisions of any  
86 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,  
87 rules and regulations adopted pursuant to sections 260.350 to 260.430;

88 (2) Include plans, designs, engineering reports and relevant data for construction,  
89 alteration or operation of a hazardous waste facility, to be submitted to the department by a  
90 registered professional engineer licensed by this state;

91 (3) Include, as specified by rules and regulations, demonstration of financial  
92 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or  
93 any combination thereof, which shall be related to type and size of facility;

94 (4) Include such environmental and geologic information, assessments and studies as  
95 required by the rules and regulations of the commission;

96 (5) Include a fee payable to the state of Missouri which shall not exceed one thousand  
97 dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If  
98 the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be  
99 paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in  
100 effect beyond the first year;

101 (6) The department shall supervise any field work undertaken to collect geologic and  
102 engineering data for submission with the application. The state geologist and departmental  
103 engineers shall review the geologic and engineering plans, respectively, and attest to their  
104 accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the  
105 commission, incurred by the department pursuant to this subsection.

106 8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department  
107 shall issue public notice by press release or advertisement and shall notify all record owners of  
108 adjoining property by mail directed to the last known address, and the village, town or city, if  
109 any, and the county in which the hazardous waste facility is located; and, upon request, shall hold  
110 a public hearing after public notice as required in this subsection at a location convenient to the  
111 area affected by the issuance of the permit.



112 (2) Prior to issuing or renewing a hazardous waste disposal facility permit the department  
113 shall issue public notice by press release and advertisement and shall notify all record owners  
114 of property, within one mile of the outer boundaries of the site, by mail directed to the last known  
115 address; and shall hold a public hearing after public notice as required in this subsection at a  
116 location convenient to the area affected by the issuance of the permit.

117 9. If the department determines that the application conforms to the provisions of any  
118 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,  
119 rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the  
120 hazardous waste facility permit, with such terms and conditions and require such testing and  
121 construction supervision as it deems necessary to protect the health of humans or the  
122 environment. The department shall act within one hundred eighty days after receipt of the  
123 application. If the department denies the permit, it shall issue a report to the applicant stating  
124 the reason for denial of a permit.

125 10. A permit may be suspended or revoked whenever the department determines that the  
126 hazardous waste facility is, or has been, operated in violation of any provision of sections  
127 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted  
128 or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the  
129 environment or is creating a public nuisance.

130 11. Whenever a permit is issued, renewed, denied, suspended or revoked by the  
131 department, any aggrieved person, by petition filed with the administrative hearing commission  
132 within thirty days of the decision, may appeal such decision as provided by sections 621.250 and  
133 640.013. Once the administrative hearing commission has reviewed the appeal, the  
134 administrative hearing commission shall issue a recommended decision to the commission on  
135 permit issuance, renewal, denial, suspension, or revocation. The commission shall issue its own  
136 decision, based on the appeal, for permit issuance, renewal, denial, suspension, or revocation.  
137 If the commission changes a finding of fact or conclusion of law made by the administrative  
138 hearing commission, or modifies or vacates the decision recommended by the administrative  
139 hearing commission, it shall issue its own decision, which shall include findings of fact and  
140 conclusions of law. The commission shall mail copies of its final decision to the parties to the  
141 appeal or their counsel of record. The commission's decision shall be subject to judicial review  
142 pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction  
143 coextensive with the county where the hazardous waste facility is to be located or is located shall  
144 have original jurisdiction. No judicial review shall be available until and unless all  
145 administrative remedies are exhausted.

146 12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case  
147 of any land disposal facility, storage facility, incinerator, or other treatment facility. Nothing in

148 this subsection shall preclude the department from reviewing and modifying a permit at any time  
149 during its term. Review of any application for a permit renewal shall consider improvements in  
150 the state of control and measurement technology as well as changes in applicable regulations.  
151 Each permit issued pursuant to this section shall contain such terms and conditions as the  
152 department determines necessary to protect human health and the environment, and upon proper  
153 application by the holder and a determination by the department that the applicant is in  
154 compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and  
155 regulations, orders and permit terms and conditions adopted or issued pursuant to sections  
156 260.350 to 260.430.

157 13. A hazardous waste facility permit is not required for:

158 (1) On-site storage of hazardous wastes where such storage is exempted by the  
159 commission by rule or regulation; however, such storage must conform to the provisions of any  
160 federal hazardous waste management act and sections 260.350 to 260.430 and the applicable  
161 standards, rules and regulations adopted pursuant to sections 260.350 to 260.430 and any other  
162 applicable hazardous materials storage and spill-prevention requirements provided by law;

163 (2) A publicly owned treatment works which has an operating permit pursuant to section  
164 644.051 and is in compliance with that permit;

165 (3) A resource recovery facility which the department certifies uses hazardous waste as  
166 a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is  
167 manufacture of a product rather than treatment or disposal of hazardous wastes;

168 (4) That portion of a facility engaged in hazardous waste resource recovery, when the  
169 facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided  
170 the owner or operator can demonstrate to the department's satisfaction and the department finds  
171 that such portion is not intended and is not used for hazardous waste treatment or disposal.

172 14. Facilities exempted pursuant to subsection 13 of this section must comply with the  
173 provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be  
174 specified by rules and regulations, as are necessary to comply with any federal hazardous waste  
175 management act or regulations hereunder. Generators who use such an exempted facility shall  
176 keep records of hazardous wastes transported, except by legal flow through sewer lines, to the  
177 facility and submit such records to the department in accordance with the provisions of section  
178 260.380 and the standards, rules and regulations adopted pursuant to sections 260.350 to  
179 260.430. Any person, before constructing, altering or operating a resource recovery facility in  
180 this state shall file an application for a certification. Such application shall include:

181 (1) Plans, designs, engineering reports and other relevant information as specified by rule  
182 that demonstrate that the facility is designed and will operate in a manner protective of human  
183 health and the environment; and

184 (2) An application fee of not more than five hundred dollars for a facility that recovers  
185 waste generated at the same facility or an application fee of not more than one thousand dollars  
186 for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in  
187 the hazardous waste fund created in section 260.391. The department shall review such  
188 application for conformance with applicable laws, rules and standard engineering principles and  
189 practices. The applicant shall pay to the department all reasonable costs, as determined by the  
190 commission, incurred by the department pursuant to this subsection. All such funds shall be  
191 deposited in the hazardous waste fund created in section 260.391.

192 15. The owner or operator of any hazardous waste facility in existence on September 28,  
193 1977, who has achieved federal interim status pursuant to 42 U.S.C. Section 6925(e), and who  
194 has submitted to the department Part A of the federal facility permit application, may continue  
195 to receive and manage hazardous wastes in the manner as specified in the Part A application, and  
196 in accordance with federal interim status requirements, until completion of the administrative  
197 disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The  
198 department may at any time require submission of, or the owner or operator may at any time  
199 voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430  
200 and commission regulations. The authority to operate pursuant to this subsection shall cease one  
201 hundred eighty days after the department has notified an owner or operator that an application  
202 for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time  
203 the owner or operator submits a completed application therefor. Upon submission of a complete  
204 application, the authority to operate pursuant to this subsection shall continue for such reasonable  
205 time as is required to complete the administrative disposition of the permit application. If a  
206 facility loses its federal interim status, or the Environmental Protection Agency requires the  
207 owner or operator to submit Part B of the federal application, the department shall notify the  
208 owner or operator that an application for a permit must be submitted pursuant to this subsection.  
209 In addition to compliance with the federal interim status requirements, the commission shall have  
210 the authority to adopt regulations requiring persons operating pursuant to this subsection to meet  
211 additional state interim status requirements.

212 16. No person, otherwise qualified pursuant to sections 260.350 to 260.430 for a license  
213 to transport hazardous wastes or for a permit to construct, substantially alter or operate a  
214 hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for  
215 such transport service or such facility because of the existence of other services or facilities  
216 capable of meeting that need; except that permits for hazardous waste facilities may be denied  
217 on determination made by the department that the financial resources of the persons applying are  
218 such that the continued operation of the sites in accordance with sections 260.350 to 260.430  
219 cannot be reasonably assured or on determination made by the department that the probable

220 volume of business is insufficient to ensure and maintain the solvency of then existing permitted  
221 hazardous waste facilities.

222 17. All hazardous waste landfills constructed after October 31, 1980, shall have a  
223 leachate collection system. The rules and regulations of the commission shall treat and protect  
224 all aquifers to the same level of protection. The provisions of this subsection shall not apply to  
225 the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

226 18. Any railroad corporation as defined in section 388.010 that transports any hazardous  
227 waste as defined in section 260.360 or any hazardous substance as defined in section 260.500  
228 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this subsection  
229 shall be deposited in the hazardous waste fund created in section 260.391.

260.405. 1. Unless prohibited by any federal hazardous waste management act, the  
2 commission may grant individual variances from the requirements of sections 260.350 to  
3 260.430 whenever it is found, upon presentation of adequate proof, that compliance with any  
4 provision of sections 260.350 to 260.430 or any standard, rule or regulation, order or license or  
5 permit term or condition adopted or issued hereunder will result in an arbitrary and unreasonable  
6 taking of property or in the practical closing and elimination of any lawful business, occupation  
7 or activity, in either case without sufficient corresponding benefit or advantage to the people;  
8 except that, no variance shall be granted where the effect of a variance will permit the  
9 continuance of a condition which unreasonably poses a present or potential threat to the health  
10 of humans or other living organisms; and except, also, that any variance so granted shall not be  
11 so construed as to relieve the person who receives the variance from any liability imposed by  
12 other law for the commission or maintenance of a nuisance or damage to the property or rights  
13 of any person.

14 2. In determining under what conditions and to what extent a variance may be granted,  
15 the commission shall weigh the equities involved and the advantages and disadvantages to the  
16 applicant and to those affected by the hazardous waste management practices of the applicant.

17 3. Variances shall be granted for a period of time and under such terms and conditions  
18 as shall be specified by the commission in its order. In no event shall the variance be granted for  
19 a period of time greater than one year and shall not be renewable unless circumstances can be  
20 shown which preclude compliance within the one-year period of the variance and the renewal  
21 will not result in an unreasonable risk to the health of humans or the environment.

22 4. (1) Any person seeking a variance shall file a petition for a variance with the  
23 department. A filing fee of fifty dollars shall be paid to the state of Missouri with each petition.

24 (2) Upon the receipt of a request for a variance deemed substantive by the department,  
25 the department shall by mail notify all record owners of property within one mile of the outer  
26 boundaries of the site, the county, and the village, town or city within which the facility for

27 which the variance is proposed is located. If the variance is substantive, as determined by  
28 regulation, the department shall notify the public through press release and a notice ~~[placed in~~  
29 ~~a newspaper of general circulation serving the area within which the facility is located]~~  
30 **published on the front page of its website**. The department shall promptly investigate the  
31 petition and make a recommendation to the commission within sixty days after the petition is  
32 received as to whether the variance should be granted or denied. The department shall promptly  
33 notify the petitioner of its action and at the same time shall issue public notice by press release  
34 or advertisement and shall notify all record owners of adjoining property by mail directed to the  
35 last known address and the village, town or city, if any, and the county which is the location of  
36 the facility for which the variance is sought.

37 5. If the variance is deemed to be substantive, the commission shall hold a public hearing  
38 on the variance as provided in section 260.400. If the variance is deemed to be nonsubstantive,  
39 a hearing as provided in section 260.400 shall be held by the commission if requested by the  
40 petitioner within thirty days of the date of notice of the recommendation of the department. If  
41 the commission grants the variance without a hearing, the matter shall be passed upon at a public  
42 meeting no sooner than thirty days from the date of notice of the recommendation of the  
43 department, except that upon petition, filed within thirty days from the date of the  
44 recommendation, by any person aggrieved by the granting of the variance, a hearing shall be held  
45 and such petitioner shall become a party to the proceeding. In any hearing under this section the  
46 burden of proof shall be on the person petitioning for a variance.

47 6. The commission may require the filing of a bond as a condition for the issuance of a  
48 variance in an amount determined by the commission to be sufficient to insure compliance with  
49 the terms and conditions of the variance. The bond shall be signed by the applicant as principal  
50 and by a corporate surety licensed to do business in the state of Missouri and approved by the  
51 commission. The commission may require that the bond shall remain in effect until the terms  
52 and conditions of the variance are met and the provisions of sections 260.350 to 260.430 and  
53 rules and regulations promulgated hereunder are complied with.

54 7. Upon failure to comply with the terms and conditions of any bond or of any variance  
55 as specified by the commission, the variance may be revoked or modified or the bond may be  
56 revoked, or both, by the commission after a hearing held upon not less than thirty days written  
57 notice. The notice shall be served upon all persons who will be subjected to greater restrictions  
58 if the variance is revoked or modified or who have filed with the department a written request  
59 for notification.

60 8. Any decision of the commission made pursuant to a hearing held under this section  
61 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 registry, or listed  
2 in the registry pursuant to section 260.440, may petition the director for deletion of such site,  
3 modification of the site classification or modification of any information regarding such site. No  
4 site shall be listed on the registry until after the resolution of any appeal initiated under this  
5 section.

6 2. Within ninety days after the submittal of such petition, the commission may convene  
7 a hearing to review the action of the director. No less than thirty days prior to the hearing, the  
8 commission shall cause a notice of hearing to be published [~~in a newspaper of general circulation~~  
9 ~~in the county in which the site is located~~] **on the front page of its website, if it has one. If the**  
10 **commission does not have a website, notice shall be sent no less than thirty days prior to**  
11 **the hearing to the secretary of state who shall publish such notice on the legal notices**  
12 **website, established pursuant to section 493.077, until the date of the hearing has passed.**  
13 The commission shall also notify in writing any owner or operator of the site no less than thirty  
14 days prior to the hearing.

15 3. No later than thirty days following receipt of the complete record or following the  
16 decision not to hold a hearing, the commission shall provide the owner or operator with a written  
17 determination accompanied by reason therefor regarding action taken on the petition. All final  
18 decisions of the commission shall be reviewable under chapter 536.

19 4. The department shall, within ten days of any determination, notify the local  
20 governments of jurisdiction whenever a change is made in the registry pursuant to this section.

262.410. Whenever a majority of two-thirds of the members of any society organized  
2 under the provisions of sections 262.290 to 262.540 shall, at an annual meeting, declare such  
3 society dissolved, or if from any other cause said society shall be dissolved or fail to meet and  
4 pursue the objects of the society for the period of five consecutive years, then the real estate and  
5 all the other property held by it shall be sold for cash in hand, at public auction, before the  
6 courthouse door of the county, after thirty days' notice [~~given in some newspaper published in~~  
7 ~~the county, if there be one, and, if not, by ten printed advertisements set up in ten public places~~  
8 ~~in the county,~~] **describing the property to be sold, and the time, place and terms of sale. Such**  
9 **notice shall be published on the front page of the society's website, if it has one. If the**  
10 **society does not 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 to section 493.077,**  
12 **for a period of thirty days.** Such sale shall be conducted by the directors, or a majority of them,  
13 chosen and elected as provided by sections 262.290 to 262.540, and the proceeds of such sales  
14 shall, after payment of all expenses, be divided among the members of such society in proportion  
15 to stock held.

262.583. 1. The council of the respective counties shall have the following powers and  
2 duties:

3 (1) Determine the number of elective council positions for each district provided that no  
4 district shall have less than one council member and there shall not be less than ten or more than  
5 twenty members elected to the council;

6 (2) Nominate at least two citizens residing within the district for each elected council  
7 position;

8 (3) Determine the council positions to be filled for a one-year term and those to be filled  
9 for a two-year term when necessary under the provisions of subsection 2 of section 262.567;

10 (4) Set the date or dates, and places of the elections in the respective districts to be held  
11 in January of each year and set the dates and places for the bimonthly meetings of the council and  
12 the bimonthly meetings of the officers and may set the date and place of other meetings of the  
13 council or officers;

14 (5) Provide ballots and make all necessary arrangements for the holding of elections  
15 within each of the districts within the county;

16 (6) Give notice to the farm organizations selected to have representation on the council  
17 and to the towns and cities entitled to have representation thereon, at least thirty days before each  
18 annual election of council members and give notice to any organization, town or city in the event  
19 a vacancy occurs in the position on the council for which it shall make appointment;

20 (7) Give all notices and publications required by sections 262.550 to 262.620 [~~and select~~  
21 ~~the newspaper or newspapers in which publication of the notices shall be made]~~ **in the manner**  
22 **required by such sections.**

23 2. At the first annual meeting after taking office the council shall elect from its elected  
24 and appointed members a chairman, a vice chairman, a secretary, and a treasurer.

25 3. All officers of the council shall, within five days after their election, take and sign the  
26 usual oath of public officers which shall be filed in the office of the county clerk.

27 4. The council shall meet at least bimonthly and special meetings may be called by the  
28 chairman or by five members of the council by giving written notice to all members of the  
29 council of the date, time and place of meeting not less than ten days prior to the day of the  
30 meeting.

31 5. The officers of the council shall meet bimonthly in the months in which the council  
32 does not have a regular meeting for the purpose of making requisitions to the county commission  
33 for the amount of the month's expenditures and for allowing and paying authorized accounts and  
34 passing upon routine matters, but no other business of the council shall be transacted at such  
35 officers' meetings.

36           6. Members of the council and the officers thereof shall receive no compensation for  
37 their services as members or officers of the council. Members of the council and the officers  
38 thereof shall be entitled to their actual expenses incurred on account of council business,  
39 provided all such expenses shall be approved by the council.

          262.620. Any public notice required to be given under any of the provisions of sections  
2 262.550 to 262.620 shall be given by publishing a copy thereof **on the front page of the website**  
3 **of the entity required to give notice, if it has a website, for a period of** at least one ~~[time in~~  
4 ~~a newspaper published within the county and having a general circulation therein and if there be~~  
5 ~~no such newspaper within the county, then in some newspaper having a general circulation~~  
6 ~~within the county]~~ **week. If the entity required to give notice does not have a website, notice**  
7 **shall be sent to the secretary of state who shall publish such notice on the legal notices**  
8 **website, established pursuant to section 493.077, for a period of at least one week.** Any  
9 notice required to be given to any council member shall be given by personal service or by  
10 mailing a copy thereof to the council member, provided that any council member attending any  
11 meeting shall be deemed to have waived service of notice of such meeting. No notice shall be  
12 required of regular council meetings or of regular meetings of the officers or of any special  
13 meeting of the council the date and place of which has been set and recorded in a prior meeting  
14 of the council. Any notice to be given to the county commission shall be given by delivery of  
15 a copy thereof to the clerk of the commission. Notice to organizations selected by the council  
16 to have members on the council and cities and towns entitled to have members on the council  
17 shall be given by delivering a copy thereof to the principal officers of the organization or to the  
18 mayor of the city or 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 vegetable  
3 product, growing of grapes that will be processed into wine, bees, honey, fish or other  
4 aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or  
5 a poultry product, either in its natural or processed state, that has been produced, processed, or  
6 otherwise had value added to it in this state;

7           (2) "Blighted area", that portion of the city within which the legislative authority of such  
8 city determines that by reason of age, obsolescence, inadequate, or outmoded design or physical  
9 deterioration have become economic and social liabilities, and that such conditions are conducive  
10 to ill health, transmission of disease, crime or inability to pay reasonable taxes;

11           (3) "Department", the department of agriculture;

12           (4) "Domesticated animal", cattle, calves, sheep, swine, ratite birds including but not  
13 limited to ostrich and emu, llamas, alpaca, buffalo, bison, elk documented as obtained from a



14 legal source and not from the wild, goats, or horses, other equines, or rabbits raised in  
15 confinement for human consumption;

16 (5) "Grower UAZ", a type of UAZ:

17 (a) That can either grow produce, raise livestock, or produce other value-added  
18 agricultural products;

19 (b) That does not exceed fifty laying hens, six hundred fifty broiler chickens, or thirty  
20 domesticated animals;

21 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not limited to  
22 ostrich and emu, aquatic products as described in section 277.024, llamas, alpaca, buffalo, bison,  
23 elk documented as obtained from a legal source and not from the wild, goats, or horses, other  
24 equines, or rabbits raised in confinement for human consumption;

25 (7) "Locally grown", a product that was grown or raised in the same county or city not  
26 within a county in which the UAZ is located or in an adjoining county or city not within a  
27 county. For a product raised or sold in a city not within a county, locally grown also includes  
28 an adjoining county with a charter form of government with more than nine hundred fifty  
29 thousand inhabitants and those adjoining said county;

30 (8) "Meat", any edible portion of livestock or poultry carcass or part thereof;

31 (9) "Meat product", anything containing meat intended for or capable of use for human  
32 consumption, which is derived, in whole or in part, from livestock or poultry;

33 (10) "Mobile unit", the same as motor vehicle as defined in section 301.010;

34 (11) "Poultry", any domesticated bird intended for human consumption;

35 (12) "Processing UAZ", a type of UAZ:

36 (a) That processes livestock, poultry, or produce for human consumption;

37 (b) That meets federal and state processing laws and standards;

38 (c) Is a qualifying small business approved by the department;

39 (13) "Qualifying small business", those enterprises which are established within an  
40 Urban Agricultural Zone subsequent to its creation, and which meet the definition established  
41 for the Small Business Administration and set forth in Section 121.201 of Part 121 of Title 13  
42 of the Code of Federal Regulations;

43 (14) "Value-added agricultural products", any product or products that are the result of:

44 (a) Using an agricultural product grown in this state to produce a meat or dairy product  
45 in this state;

46 (b) A change in the physical state or form of the original agricultural product;

47 (c) An agricultural product grown in this state which has had its value enhanced by  
48 special production methods such as organically grown products; or

49 (d) A physical segregation of a commodity or agricultural product grown in this state that  
50 enhances its value such as identity preserved marketing systems;

51 (15) "Urban agricultural zone" or "UAZ", a zone within a metropolitan statistical area  
52 as defined by the United States Office of Budget and Management that has one or more of the  
53 following entities that is a qualifying small business and approved by the department, as follows:

54 (a) Any organization or person who grows produce or other agricultural products;

55 (b) Any organization or person that raises livestock or poultry;

56 (c) Any organization or person who processes livestock or poultry;

57 (d) Any organization that sells at a minimum seventy-five percent locally grown food;

58 (16) "Vending UAZ", a type of UAZ:

59 (a) That sells produce, meat, or value-added locally grown agricultural goods;

60 (b) That is able to accept food stamps under the provisions of the Supplemental Nutrition  
61 Assistance Program as a form of payment; and

62 (c) Is a qualifying small business that is approved by the department for an UAZ vendor  
63 license.

64 2. (1) A person or organization shall submit to any incorporated municipality an  
65 application to develop an UAZ on a blighted area of land. Such application shall demonstrate  
66 or identify on the application:

67 (a) If the person or organization is a grower UAZ, processing UAZ, vending UAZ, or  
68 a combination of all three types of UAZs provided in this paragraph, in which case the person  
69 or organization shall meet the requirements of each type of UAZ in order to qualify;

70 (b) The number of jobs to be created;

71 (c) The types of products to be produced; and

72 (d) If applying for a vending UAZ, the ability to accept food stamps under the provisions  
73 of the Supplemental Nutrition Assistance Program if selling products to consumers.

74 (2) A municipality shall review and modify the application as necessary before either  
75 approving or denying the request to establish an UAZ.

76 (3) Approval of the UAZ by such municipality shall be reviewed five and ten years after  
77 the development of the UAZ. After twenty-five years, the UAZ shall dissolve.

78 If the municipality finds during its review that the UAZ is not meeting the requirements set out  
79 in this section, the municipality may dissolve the UAZ.

80 3. The governing body of any municipality planning to seek designation of an urban  
81 agricultural zone shall establish an urban agricultural zone board. The number of members on  
82 the board shall be seven. One member of the board shall be appointed by the school district or  
83 districts located within the area proposed for designation of an urban agricultural zone. Two  
84 members of the board shall be appointed by other affected taxing districts. The remaining four

85 members shall be chosen by the chief elected officer of the municipality. The four members  
86 chosen by the chief elected officer of the municipality shall all be residents of the county or city  
87 not within a county in which the UAZ is to be located, and at least one of such four members  
88 shall have experience in or represent organizations associated with sustainable agriculture, urban  
89 farming, community gardening, or any of the activities or products authorized by this section for  
90 UAZs.

91 4. The school district member and the two affected taxing district members shall each  
92 have initial terms of five years. Of the four members appointed by the chief elected official, two  
93 shall have initial terms of four years, and two shall have initial terms of three years. Thereafter,  
94 members shall serve terms of five years. Each member shall hold office until a successor has  
95 been appointed. All vacancies shall be filled in the same manner as the original appointment.  
96 For inefficiency or neglect of duty or misconduct in office, a member of the board may be  
97 removed by the applicable appointing authority.

98 5. A majority of the members shall constitute a quorum of such board for the purpose  
99 of conducting business and exercising the powers of the board and for all other purposes. Action  
100 may be taken by the board upon a vote of a majority of the members present.

101 6. The members of the board annually shall elect a chair from among the members.

102 7. The role of the board shall be to conduct the activities necessary to advise the  
103 governing body on the designation of an urban agricultural zone and any other advisory duties  
104 as determined by the governing body. The role of the board after the designation of an urban  
105 agricultural zone shall be review and assessment of zone activities.

106 8. Prior to the adoption of an ordinance proposing the designation of an urban  
107 agricultural zone, the urban agricultural board shall fix a time and place for a public hearing and  
108 notify each taxing district located wholly or partially within the boundaries of the proposed urban  
109 agricultural zone. The board shall send, by certified mail, a notice of such hearing to all taxing  
110 districts and political subdivisions in the area to be affected and shall publish notice of such  
111 hearing ~~[in a newspaper of general circulation in the area to be affected by the designation]~~ **on**  
112 **the front page of its website, if it has one, for a period of** at least twenty days prior to the  
113 hearing but not more than thirty days prior to the hearing. **If the board does not have a**  
114 **website, notice shall be sent at least twenty days but no more than thirty days prior to the**  
115 **hearing to the secretary of state who shall publish such notice on the legal notices website,**  
116 **established pursuant to section 493.077, until the date of the hearing has passed.** Such  
117 notice shall state the time, location, date, and purpose of the hearing. At the public hearing any  
118 interested person or affected taxing district may file with the board written objections to, or  
119 comments on, and may be heard orally in respect to, any issues embodied in the notice. The  
120 board shall hear and consider all protests, objections, comments, and other evidence presented

121 at the hearing. The hearing may be continued to another date without further notice other than  
122 a motion to be entered upon the minutes fixing the time and place of the subsequent hearing.

123 9. Following the conclusion of the public hearing required under subsection 8 of this  
124 section, the governing authority of the municipality may adopt an ordinance designating an urban  
125 agricultural zone.

126 10. The real property of the UAZ shall not be subject to assessment or payment of ad  
127 valorem taxes on real property imposed by the cities affected by this section, or by the state or  
128 any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance  
129 under subsection 9 of this section, except to such extent and in such amount as may be imposed  
130 upon such real property during such period, as was determined by the assessor of the county in  
131 which such real property is located, or, if not located within a county, then by the assessor of  
132 such city, in an amount not greater than the amount of taxes due and payable thereon during the  
133 calendar year preceding the calendar year during which the urban agricultural zone was  
134 designated. The amounts of such tax assessments shall not be increased during such period so  
135 long as the real property is used in furtherance of the activities provided under the provisions of  
136 subdivision (15) of subsection 1 of this section. At the conclusion of the period of abatement  
137 provided by the ordinance, the property shall then be reassessed. If only a portion of real  
138 property is used as an UAZ, then only that portion of real property shall be exempt from  
139 assessment or payment of ad valorem taxes on such property, as provided by this section.

140 11. If the water services for the UAZ are provided by the municipality, the municipality  
141 may authorize a grower UAZ to pay wholesale water rates for the cost of water consumed on the  
142 UAZ. If available, the UAZ may pay fifty percent of the standard cost to hook onto the water  
143 source.

144 12. (1) Any local sales tax revenues received from the sale of agricultural products sold  
145 in the UAZ, or any local sales tax revenues received by a mobile unit associated with a vending  
146 UAZ selling agricultural products in the municipality in which the vending UAZ is located, shall  
147 be deposited in the urban agricultural zone fund established in subdivision (2) of this subsection.  
148 An amount equal to one percent shall be retained by the director of revenue for deposit in the  
149 general revenue fund to offset the costs of collection.

150 (2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund",  
151 which shall consist of money collected under subdivision (1) of this subsection. The state  
152 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state  
153 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon  
154 appropriation, shall be used for the purposes authorized by this section. Notwithstanding the  
155 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the  
156 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall

157 invest moneys in the fund in the same manner as other funds are invested. Any interest and  
158 moneys earned on such investments shall be credited to the fund. Fifty percent of fund moneys  
159 shall be made available to school districts. The remaining fifty percent of fund moneys shall be  
160 allocated to municipalities that have urban agricultural zones based upon the municipality's  
161 percentage of local sales tax revenues deposited into the fund. The municipalities shall, upon  
162 appropriation, provide fund moneys to urban agricultural zones within the municipality for  
163 improvements. School districts may apply to the department for money in the fund to be used  
164 for the development of curriculum on or the implementation of urban farming practices under  
165 the guidance of the University of Missouri extension service and a certified vocational  
166 agricultural instructor. The funds are to be distributed on a competitive basis within the school  
167 district or districts in which the UAZ is located pursuant to rules to be promulgated by the  
168 department, with special consideration given to the relative number of students eligible for free  
169 and reduced-price lunches attending the schools within such district or districts.

170 13. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
171 created under the authority delegated in this section shall become effective only if it complies  
172 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
173 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
174 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
175 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
176 any rule proposed or adopted after August 28, 2013, shall be invalid and void.

177 14. The provisions of this section shall not apply to any county with a charter form of  
178 government and with more than three hundred thousand but fewer than four hundred fifty  
179 thousand inhabitants.

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

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

4 (2) Any county of the third classification without a township form of government and  
5 with more than four thousand one hundred but fewer than four thousand two hundred  
6 inhabitants; or

7 (3) Any county of the third classification without a township form of government and  
8 with more than two thousand three hundred but fewer than two thousand four hundred  
9 inhabitants

10 shall control all brush growing on such owner's property that is designated as the county  
11 right-of-way or county maintenance easement part of such owner's property and which is  
12 adjacent to any county road. Such brush shall be cut, burned, or otherwise destroyed as often as

13 necessary in order to keep such lands accessible for purposes of maintenance and safety of the  
14 county road and to prevent brush from interfering with any vehicle that may travel the road.

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

28         3. Before proceeding to control brush as provided in this section, the county commission  
29 of the county in which the land is located shall notify the owner of the land of the requirements  
30 of this law in writing using any mail service with delivery tracking and an address supplied by  
31 the officer who prepares the tax list and shall allow the owner of the land thirty days from the  
32 date of delivery to eradicate all such brush growing on land designated as the county right-of-way  
33 or county maintenance easement part of such owner's land and which is adjacent to the county  
34 road. In the event that the property owner cannot be located by mail, notice shall be ~~placed in~~  
35 ~~a newspaper of general circulation in the county in which the land is located~~ **published on the**  
36 **front page of the commission's website, if it has one, for a period of** at least thirty days before  
37 the county commission removes the brush pursuant to subsection 2 of this section, **provided that**  
38 **if the county commission does not have a website, notice shall be sent at least thirty days**  
39 **before the commission removes the brush to the secretary of state who shall publish such**  
40 **notice on the legal notices website, established pursuant to section 493.077.** Such property  
41 owner shall be granted an automatic thirty-day extension due to hardship by notifying the county  
42 commission that such owner cannot comply with the requirements of this section, due to  
43 hardship, within the first thirty-day period. The property owner may be granted a second  
44 extension by a majority vote of the county commission. There shall be no further extensions.  
45 For the purposes of this subsection, "hardship" may be financial, physical or any other condition  
46 that the county commission deems to be a valid reason to allow an extension of time to comply  
47 with the requirements of this section.

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

54 5. The county right-of-way or county maintenance easement shall extend fifteen feet  
 55 from the center of the county road or the distance set forth in the original conveyance, whichever  
 56 is greater. For purposes of this subsection, the "center of the county road" shall be the point  
 57 equidistant from both edges of the drivable ground of the road in its current condition.

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

263.247. 1. Section 263.245 shall become effective only in those counties described in  
 2 subsection 1 of section 263.245 in which the governing body of the county submits to the voters  
 3 of the county, at a regularly scheduled countywide election, a proposal to implement the  
 4 provisions of section 263.245. The governing body of the county shall give notice of the election  
 5 by publication ~~[in a newspaper of general circulation in the county]~~ **on the front page of the**  
 6 **governing body's website, if it has one**, for ~~[two consecutive weeks, the last insert of which~~  
 7 ~~shall be within ten days of the election]~~ **a period of twenty-four days prior to the election. If**  
 8 **the governing body does not have a website, notice shall be sent at least twenty-four days**  
 9 **prior to the election 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 of the election has**  
 11 **passed.**

12 2. The ballot of submission shall include, but not be limited to, the following language:  
 13 Shall the county of \_\_\_\_\_ (county's name) enforce brush control adjacent to  
 14 county roads?

15  YES  NO

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

18 3. If a majority of the votes cast at the election are in favor of such proposal, section  
 19 263.245 shall become effective in that county. If a majority of the votes cast at the election are  
 20 opposed to such proposal, section 263.245 shall not become effective in that county.

21 4. The governing body of any county in which the provisions of section 263.245 are in  
 22 effect may, on its own motion, call for an election to repeal the implementation of section  
 23 263.245 in that county. The election shall be held at the same time and in the same manner as  
 24 an election to implement section 263.245 in the county as prescribed in subsections 1 to 3 of this

25 section, except that the ballot of submission shall include, but not be limited to, the following  
 26 language:

27 Shall the county of \_\_\_\_\_ (county's name) discontinue enforcement of brush  
 28 control adjacent to county roads?

29  YES  NO

263.255. 1. Upon the petition of one hundred landowners in any county the county  
 2 commission shall declare that a threat exists to the agricultural economy of the county by reason  
 3 of the growth and infestation of a species of grass, Sorghum halepense, commonly known as  
 4 "Johnson grass". After such declaration there shall be submitted to the qualified voters of the  
 5 county at the next general election or a special election called for that purpose, the question of  
 6 enforcing the provisions of sections 263.255 to 263.267. The commission shall give notice of  
 7 the election by publication [~~in a newspaper published in the county~~] **on the front page of its**  
 8 **website, if it has one**, for [~~three weeks consecutively, the last insert of which shall be at least~~  
 9 ~~ten days~~] **a period of thirty-one days** before the day of the election. **If the commission does**  
 10 **not have a website, notice shall be sent at least thirty-one days prior to the election to the**  
 11 **secretary of state who shall publish such notice on the legal notices website, established**  
 12 **pursuant to section 493.077, until the date of the election has passed.** There shall be written  
 13 or printed on each ballot voted at said election the following: "For Enforcing the Law Controlling  
 14 and Eradicating Johnson Grass""Against Enforcing the Law Controlling and Eradicating Johnson  
 15 Grass". At any such election, the voting, making returns thereof, and casting up the result shall  
 16 be governed in all respects by the laws applicable to general elections for state and county  
 17 purposes.

18 2. If a majority of the votes cast at the election are in favor of enforcing the law  
 19 controlling and eradicating Johnson grass, the clerk of the county commission shall enter upon  
 20 the county commission's records the result of the election and within ten days after the election,  
 21 shall notify the state director of agriculture of the result of the election. If a majority of the votes  
 22 cast at the election are not in favor of enforcing such law, the question shall not be resubmitted  
 23 for at least two years after the election.

263.257. 1. The state director of agriculture shall within thirty days after receipt of the  
 2 notice from the clerk of the county commission as provided in subsection 2 of section 263.255  
 3 declare such county a "Johnson Grass Extermination Area" and the director of agriculture shall  
 4 cause suitable notice to be published [~~in a newspaper in the county~~] **on the front page of the**  
 5 **department's website** for a **period of three consecutive weeks**. The notice shall contain, among  
 6 other things, that the county has been declared a Johnson grass extermination area and that all  
 7 property owners in the county shall, not later than April thirtieth of the subsequent year, take



8 steps toward controlling and eradicating Johnson grass on all lands owned by them or under their  
9 control.

10 2. The state director of agriculture shall within ten days after receipt of the notice  
11 provided in subsection 1 appoint a three-man county weed control board, composed of citizens  
12 of the county, to serve as advisers and to assist in the administration of sections 263.255 to  
13 263.267, and to perform such other duties as prescribed by the director of agriculture. Members  
14 of the board shall receive no salary but shall be fairly reimbursed by the county commission for  
15 necessary expenses incurred in performance of their duties.

263.454. 1. The state director of agriculture shall within thirty days after receipt of the  
2 notice from the clerk of the county commission as provided in subsection 2 of section 263.452  
3 declare such county a "Noxious Weed Control Area" and the county commission shall cause  
4 suitable notice to be published [~~in a newspaper of general circulation in the county~~] **on the front**  
5 **page of its website, if it has one, for a period of three consecutive weeks. If the commission**  
6 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
7 **notice on the legal notices website, established pursuant to section 493.077, for a period of**  
8 **three consecutive weeks.** The notice shall contain the fact that the county has been declared a  
9 noxious weed control area, a list of all noxious weeds and a statement that all property owners  
10 in the county shall, not later than the April thirtieth immediately following the publication of the  
11 notice, take steps toward controlling noxious weeds on all lands owned by them or under their  
12 control.

13 2. The county commission of any county declared a noxious weed control area shall,  
14 within ten days after such declaration, appoint a county weed control board, composed of three  
15 citizens of the county, to serve as advisors and to assist in the administration of sections 263.450  
16 to 263.474, and to perform such other duties related to the control of noxious weeds as  
17 prescribed by the county commission. Members of the board shall receive no salary but shall be  
18 fairly reimbursed by the county commission for actual and necessary expenses incurred in  
19 performance of their duties. Appointments to the county weed control board shall be for terms  
20 of three years, except that of the initial appointments, one person shall be appointed for one year,  
21 one person shall be appointed for two years and one person shall be appointed for three years.  
22 Each year thereafter, one person shall be appointed to fill the expired term.

263.456. 1. Each county weed control board shall have the following duties:

2 (1) To control noxious weeds and to prevent their regrowth and reinfestation, by means  
3 of appropriate chemical control or biological control or both, on all lands in the county other than  
4 lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental  
5 to lands controlled by any railroad, the department of transportation, the department of natural  
6 resources or the department of conservation;

7 (2) To employ methods of control and for the prevention of the regrowth and  
8 reinfestation of noxious weeds as directed by the county commission;

9 (3) To comply with all orders promulgated by the county commission pursuant to the  
10 provisions of sections 263.450 to 263.474;

11 (4) To inspect all lands in the county for compliance with the provisions of sections  
12 263.450 to 263.474;

13 (5) To inform itself of the origin, nature and appearance of noxious weeds and the  
14 manner in which they are spread, and shall follow recommendations of the University of  
15 Missouri college of agriculture as to the best and approved method to control and prevent the  
16 spread of noxious weeds.

17 2. The director of agriculture may cooperate with and may enter into cooperative  
18 agreements with state and federal agencies and departments for the furtherance of the control of  
19 noxious weeds. The county commission shall make orders following a public hearing for  
20 carrying out the provisions and requirements of sections 263.450 to 263.474, including orders  
21 which designate a weed as noxious.

22 3. The county weed control board, under the supervision of the county commission, shall  
23 inspect or cause to be inspected all lands of the county each year during which the county is  
24 classed as a noxious weed control area. The board shall publish notice of such inspection ~~[at~~  
25 ~~least once and]~~ **on the front page of its website, if it has one, for a period of** at least one week  
26 prior to such inspection ~~[in a newspaper of general circulation within the county].~~ **If the board**  
27 **does not have a website, notice shall be sent at least one week prior to the inspection to the**  
28 **secretary of state who shall publish such notice on the legal notices website, established**  
29 **pursuant to section 493.077, until the date of the inspection has passed.** The county weed  
30 control board or the designated representative of the board may enter or exit all lands in the  
31 county in making an inspection or performing any other duties imposed by sections 263.450 to  
32 263.474, and for these purposes the county weed control board, or its agents, servants, or  
33 employees may enter on such lands without being liable to an action of trespass, and shall have  
34 such official immunity as exists at common law for any misfeasance or damages occurring in  
35 connection with the execution of the duties imposed by sections 263.450 to 263.474.  
36 Notwithstanding any provision of law to the contrary, the county weed control board shall be  
37 liable for any misfeasance or damages caused by its agents, servants, or employees in connection  
38 with the execution of the duties imposed by sections 263.450 to 263.474; and the agents,  
39 servants, or employees of the weed control board shall be entitled to indemnification from the  
40 noxious weed fund for any misfeasance or damages occurring in connection with the execution  
41 of the duties imposed by sections 263.450 to 263.474. The landowner shall owe no duty of care  
42 to such persons, except that which the landowner owes to trespassers. If the landowner will not

43 control the noxious weeds, the county commission may enter the land and control such weeds,  
44 and the county commission shall keep an accurate record of the expenses incurred in controlling  
45 noxious weeds, and shall verify such statement under seal of the county commission, and  
46 transmit the same to the officer whose duty it is or may be to extend state and county taxes on  
47 tax books or bills against real estate and such officer shall extend the aggregate expenses so  
48 charged against each tract of land as a special tax, which shall then become a lien on the lands  
49 and be collected as state and county taxes are collected by law and paid to the county  
50 commission and credited to the county control fund. All failures to comply with the provisions  
51 of sections 263.450 to 263.474 shall be reported to the prosecuting attorney of the county and  
52 it shall be his duty to prosecute all violations of sections 263.450 to 263.474 in the manner  
53 provided in section 263.460.

263.517. 1. The department may designate by regulation one or more areas of this state  
2 as eradication zones where boll weevil eradication programs will be undertaken.

3 2. The department may promulgate reasonable regulations regarding areas where cotton  
4 cannot be planted within an eradication zone when there is reason to believe it will jeopardize  
5 the success of the program or present a hazard to public health or safety.

6 3. The department may issue regulations prohibiting the planting of noncommercial  
7 cotton in such elimination zones and requiring that all growers of commercial cotton in the  
8 eradication zones participate in a program of boll weevil eradication including cost sharing as  
9 prescribed in the regulations.

10 4. Notice of such prohibition and requirement shall be given by publication [~~for one day~~  
11 ~~each week~~] **on the front page of the department's website, for a period of three successive**  
12 ~~weeks [in a newspaper having general circulation in the affected area].~~

13 5. When a grower fails to meet the requirements of regulations promulgated by the  
14 department, the department shall have authority in eradication zones to destroy cotton not in  
15 compliance with such regulations.

267.595. 1. When in the opinion of the state veterinarian the quarantine of an area is  
2 essential to:

3 (1) Confine an outbreak of a highly contagious and communicable disease affecting  
4 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 for testing or  
6 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 cooperative  
9 control and eradication of the disease; or

10 (5) When necessary in order to avoid embargo against the movement of livestock out of  
11 the free areas within the state into other states;  
12 and the state veterinarian so notifies the director of agriculture of such fact, the director of  
13 agriculture or the state veterinarian acting for the director of agriculture with the approval of the  
14 governor, may order the area quarantined. Such order shall set forth the terms and conditions  
15 that are to be met by the owner of livestock within areas affected by the order.

16 2. The notice of an order of quarantine against the movement of animals or birds from  
17 the area shall be publicized [~~in the newspapers and~~] **on the** radios serving the area. **Notice shall**  
18 **additionally be published on the front page of the state veterinarian's website, if it has one.**  
19 **If the state veterinarian does not have a website, notice shall be sent to the secretary of state**  
20 **who shall publish such notice on the legal notices website, established pursuant to section**  
21 **493.077.**

22 3. The department shall have the authority to designate the type and kind of immunizing  
23 agent or tests that are to be applied for the control and eradication of the disease and to prohibit  
24 the use, by anyone, of those immunizing agents which in the judgment of the state veterinarian  
25 may not effectively and expeditiously bring about the control of the disease.

26 4. When in the judgment of the state veterinarian the movement of livestock as defined  
27 in sections 267.560 to 267.660 from an area or section within another state favors the  
28 introduction of disease into Missouri and it is known that the livestock sanitary officials of the  
29 state have not quarantined the area or are not controlling the movement of the livestock out of  
30 such areas, the director of agriculture, upon notice of such fact from the state veterinarian of  
31 Missouri, may impose restrictions or full embargo against the movement of any and all livestock  
32 from such areas within another state until the movement of livestock therefrom and into Missouri  
33 no longer favors the introduction of the disease.

34 5. An order setting forth the restrictions or complete embargo against the movement of  
35 livestock from an area within another state or from the entire state shall be effective upon notice  
36 in writing or by telegram to the livestock sanitary official of the state affected.

37 6. All public stockyards and other markets including traders and dealers, licensed to  
38 operate in Missouri, shall cooperate with the department when a quarantine is imposed upon an  
39 area within Missouri or restrictions are invoked against the entry of livestock from specified  
40 areas in other states.

271.100. If the property [~~be~~] is appraised at fifteen dollars or upward, the taker-up shall,  
2 within ten days after posting any animal, cause notice thereof to be published [~~in some~~  
3 ~~newspaper of the county, or, if there be none, then of an adjoining county~~] **on the legal notices**  
4 **website, established pursuant to section 493.077.** Such notice shall be:

5 Taken up by \_\_\_\_\_ and posted before \_\_\_\_\_, an associate circuit judge of  
 6 \_\_\_\_\_ County, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, the following  
 7 described property: (here insert the valuation and description as given by the  
 8 appraisers)[;]  
 9 ~~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 the petition of  
 2 one hundred real estate owners of ten acres or more of the county submit to the voters at a  
 3 general or special election the proposition for the adoption by the county of the provisions of  
 4 sections 272.210 to 272.370. The commission shall cause notice of the election to be published  
 5 ~~[in a newspaper published within the county, or if no newspaper is published within the county,~~  
 6 ~~in a newspaper published in an adjoining county,]~~ **on the front page of its website, if it has one,**  
 7 ~~for [three weeks consecutively, the last insertion of which shall be]~~ **a period of at least [ten]**  
 8 **thirty-one** days before the day of the election, and by posting printed notices thereof at three of  
 9 the most public places in each township in the county. **If the commission does not have a**  
 10 **website, notice shall be sent at least thirty-one days before the day of the election to the**  
 11 **secretary of state who shall publish such notice on the legal notices website, established**  
 12 **pursuant to section 493.077, until the date of the election has passed.** If a majority of the  
 13 voters voting on the proposition vote in favor of the adoption of the provisions of sections  
 14 272.210 to 272.370 the county commission shall issue an order declaring the adoption. From  
 15 and after the issuance of the order the provisions of sections 272.210 to 272.370 shall be in full  
 16 force and effect in the county and the provisions of sections 272.010 to 272.140 shall be  
 17 suspended in the county.

273.170. 1. Upon the filing of a petition signed by one hundred or more voters of any  
 2 county and presented to the county commission at any regular or special session thereof the  
 3 county commission shall order the question, as to whether or not there should be adopted the law  
 4 creating a license tax on dogs, submitted to the voters, to be voted upon at the next election.

5 2. The question shall be submitted in substantially the following form:  
 6 Shall there be a license tax on dogs?

7 3. If the majority of the votes cast upon the question be in favor of the license tax on  
 8 dogs, the county commission shall enter the result of the submission of the question upon its  
 9 records and give notice thereof by publication ~~[in some newspaper printed and published in such~~  
 10 ~~county and]~~ **on the front page of its website, if it has one. If the commission does not have**  
 11 **a website, notice shall be sent to the secretary of state who shall publish such notice on the**  
 12 **legal notices website, established pursuant to section 493.077.** Such law shall become  
 13 operative from the time such publication is made.

273.180. 1. Upon the filing of a petition signed by one hundred or more voters of any county and presented to the county commission at any regular or special session thereof, it shall be the duty of the county commission to order the question, as to whether or not there should be repealed the law, creating a license tax on dogs, submitted to the voters, to be voted upon at the next election. Upon the receiving of such petition, it shall be the duty of the county commission to make an order as herein recited.

2. The question shall be submitted in substantially the following form:

Shall the license tax on dogs be repealed?

3. If the majority of the votes cast upon the subject be in favor of repealing the license tax on dogs, the county commission shall spread the result of the submission of the question upon its records and give notice thereof by publication ~~[in some newspaper printed and published in such county and]~~ **on the front page of its website, if it has one. If the commission does not have a website, notice shall be sent to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077.** The law providing for a license tax on dogs shall not be operative in such county from the time such publication is made.

274.100. In its bylaws each association shall provide for one or more regular meetings annually. The board of directors shall have the right to call a special meeting at any time; and ten percent of the members may file a petition stating the specific business to be brought before the association and demand a special meeting at any time. Such meetings must thereupon be called by the directors. Notice of all meetings, together with a statement of the purposes thereof, shall be mailed to each member at least ten days prior to the meeting; provided, however, that the bylaws may require instead that such notice may be given by publication ~~[in a newspaper of general circulation, published at the principal place of business of the association]~~ **on the board's website, if it has one, or on the legal notices website established pursuant to section 493.077.**

278.190. The notice of hearing on the formation of a subdistrict shall be by publication ~~[once each week for two consecutive weeks in some newspaper of general circulation published in the county, the last publication of which shall be]~~ **on the front page of the board of soil and water conservation district's website, if it has one, not less than [ten] twenty-four days prior to the day set for the hearing on the petition. If the board of soil and water conservation district supervisors does not have a website, notice shall be sent twenty-four days prior to the hearing to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077, until the date of the hearing has passed.** Proof of service shall be made by affidavit of the publisher, and be on file with the secretary of

10 the soil and water district at the time the hearing begins. Notice of the referendum shall be made  
11 in the same manner.

287.872. 1. The division shall:

2 (1) Notify the corporation of the existence of an insolvent employer within a reasonable  
3 period of time, but not later, in any event, than ten working days after it receives notice of the  
4 determination of insolvency;

5 (2) Upon request of the board of directors, provide the corporation with a statement of  
6 the annual modified standard premiums of each member employer;

7 (3) Set up procedures to ensure the cooperation of the director and employees of the  
8 division with the board and individual self-insurers acting under this section wherever possible.

9 2. The division may:

10 (1) Require that the corporation notify the member employers and any other interested  
11 parties of the determination of insolvency and of their rights under sections 287.860 to 287.885.  
12 Such notification shall be by mail to the last known address thereof when available; but, if  
13 sufficient information for notification by mail is not available, notice by publication ~~[in a~~  
14 ~~newspaper of general circulation in accordance with the applicable law pertaining to same]~~ **on**  
15 **the division's website** shall be sufficient;

16 (2) Suspend or revoke the authority of any member employer failing to pay an  
17 assessment when due or failing to comply with the plan of operation to self-insure in this state.  
18 As an alternative, the division may levy a penalty on any member employer failing to pay an  
19 assessment when due. Such penalty shall not exceed five percent of the unpaid assessment per  
20 month;

21 (3) Revoke the designation of any servicing facility, including third-party administrators,  
22 if the division, in consultation and agreement with the corporation, finds that claims are being  
23 handled in an unsatisfactory manner.

304.130. 1. For the purpose of promoting the public safety, health and general welfare  
2 and to protect life and property, the county commission in all counties of the first class is  
3 empowered to adopt, by order or ordinance, regulations to control vehicular traffic upon the  
4 public roads and highways in the unincorporated territory of such counties and to establish  
5 reasonable speed regulations in congested areas upon such public roads and highways in the  
6 unincorporated territory of such counties. Such regulations shall not be inconsistent with the  
7 provisions of the general motor vehicle laws of this state.

8 2. Except as provided in subsection 3 of this section, before the adoption of such  
9 regulations, the county commission shall hold at least three public hearings thereon, fifteen days'  
10 notice of the time and place of which shall be published ~~[in at least two newspapers having a~~  
11 ~~general circulation within the county, and]~~ **on the front page of the commission's website, if**

12 **it has one. If the commission does not have a website, notice shall be sent fifteen days prior**  
13 **to each hearing to 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 hearing has passed.**

15 Notice of such hearing shall also be posted at least fifteen days in advance thereof in four  
16 conspicuous places in the county; provided, however, that any regulations respecting stop signs,  
17 signal lights and speed limits on state or federal highways shall be approved by the state  
18 highways and transportation commission before the same shall become effective.

19 3. Regulations relating solely to increasing speed limits shall be exempt from the  
20 procedural requirements of subsection 2 of this section and shall take effect immediately upon  
21 approval of the county commission.

22 4. The regulations adopted shall be codified, printed and distributed for public use;  
23 provided, however, that adequate signs displaying the speed limit must be posted along the  
24 highways at the points along such highways where such speed limits begin and end.

305.310. 1. The authority may operate any authority airport and may charge and collect  
2 rents, rates or other compensation for any use thereof or for any service rendered by the authority  
3 in the operation thereof pursuant to such contracts for such terms, not exceeding forty years, as  
4 the authority shall determine, which terms may begin in futuro, provided that, subject to the  
5 capacity thereof, the landing field, landing strips, and services of any authority airport shall be  
6 available to any person without unjust or unreasonable discrimination as to services and charges  
7 for landing and takeoff by any aircraft.

8 2. The authority may grant to any person concessions or privileges in any part of any  
9 authority airport, other than the landing field and landing strips, and any related facilities for the  
10 control and safe operation of aircraft, the sheltering, servicing or repair of aircraft, the receiving,  
11 discharging, sheltering, feeding and supplemental transportation of passengers, the parking of  
12 motor vehicles, and the receipt, transfer, storage and discharge of any cargo or for any purpose  
13 reasonably incident to any of the foregoing, provided that any leases and any grants of  
14 concessions or privileges may be for such terms, not exceeding twenty years, as the authority  
15 shall determine, and any such term may begin in futuro.

16 3. The authority may regulate, to the extent not regulated by federal law or regulations,  
17 the navigation of aircraft over any authority airport and the perimeter area of such airport, the  
18 approach of aircraft to and their takeoff from any authority airport, and the use of any airport or  
19 related facilities so as to be consistent with the safe and efficient operation of the airport.

20 4. No city, town, county, or other political subdivision, located within the authority  
21 boundaries which owns an airport, may sell, give title or interest in, franchise, lease, contract for  
22 operation or maintenance, or otherwise convey, its airport to or with any other state, authority  
23 or political subdivision without the prior approval of the county airport authority.



24           5. All purchases, rentals, or leases of all goods, supplies, insurance, services, bonds,  
25 wares, commodities, or other items, tangible or intangible, by or for the authority, shall be based  
26 on competitive bids. The authority shall advertise for bids [~~in at least one newspaper of general~~  
27 ~~circulation in the area served by the authority]~~ **on the front page of its website, if it has one,**  
28 **for a period of** at least five days before bids for the purchases, rentals, or leases are to be  
29 opened. **If the authority does not have a website, notice shall be sent at least five days**  
30 **before bids are to be opened to the secretary of state who shall publish such notice on the**  
31 **legal notices website, established pursuant to section 493.077.** All bids shall be mailed or  
32 delivered to the office of the authority so as to reach it before the time set for opening bids. The  
33 purchase shall be let to the lowest and best bidders. The authority may reject the bids and  
34 advertise for new bids. Purchases where the estimated expenditure is less than one thousand  
35 dollars may be made without the securing of bids.

305.525. 1. The authority may operate any authority airport and may charge and collect  
2 rents, rates or other compensation for any use thereof or for any service rendered by the authority  
3 in the operation thereof pursuant to such contracts for such terms, not exceeding forty years, as  
4 the authority shall determine, which terms may begin in futuro, provided that, subject to the  
5 capacity thereof, the landing field, landing strips, and services of any authority airport shall be  
6 available to any person without unjust or unreasonable discrimination as to services and charges  
7 for landing and takeoff by any aircraft.

8           2. The authority may grant to any person concessions or privileges in any part of any  
9 authority airport, other than the landing field and landing strips, and any related facilities for the  
10 control and safe operation of aircraft, the sheltering, servicing or repair of aircraft, the receiving,  
11 discharging, sheltering, feeding and supplemental transportation of passengers, the parking of  
12 motor vehicles, and the receipt, transfer, storage and discharge of any cargo or for any purpose  
13 reasonably incident to any of the foregoing, provided that any leases and any grants of  
14 concessions or privileges may be for such terms, not exceeding twenty years, as the authority  
15 shall determine and any such term may begin in futuro.

16           3. The authority may regulate, to the extent not regulated by federal law or regulations,  
17 the navigation of aircraft over any authority airport and the perimeter area of such airport, the  
18 approach of aircraft to and their takeoff from any authority airport, and the use of any airport or  
19 related facilities so as to be consistent with the safe and efficient operation of the airport.

20           4. No city, town, county, or other political subdivision, located within the authority  
21 boundaries which owns an airport, may sell, give title or interest in, franchise, lease, contract for  
22 operation or maintenance, or otherwise convey, its airport to or with any other state, authority  
23 or political subdivision without the prior approval of the Missouri-St. Louis metropolitan airport  
24 authority.

25           5. All purchases, rentals, or leases of all goods, supplies, insurance, services, bonds,  
26 wares, commodities, or other items, tangible or intangible, by or for the authority, shall be based  
27 on competitive bids. The authority shall advertise for bids ~~[in at least two newspapers of general~~  
28 ~~circulation in the area served by the authority]~~ **on the front page of its website, if it has one,**  
29 at least five days before bids for the purchases, rentals, or leases are to be opened. **If the**  
30 **authority does not have a website, notice shall be sent, at least five days before the bids are**  
31 **to be opened to the secretary of state who shall publish such notice on the legal notices**  
32 **website, established pursuant to section 493.077.** All bids shall be mailed or delivered to the  
33 office of the authority so as to reach it before the time set for opening bids. The purchase shall  
34 be let to the lowest and best bidders. The authority may reject the bids and advertise for new  
35 bids. Purchases where the estimated expenditure is less than one thousand dollars may be made  
36 without the securing of bids.

305.575. 1. It is hereby found that an airport hazard endangers the lives and property of  
2 users of the airport and of occupants of land in its vicinity and impairs the utility of the airport  
3 and the public investment therein. Accordingly, it is hereby declared that the creation or  
4 establishment of an airport hazard is a public nuisance and an injury to the community served  
5 by the airport and it is therefore necessary in the interest of the public health, safety and general  
6 welfare that the creation or establishment of airport hazards be prevented to the extent legally  
7 possible. The authority may for airspace clearance and navigational purposes provide for the  
8 zoning of all territory within two miles of the boundaries of an instrument authority airport and  
9 within one mile of the boundaries of a noninstrument authority airport for the purpose and intent  
10 of preventing or eliminating hazards on the ground and in the air which obstruct or interfere with  
11 the use of an authority airport, such as natural and man-made obstructions, lights, smoke and  
12 electronic interferences.

13           2. No such zoning regulation shall limit any existing use or require the reduction in  
14 height of any existing structure without the owner's consent or the payment of compensation for  
15 damages or loss resulting therefrom.

16           3. It is further declared that both the prevention of the creation or establishment of airport  
17 hazards and the elimination, removal, alteration, mitigation, abatement, or marking, lighting or  
18 shielding of existing airport hazards are public purposes for which the authority may expend  
19 funds and acquire land or property rights therein.

20           4. The chairman shall establish an airport zoning committee consisting of five members  
21 of the authority, not more than one of which shall be representatives of the same area within the  
22 boundaries of the authority. Each member so appointed shall serve as a member of the  
23 committee during his term as member of the authority. The committee shall recommend the  
24 adoption of zoning regulations and hear appeals for the zoning of authority airports.

25           5. Before any zoning regulations are made or changed, except permissible variances, the  
26 committee shall hold at least one public hearing at which any interested person may appear in  
27 person or by counsel to present his views. The public hearings shall be held only after notice  
28 thereof has been given by publication [~~in a newspaper having general circulation within the area~~  
29 ~~subject to the zoning regulations once each week~~] **on the front page of the committee's**  
30 **website, if it has one, for a period of** four consecutive weeks next preceding the time set for the  
31 hearing and by posting the same notice in ten conspicuous places within the area, and all costs  
32 of the publication shall be paid for by the authority. **If the committee does not have a website,**  
33 **notice shall be sent four weeks next preceding the time set for the hearing to the secretary**  
34 **of state who shall publish such notice on the legal notices website, established pursuant to**  
35 **section 493.077, until the date set for the hearing has passed.**

36           6. Zoning regulations of the authority shall be adopted, decided, revised or altered, only  
37 upon the affirmative vote of a majority of those members of the committee present at the public  
38 hearing or at some meeting within thirty days thereafter at which at the time of voting a majority  
39 of the entire committee is present. In the event of conflict between any airport zoning regulations  
40 adopted pursuant to the provisions of this section and some other permissible zoning regulation,  
41 the more stringent limitation or requirement shall govern and prevail.

42           7. All airport zoning regulations adopted by the authority under sections 305.500 to  
43 305.585 shall be enforced by the city or county agency in which the zoning is applicable and  
44 which has the duty of enforcing zoning and building regulations within their area. The authority  
45 shall provide each city and county zoning agency with maps, charts, and visual displays as  
46 necessary and convenient for a coordinated, efficient and effective enforcement. The authority  
47 shall provide each city and county zoning agency technical advice and representation when so  
48 requested for the purposes of sections 305.500 to 305.585.

49           8. Any person, firm or corporation desiring to erect any structure or to change any  
50 existing structure or to permit any natural growth in variance of zoning regulations made  
51 pursuant to the provisions of this section shall apply for permission to make such variance with  
52 the authority. Such variances shall be allowed if a literal application or enforcement of the  
53 regulations would result in practical difficulty or unnecessary hardship and the relief granted  
54 would not be contrary to the public interest but would do substantial justice and be in accordance  
55 with the spirit of the regulations and the provisions of sections 305.500 to 305.585, but any  
56 variance shall be subject to such reasonable conditions as the airport zoning board may deem  
57 necessary to effectuate the purpose of this section. In granting any variance, the authority shall  
58 require, and the person, firm, or corporation seeking the variance shall install, operate and  
59 maintain thereon, at the expense of said person, firm, or corporation seeking the variance, such

60 markers, lights and shielding as may be necessary to indicate to flyers the presence of any hazard,  
61 obstruction and interference which may result from the variance.

62 9. Any person, firm or corporation or any political subdivision which believes it has been  
63 aggrieved by any decision regarding zoning regulations made by the airport authority may appeal  
64 to the circuit court of the county in which the zoning regulations applies for judicial review of  
65 the regulation and the method in which it was adopted. The action must be begun within thirty  
66 days after the regulation becomes effective, and the court shall hear the issues and make its  
67 determination in the same manner as judicial review may be had for any other administrative  
68 decision.

69 10. Any person, firm or corporation violating any of the provisions of sections 305.500  
70 to 305.585 or acting contrary to any zoning regulation which may be adopted pursuant to the  
71 provisions of sections 305.500 to 305.585 is guilty of a misdemeanor, and upon conviction  
72 thereof shall be punished as provided by law, and each day of violation of any such zoning  
73 regulation constitutes a separate offense.

74 11. No such zoning regulation shall limit any existing use without the owner's consent  
75 or the payment of compensation for damages or loss resulting therefrom in the manner prescribed  
76 by chapter 523.

311.140. If a majority of the votes cast on the question be for the sale of intoxicating  
2 liquor, containing alcohol in excess of five percent by weight, by the drink at retail for  
3 consumption on the premises where sold, such intoxicating liquors may be sold under the  
4 provisions of existing laws regulating the sale thereof and the procuring of a license for that  
5 purpose~~[-and]~~ . If a majority of the votes cast on the question be against the sale of intoxicating  
6 liquor, containing alcohol in excess of five percent by weight, by the drink at retail for  
7 consumption on the premises where sold, the board of aldermen, city council or other proper  
8 authorities of such incorporated city submitting the question shall publish the result ~~[once a~~  
9 ~~week]~~ **on the front page of its website, if it has one, for a period of four consecutive weeks**  
10 ~~[in the same newspaper in which the notice of submission of the question was published, and]~~  
11 **. If the board of aldermen, city council, or proper authority does not have a website, notice**  
12 **shall be sent to the secretary of state who shall publish such notice on the legal notices**  
13 **website, established pursuant to section 493.077, for a period of four consecutive weeks.**  
14 The provisions of this chapter shall take effect and be in force from and after the date of the last  
15 insertion of the publication last above referred to; and provided further, that no license to sell  
16 intoxicating liquor, by the drink at retail for consumption on the premises where sold, other than  
17 malt liquor containing not to exceed five percent of alcohol by weight, shall be granted during  
18 the time of publication last above mentioned; provided further, that this law shall not be  
19 construed to interfere with any license issued before the date of the filing of the petition for the

20 submission of the question, but such license may run until the date of its expiration and shall not  
21 be renewed. The election in this chapter provided for, and the result thereof, may be contested  
22 in the same manner as is now provided for by law for the contest of elections of county officers  
23 in this state, by any voter of such incorporated city in which said election shall be held, by an  
24 action to contest, and which shall be brought against the city holding such election.

311.840. 1. Whenever any intoxicating liquor or other property having a value of more  
2 than fifty dollars is seized as contraband under any section of the liquor control law, the officer  
3 seizing such property, or the supervisor of liquor control, if the seizure is made by one of his  
4 agents, shall commence an action in the circuit court of the county in which such property is  
5 seized by filing a petition in the office of the clerk of said court in the name of the state of  
6 Missouri as plaintiff against the person from whom the property was seized as defendant, and  
7 there shall be a rebuttable presumption that said property is the property of the defendant from  
8 whom it was seized. Said petition shall describe the property seized and the circumstances of  
9 the seizure and shall pray the court to make an order, declaring said liquor or other property to  
10 be contraband and directing said seizing officer or the supervisor of liquor control, if the seizure  
11 was made by the supervisor or one of his agents, to sell said property at public or private sale,  
12 subject to the approval of the said circuit court. A summons shall be issued and process served  
13 on the defendant as in other civil suits. The defendant shall file his answer within thirty days  
14 after service of process upon him, whether such service is personal service, service by mail, or  
15 service by publication. After defendant's time for filing answer has expired, the court shall fix  
16 a day for hearing and said action shall be heard by the court without a jury and shall be  
17 conducted, except as otherwise in this chapter provided, as other cases under the code of civil  
18 procedure of the state of Missouri.

19 2. However, in addition to any other process provided by the civil code, the clerk of the  
20 circuit court shall cause to be published ~~[one time in some newspaper having a general  
21 circulation in the county where the action is pending, or if there be no newspaper of general  
22 circulation in the county, then in some newspaper of an adjoining county,]~~ a notice to all persons  
23 whom it may concern that said petition has been filed in said court, briefly describing the  
24 property seized, the time and circumstances of the seizure, the person from whom seized, and  
25 stating that any person claiming any interest in the property may, upon his own request, be made  
26 a party to the action and assert any claim he may have thereto within thirty days after the  
27 publication of said notice. **Such notice shall be published on the front page of the circuit  
28 court's website, if it has one. If the circuit court does not have a website, notice shall be sent  
29 to the secretary of state who shall publish such notice on the legal notices website,  
30 established pursuant to section 493.077.**

31           3. Any person claiming any interest in said property may intervene in said action within  
32 thirty days after the publication of said notice, setting forth any claim he may have to said  
33 property.

34           4. The court shall render such judgment as to it shall seem meet and just, and if it shall  
35 appear that any person who has made claim to said property is the owner thereof and was  
36 ignorant of the illegal use thereof and such illegal use was without his connivance or consent,  
37 express or implied, or if the court shall find that said property was not being illegally used at the  
38 time of seizure, the court shall relieve said property from forfeiture and restore it to the rightful  
39 owner, or if it shall appear that the claimant is the holder of a bona fide lien against the property,  
40 and that he was ignorant of the illegal use thereof and that such use was without his connivance  
41 or consent, express or implied, the court shall, first, if the lien so established is equal to or more  
42 than the value of the property, order said property to be delivered to the lienor. Or, if the  
43 property is valued at more than the established lien and all costs of proceedings and sale, an order  
44 shall be made for the sale of said property by the seizing officer or by the supervisor of liquor  
45 control, if the seizure was made by him or one of his agents, at public or private sale, subject to  
46 the approval of the court, and out of the proceeds of such sale shall be paid: Storage, if any, the  
47 lien, the cost of the proceedings, and the residue, if any, shall be paid into the general revenue  
48 fund of the state of Missouri. If it shall be determined that no person, other than the defendant,  
49 has any interest in said property or that the person or persons having any interest in said property  
50 knew of or connived or gave consent, express or implied, to the illegal use thereof, and if it shall  
51 be found by the court that said property was, at the time it was seized, being illegally used and  
52 was contraband, as declared by any section of the liquor control law of the state of Missouri, the  
53 said property shall be declared to be forfeited to the state of Missouri, and the court shall order  
54 the officer who seized said property or the supervisor of liquor control, if the property was seized  
55 by one of his agents, to sell said property at public or private sale, subject to the approval of the  
56 court, and out of the proceeds of said sale shall be paid: The cost of storage, if any, cost of the  
57 proceedings of the case and the balance thereof shall be paid into the general revenue fund of the  
58 state of Missouri.

59           5. Appeals shall be allowed from the judgment of the circuit court as in other civil  
60 actions.

61           6. Whenever any liquor is sold under the provisions of this section, the officer selling  
62 it shall procure the proper excise stamps from the director of revenue and attach them to the  
63 container thereof, unless such liquor is already properly stamped, and he shall be reimbursed for  
64 the cost of said stamps out of the proceeds of the sale.

65           7. Under no circumstances shall the officer commencing said action on behalf of the  
66 state be liable for any costs or storage.

67           8. The supervisor of liquor control and his agents and any other officer authorized to  
68 make seizures of contraband under the liquor control law are each hereby authorized and  
69 empowered to call upon the prosecuting attorneys of the respective counties and the circuit  
70 attorney of the city of St. Louis and the attorney general of the state of Missouri to represent them  
71 in any proceeding hereunder, and thereafter it shall be the duty of such prosecuting or circuit  
72 attorney or the attorney general to proceed on behalf of the officer making such call according  
73 to the provisions of this chapter.

          322.100. The county health commissioner shall prepare the regulations authorized to be  
2 adopted under the provisions of sections 322.090 to 322.130 and shall, before submitting the  
3 same to the county commission for adoption, hold at least one public hearing thereon, fifteen  
4 days' notice of the time and place of which shall be published ~~[in at least one newspaper having~~  
5 ~~general circulation within the county and]~~ **on the front page of the commission's website, if**  
6 **it has one. If the commission does not have a website, fifteen days' notice shall be sent to**  
7 **the secretary of state who shall publish such notice on the legal notices website, established**  
8 **pursuant to section 493.077, until the date of the hearing has passed.** Notice of such hearing  
9 shall also be posted at least fifteen days in advance thereof in four conspicuous places in the  
10 county.

          341.130. For the purpose of promoting health, safety and the general welfare and to carry  
2 into effect the purposes and provisions of sections 341.090 to 341.220, the county commission  
3 is hereby empowered to adopt by order rules and regulations for the installations and inspections  
4 of all public or private water or plumbing facilities and appurtenances and all installations  
5 relating thereto, sewers, sewer systems, water or sewer connections, septic tank or sewage  
6 settling tank or device, and all installations related thereto. The regulations shall contain a  
7 schedule of fees to be charged for inspections which are required to be made under the provisions  
8 of sections 341.090 to 341.220. ~~[It shall be the duty of]~~ The board of plumbing and sewer  
9 inspection ~~[to]~~ **shall** prepare a code of regulations approved by the department of health which  
10 shall be submitted to the county commission for adoption. Before the adoption of such code of  
11 regulations, the board shall hold at least one public hearing thereon, fifteen days' notice of the  
12 time and place of which shall be published ~~[in at least one newspaper having general circulation~~  
13 ~~within the county and]~~ **on the front page of its website, if it has one. If the board does not**  
14 **have a website, fifteen days' notice shall be sent to the secretary of state who shall publish**  
15 **such notice on the legal notices website, established pursuant to section 493.077, until the**  
16 **date of the hearing has passed.** Notice of such hearing shall also be posted at least fifteen days  
17 in advance thereof in four conspicuous places in the county.

          347.141. 1. A dissolved limited liability company may dispose of the known claims  
2 against it in accordance with subsections 1 and 2 of this section. The dissolved limited liability

3 company shall notify its known claimants in writing of the dissolution at any time after its  
4 effective date. The written notice must do all of the following:

5 (1) Describe information that must be included in a claim;

6 (2) Provide a mailing address where a claim may be sent;

7 (3) State the deadline, which may not be fewer than ninety days from the effective date  
8 of the written notice, by which the dissolved limited liability company must receive the claim;  
9 and

10 (4) State that the claim will be barred if not received by the deadline.

11 2. Notwithstanding other provisions of law, including laws regarding permissibility of  
12 third-party claims, to the contrary, a claim against a limited liability company dissolved without  
13 fraudulent intent is barred if either of the following occurs:

14 (1) A claimant who was given written notice under subsection 1 of this section does not  
15 deliver the claim to the dissolved limited liability company by the deadline; or

16 (2) A claimant whose claim was rejected by the dissolved limited liability company does  
17 not commence a proceeding to enforce the claim within one hundred and twenty days from the  
18 effective date of the rejection notice.

19 For purposes of this subsection, "claim" does not include a contingent liability or a claim based  
20 on an event occurring after the effective date of dissolution.

21 3. A dissolved limited liability company may dispose of the unknown claims against it  
22 by filing a notice of winding up in accordance with subsections 3 and 4 of this section. The  
23 notice of winding up shall meet all of the following requirements:

24 (1) Be published ~~[one time in a newspaper of general circulation in the county where the~~  
25 ~~dissolved limited liability company's principal office, or if not in this state, its registered office,~~  
26 ~~is or was located]~~ **on the front page of the company's website, if it has one. If the company**  
27 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
28 **notice on the legal notices website, established pursuant to section 493.077;**

29 (2) Be published one time in a publication of statewide circulation whose audience is  
30 primarily persons engaged in the practice of law in this state and which is published not less than  
31 four times per year;

32 (3) Be published one time in the Missouri Register;

33 (4) Contain a request that persons with claims against the limited liability company  
34 present them in accordance with the notice of winding up;

35 (5) Describe the information that must be included in a claim and provide a mailing  
36 address where the claim may be sent; and



37 (6) State that a claim against the limited liability company will be barred unless a  
38 proceeding to enforce the claim is commenced within three years after the publication of the  
39 notice.

40 4. Notwithstanding other provisions of law, including laws regarding permissibility of  
41 third-party claims, to the contrary, if a limited liability company dissolved without fraudulent  
42 intent files a notice of winding up in accordance with subsection 2 of section 347.137 and  
43 publishes such notice in accordance with subsection 3 of this section, the claim of each of the  
44 following claimants is barred unless the claimant commences a proceeding to enforce the claim  
45 against the dissolved limited liability company within three years after the date the notice of  
46 winding up is filed or published, whichever occurs later:

47 (1) A claimant who did not receive written notice under subsection 1 of this section;

48 (2) A claimant whose claim was timely sent to the dissolved limited liability company  
49 but not acted on; or

50 (3) A claimant whose claim is contingent or based on an event occurring after the  
51 effective date of dissolution.

52 5. A claim may be enforced under this section in either of the following ways:

53 (1) Against the dissolved limited liability company, to the extent of its undistributed  
54 assets; or

55 (2) If the assets have been distributed in liquidation, against a member of the dissolved  
56 limited liability company to the extent of the member's pro rata share of the claim or the limited  
57 liability company assets distributed to the member in liquidation, whichever is less, but a  
58 member's total liability for all claims under this section shall not exceed the total amount of  
59 assets distributed to the member in liquidation.

60 6. For purposes of this section, "fraudulent intent" shall be established if it is shown that  
61 the sole or primary purpose of the dissolution was to defraud members, creditors or others.

62 7. Notwithstanding any other provision of this chapter to the contrary, except as provided  
63 in subsection 8 of this section, a claim against a limited liability company dissolved pursuant to  
64 this chapter for which claim the limited liability company has a contract of insurance which will  
65 indemnify the limited liability company for any adverse result from such claim:

66 (1) Is not subject to the provisions of subsections 1 to 6 of this section and may not be  
67 barred by compliance with subsections 1 to 6 of this section;

68 (2) May be asserted at any time within the statutory period otherwise provided by law  
69 for such claims;

70 (3) May be asserted against, and service of process had upon, the dissolved limited  
71 liability company for whom the court, at the request of the party bringing the suit, shall appoint  
72 a defendant ad litem.

73           8. Judgments obtained in suits filed and prosecuted pursuant to subsection 7 of this  
74 section shall only be enforceable against one or more contracts of insurance issued to the limited  
75 liability company, its officers, directors, agents, servants or employees, indemnifying them, or  
76 any of them, against such claims.

          347.145. 1. Every action for the involuntary dissolution of a limited liability company  
2 brought by the attorney general shall be commenced either in the circuit court of the county in  
3 which the registered office of the limited liability company is located or, if no such address is on  
4 file with the secretary, in the circuit court of Cole County. Summons shall issue and be served  
5 as in other civil actions.

6           2. If process is returned "not found", the attorney general shall cause publication to be  
7 made ~~[as in other civil cases in a newspaper of general circulation in the county where the~~  
8 ~~registered office of the limited liability company is located, containing]~~ **on the front page of its**  
9 **website for a period of two successive weeks. Such publication shall contain** a notice of the  
10 pendency of the action, the title of the court, the title of the action, and the date on or after which  
11 default may be entered. The attorney general may include in one notice the names of any number  
12 of limited liability companies against which actions are then pending in the same court. The  
13 attorney general shall cause a copy of such notice to be mailed to the registered agent of the  
14 limited liability company as shown on the records of the secretary within ten days after the ~~[first]~~  
15 publication thereof.

16           3. The certificate of the attorney general of the mailing of the notice shall be prima facie  
17 evidence of such notice. ~~[Such notice shall be published at least once a week for two successive~~  
18 ~~weeks, and the first publication may begin at any time after the summons has been returned.]~~  
19 Unless a limited liability company has been served with summons, no default shall be taken  
20 against it earlier than thirty days after the first publication of the notice.

          351.482. 1. After dissolution is authorized pursuant to section 351.462, 351.464 or  
2 351.466, or it has been dissolved pursuant to section 351.486, a corporation may also publish  
3 notice of its dissolution and request that persons with claims against the corporation present them  
4 in accordance with the notice.

5           2. The notice shall:

6           (1) Be published ~~[one time in a newspaper of general circulation in the county where the~~  
7 ~~corporation's principal office, or, if none in this state, its registered office, is or was last located]~~  
8 **on the front page of the corporation's website, if it has one. If the corporation does not have**  
9 **a website, notice shall be sent to the secretary of state who shall publish such notice on the**  
10 **legal notices website, established pursuant to section 493.077;**

11 (2) Be published one time in a publication of statewide circulation whose audience is  
12 primarily persons engaged in the practice of law in this state and which is published not less than  
13 four times per year;

14 (3) At the request of the corporation, be published by the secretary of state in an  
15 electronic format accessible to the public;

16 (4) Describe the information that must be included in a claim and provide a mailing  
17 address where the claim may be sent; and

18 (5) State that a claim against the corporation will be barred unless a proceeding to  
19 enforce the claim is commenced within two years after the publication of the notice.

20 3. Other rules of law, including rules on the permissibility of third-party claims, to the  
21 contrary notwithstanding, if a corporation dissolved without fraudulent intent publishes notices  
22 in accordance with subsection 2 of this section, the claim of each of the following claimants is  
23 barred unless the claimant commences a proceeding to enforce the claim against the dissolved  
24 corporation within two years after the publication date of whichever of the notices was published  
25 last:

26 (1) A claimant who did not receive written notice pursuant to section 351.478;

27 (2) A claimant whose claim was timely sent to the dissolved corporation but not acted  
28 on;

29 (3) A claimant whose claim is contingent or based on an event occurring after the  
30 effective date of dissolution.

31 4. A claim may be enforced pursuant to this section only:

32 (1) Against the dissolved corporation, to the extent of its undistributed assets; or

33 (2) If the assets have been distributed in liquidation, against a shareholder of the  
34 dissolved corporation to the extent of the shareholder's pro rata share of the claim or the  
35 corporate assets distributed to the shareholder in liquidation, whichever is less, but a  
36 shareholder's total liability for all claims pursuant to this section may not exceed the total amount  
37 of assets distributed to the shareholder.

38 5. For purposes of this section, "fraudulent intent" shall be established if it is shown that  
39 the sole or primary purpose of the authorization for dissolution or the dissolution was to defraud  
40 shareholders, creditors or others.

352.200. 1. Upon the filing of such petition an order shall be made by the court, if filed  
2 in term time, or by the clerk, if filed in vacation, requiring all persons interested in such  
3 association to show cause, if any they have, why such association should not be dissolved on or  
4 before a day or term, of said court therein named.

5 2. The officers of said association, the various members, or any other person interested  
6 may enter their voluntary appearance in said court at the time of filing such petition, and all

7 members who reside in the county where said petition has been filed and all creditors and  
8 persons having unexecuted contracts with said association, and who reside in said county who  
9 do not enter their voluntary appearance in said court shall be notified by summons, under the  
10 hand and seal of the clerk of the court, reciting the filing of said petition, its general purpose and  
11 nature, and citing them to appear in said court on a day to be named in said writ to show cause,  
12 if any they have, against such dissolution, such day being fixed not less than twenty-one days nor  
13 more than thirty days after the filing of said petition.

14 3. In addition to said summons, notice of a general nature and cause of said application  
15 shall be given to all other members, creditors, and persons having unexecuted contracts with said  
16 association, by publication [~~in some newspaper of general circulation in said county, for at least~~  
17 ~~five consecutive insertions in a daily newspaper, or at least one insertion each week for three~~  
18 ~~weeks consecutively in a weekly newspaper, and proof of such service and publication shall be~~  
19 ~~made before any order is made upon such petition]~~ **on the front page of the association's**  
20 **website, if it has one, for a period of three successive weeks. If the association does not**  
21 **have a website, notice shall be sent to the secretary of state who shall publish such notice**  
22 **on the legal notices website, established pursuant to section 493.077, for a period of three**  
23 **successive weeks.**

24 4. The court shall have the power to continue such application for service upon all  
25 interested parties from time to time, to issue new writs if necessary, according to the practice  
26 therein.

354.290. 1. Every examiner shall make a full and true report of every examination made  
2 by him **or her**, verified by his **or her** oath, which examination shall comprise only facts  
3 appearing upon the books, papers, records or documents of the corporation subject to the  
4 provisions of sections 354.010 to 354.380, or ascertained from the testimony sworn to by its  
5 officers or agents or other persons examined under oath, concerning its affairs and such  
6 conclusions and recommendations as may reasonably be warranted from the facts so disclosed.

7 2. The director shall grant a hearing to the corporation examined before filing any report  
8 and may withhold any report from public inspection for such time as he **or she** deems proper,  
9 and may, if he **or she** deem it for the interest of the public to do so, publish any report or the  
10 result of any examination as contained therein [~~in one or more newspapers of the state]~~ **on the**  
11 **front page of the department of commerce and insurance's website.**

355.626. 1. Unless this chapter, the articles, bylaws, or the board of directors or  
2 members acting pursuant to subsection 3 of this section, require a greater vote or voting by class,  
3 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 of the voting  
6 power, whichever is less; and

7 (3) In writing by any person or persons whose approval is required by a provision of the  
8 articles authorized by section 355.606 for an amendment to the articles or bylaws.

9 2. If the corporation does not have members, the merger must be approved by a majority  
10 of the directors in office at the time the merger is approved. In addition the corporation shall  
11 provide notice of any directors' meeting at which such approval is to be obtained in accordance  
12 with subsection 3 of section 355.386. The notice must also state that the purpose, or one of the  
13 purposes, of the meeting is to consider the proposed merger.

14 3. The board may condition its submission of the proposed merger, and the members  
15 may condition their approval of the merger, on receipt of a higher percentage of affirmative votes  
16 or on any other basis.

17 4. If the board seeks to have the plan approved by the members at a membership  
18 meeting, the corporation shall give notice to its members of the proposed membership meeting  
19 in accordance with section 355.251. The notice must also state that the purpose, or one of the  
20 purposes, of the meeting is to consider the plan of merger and contain or be accompanied by a  
21 copy or summary of the plan. The copy or summary of the plan for members of the surviving  
22 corporation shall include any provision that, if contained in a proposed amendment to the articles  
23 of incorporation or bylaws, would entitle members to vote on the provision. The copy or  
24 summary of the plan for members of the disappearing corporation shall include a copy or  
25 summary of the articles and bylaws which will be in effect immediately after the merger takes  
26 effect.

27 5. If the board seeks to have the plan approved by the members by written consent or  
28 written ballot, the material soliciting the approval shall contain or be accompanied by a copy or  
29 summary of the plan. The copy or summary of the plan for members of the surviving corporation  
30 shall include any provision that, if contained in a proposed amendment to the articles of  
31 incorporation or bylaws, would entitle members to vote on the provision. The copy or summary  
32 of the plan for members of the disappearing corporation shall include a copy or summary of the  
33 articles and bylaws which will be in effect immediately after the merger takes effect.

34 6. Voting by a class of members is required on a plan of merger if the plan contains a  
35 provision that, if contained in a proposed amendment to articles of incorporation or bylaws,  
36 would entitle the class of members to vote as a class on the proposed amendment under section  
37 355.566 or 355.601. The plan is approved by a class of members by two-thirds of the votes cast  
38 by the class or a majority of the voting power of the class, whichever is less.

39 7. After a merger is adopted, and at any time before articles of merger are filed, the  
40 planned merger may be abandoned, subject to any contractual rights, without further action by

41 members or other persons who approved the plan in accordance with the procedure set forth in  
42 the plan of merger or, if none is set forth, in the manner determined by the board of directors.

43 8. A nonprofit corporation having residents who have paid into the corporation for  
44 services or other charges in excess of fifty percent of the corporation's operating expenses may  
45 not change or alter the purpose or organization of the corporation unless notice of the proposed  
46 change is published at least thirty days in advance of the change or alteration [~~in a newspaper of~~  
47 ~~general circulation in the county where the residential facility is located]~~ and a copy of the notice  
48 is conspicuously posted at the residential facility no later than thirty days prior to said change or  
49 alteration. **Publication of notice shall be posted on the front page of the corporation's**  
50 **website, if it has one, for a period of thirty days prior to the change or alteration. If the**  
51 **corporation does not have a website, notice shall be sent to the secretary of state who shall**  
52 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
53 **for a period of thirty days prior to the change or alteration.**

355.701. 1. A dissolved corporation may also publish notice of its dissolution and  
2 request that persons with claims against the corporation present them in accordance with the  
3 notice.

4 2. The notice shall:

5 (1) Be published [~~one time in a newspaper of general circulation in the county where the~~  
6 ~~dissolved corporation's principal office, or, if none in this state, its registered office, is or was last~~  
7 ~~located]~~ **on the front page of the corporation's website, if it has one. If the corporation does**  
8 **not have a website, notice shall be sent to the secretary of state who shall publish such**  
9 **notice on the legal notices website, established pursuant to section 493.077;**

10 (2) Be published one time in a publication of statewide circulation whose audience is  
11 primarily persons engaged in the practice of law in this state and which is published not less than  
12 four times per year;

13 (3) Describe the information that must be included in a claim and provide a mailing  
14 address where the claim may be sent; and

15 (4) State that a claim against the corporation will be barred unless a proceeding to  
16 enforce the claim is commenced within two years after the publication of the notice.

17 3. Other rules of law, including rules on the permissibility of third-party claims, to the  
18 contrary notwithstanding, if a corporation which is dissolved after authorization and which has  
19 been dissolved without fraudulent intent publishes notices in accordance with subsection 2 of  
20 this section, the claim of each of the following claimants is barred unless the claimant  
21 commences a proceeding to enforce the claim against the dissolved corporation within two years  
22 after the publication date of whichever of the notices was published last:

23 (1) A claimant who did not receive written notice under section 355.696;

24 (2) A claimant whose claim was timely sent to the dissolved corporation but not acted  
25 on;

26 (3) A claimant whose claim is contingent or based on an event occurring after the  
27 effective date of dissolution.

28 4. A claim may be enforced under this section only:

29 (1) Against the dissolved corporation, to the extent of its undistributed assets; or

30 (2) If the assets have been distributed in liquidation, against a shareholder of the  
31 dissolved corporation to the extent of his pro rata share of the claim or the corporate assets  
32 distributed to him in liquidation, whichever is less, but a shareholder's total liability for all claims  
33 under this section may not exceed the total amount of assets distributed to him.

34 5. For purposes of this section, "fraudulent intent" shall be established if it is shown that  
35 the sole or primary purpose of the authorization for dissolution or the dissolution was to defraud  
36 shareholders, creditors or others.

359.481. 1. Upon the winding up of a limited partnership, the assets shall be distributed  
2 as follows:

3 (1) To creditors, including partners who are creditors, to the extent permitted by law, in  
4 satisfaction of liabilities of the limited partnership other than liabilities for distributions to  
5 partners under section 359.321 or 359.351;

6 (2) Except as provided in the partnership agreement, to partners and former partners in  
7 satisfaction of liabilities for distributions under section 359.321 or 359.351; and

8 (3) Except as provided in the partnership agreement, to partners first for the return of  
9 their contributions and secondly respecting their partnership interests, in the proportions in which  
10 the partners share in distributions.

11 2. A dissolved limited partnership may dispose of the unknown claims against it by filing  
12 a notice of winding up in accordance with this subsection. The notice of winding up shall ~~meet~~  
13 ~~all of the following requirements~~:

14 (1) Be published ~~[one time in a newspaper of general circulation in the county where the~~  
15 ~~corporation's principal office, or, if none in this state, its registered office, is or was last located]~~  
16 **on the front page of the partnership's website, if it has one. If the partnership does not have**  
17 **a website, notice shall be sent to the secretary of state who shall publish such notice on the**  
18 **legal notices website, established pursuant to section 493.077;**

19 (2) Be published one time in the Missouri Register;

20 (3) Be published one time in a publication of statewide circulation whose audience is  
21 primarily persons engaged in the practice of law in this state and which is published not less than  
22 four times per year;

23 (4) Contain a request that persons with claims against the partnership present them in  
24 accordance with the notice of winding up;

25 (5) Describe the information that must be included in a claim and provide a mailing  
26 address where the claim may be sent; and

27 (6) State that a claim against the partnership will be barred unless a proceeding to  
28 enforce the claim is commenced within three years after the publication of the notice.

361.480. 1. The director of finance, deputy director of finance, liquidating agent,  
2 receiver or other person or persons lawfully in charge of the property and business of any closed  
3 bank or trust company is authorized, upon the order of the circuit court in and for the county in  
4 which the principal office of the bank or trust company is located, to borrow money in the name  
5 of the delinquent corporations and to issue evidences of indebtedness therefor and to renew the  
6 indebtedness and to secure the repayment of the same by the mortgage, pledge, transfer in trust  
7 and/or hypothecation of any or all of the property of the bank or trust company, whether real,  
8 personal or mixed, superior to any charge thereon for expenses of liquidation, as provided in  
9 section 361.410.

10 2. These loans may be obtained and used for the purposes of facilitating liquidation,  
11 protecting or preserving the assets in his charge, expediting the making of distributions to  
12 depositors and other creditors, providing for the expenses of administration and liquidation or  
13 aiding in the reopening or reorganization of the bank or trust company, or its merger or  
14 consolidation with another bank or trust company, or the sale of all or any part of its assets.

15 3. The director of finance, deputy director of finance, liquidating agent, receiver or other  
16 person or persons lawfully in charge of the property and business of the bank or trust company  
17 shall be under no personal obligation to repay any loans so made and shall have power to take  
18 any and all actions necessary or proper to consummate the loan and to provide for the repayment  
19 thereof and to give bond, when required, for the faithful performance of all undertakings in  
20 connection therewith.

21 4. The director of finance, deputy director of finance, liquidating agent, receiver or other  
22 person or persons in charge of the property and business of the bank or trust company shall make  
23 application to the circuit court for approval of the loan and the giving of security therefor. Notice  
24 of the applications shall be given by publication [~~once each week~~] **on the front page of the**  
25 **division's website for a period** two consecutive weeks in each case [~~, upon any weekday of the~~  
26 ~~week, in a newspaper of general circulation in the county~~]. Hearing on the application shall be  
27 had not less than ten days after the first publication of the notice. At the hearing upon the  
28 application any stockholder, depositor or other creditor of the bank or trust company shall have  
29 the right to appear and be heard thereon. Prior to the obtaining of the court order the director of  
30 finance, deputy director of finance, liquidating agent, receiver or other person or persons lawfully



31 in charge of the property and business of the bank or trust company may make application or  
32 negotiate for the loan or loans subject to the obtaining of the court order.

361.510. 1. When the director shall have taken possession of such corporation, and shall  
2 have determined to liquidate its affairs, he **or she** shall notify all persons who may have claims  
3 against such corporation to present same to him **or her** and make proper proof thereof within  
4 four months from the date of said notice and at a place specified therein, and shall specify in said  
5 notice the last date for presenting said proofs.

6 2. He **or she** shall cause said notice to be mailed to all persons whose names appear as  
7 creditors upon the books of the corporation. He **or she** shall also cause said notice to be ~~inserted~~  
8 ~~weekly in such newspapers as he may direct~~ **published on the division's website, if it has one,**  
9 **for a period of three consecutive months, [the first insertion thereof to be published]** more than  
10 ninety days before the last day fixed in said notice for presenting proof of claims. **If the division**  
11 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
12 **notice on the legal notices website, established pursuant to section 493.077, for a period of**  
13 **three consecutive months.**

14 3. After the date specified in such notice as the last date for presenting proof of claims  
15 the director shall have no power to accept any claim.

361.580. 1. Whenever the director shall have paid to each creditor of any stock  
2 corporation whose claim has been duly proved the full amount of such claim, and shall have  
3 made proper provision for claims in litigation and not finally determined, and shall have paid all  
4 the expenses of liquidation, he **or she** shall call a meeting of the stockholders of such corporation  
5 by causing notice of the time and place of such meeting to be published ~~[at least once a week]~~  
6 **on the front page of the division's website for a period of three successive weeks [in one or**  
7 ~~more newspapers selected by him and published in the county or city where the principal office~~  
8 ~~of such corporation is located].~~

9 2. At such meeting, the stockholders shall determine whether the director shall continue  
10 as liquidator to wind up the affairs of such corporation, or whether the stockholders themselves  
11 shall elect an agent or agents for that purpose.

12 3. In determining these matters, the stockholders shall vote by ballot in person or by  
13 proxy. Each share of stock shall be entitled to one vote and the vote of a majority of the issued  
14 stock shall be necessary to a determination.

362.044. 1. Stockholders' meetings may be held at such place, within this state, as may  
2 be prescribed in the bylaws. In the absence of any such provisions, all meetings shall be held at  
3 the principal banking house of the bank or trust company.

4           2. An annual meeting of stockholders for the election of directors shall be held on a day  
5 which each bank or trust company shall fix by its bylaws; and if no day be so provided, then on  
6 the second Monday of January.

7           3. Special meetings of the stockholders may be called by the directors or upon the written  
8 request of the owners of a majority of the stock.

9           4. Notice of annual or special stockholders' meetings shall state the place, day and hour  
10 of the meeting, and shall be published at least ten days prior to the meeting [~~and once a week~~  
11 ~~after the first publication with the last publication being not more than seven days before the day~~  
12 ~~fixed for such meeting, in some daily or weekly newspaper printed and published in the city or~~  
13 ~~town in which the bank or trust company is located, and if there be none, then in some newspaper~~  
14 ~~printed and published in the county in which the bank or trust company is located, and if there~~  
15 ~~be none, then in some newspaper printed and published in an adjoining county]~~ **on the front**  
16 **page of the bank or trust company's website, if it has one. If the bank or trust company**  
17 **does not have a website, notice shall be sent at least ten days prior to the meeting to the**  
18 **secretary of state who shall publish such notice on the legal notices website, established**  
19 **pursuant to section 493.077, until the date of the meeting has passed.** A written or printed  
20 copy of the notice shall be delivered personally or mailed to each stockholder at least ten but not  
21 more than fifty days prior to the day fixed for the meeting, and shall state, in addition to the  
22 place, day and hour, the purpose of any special meeting or an annual meeting at which the  
23 stockholders will consider a change in the par value of the corporation stock, the issuance of  
24 preferred shares, a change in the number of directors, an increase or reduction of the capital stock  
25 of the bank or trust company, a change in the length of the corporate life, an extension or change  
26 of its business, a change in its articles to avail itself of the privileges and provisions of this  
27 chapter, or any other change in its articles in any way not inconsistent with the provisions of this  
28 chapter. Any stockholder may waive notice by causing to be delivered to the secretary during,  
29 prior to or after the meeting a written, signed waiver of notice, or by attending such meeting  
30 except where a stockholder attends a meeting for the express purpose of objecting to the  
31 transaction of any business because the meeting is not lawfully called or convened.

32           5. Unless otherwise provided in the articles of incorporation, a majority of the  
33 outstanding shares entitled to vote at any meeting represented in person or by proxy shall  
34 constitute a quorum at a meeting of stockholders; provided, that in no event shall a quorum  
35 consist of less than a majority of the outstanding shares entitled to vote, but less than a quorum  
36 shall have the right successively to adjourn the meeting to a specified date no longer than ninety  
37 days after the adjournment, and no notice need be given of the adjournment to shareholders not  
38 present at the meeting. Every decision of a majority of the quorum shall be valid as a corporate  
39 act of the bank or trust company unless a larger vote is required by this chapter.

40           6. (1) The stockholders of the bank or trust company may approve business by proxy  
41 and cancel any stockholders' meeting, provided:

42           (a) The stockholders are sent notice of such stockholders' meeting and a proxy referred  
43 to in this section;

44           (b) Within such proxy the stockholders are given the opportunity to approve or  
45 disapprove the cancellation of such stockholders' meeting;

46           (c) At least eighty percent of such bank or trust company's stock is voted by proxy; and

47           (d) All stockholders voting by proxy vote to cancel such stockholders' meeting.

48           (2) No business shall be voted on by proxy other than that expressly set out and clearly  
49 explained by the proxy material. If such stockholders' meeting is cancelled by proxy, notice of  
50 such cancellation shall be sent to all stockholders at least five days prior to the date originally  
51 set for such stockholders' meeting. The corporate secretary shall reflect all proxy votes by  
52 subject and in chronological order in the board of directors' minute book. The notice for such  
53 stockholders' meeting shall state the effective date of any of the following: new directors'  
54 election, change in corporate structure and any other change requiring stockholder approval.

55           7. The voting shareholder or shareholders of the bank or trust company may transact all  
56 business required at an annual or special stockholders' meeting by unanimous written consent.

362.295. 1. Within ten days after service upon it of the notice provided for by section  
2 361.130, every bank and trust company shall make a written report to the director, which report  
3 shall be in the form and shall contain the matters prescribed by the director and shall specifically  
4 state the items of capital, deposits, specie and cash items, public securities and private securities,  
5 real estate and real estate securities, and such other items as may be necessary to inform the  
6 public as to the financial condition and solvency of the bank or trust company, or which the  
7 director may deem proper to include therein. In lieu of requiring direct filing of reports of  
8 condition, the director may accept reports of condition or their equivalent as filed with federal  
9 regulatory agencies and may require verification and the filing of supplemental information as  
10 the director deems necessary.

11           2. Every report shall be verified by the oaths of the president or vice president and  
12 cashier or secretary or assistant cashier or assistant secretary, and the verification shall state that  
13 the report is true and correct in all respects to the best of the knowledge and belief of the persons  
14 verifying it, and the report shall be attested by three directors, and shall be a report of the actual  
15 condition of the bank or trust company at the close of business on the day designated and which  
16 day shall be prior to the call. If the director of finance obtains the data pursuant to subsection  
17 3 of section 361.130, the director may rely on the verification provided to the federal regulatory  
18 agency.

19           3. Every report, exclusive of the verification, shall, within thirty days after it shall have  
20 been filed with the director, be published by the bank or trust company [~~in one newspaper of the~~  
21 ~~place where its place of business is located, or if no newspaper is published there, in a newspaper~~  
22 ~~of general circulation in the town and community in which the bank or trust company is located;~~  
23 ~~the newspaper to be designated by the board of directors and a copy of the publication, with the~~  
24 ~~affidavit of the publisher thereto, shall be attached to the report; provided, if the bank or trust~~  
25 ~~company is located in a town or city having a population exceeding ten thousand inhabitants,~~  
26 ~~then the publication must be in a daily newspaper, if published in that city; but if the bank or~~  
27 ~~trust company is located in a town or city having a population of ten thousand inhabitants or less,~~  
28 ~~then the publication may be in either a daily or weekly newspaper published in the town or city~~  
29 ~~as aforesaid; and] **on the front page of its website, if it has one. If the bank or trust company**  
30 **does not have a website, every report, exclusive of verification, shall be sent at least thirty**  
31 **days after it has been filed to the secretary of state who shall publish such report on the**  
32 **legal notices website, established pursuant to section 493.077.** In all cases a copy of the  
33 statement shall be posted in the banking house accessible to all.~~

34           4. The bank and trust company shall also make such other special reports to the director  
35 as he may from time to time require, in such form and at such date as may be prescribed by him,  
36 and the report shall, if required by him, be verified in such manner as he may prescribe.

37           5. If the bank or trust company shall fail to make any report required by this section on  
38 or before the day designated for the making thereof, or shall fail to include therein any matter  
39 required by the director, the bank or trust company shall forfeit to the state the sum of one  
40 hundred dollars for every day that the report shall be delayed or withheld, and for every day that  
41 it shall fail to report any omitted matter, unless the time therefor shall have been extended by the  
42 director. Should any president, cashier or secretary of the bank or trust company or any director  
43 thereof fail to make the statement so required of him or them, or willfully and corruptly make  
44 a false statement, he or they, and each of them, shall be deemed guilty of a misdemeanor, and,  
45 upon conviction thereof, upon information, punished by a fine for each offense not exceeding  
46 five hundred dollars and not less than one hundred dollars, or by imprisonment not less than one  
47 or more than twelve months in the city or county jail, or by both such fine and imprisonment.

48           6. A bank or trust company may provide each written report required to be published free  
49 of charge to the public; and when each bank or trust company notifies their customers that such  
50 information is available; and when one copy of such information is available to each person that  
51 requests it, the newspaper publication provisions of this section shall not be enforced against  
52 such bank or 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 any other bank  
3 or trust company at least eighty percent of the voting stock of which is owned or otherwise  
4 controlled by a corporation which also owns at least eighty percent of the voting stock of or  
5 otherwise controls the bank or trust company;

6 (2) "Bank", any bank organized under the provisions of this chapter which is duly  
7 authorized to exercise trust powers, and any national bank which is authorized to exercise such  
8 powers under the laws of the United States and which has its principal place of business in  
9 Missouri, including a national bank whose operations are limited to providing trust and other  
10 fiduciary services and related activities;

11 (3) "Fiduciary capacity", any capacity resulting from an appointment, designation or  
12 undertaking to act alone or jointly with others primarily for the benefit of others in matters  
13 connected with such appointment, designation or undertaking and includes, but is not limited to,  
14 acting as a trustee, including trustee of a common trust fund; executor; administrator; personal  
15 representative; registrar or transfer agent with respect to stocks, bonds or other evidences of  
16 indebtedness of any corporation, association, state, municipality, or public authority; guardian;  
17 conservator; custodian; assignee; depository; receiver; agent, including escrow agent or agent for  
18 the investment of money; attorney-in-fact; or any other similar capacity. The term "fiduciary  
19 capacity" includes all appointments and designations to any such capacity upon the death of a  
20 person serving in such capacity or upon the happening of any other future event;

21 (4) "Trust company", any trust company or bank organized under the laws of this state  
22 which is duly authorized to exercise trust powers.

23 2. Notwithstanding any other provision of law to the contrary, a bank or trust company  
24 may transfer by assignment to an affiliated entity any or all of the fiduciary capacities of such  
25 bank or trust company, without any order of or other action by any court or any consent or other  
26 approval of any interested person, except as provided in subsection 5 of this section, upon the  
27 prior approval of the director of finance and provided that such bank or trust company complies  
28 with the provisions of this section. The assignment may designate all fiduciary capacities, a  
29 general class or classes of fiduciary capacities, or specified individual accounts or other  
30 particularly identified fiduciary capacities.

31 3. The bank or trust company, together with the affiliated entity, shall file an application  
32 for approval of the transfer of fiduciary capacities with the director of finance together with such  
33 other information as the director of finance may deem necessary. Before the director of finance  
34 issues an order approving the transfer of fiduciary capacities, the bank or trust company shall also  
35 file proof in a form satisfactory to the director of finance that the bank or trust company has  
36 given written notice, including a summary of the provisions of subsection 5 of this section  
37 relating to objections to the transfer of the fiduciary accounts, of the proposed transfer by

38 certified mail, at least thirty days prior to the filing of such proof, to all persons, firms,  
39 organizations or corporations who are known to it to be living or existing grantors under each  
40 affected trust or other fiduciary account or, if there is no such known living or existing grantor,  
41 to each living or existing beneficiary thereof known to it to have received any distribution  
42 transmitted by the bank or trust company with respect to such fiduciary account in the calendar  
43 year of the giving of such notice or the immediately preceding calendar year. If any living or  
44 existing grantor or any such beneficiary delivers to the bank or trust company any  
45 communication regarding the proposed transfer, the bank or trust company shall furnish the  
46 director of finance with a copy of such communication together with any accompanying  
47 documents. If the director of finance shall determine that the affiliated entity has the authority  
48 to act in such fiduciary capacities and is qualified to do so and that the transfer of such fiduciary  
49 capacities to the affected entity will not materially adversely affect the administration of the  
50 fiduciary accounts, he shall issue an order approving such transfer of fiduciary capacities.

51 4. After the director of finance issues an order approving the transfer of fiduciary  
52 capacities, the bank or trust company shall publish a notice of the transfer of fiduciary capacities  
53 pursuant to this section ~~[in a newspaper of general circulation in the county or city in which its~~  
54 ~~main banking house or principal place of business, respectively, is located]~~ **on the front page**  
55 **of its website, if it has one. If the bank or trust company does not have a website, notice**  
56 **shall be sent to the secretary of state who shall publish such notice on the legal notices**  
57 **website, established pursuant to section 493.077.** Upon the sixtieth day after the date of such  
58 publication, the transfer by assignment of fiduciary capacities shall be effective except with  
59 respect to any such fiduciary capacities which are then the subject of notice of objection pursuant  
60 to subsection 5 of this section.

61 5. Within sixty days after the publication of notice of the approval by the director of  
62 finance of the transfer of fiduciary capacities pursuant to subsection 4 of this section, any person  
63 who was entitled to receive a written notice pursuant to subsection 3 of this section may give  
64 written notice to the bank or trust company objecting to the transfer of the fiduciary account in  
65 which such person has an interest, and the bank or trust company shall petition the circuit court  
66 of the county or city in which the notice was published to determine whether the transfer of the  
67 fiduciary capacity to the affiliated entity will materially adversely affect the administration of  
68 such fiduciary account. After notice to all interested parties and a hearing on the issues, the  
69 circuit court may appoint a new fiduciary to succeed the bank or trust company if it finds that the  
70 transfer of the fiduciary capacity to the affiliated entity will materially adversely affect the  
71 administration of the fiduciary account and that the appointment of a new fiduciary is in the best  
72 interests of the beneficiaries of such fiduciary account and, if the court does not so find, it shall

73 direct the bank or trust company to transfer by assignment such fiduciary capacity to the  
74 affiliated entity.

75         6. Each appointment or other designation to a fiduciary capacity of a bank or trust  
76 company in a trust, will or other instrument executed after the effective date of any transfer by  
77 such bank or trust company pursuant to this section of all fiduciary capacities or a general class  
78 of fiduciary capacities in which such appointment or other designation is included shall be  
79 deemed an appointment or other designation of the affiliated entity substituted for such bank or  
80 trust company, except where the trust, will or other instrument by which such appointment or  
81 other designation is made expressly negates the provisions of this section.

82         7. On the effective date of the transfer of fiduciary capacities pursuant to this section, the  
83 transferring bank or trust company shall be released from all transferred fiduciary duties and shall  
84 cease to act in all such transferred fiduciary capacities, except that such transferring bank or trust  
85 company shall not be relieved of any liabilities arising out of a breach of fiduciary duty occurring  
86 prior to such effective date. The transferring bank or trust company shall file an itemized  
87 accounting of any assets and liabilities in each transferred fiduciary account with the successor  
88 fiduciary upon the effective date of the transfer. The failure by the bank or trust company to give  
89 any notice required by subsection 3 hereof with respect to any fiduciary account shall not affect  
90 the validity of the transfer of fiduciary capacities pursuant to this section with respect to any  
91 other 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 duly authorized  
3 to exercise trust powers, and any national bank which is authorized to exercise trust powers  
4 under the laws of the United States and which has its principal place of business in Missouri,  
5 including a national bank whose operations include providing trust and other fiduciary services  
6 and related activities;

7         (2) "Beneficiary", any person or entity which benefits from, or has a present or future  
8 interest in, any money or property administered by a person with a fiduciary obligation;

9         (3) "Director", the director of the division of finance;

10         (4) "Fiduciary obligation", any obligation of any bank or trust company to a person or  
11 entity resulting from an appointment, designation or undertaking to act alone or jointly with  
12 others primarily for the benefit of others in matters connected with such appointment,  
13 designation or undertaking, and including, but is not limited to, acting as a trustee of a trust,  
14 including a testamentary or nontestamentary trust, or a trustee of a common trust fund; executor;  
15 administrator; personal representative; guardian; conservator; custodian; assignee; depository;  
16 receiver; attorney-in-fact; registrar or transfer agent with respect to stocks, bonds or other  
17 evidences of indebtedness of any corporation, association, state, municipality, or public

18 authority; agent, including escrow agent or agent for the investment of money; or in any other  
19 similar capacity. The term "fiduciary obligation" includes any obligation occurring as a result  
20 of an appointment or designation to any foregoing capacity upon the death of a person serving  
21 in such capacity or upon the happening of any other future event;

22 (5) "Transferee", a bank or trust company assuming fiduciary obligations pursuant to this  
23 section from a transferor;

24 (6) "Transferor", a bank or trust company transferring fiduciary obligations pursuant to  
25 this section to a transferee;

26 (7) "Trust company", any trust company or bank organized under the laws of this state  
27 which is duly authorized to exercise trust powers.

28 2. Notwithstanding any other provision of law to the contrary, a bank or trust company  
29 may transfer by assignment to another bank or trust company any or all of the fiduciary  
30 obligations of such bank or trust company, without any order of or other action by any court or  
31 any consent or other approval of any interested person, except as provided in subsection 5 of this  
32 section, upon the prior approval of the director and provided that the transferor and transferee  
33 comply with the provisions of this section. The assignment may encompass all fiduciary  
34 obligations, a general class or classes of fiduciary obligations, or specified individual accounts  
35 or other particularly identified fiduciary obligations.

36 3. The transferor, transferee or any beneficiary on behalf of all beneficiaries jointly shall  
37 file an application for approval of the transfer of a fiduciary obligation with the director, and  
38 shall provide all relevant information as the director may deem necessary. The transferee shall  
39 also file proof with the director that the transferee has given written notice by certified mail of  
40 the proposed transfer, including a summary of the provisions of subsection 5 of this section  
41 relating to objections to the transfer of the fiduciary obligation, at least thirty days and not more  
42 than sixty days prior to the filing of the application, to the transferor, all persons, firms,  
43 organizations or corporations who are known to the applicant to be living or existing grantors  
44 under each affected trust or other fiduciary obligation, or if there is no such known living or  
45 existing grantor, to each living or existing beneficiary thereof known to the transferee. If any  
46 living or existing grantor or any such beneficiary delivers to the applicant any communication  
47 regarding the proposed transfer, the applicant shall furnish the director with a copy of such  
48 communication together with any accompanying documents. If the director determines that the  
49 transferee has the authority and is qualified to complete the fiduciary obligation, and that the  
50 transfer of the fiduciary obligation will not materially adversely affect the fiduciary obligation,  
51 he shall issue an order approving the transfer of the fiduciary obligation. If the director fails to  
52 approve or deny the transfer of the fiduciary obligation within thirty days of the date of the filing  
53 of the application with the director, the application shall be deemed approved by the director.



54 4. If the director approves the transfer of a fiduciary obligation, within twenty days of  
55 the approval, the transferee shall publish a notice of the transfer of the fiduciary obligation  
56 pursuant to this section [~~in a newspaper of general circulation in the county or city where the~~  
57 ~~transferor's main banking house or principal place of business, respectively, is located~~] **on the**  
58 **front page of its website, if it has one. If the bank or trust company does not have a**  
59 **website, notice shall be sent to the secretary of state who shall publish such notice on the**  
60 **legal notices website, established pursuant to section 493.077.** The transfer of the fiduciary  
61 obligation shall be effective upon the thirtieth day after the date of such publication except with  
62 respect to any fiduciary obligation which upon that date is the subject of notice of objection made  
63 pursuant to subsection 5 of this section.

64 5. Within thirty days after the publication of notice of approval by the director of the  
65 transfer of a fiduciary obligation pursuant to subsection 4 of this section, any grantor or  
66 beneficiary who was entitled to receive a written notice pursuant to subsection 3 of this section  
67 may give written notice to the transferee objecting to the transfer of the fiduciary obligation in  
68 which such person has an interest. In order to complete the transfer, the transferee may petition  
69 the probate division of the circuit court of the county or city not within a county in which the  
70 notice was published to determine whether the transfer of the fiduciary capacity will materially  
71 adversely affect the administration of the fiduciary account. After notice to all interested parties  
72 and a hearing on the issues, the circuit court may deny the relief sought by the petitioning  
73 transferee and not transfer the fiduciary obligation to the petitioning transferee, may appoint a  
74 new fiduciary to succeed the transferor if the court finds that the appointment of a new fiduciary  
75 is in the best interests of the beneficiaries of the fiduciary obligation but that the transfer of the  
76 fiduciary obligation to the petitioning transferee will materially adversely affect the  
77 administration of the fiduciary account, or shall order the transferor to transfer by assignment the  
78 fiduciary obligation to the petitioning transferee.

79 6. On the effective date of the transfer of a fiduciary obligation pursuant to this section,  
80 the transferor shall be released from all transferred fiduciary obligations and all liability relating  
81 to such transferred fiduciary obligations, and shall cease to act regarding all such transferred  
82 fiduciary obligations, except that such transferor shall not be relieved of any liabilities arising  
83 out of a breach of a fiduciary obligation occurring prior to such effective date. The transferor  
84 shall file an itemized accounting of all assets and liabilities in each transferred fiduciary account  
85 with the transferee upon the effective date of the transfer. Notwithstanding the provision of any  
86 law or the provision of any agreement to the contrary, the transferor shall not impose fees  
87 relating to the transfer of the fiduciary obligation in excess of the actual cost to the transferor of  
88 the transfer of the fiduciary obligation. The failure by a bank or trust company to give any notice  
89 required by subsection 3 of this section with respect to any fiduciary account shall not affect the

90 validity of the transfer of a fiduciary obligation pursuant to this section with respect to any other  
91 fiduciary obligation or account.

92 7. Any appointment or other designation of a bank or trust company to a fiduciary  
93 obligation in a trust, will or other instrument shall be deemed to be made based only on facts and  
94 circumstances in existence on the date and at the time that the appointment or designation is  
95 made, and the director or a court, when considering the transfer of a fiduciary obligation, shall  
96 consider whether the transferee has the authority to complete the fiduciary obligation and is  
97 qualified to do so, the effect of the transfer of the fiduciary obligation including whether the  
98 transfer of the fiduciary obligation will materially adversely affect the fiduciary obligation, and  
99 whether the transfer of the fiduciary obligation is in the best interests of the beneficiaries of the  
100 fiduciary obligation.

362.485. Every bank and trust company doing a safe deposit business and every safe  
2 deposit company owned by a bank or trust company shall be entitled to the following special  
3 remedies in enforcing the liabilities and rights of depositories or lessors and of renters or lessees  
4 of boxes:

5 (1) Whenever such company doing a safe deposit business receives personal property  
6 upon deposit, as bailee, and issues a receipt therefor, it is a warehouseman as to this property and  
7 all existing statutes and laws affecting warehousemen shall apply to these deposits, and the  
8 corporation shall have a lien on the deposit or the proceeds thereof to the same extent and with  
9 the same effect, and enforceable in the same manner, as provided by law with reference to  
10 warehousemen.

11 (2) (a) The lessor shall have a lien upon the contents of any safe deposit box for the  
12 rental thereon. If the lessee shall not pay the rent within thirty days after the same is due, then  
13 the lessor, after giving not less than sixty days' written notice to the lessee, personally or by  
14 registered or certified mail delivered to the latest address shown upon the safe deposit records  
15 of the lessor, of its intention to sell the contents of the box for the payment of rent and expenses  
16 may open the box forcibly and remove the contents in the presence of two of its employees, one  
17 of whom shall be an officer thereof. The lessor then shall retain such contents for at least ninety  
18 days thereafter and the lessor then may sell any part or all of such contents at public sale by  
19 giving notice ~~[thereof in like manner as notice is required as provided in chapter 493 for two~~  
20 ~~successive weeks in a newspaper qualified to publish such notice, and]~~ **on the front page of its**  
21 **website, if it has one, for a period of two successive weeks. If the lessor does not have a**  
22 **website, notice shall be sent to the secretary of state who shall publish such notice on the**  
23 **legal notices website, established pursuant to section 493.077, for a period of two successive**  
24 **weeks. The lessor shall** retain from the proceeds of sale the rental due it, the costs of opening

25 and repairing the box, and the costs of sale. Any remaining balance shall be disposed of in  
26 accordance with the provisions of sections 447.500 to 447.595.

27 (b) If the lessee shall fail to surrender possession of any box within thirty days from the  
28 date of the termination of the lease, then the lessor, after giving not less than sixty days' written  
29 notice to the lessee, personally or by registered or certified mail delivered to the latest address  
30 shown upon the safe deposit records of the lessor, of its intention to enter the box, remove the  
31 contents and sell the same, may open the box forcibly and remove its contents in the presence  
32 of two of its employees, one of whom shall be an officer thereof. The lessor then shall retain  
33 such contents for at least ninety days thereafter and the lessor then may sell any part or all of such  
34 contents at public sale by giving notice thereof in like manner as notice is required in paragraph  
35 (a) of subdivision (2) of this section, and retain from the proceeds of sale the costs of opening  
36 and repairing such box, the costs of sale and any other amounts due to lessor. Any article, item,  
37 or document without apparent market value may be destroyed after two years from the date of  
38 giving or mailing the required notice. Any remaining balance shall be disposed of in accordance  
39 with the provisions of sections 447.500 to 447.595.

369.094. 1. An annual meeting of the members of each mutual association shall be held  
2 on a date fixed by the bylaws of the association or, if none is so fixed, on the fourth Monday in  
3 March. A failure to hold the annual meeting at the time so specified shall not work a forfeiture  
4 or dissolution of the association. Special meetings may be called by the board of directors, the  
5 president, or the secretary upon the written request of members entitled to cast at least one-tenth  
6 of all the votes which all members are entitled to cast at the particular meeting, or by such other  
7 officers or persons as may be provided in the bylaws.

8 2. Notice of the annual meeting of members shall be published [~~once~~] not less than ten  
9 days nor more than thirty days before the date of the meeting [~~in a newspaper published in the~~  
10 ~~city or county where the principal office of the association is located. Notice for any special~~  
11 ~~meeting shall be so published once not less than ten nor more than thirty days before the date of~~  
12 ~~the meeting]~~ **on the front page of the association's website, if it has one. If the association**  
13 **does not have a website, notice shall be sent not less than ten days nor more than thirty**  
14 **days before the date of the meeting to the secretary of state who shall publish such notice**  
15 **on the legal notices website, established pursuant to section 493.077, until the date of the**  
16 **meeting has passed.** All notices shall state the place, day and hour, and if a special meeting of  
17 members, the purpose of the meeting. The purpose of an annual meeting need be stated in the  
18 notice only to the extent required by other provisions of sections 369.010 to 369.369.

19 3. Each member shall have one vote plus an additional vote for each one hundred dollars  
20 or fraction thereof of the withdrawal value of the accounts of such member in excess of one

21 hundred dollars. The association may by its bylaws limit the number of votes to which any  
22 member may be entitled.

23 4. Any number of the members present in person or by proxy at any meeting shall  
24 constitute a quorum for the transaction of business. A majority of all votes cast at any meeting  
25 of members shall determine any question unless sections 369.010 to 369.369 specifically provide  
26 otherwise. A proxy not limited as to duration shall continue in effect until revoked in writing  
27 and in case of death or mental incapacity of the member until notice thereof is received by the  
28 association in writing. Proxies shall be filed with the secretary of the association not less than  
29 five days before the meeting.

30 5. Accounts standing in the name of a fiduciary may be voted either in person or by  
31 proxy of the fiduciary. A member whose account is pledged is entitled to vote, in person or by  
32 proxy, until the account has been transferred on the books of the association and thereafter the  
33 transferee shall be entitled to vote in person or by proxy.

34 6. Except as provided in this chapter all meetings of the stockholders of capital stock  
35 associations shall be held as prescribed and shall be governed by the provisions of the general  
36 and business corporation law of Missouri.

369.104. Every association shall publish annually, in accordance with regulations  
2 promulgated by the director of the division of finance, ~~[in a newspaper of general circulation in~~  
3 ~~the county in which its home office is located]~~ **on the front page of its website, if it has one,**  
4 and shall deliver to each member of a mutual association and to each stockholder of a capital  
5 stock association upon application therefor, a statement of its financial condition in the form  
6 prescribed by the director of the division of finance. **If an association does not have a website,**  
7 **the statement shall be sent to the secretary of state who shall publish such statement on the**  
8 **legal notices website, established pursuant to section 493.077.**

369.192. Every association doing a safe deposit business shall be entitled to the  
2 following special remedies in enforcing the liabilities and rights of depositories or lessors and  
3 of renters or lessees of boxes:

4 (1) Whenever such association doing a safe deposit business receives personal property  
5 upon deposit, as bailee, and issues a receipt therefor, it is a warehouseman as to this property,  
6 and all existing statutes and laws affecting warehousemen shall apply to these deposits, and the  
7 association shall have a lien on the deposit or the proceeds thereof to the same extent and with  
8 the same effect, and enforceable in the same manner, as provided by law with reference to  
9 warehousemen;

10 (2) The association shall have a lien upon the contents of any safe deposit box for the  
11 rental thereon. If the lessee shall not pay the rent within thirty days after the same is due, then  
12 the association, after giving not less than sixty days' written notice to the lessee, personally or

13 by registered or certified mail delivered to the latest address shown upon the safe deposit records  
14 of the association, of its intention to sell the contents of the box for the payment of rent and  
15 expenses may open the box forcibly and remove the contents in the presence of two of its  
16 employees, one of whom shall be an officer thereof. The association then shall retain such  
17 contents for at least ninety days thereafter and the association then may sell any part or all of  
18 such contents at public sale by ~~giving~~ **publishing** notice ~~[thereof in like manner as notice is~~  
19 ~~required as provided in chapter 493]~~ for two successive weeks ~~[in a newspaper qualified to~~  
20 ~~publish such notice, and]~~ **on the front page of its website, if it has one. If the association does**  
21 **not have a website, notice shall be sent to the secretary of state who shall publish such**  
22 **notice on the legal notices website, established pursuant to section 493.077, for a period of**  
23 **two successive weeks. The association shall** retain from the proceeds of sale the rental due it,  
24 the costs of opening and repairing the box, and the costs of sale. Any remaining balance shall  
25 be disposed of in accordance with the provisions of sections 447.500 to 447.595;

26 (3) If the lessee shall fail to surrender possession of any box within thirty days from the  
27 date of the termination of the lease, then the association, after giving not less than sixty days'  
28 written notice to the lessee, personally or by registered or certified mail delivered to the latest  
29 address shown upon the safe deposit records of the association, of its intention to enter the box,  
30 remove the contents and sell the same, may open the box forcibly and remove its contents in the  
31 presence of two of its employees, one of whom shall be an officer thereof. The association then  
32 shall retain such contents for at least ninety days thereafter and the association then may sell any  
33 part or all of such contents at public sale by giving notice thereof in like manner as notice is  
34 required in subdivision (2) of this section, and retain from the proceeds of sale the costs of  
35 opening and repairing such box, the costs of sale and any other amounts due to the association.  
36 Any article, item or document without apparent market value may be destroyed after two years  
37 from the date of giving or mailing the required notice. Any remaining balance shall be disposed  
38 of in accordance with the provisions of sections 447.500 to 447.595.

369.349. 1. When the director of the division of finance determines to liquidate an  
2 association, the director shall file a petition in the circuit court of the county in which the  
3 principal office of the association is located setting forth the facts. If the court finds that under  
4 the law the director is entitled to liquidate the association, the court shall thereupon appoint the  
5 director as receiver. The director shall cause an inventory of all the assets of the association to  
6 be filed with the court and shall cause notice to be ~~[given by publication, once a week,]~~  
7 **published on the front page of the division's website for a period** four successive weeks ~~[in~~  
8 ~~some newspaper of general circulation published at or near the principal place of business in the~~  
9 ~~state of such association to]~~ . **Such notice shall require** all persons having claims against the  
10 association as creditors, or otherwise, ~~[requiring them]~~ to present and file their claims and make

11 legal proof thereof at a place and within a time designated in such [~~publication~~] **notice**. The time  
12 shall be not less than six months after the [~~first~~] publication. Within ten days after the [~~first~~]  
13 publication, the director shall cause a copy of such notice to be mailed to all persons whose  
14 names appear of record upon the association's books as creditors.

15         2. All claims, demands, or causes of action of creditors against the association or against  
16 any property owned or held by it in trust or otherwise must be presented to the director in  
17 writing, verified by the claimant or someone on the claimant's behalf, within the period specified  
18 in the notice for the presentation of claims whether or not an action is pending to enforce any  
19 such claim or demand. The director shall not approve any claim not so presented and any such  
20 claim, demand or cause of action not so presented is forever barred. Upon the expiration of the  
21 time fixed for the presentation of claims, the director shall prepare a full and complete schedule  
22 of all claims presented specifying by classes those that have been approved and those that have  
23 been disapproved and file the same with the court.

24         3. Not later than five days after the time of filing the schedule of claims with the court,  
25 written notice shall be mailed to all claimants whose claims have been rejected. Petition to  
26 enforce the payment of or to establish any rejected claim must be filed in the liquidation  
27 proceeding and service had upon the director within four months from and after the date of filing  
28 of the schedule of claims or all such actions are forever barred.

29         4. Any account holder without presenting a claim is entitled to any liquidating dividends  
30 declared, to the extent and in the proper relative order of priority, on any claim shown by the  
31 books of the association to exist in the account holder's favor against the association.

32         5. Claims of creditors shall bear interest at the rate provided by law on judgments from  
33 the date the director takes possession of the business, property and assets of the association.

34         6. The filing of the petition under subsection 1 operates to stay or dissolve all actions or  
35 attachments instituted or levied within thirty days next preceding the taking of possession of such  
36 association by the director under section 369.344 or under this section, and pending the process  
37 of liquidation, no attachment or execution shall be levied or lien created upon any of the property  
38 of the association.

39         7. In liquidating the affairs of the association, the director may:

40             (1) Take possession of all property and assets, collect all money due to and claims of the  
41 association and give receipt thereof;

42             (2) Release or reconvey all real or personal property pledged, hypothecated or transferred  
43 in trust as security for loan;

44             (3) Approve and pay all just and equitable claims;

45             (4) Commence and prosecute all actions and proceedings necessary to enforce  
46 liquidation;

47 (5) Compound bad or doubtful debts or claims, borrow money, sell, convey or transfer  
48 real or personal property on order of the court;

49 (6) In the name of the association, or in the director's own name, prosecute and defend  
50 any suit or other legal proceeding;

51 (7) In the name of the association, or in the director's own name as director, execute,  
52 acknowledge, and deliver any and all deeds, assignments, releases and other instruments  
53 necessary and proper to effectuate any sale of real or personal property or other transaction in  
54 connection with the liquidation of the association. Any deed, assignment, release or other  
55 instrument executed pursuant to this section is valid and effectual for all purposes as though it  
56 were executed by the officers of such association with the authority of its board of directors; and

57 (8) With the approval of the court, abandon any bad or doubtful debt or claim on any  
58 property of the association.

59 8. The director may appoint one or more special deputies to assist in the duties of  
60 liquidation and distribution and may also employ such special legal counsel, accountants and  
61 assistants as may be needed and required and fix their salaries and compensation subject to the  
62 approval of the court. All such salaries and compensation and such reasonable and necessary  
63 expenses as may be incurred in the liquidation shall be paid by the director from the funds of the  
64 association in the director's hands. Such expenses shall include that part of the salary of the  
65 director and of the director's deputies, examiners, accountants and other assistants and that part  
66 of the general expenses of the director's office as fairly represent, in the opinion of the director,  
67 the proportion properly attributable to such liquidation.

68 9. From the net realization of assets, the director, subject to the approval of the court,  
69 shall pay dividends in liquidation to the creditors in order of preference. All remaining assets  
70 of a mutual association shall be distributed to the account holders in proportion to the amounts  
71 of their respective accounts as of the date liquidation began. All remaining assets of a capital  
72 stock association shall be distributed to the stockholders in accordance with their stock  
73 ownership.

74 10. Any money due to but unclaimed by any person shall be deposited with the director.  
75 The owner, the owner's heirs or personal representative may claim any funds so deposited by  
76 proof of ownership satisfactory to the director at any time within ten years. Earnings on such  
77 funds during possession by the director shall be used to defray expenses of the director's office,  
78 and the owner, the owner's heirs and personal representatives shall have no claim thereto.  
79 Money not so claimed in ten years shall be delivered to the state treasurer from whom the owner,  
80 the owner's heirs or personal representative may claim such funds upon proof of ownership  
81 satisfactory to the state treasurer.

82           11. On the payment of a final dividend in liquidation, the director shall prepare and file  
83 with the court a full and final statement of liquidation including a summary of the receipts and  
84 disbursements which shall be filed with the court and in the office of the director. After hearing  
85 and approval by the court, the liquidation shall be closed. The order of the court approving the  
86 final settlement on liquidation shall provide for the destruction or other disposition of the books  
87 and records of the association or pertaining to the liquidation of the association, and the court  
88 may declare the association dissolved as a corporation. A copy of the order dissolving the  
89 association as a corporation shall be filed with the secretary of state.

          375.201. 1. Any insurance company organized or incorporated under the laws of this  
2 state may amend its charter, articles of incorporation or association, or declaration of  
3 organization from time to time in any and as many respects as may be desired; provided, that its  
4 articles as amended contain only such provisions as might be lawfully contained in the original  
5 articles if made at the time of making the amendment.

6           2. (1) In particular and without limitation upon the general power of amendment, an  
7 insurance company may amend its articles from time to time so as:

- 8           (a) To change its name;
- 9           (b) To change the place where the principal office for the transaction of its business is  
10 located;
- 11           (c) To change its period of duration;
- 12           (d) To change, enlarge or diminish its purposes;
- 13           (e) To increase or decrease the number of its directors or trustees;
- 14           (f) To increase or decrease the aggregate number of shares or shares of any class which  
15 the corporation has authority to issue;
- 16           (g) To increase or decrease the par value of the authorized shares of any class, whether  
17 issued or unissued; provided, that if the par value of issued shares is increased there shall be  
18 transferred to stated capital at the time of such increase an amount of surplus equal to the  
19 aggregate amount by which the par value is increased;
- 20           (h) To exchange, classify, reclassify or cancel all or any part of its shares whether issued  
21 or unissued;
- 22           (i) To change the designation of all or any part of its shares, whether issued or unissued,  
23 and to change the preferences, qualifications, limitations, restrictions and special or relative  
24 rights including convertible rights in respect of all or any part of its shares whether issued or  
25 unissued;
- 26           (j) To create a new class or classes of stock and to define the preferences, qualifications,  
27 limitation, restrictions, and the special or relative rights of the shares of such new class or  
28 classes; provided that the authorized number of shares of any class or classes without voting



29 rights shall not exceed a ratio of two shares of such class or classes without voting rights to one  
30 share of the voting stock of the company outstanding at the time the amendment is voted upon  
31 by the stockholders;

32 (k) To establish, limit or deny shareholders the preemptive right to acquire additional  
33 shares of capital stock, whether then or thereafter authorized.

34 (2) In no event, however, may the par value per share of the authorized shares of any  
35 class of stock be less than one dollar.

36 3. Amendment of articles shall be made in the following manner:

37 (1) The board of directors or other governing body may adopt a resolution setting forth  
38 the proposed amendment and directing that it be submitted to a vote at a meeting of the  
39 shareholders, members, or other group of persons entitled to vote thereon, which may be either  
40 an annual or special meeting; except that the proposed amendment need not be adopted by the  
41 board of directors and may be directly submitted to any annual or special meeting of the  
42 shareholders, members or other group of persons entitled to vote thereon.

43 (2) Written or printed notice setting forth the proposed amendment or a summary of the  
44 changes to be effected thereby shall be given to each shareholder, member or other person  
45 entitled to vote thereon of record. In the case of a mutual insurance company, notice, including  
46 the time and place at which such meeting will be held, may, in lieu of such written or printed  
47 notice, be given by publication made by the company [~~in two daily newspapers, one of which~~  
48 ~~shall be published in the City of St. Louis or the city of Kansas City,~~] **on its website, if it has**  
49 **one**, for at least [~~once a week for~~] two weeks before the time appointed for the meeting. **If the**  
50 **company does not have a website, notice may be sent to the secretary of state who shall**  
51 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
52 **until the date of the meeting has passed.**

53 (3) At the meeting a vote of those entitled to vote shall be taken on the proposed  
54 amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of  
55 a majority of all of those entitled to vote at the meeting either in person or by proxy or may be  
56 adopted upon a specified vote if contained in the articles or other provision of law which shall  
57 not be less than a majority; except that in the case of a mutual insurance company, the proposed  
58 amendment shall be adopted upon the affirmative vote of a majority of the members voting at  
59 the meeting in person or by proxy.

375.355. 1. Any insurance company organized under the laws of this state may  
2 hereafter, with the approval of the director first obtained,

3 (1) Organize any subsidiary insurance company in which it shall own and hold not less  
4 than a majority of the common stock; or

5 (2) Acquire control of another insurance company by purchase, merger or otherwise,  
6 regardless of the domicile of any company so organized or acquired, for the purpose of operating  
7 any such company under a plan of common control.

8 2. Whenever any insurance company shall propose under the provisions of this section  
9 to acquire control of another insurance company by purchase, merger or otherwise or to dispose  
10 of any stock so purchased or so acquired, it shall present its petition to the director setting forth  
11 the terms and conditions of the proposed acquisition or disposition and praying for the approval  
12 of the acquisition or disposition. The director shall thereupon issue an order of notice, requiring  
13 notice to be given, to the policyholders of a mutual company and stockholders of a stock  
14 company, of the pendency of the petition, and the time and place at which the same will be heard,  
15 by publication of the order of notice ~~[in two daily newspapers designated by the director]~~ **on the**  
16 **front page of the company's website, if it has one**, for at least ~~[once a week for]~~ two weeks  
17 before the time appointed for the hearing upon the petition; and any further notice which the  
18 director may require shall be given by the petitioners. **If the company does not have a website,**  
19 **notice shall be sent 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 two weeks.** At the  
21 time and place fixed in the notice, or at such time and place as shall be fixed by adjournment,  
22 the director shall proceed with the hearing, and may make such examination into the affairs and  
23 conditions of the companies as he **or she** may deem proper. For the purpose of making the  
24 examination, or having the same made, the director may employ the necessary clerical, actuarial,  
25 legal, and other assistance. The director of the department of commerce and insurance of this  
26 state shall have the same power to summon and compel the attendance and testimony of  
27 witnesses and the production of books and papers at the hearing as by law granted in  
28 examinations of companies. Any policyholder or stockholder of the company or companies may  
29 appear before the director and be heard in reference to the petition. The director, if satisfied that  
30 the proposed acquisition or disposition was properly approved after notice as required by the  
31 articles and bylaws of the company or companies, and that the interest of the policyholders of  
32 the company or companies is protected, and that no reasonable objection exists as to the  
33 acquisition or disposition, and that the acquisition will not tend to substantially lessen  
34 competition or create a monopoly, shall approve and authorize the proposed acquisition or  
35 disposition. All expenses and costs incident to the proceedings under this subsection shall be  
36 paid by the company or companies bringing the petition.

37 3. The shares of any subsidiary life insurance company acquired or held under the  
38 provisions of this section by a parent life insurance company organized under the provisions of  
39 chapter 376 shall be eligible for deposit by the parent life insurance company as provided in  
40 section 376.170 at a value no greater than the proportion of the capital and surplus of the

41 subsidiary company as shown by its last annual statement filed in the state of its domicile  
42 represented by the shares held by the parent life insurance company, but only to the extent that  
43 the capital and surplus is represented by cash or securities of the kind and type eligible for  
44 deposit under the provisions of section 376.170 and other applicable statutes.

45 4. (1) The provisions of this section shall not apply to the acquisition or disposition by  
46 purchase, sale or otherwise of not less than the majority of the stock of any insurance company  
47 domiciled outside of the state of Missouri, if the consideration involved in such acquisition or  
48 disposition does not exceed the following threshold:

49 (a) With respect to an insurance holding company, so long as such consideration does  
50 not exceed the lesser of three percent of its consolidated assets or twenty percent of its  
51 consolidated stockholders' equity as of the thirty-first day of December of the preceding year  
52 according to its consolidated balance sheet prepared in accordance with generally accepted  
53 accounting principles and audited by independent certified accountants in accordance with  
54 generally acceptable auditing standards; or

55 (b) With respect to an insurance company organized under the laws of this state, so long  
56 as such consideration does not exceed the lesser of three percent of its assets or ten percent of  
57 its capital and surplus as of the thirty-first day of December of the preceding year according to  
58 its balance sheet prepared in accordance with accounting practices prescribed or permitted by the  
59 department of commerce and insurance and in conformity with the practices of the National  
60 Association of Insurance Commissioners and audited by independent certified accountants in  
61 accordance with generally acceptable auditing standards.

62 (2) In calculating the amount of consideration involved in such acquisition or disposition  
63 for the purposes of subdivision (1) of this subsection, there shall be included total net moneys  
64 or other consideration expended, and obligations assumed in the acquisition or disposition,  
65 including all organizational expenses and contributions to capital and surplus of such insurance  
66 company domiciled outside of the state of Missouri, whether represented by the purchase of  
67 capital stock or issuance of other securities. For the purposes of this subsection, the term  
68 "insurance holding company" means a domestic insurance holding company in which the  
69 majority of stock is owned by a domestic insurance company, or a domestic insurance holding  
70 company which owns the majority of the stock of a domestic insurance company.

375.480. 1. When any company, which has on deposit the securities named in section  
2 376.170 with the director of the department of commerce and insurance, shall desire to relinquish  
3 and cease its business in this state, said director shall, upon application of such company, under  
4 the oath of the president or vice president and secretary or assistant secretary, give notice of such  
5 intention ~~in any newspaper of general circulation published in the county or city in which said~~  
6 ~~company is located, if it is a company of this state, or in some newspaper published in the city~~

7 of St. Louis, if it is a company of another state or government, at least twice a week] **on the**  
8 **front page of the company's website, if it has one, for six weeks. If the company does not**  
9 **have a website, notice shall be sent to the secretary of state who shall publish such notice**  
10 **on the legal notices website, established pursuant to section 493.077, for a period of six**  
11 **weeks.**

12 2. After such publication he shall deliver up and transfer to said company the securities  
13 held by him and belonging to the company; but before making such transfer, the director shall  
14 be satisfied, by an examination of the books and papers of such company, to be made by himself  
15 or some competent person to be appointed by him, or by the oath of the acting president and  
16 secretary or assistant secretary of said company if it be a company organized under the laws of  
17 this state, that all debts and liabilities of every kind that are due, or may become due, upon all  
18 contracts or agreements made with the policyholders in said company, or in any company  
19 reinsured by said company, if the deposit is that of a reinsured company and is held for the  
20 security of the policyholders of said reinsured company under sections 375.010 to 375.920, are  
21 released, satisfied or extinguished; or if it be a company not organized under the laws of this  
22 state, that all debts and liabilities of every kind, whether fixed or contingent, due or that may  
23 become due to this state or to any county or municipality or citizen thereof, are released, satisfied  
24 or extinguished; and the said director may, from time to time, authorize the delivery in the  
25 manner aforesaid, to such company or its assigns, of any portion of such securities, on being  
26 satisfied in the manner and form aforesaid, that all debts and liabilities of every kind as aforesaid  
27 are less 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 than three days  
3 after he receives notice of the determination of the insolvency;  
4 (2) Upon request of the board of directors, provide the association with a statement of  
5 the net direct written premiums of each member insurer; and  
6 (3) Notify the agents of the insolvent insurer of the determination of insolvency and of  
7 the insureds' rights under sections 375.771 to 375.779. Such notification shall be by first class  
8 mail at their last known address, where available, but if sufficient information for notification  
9 by mail is not available, notice by publication [~~in a newspaper of general circulation~~] **on the**  
10 **front page of the department's website** shall be sufficient.

11 2. The director may require each agent of the insolvent insurer to give prompt written  
12 notice, by first class mail, at the insured's last known address, to each insured of the insolvent  
13 insurer for whom he was agent of record, provided the agent has received the notification of  
14 subsection 1 of this section.

15           3. It is unlawful for any member insurer to fail to pay an assessment when due or fail to  
16 comply with the plan of operation. Every day in which the member insurer fails to pay is a  
17 separate violation.

18           4. If the director determines that a person has engaged, is engaging in, or has taken a  
19 substantial step toward engaging in an act, practice or course of business constituting a violation  
20 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially  
21 aided or is materially aiding an act, practice, omission, or course of business constituting a  
22 violation of this section or a rule adopted or order issued pursuant thereto, the director may issue  
23 such administrative orders as authorized under section 374.046. A violation of this section is a  
24 level two violation under section 374.049. The director may also suspend or revoke the license  
25 or certificate of authority of such person for any willful violation.

26           5. If the director believes that a person has engaged, is engaging in, or has taken a  
27 substantial step toward engaging in an act, practice or course of business constituting a violation  
28 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially  
29 aided or is materially aiding an act, practice, omission, or course of business constituting a  
30 violation of this section or a rule adopted or order issued pursuant thereto, the director may  
31 maintain a civil action for relief authorized under section 374.048. A violation of this section  
32 is a level two violation under section 374.049.

          375.1185. 1. Unless the court otherwise directs, the liquidator shall give or cause to be  
2 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 of the  
4 department of commerce and insurance of each state in which the insurer is doing business;

5           (2) By first class mail to any guaranty association or foreign guaranty association which  
6 is or may become obligated as a result of the liquidation;

7           (3) By first class mail to all known insurance agents of the insurer;

8           (4) By first class mail to all persons known or reasonably expected to have claims against  
9 the insurer including all policyholders, at their last known address as indicated by the records of  
10 the insurer; and

11           (5) By publication ~~[in a newspaper of general circulation in the county in which the~~  
12 ~~insurer has its principal place of business and in such other locations as the liquidator deems~~  
13 ~~appropriate]~~ **on the front page of the liquidator's website, if it has one. If the liquidator does**  
14 **not have a website, notice shall be sent to the secretary of state who shall publish such**  
15 **notice on the legal notices website, established pursuant to section 493.077.**

16           2. Notice under subsection 1 of this section to agents of the insurer and to potential  
17 claimants who are policyholders shall include, where applicable, notice that coverage by state

18 guaranty associations may be available for all or part of policy benefits in accordance with  
19 applicable state guaranty laws.

20 3. The liquidator shall promptly provide to the guaranty association such information  
21 concerning the identities and addresses of such policyholders and their policy coverages as may  
22 be within the liquidator's possession or control, and otherwise cooperate with guaranty  
23 associations to assist them in providing to such policyholders timely notice of the guaranty  
24 associations' coverage of policy benefits including, as applicable, coverage of claims and  
25 continuation or termination of coverage.

376.050. The persons mentioned in section 376.010 shall be designated as "corporators",  
2 and such corporators, desiring to form a company for the purpose of transacting the business  
3 mentioned in said section, or any part of the same, shall file in the office of the director of the  
4 department of commerce and insurance a declaration signed by each of said corporators, setting  
5 forth the place of residence of each of them, and their intention to form a corporation for the  
6 purpose of transacting the business aforesaid, which declaration shall comprise a copy of the  
7 charter proposed to be adopted by them; and they shall publish [~~once in each week, or oftener,~~  
8 for at least four weeks~~], in a newspaper of general circulation, published in the county where~~  
9 ~~such corporation is proposed to be located,~~] a notice of the filing of such declaration, together  
10 with a copy of the same, **on the legal notices website, established pursuant to section 493.077.**

376.070. Whenever the corporators have filed the declaration required by section  
2 376.050 [~~and also the proof of publication therein required by the affidavit of the publisher of~~  
3 ~~the newspaper in which the publication was made,~~] his foreman or clerk, with the director of the  
4 department of commerce and insurance, the director shall submit the declaration to the attorney  
5 general of this state for examination, and if it is found by him to be in accordance with the  
6 provisions of sections 376.010 to 376.670 and not inconsistent with the constitution and laws of  
7 this state and the United States, he shall so certify and deliver it back to the director. The  
8 director shall cause the declaration [~~and affidavit,~~] with the certificate of the attorney general~~],~~  
9 to be recorded in a book kept for that purpose, and furnish a certified copy of the same to the  
10 corporators, and also file a certified copy of the same with the secretary of state, who, upon  
11 payment to the director of revenue of the tax required by section 351.065, shall issue a certificate  
12 of incorporation, upon the receipt of which they become a body politic and corporate, and may  
13 proceed to organize in the manner set forth in their charter, and to open books for subscription  
14 to the capital stock of the company, and keep the same open until the whole amount specified  
15 in the charter is subscribed. No company shall issue policies or transact any business of any kind  
16 or nature whatsoever, except as aforesaid, until it has fully complied with the requirements of  
17 sections 376.010 to 376.670.

376.110. Whenever the incorporators have filed the declaration required by section 2 376.050 [~~and also proof of the publication therein required by the affidavit of the publisher of~~ 3 ~~the newspaper in which the publication was made,~~] his foreman or clerk, with the director, the 4 director shall submit the declaration to the attorney general of this state for examination, and if 5 he finds it is in accordance with the provisions of sections 376.010 to 376.670, and not 6 inconsistent with the constitution and laws of this state, and of the United States, he shall so 7 certify and deliver it back to the director. The director shall cause the said declaration [~~and~~ 8 ~~affidavit~~] with the certificate of the attorney general, to be recorded in a book kept for that 9 purpose and furnish a certified copy of the same to the incorporators, and also file a certified copy 10 of the same with the secretary of state, who, upon payment to the director of revenue of the sum 11 of seventy-five dollars, shall issue a certificate of incorporation, upon the receipt of which they 12 become a body politic and corporate, and may proceed to organize in the manner set forth in their 13 charter, and to open books and receive proposals and agreements for assurance and premiums 14 for the same on deposit, and issue receipts therefor, and to keep such books open until the whole 15 amount specified in its charter is received. It is not lawful for such company to issue policies or 16 transact any business of any kind, except as aforesaid, until it fully complies with the 17 requirements of sections 376.120, 376.130 and 376.290.

376.150. When such incorporators propose to form a stock and mutual company for the 2 purposes designated in section 376.010, the charter comprised in the declaration named in 3 section 376.050 shall set forth all the particulars mentioned in section 376.060 in regard to the 4 formation of corporations on the joint stock plan; and in addition thereto it shall state:

5 (1) The extent, if any, to which the policyholders shall participate in the election of 6 directors and in the management of the company, and the manner in which they shall do so;

7 (2) The time for which it is proposed to remain a stock and mutual company, provided 8 it be intended to limit the same, and the manner of changing into a mutual or stock company, if 9 such change is proposed; but no such change shall be made unless by two-thirds majority of all 10 the votes cast at a meeting held for that purpose, such meeting to be called by a special notice, 11 stating its object; which notice shall be published [~~for at least once a week~~] **on the legal notices** 12 **website, established pursuant to section 493.077, for a period of four weeks** [~~in a newspaper~~ 13 ~~of general circulation, and published in the county or city where such company is located~~].

377.240. 1. When any such corporation, company or association shall desire to 2 relinquish its business in this state, the director shall, on application of such corporation under 3 oath of its president or principal officer and secretary or actuary, give notice of such intention 4 [~~at least twice in a newspaper of general circulation published at the state capitol~~] **on the front** 5 **page of the entity's website, if it has one. If the entity does not have a website, notice shall**

6 **be sent to the secretary of state who shall publish such notice on the legal notices website,**  
7 **established pursuant to section 493.077.**

8 2. After such publication he shall deliver up to said corporation the securities, or any  
9 portion thereof, held by him belonging to such corporation upon being satisfied that all the debts  
10 and liabilities of every kind are paid or provided for.

379.025. Corporations may be formed for the purpose of doing business mentioned in  
2 section 379.010, either on the stock or mutual plan; and every corporation so formed on the  
3 mutual plan shall have the word "mutual" affixed to the name which it assumes; and it shall not  
4 be lawful for any corporation so formed to do business on any other plan than that upon which  
5 it is organized, or for a corporation formed upon the mutual plan in any manner to use its name  
6 or to make publication thereof, unless the word "mutual" be affixed thereto in plain letters of the  
7 size of the letters in which the balance of the name is printed; and no such corporation shall  
8 adopt the name of any existing company or corporation transacting the same kind of business,  
9 or a name so similar as to be calculated to mislead the public; and the mutual companies shall  
10 not issue policies known as stock policies, or do business as joint stock companies, or upon the  
11 joint stock plan; but any mutual company upon a majority vote of its members present at an  
12 annual meeting, or at any special meeting called for that purpose after one week's notice by  
13 advertisement ~~[in one or more newspapers printed and published in the city or county where the~~  
14 ~~chief office of said company is located]~~ **on the front page of its website, if it has one,** may  
15 charge and receive for the mutual benefit of all its policyholders cash in payment of premiums  
16 on such of its policies as shall be, by a majority vote of such meeting, determined upon. **If a**  
17 **mutual company does not have a website, notice required by this section shall be sent one**  
18 **week prior to the meeting to the secretary of state who shall publish such notice on the legal**  
19 **notices website, established pursuant to section 493.077, until the date of the meeting has**  
20 **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 purpose of  
3 transacting the business mentioned in said section, upon either of the plans named in section  
4 379.025, shall file in the office of the director of the department of commerce and insurance a  
5 declaration, signed by each of such incorporators, setting forth their intention to form a  
6 corporation for the purpose of transacting the business aforesaid~~[-which]~~. **The** declaration shall  
7 comprise a copy of the articles of incorporation or association proposed to be adopted by them~~;~~  
8 ~~and they]~~. **The incorporators** shall publish a notice of such intention ~~[once in each week, or~~  
9 ~~often]~~ **on the legal notices website, established pursuant to section 493.077, for a period**  
10 **of at least four weeks, [in a newspaper of general circulation, published in the county where such**  
11 **corporation is proposed to be located].**



379.040. Whenever the incorporators shall have filed the declaration required by section  
2 379.030, ~~[and also proof of the publication therein required, by the affidavit of the publisher of~~  
3 ~~the newspaper in which the publication was made, his foreman or clerk, with the director, it shall~~  
4 ~~be the duty of]~~ the director ~~[to]~~ **shall** submit such declaration to the attorney general of this state  
5 for examination, and if it shall be found by him to be in accordance with the provisions of  
6 sections 379.010 to 379.160, and not inconsistent with the constitution and laws of this state and  
7 the United States, he shall so certify, and deliver it back to the director, who shall record the  
8 declaration~~[,] affidavit,~~ and the certificate of the attorney general~~[,]~~ in a book kept for that  
9 purpose, and shall furnish a certified copy of the same to the incorporators, and shall also file a  
10 certified copy of the same with the secretary of state, who, upon payment to the state director of  
11 revenue of the tax required by section 351.065, shall issue a certificate of incorporation, upon  
12 the receipt of which they may proceed to organize in the manner set forth in their charter, and  
13 to open books for subscription to the capital stock of the company, and keep the same open until  
14 the whole amount specified in the charter is subscribed; but it shall not be lawful for such  
15 companies to issue policies or transact any business of any kind or nature whatever, except as  
16 aforesaid, until they have fully complied with the requirements of sections 379.050 and 379.055.

379.065. Whenever the incorporators shall have filed the declaration required by section  
2 379.030 ~~[and also proof of the publication therein required, by the affidavit of the publisher of~~  
3 ~~the newspaper in which the publication was made, his foreman or clerk, with the director, it shall~~  
4 ~~be the duty of said]~~ the director ~~[to]~~ **shall** submit such declaration to the attorney general of this  
5 state for examination; and if it shall be found by him to be in accordance with the provisions of  
6 sections 379.010 to 379.160, and not inconsistent with the constitution and laws of this state and  
7 of the United States, he shall so certify and deliver it back to the director, who shall cause the  
8 said declaration ~~[and affidavit]~~, with the certificate of the attorney general, to be recorded in a  
9 book to be kept for that purpose, and shall furnish a certified copy of the same to the corporators,  
10 and shall also file a certified copy of the same with the secretary of state, who, upon payment to  
11 the state director of revenue of the sum of seventy-five dollars, shall issue a certificate of  
12 incorporation, upon the receipt of which they may proceed to organize in the manner set forth  
13 in their articles of incorporation or association, to open books and receive subscriptions to the  
14 policyholders' surplus mentioned in section 379.010 and issue receipts therefor, and to keep such  
15 books open until the whole amount specified in its articles of incorporation or association is  
16 received; but it shall not be lawful for such company to issue policies or transact any business  
17 of any kind, except as aforesaid, until it has fully complied with the requirements of sections  
18 379.070 and 379.075.

379.095. 1. The board of directors of every mutual insurance company organized under  
2 the provisions of sections 379.010 to 379.160 shall have the power, as often as they shall deem

3 it necessary in order to settle the losses insured against, and the expenses and other liabilities of  
4 the company, to make an assessment upon the premium notes given by persons effecting  
5 insurance of the company.

6 2. Such assessment shall be made upon each and every note held by the company at the  
7 time of the assessment, and which has been in existence for one year prior to the date of the  
8 assessment, and shall be for a sum upon each note which bears the same ratio to the whole  
9 amount to be raised by the assessment that the full sum for which such note was given bears to  
10 the full amount for which all the notes assessed were given.

11 3. The amount so assessed upon each note shall be due and payable within thirty days  
12 after the publication of a notice of such assessment, and after written notice of the same to the  
13 maker of such note has been deposited in the post office, postage prepaid, or delivered to him  
14 in person; and the amount of said assessment, when paid, shall in every case be endorsed upon  
15 said note at the time of the payment.

16 4. The publication of the above notice shall be made [~~in some newspaper of general~~  
17 ~~circulation, published in the county or city where said company shall have its principal office]~~  
18 **on the front page of the company's website, if it has one**, and shall set forth the full aggregate  
19 amount for which all the premium notes held by the company were given, upon which the  
20 assessment is made, the amount of losses adjusted and unpaid, the amount of losses claimed but  
21 unadjusted, giving the names of claimants, the amount of expenses accrued and unpaid, and the  
22 amount of cash on hand. **If the company does not have a website, notice shall be sent to the**  
23 **secretary of state who shall publish such notice on the legal notices website, established**  
24 **pursuant to section 493.077.**

25 5. If any person shall neglect or refuse to pay the sum so assessed upon him, for thirty  
26 days after the publication and mailing or delivery of said notices, the directors of said company  
27 may sue for and recover the whole amount of his premium note held by the company, with costs  
28 of suit.

29 6. No person shall, in any case, be liable upon any premium note on account of any and  
30 all claims and assessments upon the same for an amount greater than the face of such note.

379.530. After drafting the proposed articles of association, it shall be the duty of the  
2 directors of said company to call a special meeting, if a stock company, of its stockholders; if a  
3 mutual company, of its policyholders; or if a stock and mutual company, of its stockholders and  
4 its policyholders in the mutual department, by a notice, which shall be published [~~at least once~~  
5 ~~a week in some newspaper of general circulation in the city, county or town in which said~~  
6 ~~company is located, the first insertion to be]~~ **on the front page of the company's website, if it**  
7 **has one**, not less than sixty days[~~, the last to be not less than one nor more than six days,~~  
8 previous to the day on which such meeting shall be held][~~, but if there be no newspaper published~~

9 ~~therein, then in some newspaper published in the next nearest county, and by posting up a~~  
10 ~~handbill in the office of said company;] .~~ **If the company does not have a website, notice shall**  
11 **be sent not less than sixty days previous to the day on which the meeting will be held to the**  
12 **secretary of state who shall publish such notice on the legal notices website, established**  
13 **pursuant to section 493.077, until the day of the meeting has passed.** Said notice shall state  
14 the time and place of the meeting and the objects thereof, and shall further state where a draft of  
15 the proposed articles of association can be seen and examined.

379.570. 1. On the filing of said petition with the clerk of said court, it shall be the duty  
2 of said clerk to cause a notice to be published [~~in some newspaper published in the county where~~  
3 ~~the cause is pending, and if there is no newspaper published in said county, then in some~~  
4 ~~newspaper published in the next nearest county]~~ **on the front page of the court's website, if it**  
5 **has one**, addressed to all whom it may concern, and setting forth the filing of said petition and  
6 stating briefly the object and general nature of the petition and that a judgment and decree will  
7 be entered in said cause at the next term of the said court after due publication of said notice, as  
8 prayed in said petition.

9 2. And at the next term of said court after due publication of said notice, as herein  
10 provided, the court shall hear the said petition and the evidence which may be produced by the  
11 petitioner and by any person interested in such company as a stockholder, if it be a stock  
12 company, or as a policyholder if it be a mutual company, or as a stockholder or a policyholder  
13 in its mutual department if it be a stock and mutual company, at the time originally limited by  
14 law or its charter for the termination of the corporate existence of such company who has not  
15 assented to or ratified such reorganization and extension and continuance of the corporate  
16 existence of such company, and shall make and enter its judgment and decree ascertaining and  
17 determining the number and names of the persons who were stockholders if it be a stock  
18 company, or who were policyholders if it be a mutual company, or who were stockholders or  
19 policyholders in its mutual department if it be a stock and mutual company, of said company at  
20 the time originally limited by law or its charter for the termination of its corporate existence who  
21 have not assented to or ratified such reorganization and extension and continuance of the  
22 corporate existence of such company and the value of their respective equitable interests or  
23 proportions in its net assets at that time, and authorizing and directing such company to pay to  
24 them respectively the value of their equitable interests or proportions in such net assets as thus  
25 ascertained and determined in full satisfaction of their respective claims and interests in such net  
26 assets; and thereupon payment by said company to such stockholders or policyholders of the  
27 value of their respective equitable interests or proportions in such net assets as thus ascertained  
28 and determined such stockholders or policyholders shall have no further claims or interests in  
29 such assets of said company; provided, that the court may, if it deem it advisable, refer the matter

30 to some suitable person as referee to hear said matter and ascertain and report to the court his  
31 findings concerning the same, as in other cases.

379.600. After drafting the proposed articles of association, it shall be the duty of the  
2 directors of said company to call a special meeting, if a stock company, of its stockholders, if a  
3 mutual company, of its policyholders, or if a stock and mutual company, of its stockholders and  
4 its policyholders in the mutual department, by a notice, which shall be published ~~[at least once~~  
5 ~~a week in some newspaper of general circulation in the city, county or town in which said~~  
6 ~~company is located, the first insertion to be]~~ **on the front page of the company's website, if it**  
7 **has one**, not less than sixty days~~], the last to be not less than one or more than six days]~~ previous  
8 to the day on which such meeting shall be held~~]; but if there be no newspaper published therein,~~  
9 ~~then in some newspaper published in the next nearest county, and by posting up a handbill in the~~  
10 ~~office of said company;]~~ . **If the company does not have a website, notice shall be sent not**  
11 **less than sixty days previous to the day on which the meeting will be held to the secretary**  
12 **of state who shall publish such notice on the legal notices website, established pursuant to**  
13 **section 493.077, until the date of the meeting has passed.** Said notice shall state the time and  
14 place of the meeting and the objects thereof, and shall further state where a draft of the proposed  
15 articles of association can be seen and examined.

380.041. 1. Each Missouri mutual insurance company shall elect a board of at least five  
2 directors, each of whom shall be the owner of property insurance in the company. The directors  
3 shall be elected by a majority vote of the members voting at the annual meeting of the members  
4 for a term of not less than one year nor more than three years. The directors shall elect from their  
5 number a president and vice president. The directors shall also select a secretary, treasurer and  
6 such additional officers as they may deem necessary, who may or may not be members of the  
7 company. The offices of secretary and treasurer may be occupied by one person.

8 2. Each Missouri mutual insurance company shall hold an annual meeting of its members  
9 on the date and time and at the place specified in its articles of incorporation; immediately  
10 thereafter, a separate meeting of the board of directors shall be held. If the articles of  
11 incorporation are silent as to the date, time and place of the annual meetings, those meetings  
12 shall be held on the first Monday in February and shall be held at the registered office of the  
13 corporation.

14 3. Notice of the annual meeting of the members shall be sent with or mailed with each  
15 policy, and shall be stamped or printed on the policy. Notice of the annual meeting shall also be  
16 published ~~[once a week]~~ **on the front page of the company's website, if it has one**, for a  
17 **period of** two weeks before the date of the meeting ~~[in some daily or weekly newspaper~~  
18 ~~published in the county where the principal home office of the company is located]~~ . **If the**  
19 **company does not have a website, notice shall be sent two weeks before the meeting to the**

20 **secretary of state who shall publish such notice on the legal notices website, established**  
21 **pursuant to section 493.077, until the date of the meeting has passed.**

380.151. Any two or more Missouri mutual insurance companies operating under the  
2 provisions of sections 380.011 to 380.151 may unite and become incorporated in one corporate  
3 body, with or without any dissolution or division of the funds of either corporation; or any such  
4 corporation may transfer its engagements, funds and property to any other such corporation and  
5 upon such terms as may be agreed upon by three-fourths of the members of each of the bodies  
6 who are either present in person or by proxy at the meeting of the members convened for that  
7 purpose by notice, stating the object of the meeting, sent by first class mail to every member, and  
8 by a general notice~~[- appearing daily at least one week or weekly]~~ **published on the front page**  
9 **of each of the company's websites, if they have them, for a period of** at least two weeks ~~[in~~  
10 ~~a newspaper published in the county where the principal home office of the company is located;~~  
11 ~~but]~~ . No such transfer shall prejudice any right of any creditor of any such corporation to have  
12 payment of his debt out of the assets and property thereof. **If any of the companies do not have**  
13 **a website, notice shall be sent two weeks before the meeting to the secretary of state who**  
14 **shall publish such notice on the legal notices website, established pursuant to section**  
15 **493.077, until the date of the meeting has passed.**

380.321. 1. Whenever two companies propose to merge under the provisions of section  
2 380.281 and their membership has approved the plan of merger, a petition shall be presented to  
3 the director, accompanied by the articles of merger, and praying for the approval or modification  
4 of the plan of merger.

5 2. The director shall review the petition and may waive any hearing if he **or she** finds  
6 the proposed merger does not prejudice the interests of the policyholders of the companies.

7 3. If the director deems it necessary, he **or she** shall issue an order of notice, requiring  
8 notice to be given, to the policyholders of the company, of the pendency of the petition, and the  
9 time and place at which the same will be heard, by publication of the order of notice ~~[in not less~~  
10 ~~than two daily newspapers designated by the director, at least one of which shall be published~~  
11 ~~in the city of Jefferson City,]~~ **on the front page of the department of commerce and**  
12 **insurance's website or the legal notices website, established pursuant to section 493.077,**  
13 **for a period of** at least ~~[once a week for]~~ two successive weeks ~~[on the same day of each week,~~  
14 ~~the last notice appearing not more than five calendar days before the time appointed for the~~  
15 ~~hearing upon the petition and any further notice which the director may require to be given by~~  
16 ~~the petitioners].~~

17 4. At the time and place fixed in the notice, or at such time and place as shall be fixed  
18 by order of the director, or by recess from time to time or adjournment, the director shall proceed  
19 with the hearing, and may make such examination into the affairs and conditions of the

20 companies as is proper. The director may summon and compel the attendance and testimony of  
21 witnesses and the production of books and papers at the hearing. Any policyholder or member  
22 of the company or companies or any member of the public with an interest may appear at the  
23 hearing and be heard in reference to the petition.

24 5. The director, if satisfied that the interests of the policyholders of the companies are  
25 properly protected, and that no reasonable objections exist thereto, may approve and authorize  
26 the proposed merger, or order such modification thereof as may seem best for the interests of the  
27 policyholders.

28 6. Expenses and costs incident to the proceeding under the provisions of this section  
29 shall be paid by the company or companies bringing the petition upon order of the director.

386.800. 1. No municipally owned electric utility may provide electric energy at retail  
2 to any structure located outside the municipality's corporate boundaries after July 11, 1991,  
3 unless:

4 (1) The structure was lawfully receiving permanent service from the municipally owned  
5 electric utility prior to July 11, 1991; or

6 (2) The service is provided pursuant to an approved territorial agreement under section  
7 394.312;

8 (3) The service is provided pursuant to lawful municipal annexation and subject to the  
9 provisions of this section; or

10 (4) The structure is located in an area which was previously served by an electrical  
11 corporation regulated under chapter 386, and chapter 393, and the electrical corporation's  
12 authorized service territory was contiguous to or inclusive of the municipality's previous  
13 corporate boundaries, and the electrical corporation's ownership or operating rights within the  
14 area were acquired in total by the municipally owned electrical system prior to July 11, 1991.  
15 In the event that a municipally owned electric utility in a city with a population of more than one  
16 hundred twenty-five thousand located in a county of the first class not having a charter form of  
17 government and not adjacent to any other county of the first class desires to serve customers  
18 beyond the authorized service territory in an area which was previously served by an electrical  
19 corporation regulated under the provisions of chapter 386, and chapter 393, as provided in this  
20 subdivision, the municipally owned utility shall apply to the public service commission for an  
21 order assigning nonexclusive service territories. The proposed service area shall be contiguous  
22 to the authorized service territory which was previously served by an electrical corporation  
23 regulated under the provisions of chapter 386, and chapter 393, as a condition precedent to the  
24 granting of the application. The commission shall have one hundred twenty days from the date  
25 of application to grant or deny the requested order. The commission may grant the order upon  
26 a finding that granting of the applicant's request is not detrimental to the public interest. In

27 granting the applicant's request the commission shall give due regard to territories previously  
28 granted to other electric suppliers.

29         2. Any municipally owned electric utility may extend, pursuant to lawful annexation, its  
30 service territory to include any structure located within a newly annexed area which has not  
31 received permanent service from another supplier within ninety days prior to the effective date  
32 of the annexation.

33         3. When a municipally owned electric utility desires to extend its service territory to  
34 include any structure located within a newly annexed area which has received permanent service  
35 from another supplier within ninety days prior to the effective date of the annexation, it shall:

36             (1) Notify by publication [~~in a newspaper of general circulation~~] **on the legal notices**  
37 **website, established pursuant to section 493.077**, the record owner of said structure, and notify  
38 in writing any affected electric supplier and the public service commission, within sixty days  
39 after the effective date of the annexation its desire to extend its service territory to include said  
40 structure; and

41             (2) Within six months after the effective date of the annexation receive the approval of  
42 the municipality's governing body to begin negotiations pursuant to section 394.312 with any  
43 affected electric supplier.

44         4. Upon receiving approval from the municipality's governing body pursuant to  
45 subsection 3 of this section, the municipally owned electric utility and the affected electric  
46 supplier shall meet and negotiate in good faith the terms of the territorial agreement and any  
47 transfers or acquisitions, including, as an alternative, granting the affected electric supplier a  
48 franchise or authority to continue providing service in the annexed area. In the event that the  
49 affected electric supplier does not provide wholesale electric power to the municipality, if the  
50 affected electric supplier so desires, the parties shall also negotiate, consistent with applicable  
51 law, regulations and existing power supply agreements, for power contracts which would provide  
52 for the purchase of power by the municipality from the affected electric supplier for an amount  
53 of power equivalent to the loss of any sales to customers receiving permanent service at  
54 structures within the annexed areas which are being sought by the municipally owned electric  
55 utility. The parties shall have no more than one hundred eighty days from the date of receiving  
56 approval from the municipality's governing body within which to conclude their negotiations and  
57 file their territorial agreement with the commission for approval under the provisions of section  
58 394.312. The time period for negotiations allowed under this subsection may be extended for a  
59 period not to exceed one hundred eighty days by a mutual agreement of the parties and a written  
60 request with the public service commission.

61         5. For purposes of this section, the term "fair and reasonable compensation" shall mean  
62 the following:

63 (1) The present-day reproduction cost, new, of the properties and facilities serving the  
64 annexed areas, less depreciation computed on a straight-line basis; and

65 (2) An amount equal to the reasonable and prudent cost of detaching the facilities in the  
66 annexed areas and the reasonable and prudent cost of constructing any necessary facilities to  
67 reintegrate the system of the affected electric supplier outside the annexed area after detaching  
68 the portion to be transferred to the municipally owned electric utility; and

69 (3) Four hundred percent of gross revenues less gross receipts taxes received by the  
70 affected electric supplier from the twelve-month period preceding the approval of the  
71 municipality's governing body under the provisions of subdivision (2) of subsection 3 of this  
72 section, normalized to produce a representative usage from customers at the subject structures  
73 in the annexed area; and

74 (4) Any federal, state and local taxes which may be incurred as a result of the transaction,  
75 including the recapture of any deduction or credit; and

76 (5) Any other costs reasonably incurred by the affected electric supplier in connection  
77 with the transaction.

78 6. In the event the parties are unable to reach an agreement under subsection 4 of this  
79 section, within sixty days after the expiration of the time specified for negotiations, the  
80 municipally owned electric utility may apply to the commission for an order assigning exclusive  
81 service territories within the annexed area and a determination of the fair and reasonable  
82 compensation amount to be paid to the affected electric supplier under subsection 5 of this  
83 section. Applications shall be made and notice of such filing shall be given to all affected parties  
84 pursuant to the rules and regulations of the commission governing applications for certificates  
85 of public convenience and necessity. Unless otherwise ordered by the commission for good  
86 cause shown, the commission shall rule on such applications not later than one hundred twenty  
87 days after the application is properly filed with the secretary of the commission. The  
88 commission shall hold evidentiary hearings to assign service territory between affected electric  
89 suppliers inside the annexed area and to determine the amount of compensation due any affected  
90 electric supplier for the transfer of plant, facilities or associated lost revenues between electric  
91 suppliers in the annexed area. The commission shall make such determinations based on  
92 findings of what best serves the public interest and shall issue its decision by report and order.  
93 Review of such commission decisions shall be governed by sections 386.500 to 386.550. The  
94 payment of compensation and transfer of title and operation of the facilities shall occur within  
95 ninety days after the order and any appeal therefrom becomes final unless the order provides  
96 otherwise.

97 7. In reaching its decision under subsection 6 of this section, the commission shall  
98 consider the following factors:



99 (1) Whether the acquisition or transfers sought by the municipally owned electric utility  
100 within the annexed area from the affected electric supplier are, in total, in the public interest,  
101 including consideration of rate disparities between the competing electric suppliers and issues  
102 of unjust rate discrimination among customers of a single electric supplier if the rates to be  
103 charged in the annexed areas are lower than those charged to other system customers; and

104 (2) The fair and reasonable compensation to be paid by the municipally owned electric  
105 utility, to the affected electric supplier with existing system operations within the annexed area,  
106 for any proposed acquisitions or transfers; and

107 (3) Any effect on system operation, including, but not limited to, loss of load and loss  
108 of revenue; and

109 (4) Any other issues upon which the municipally owned electric utility and the affected  
110 electric supplier might otherwise agree, including, but not limited to, the valuation formulas and  
111 factors contained in subsections 4, 5 and 6, of this section, even if the parties could not  
112 voluntarily reach an agreement thereon under those subsections.

113 8. The commission is hereby given all necessary jurisdiction over municipally owned  
114 electric utilities and rural electric cooperatives to carry out the purposes of this section consistent  
115 with other applicable law; provided, however, the commission shall not have jurisdiction to  
116 compel the transfer of customers or structures with a connected load greater than one thousand  
117 kilowatts. The commission shall by rule set appropriate fees to be charged on a case-by-case  
118 basis to municipally owned electric utilities and rural electric cooperatives to cover all necessary  
119 costs incurred by the commission in carrying out its duties under this section.

388.290. 1. Any two or more railroad companies in this state, existing under either  
2 general or special laws, and owning railroads constructed wholly or in part, which, when  
3 completed and connected, will form in the whole or in the main one continuous line of railroad,  
4 are hereby authorized to consolidate in the whole or in the main, and form one company owning  
5 and controlling such continuous line of road, with all the powers, rights, privileges and  
6 immunities, and subject to all the obligations and liabilities to the state, or otherwise, which  
7 belonged to or rested upon either of the companies making such consolidation. In order to  
8 accomplish such consolidation, the companies interested may enter into contract fixing the terms  
9 and conditions thereof, which shall first be ratified and approved by a majority in interest of all  
10 the stock held in each company or road proposing to consolidate, at a meeting of the stockholders  
11 regularly called for the purpose, or by the approval, in writing, of the persons or parties holding  
12 and representing a majority of such stock.

13 2. A certified copy of such articles of agreement, with the corporate name to be assumed  
14 by the new company, shall be filed with the secretary of state, when the consolidation shall be

15 considered duly consummated, and a certified copy from the office of the secretary of state shall  
16 be deemed conclusive evidence thereof.

17 3. The board of directors of the several companies may then proceed to carry out such  
18 contract according to its provisions, calling in the certificates of stock then outstanding in the  
19 several companies or roads, and issuing certificates of stock in the new consolidated company,  
20 under such corporate name as may have been adopted; provided, however, that the foregoing  
21 provisions of this section shall not be construed to authorize the consolidation of any railroad  
22 companies or roads, except when by such consolidation a continuous line of roads is secured,  
23 running in the whole or in the main in the same general direction; and provided, it shall not be  
24 lawful for said roads to consolidate in the whole or in part, when by so doing it will deprive the  
25 public of the benefit of competition between said roads.

26 4. And in case any such railroad companies shall consolidate or attempt to consolidate  
27 their roads contrary to the provisions of this section, such consolidation shall be void, and any  
28 person or party aggrieved, whether stockholder or not, may bring action against them in the  
29 circuit court of any county through which such road may pass, which court shall have jurisdiction  
30 in the case and power to restrain by injunction or otherwise.

31 5. And in case any railroad in this state shall hereafter intersect any such consolidated  
32 road, said road or roads shall have the right to run their freight cars without breaking bulk upon  
33 said consolidated road, and such consolidated road shall transact the business of said intersecting  
34 or connecting road or roads on fair and reasonable terms.

35 6. Before any railroad companies shall consolidate their roads, under the provisions of  
36 this section, they shall each file with the secretary of state a resolution accepting the provisions  
37 thereof, to be signed by their respective presidents and attested by their respective secretaries,  
38 under the seal of their respective companies, which resolution shall have been passed by a  
39 majority vote of the stock of each, at a meeting of the stockholders to be called for the purpose  
40 of considering the same[;] . Sixty days' public notice of the time, place and purpose of such  
41 meeting [~~having been given by advertisement in some newspaper printed in the county where~~  
42 ~~the general offices of said company or companies of this state are situated]~~ **shall be given on**  
43 **each company's website, if it has one. If a company does not have a website, notice shall**  
44 **be sent sixty days before the meeting to the secretary of state who shall publish such notice**  
45 **on the legal notices website, established pursuant to section 493.077, until the date of the**  
46 **hearing has passed.**

391.020. Every corporation formed under the provisions of this chapter shall have  
2 power:

3 (1) To construct or maintain and operate its railroad along, across or over the streets of  
4 any incorporated city or town or the roads of any county; provided, the consent thereto of the

5 municipal authorities of such city or town or the county commission of such county is first  
6 obtained; provided, municipal authorities of cities or towns shall not grant the right-of-way over,  
7 along or across any street, except upon the petition of the owners of the land representing more  
8 than one-half the frontage of the street or so much thereof as is sought to be used for streetcar  
9 purposes, and when the street or parts thereof that is sought to be used shall be more than one  
10 mile in extent, no petition of landowners shall be valid unless the same shall be signed by the  
11 owners of the land representing more than one-half the frontage of each mile and of the fraction  
12 of the mile, if any, in excess of the whole mile measuring from the initial point named in such  
13 petition such street or parts thereof sought to be used for such purposes;

14 (2) To operate its road by animal, cable, electric or other motive power, as the consent  
15 of the use of which said power may be obtained from the public authorities of such city, town  
16 or county;

17 (3) To receive and collect such fares for the transportation of persons, express and mails  
18 as may be provided in the said consent of said public authorities of such city, town or county  
19 given as aforesaid;

20 (4) To acquire by grant a right-of-way not to exceed fifty feet in width over private  
21 property, and to construct or maintain and operate its roads thereon;

22 (5) To purchase and acquire depots, powerhouse sites or terminals;

23 (6) To issue bonds payable in such amount and at such times and places as it deems best,  
24 and may dispose of the same for the purposes of its incorporation, and to secure payment of the  
25 same, may mortgage its property, real and personal, and also the franchise of the company;

26 (7) To purchase, lease or acquire by other lawful contract, which shall include the right  
27 to purchase the capital stock and bonds of other street railroad companies, and to hold and  
28 dispose of the same, and to hold, use and operate any street railroad or roads, with all and  
29 singular its or their franchises and properties of every description belonging to any other street  
30 railroad corporation or corporations; provided, that such purchase, lease or other contract be  
31 authorized or approved by the vote of the holders of two-thirds in amount of the capital stock of  
32 the company so purchasing, leasing or otherwise contracting therefor at a meeting called for that  
33 purpose upon twenty days' notice published [~~in some newspaper of the city or county where the  
34 general office of such street railroad company may be located~~] **on the front page of the  
35 corporation's website, if it has one**, or by written notice mailed to the last known address of  
36 each registered stockholder twenty days before such meeting; and provided further, such roads  
37 connect with or intersect each other, so as to allow a single passage one way over each road for  
38 a single fare. **If the corporation does not have a website, notice of a meeting called pursuant  
39 to this subdivision shall be sent twenty days before the meeting to the secretary of state who**

40 **shall publish such notice on the legal notices website, established pursuant to section**  
41 **493.077, until the date of the meeting has passed;**

42 (8) To sell, lease or dispose of by any other lawful contract, to any other street railroad  
43 company, its railroad rights, franchises, including the right to be a corporation, and all and  
44 singular its other properties of every character and description; provided, that such sale, lease or  
45 other contract disposing of its railroad, franchises and other properties, shall be first authorized  
46 or approved by the vote of two-thirds in amount of the holders of its capital stock at a regular or  
47 called meeting of its stockholders convened pursuant to such notice as is required in subdivision  
48 **(7) of this section;**

49 (9) To have and enjoy all such other powers and franchises as are usually had, enjoyed  
50 and exercised by street railroad companies in addition to the powers herein enumerated.

392.040. 1. There shall be an annual election of directors to serve for the ensuing year,  
2 notice of which, appointing a time and place, shall be given by the directors chosen, as provided  
3 by law, for the first annual election, and thereafter by their successors in office~~[- which]~~. Notice  
4 shall be published not less than twenty days ~~[previous thereto in a newspaper published in the~~  
5 ~~county where the principal office of the company shall be situated]~~ **prior to the election on the**  
6 **front page of the company's website, if it has one. If the company does not have a website,**  
7 **notice shall be sent twenty days prior to the election to the secretary of state who shall**  
8 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
9 **until the date of the election has passed.** The directors shall hold their offices for one year and  
10 until their successors are duly elected and qualified.

11 2. They shall elect one of their number to be president of the company, and may appoint  
12 such other officers and agents as may be prescribed by the articles of association or bylaws of  
13 the company.

393.040. 1. Upon the presenting of the petition mentioned in section 393.030 to the  
2 circuit judge, he shall order the petition filed and a summons to issue, giving such owners at least  
3 ten days' notice of the time when said petition will be heard, which summons shall be served by  
4 the sheriff of the county, in the same manner as writs of summons are or may be by law required  
5 to be served.

6 2. If the name or residence of the owners be unknown, or if the owners, or any of them,  
7 do not reside in the state, notice of the time of hearing of the petition, reciting the substance of  
8 the petition and the day fixed for the hearing thereof, shall be given by publication **on the front**  
9 **page of the circuit court's website, if it has one for a period** three weeks consecutively, prior  
10 to the time of hearing the petition~~[- in a newspaper published in the county in which the~~  
11 ~~proceedings are pending, if one is published in the county, or if no newspaper is published in~~  
12 ~~such county, or if the publisher shall refuse to publish the same on tender of his usual charges~~

13 ~~for advertising, then posting up said notice for three consecutive weeks at the door of the~~  
 14 ~~courthouse of the county wherein the lands, or any portion of them, lie].~~ **If the circuit court**  
 15 **does not have a website, notice shall be sent three weeks prior to the time of hearing the**  
 16 **petition to the secretary of state who shall publish such notice on the legal notices website,**  
 17 **established pursuant to section 493.077, until the date of the hearing has passed.**

393.760. 1. Each participating municipality shall, in accordance with the provisions of  
 2 chapter 115, order an election to be held whereby the qualified electors in such participating  
 3 municipality shall approve or disapprove the issuance of its bonds to finance its individual  
 4 interest in the project. The participating municipality may not order such an election until it has  
 5 received a report from an independent consulting engineer as defined in section 327.181 for the  
 6 purpose of determining the economic and engineering feasibility of any proposed project the  
 7 costs of which are to be financed through the issuance of bonds. The report of the consulting  
 8 engineer shall be provided to and approved by the legislative body and executive of each such  
 9 participating municipality and such report shall be open to public inspection and shall be the  
 10 subject of a public hearing in each participating municipality. Notice of the time and place of  
 11 each such hearing shall be published ~~[in a daily newspaper of general circulation within each~~  
 12 ~~such participating municipality]~~ **on the front page of the municipality's website, if it has one.**  
 13 **If the municipality does not have a website, notice shall be sent to the secretary of state who**  
 14 **shall publish such notice on the legal notices website, established pursuant to section**  
 15 **493.077.** Interested parties may appear and fully participate in such hearings.

16 2. Each participating municipality shall notify the election authority or authorities  
 17 responsible for conducting elections within such participating municipality in accordance with  
 18 chapter 115.

19 3. The question shall be submitted in substantially the following form:

20 OFFICIAL BALLOT

21 Shall (name of participating municipality) issue its (type) revenue bonds in an  
 22 amount not to exceed \$ \_\_\_\_\_ for the purpose of paying its share of the cost of  
 23 participating in (describe project)?

24  YES  NO

25 If you are in favor of the resolution, place an "X" in the box opposite "Yes".

26 If you are opposed to the question, place an "X" in the box opposite "No".

27 4. If the issuance of the bonds is approved by at least a majority of the qualified electors  
 28 voting thereon in the participating municipality, the participating municipality shall declare the  
 29 result of the election and cause the bonds to be issued.

30 5. Each participating municipality shall bear all expenses associated with the elections  
 31 in such participating municipality.

32           6. In the case of purchasing or leasing, constructing, installing, and operating reservoirs,  
33 pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for  
34 the production, wholesale distribution, and utilization of water, the commission may provide for  
35 a vote by the governing body of each contracting municipality. Such vote shall require the  
36 approval of three-quarters of all governing bodies of the contracting municipalities. The  
37 commission may not order such a vote until it has engaged and received a report from an  
38 independent consulting engineer as defined in section 327.181 for the purpose of determining  
39 the economic and engineering feasibility of any proposed project the costs of which are to be  
40 financed through the issuance of bonds. The report of the consulting engineer shall be provided  
41 to and approved by the legislative body and executive of each contracting municipality  
42 participating in the project and such report shall be open to public inspection and shall be the  
43 subject of a public hearing in each municipality participating in the project. Notice of the time  
44 and place of each such hearing shall be published ~~[in a daily newspaper of general circulation~~  
45 ~~within each municipality]~~ **on the front page of the municipality's website, if it has one. If the**  
46 **municipality does not have a website, notice shall be sent to the secretary of state who shall**  
47 **publish such notice on the legal notices website, established pursuant to section 493.077.**  
48 Interested parties may appear and fully participate in such hearings. Each contracting  
49 municipality shall vote by ordinance or resolution and such ordinance or resolution shall approve  
50 the issuance of revenue bonds by the joint municipal water commission in an amount not to  
51 exceed a specified amount.

          393.855. A nonprofit sewer company which has commenced business may dissolve  
2 voluntarily and wind up its affairs in the following manner:

3           (1) The board of directors shall first recommend that the company be dissolved  
4 voluntarily and thereafter the proposition that the company be dissolved shall be submitted to  
5 the members of the company at any annual or special meeting, the notice of which shall set forth  
6 such proposition. The proposed voluntary dissolution shall be deemed to be approved upon the  
7 affirmative vote of not less than a majority of the members;

8           (2) Upon such approval, a certificate of election to dissolve, herein designated the  
9 "certificate", shall be executed and acknowledged in duplicate on behalf of the company by its  
10 president or vice president, and its corporate seal shall be affixed thereto and attested by its  
11 secretary. The certificate shall state:

12           (a) The name of the nonprofit sewer company;

13           (b) The address of its principal office;

14           (c) The names and addresses of its directors; and

15           (d) The total number of members of the company and the number of members who voted  
16 for and against the voluntary dissolution of the company.

17 The president or vice president executing the certificate shall also make and annex thereto an  
18 affidavit stating that the provisions of this subdivision and subdivision (1) of this section were  
19 duly complied with. Such certificate and affidavit shall be submitted to the secretary of state for  
20 filing;

21 (3) Upon the filing of the certificate and affidavit by the secretary of state, the company  
22 shall cease to carry on its business except insofar as may be necessary for the winding up thereof,  
23 but its corporate existence shall continue until articles of dissolution have been filed by the  
24 secretary of state;

25 (4) After the filing of the certificate and affidavit by the secretary of state the board of  
26 directors shall immediately cause notice of the winding up proceedings to be mailed to each  
27 known creditor and claimant and to be published ~~[once a week]~~ **on the front page of the**  
28 **company's website, if it has one, for a period of two successive weeks** ~~[in a newspaper of~~  
29 ~~general circulation in the county in which the principal office of the company is located]~~ . **If the**  
30 **company does not have a website, notice shall be sent to the secretary of state who shall**  
31 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
32 **for a period of two successive weeks;**

33 (5) The board of directors shall become trustees and have full power to wind up and  
34 settle the affairs of the company and shall proceed to collect the debts owing to the company,  
35 convey and dispose of its property and assets, pay, satisfy, and discharge its debts, obligations,  
36 and liabilities, and do all other things required to liquidate its business and affairs, and after  
37 paying or adequately providing for the payment of all its debts, obligations and liabilities, shall  
38 distribute the remainder of its property and assets among its members in proportion to the  
39 aggregate patronage of each such member during the seven years next preceding the date of such  
40 filing of the certificate, or, if the company shall not have been in existence for such period,  
41 during the period of its existence; and

42 (6) (a) When all debts, liabilities and obligations of the company have been paid and  
43 discharged or adequate provision shall have been made therefor, and all of the remaining  
44 property and assets of the company shall have been distributed to the members pursuant to the  
45 provisions of sections 393.825 to 393.861 and section 393.175, the board of directors shall  
46 authorize the execution of articles of dissolution which shall thereupon be executed and  
47 acknowledged on behalf of the company by its president or vice president, and its corporate seal  
48 shall be affixed thereto and attested by its secretary. Such articles of dissolution shall recite in  
49 the caption that they are executed pursuant to sections 393.825 to 393.861 and section 393.175  
50 and shall state:

- 51 a. The name of the nonprofit sewer company;  
52 b. The address of the principal office of the company;

53 c. That the company has heretofore delivered to the secretary of state a certificate of  
54 election to dissolve and the date on which the certificate was filed by the secretary of state in the  
55 records of his office;

56 d. That all debts, obligations and liabilities of the company have been paid and  
57 discharged or that adequate provision has been made therefor;

58 e. That all the remaining property and assets of the company have been distributed  
59 among the members in accordance with the provisions of sections 393.825 to 393.861 and  
60 section 393.175; and

61 f. That there are no actions or suits pending against the company;

62 (b) The president or vice president executing the articles of dissolution shall also make  
63 and annex thereto an affidavit stating that the provisions of this section were duly complied with;

64 (c) Such articles of dissolution and affidavit, accompanied by proof of the publication  
65 required in this section, shall be submitted to the secretary of state for filing.

393.945. A nonprofit water company which has commenced business may dissolve  
2 voluntarily and wind up its affairs in the following manner:

3 (1) The board of directors shall first recommend that the company be dissolved  
4 voluntarily and after such recommendation the proposition that the company be dissolved shall  
5 be submitted to the members of the company at any annual or special meeting, the notice of  
6 which shall set forth such proposition. The proposed voluntary dissolution shall be deemed to  
7 be approved upon the affirmative vote of not less than a majority of the members;

8 (2) Upon such approval, a certificate of election to dissolve, designated as the certificate,  
9 shall be executed and acknowledged in duplicate on behalf of the company by its president or  
10 vice president, and its corporate seal shall be affixed thereto and attested by its secretary. The  
11 certificate shall state:

12 (a) The name of the nonprofit water company;

13 (b) The address of its principal office;

14 (c) The names and addresses of its directors; and

15 (d) The total number of members of the company and the number of members who voted  
16 for and against the voluntary dissolution of the company.

17 The president or vice president executing the certificate shall also make and annex to such  
18 certificate an affidavit stating that the provisions of this subdivision and subdivision (1) of this  
19 section were duly complied with. Such certificate and affidavit shall be submitted to the  
20 secretary of state for filing;

21 (3) Upon the filing of the certificate and affidavit by the secretary of state, the company  
22 shall cease to carry on its business except as necessary for the winding up of such business, but



23 its corporate existence shall continue until articles of dissolution have been filed by the secretary  
24 of state;

25 (4) After the filing of the certificate and affidavit by the secretary of state the board of  
26 directors shall immediately cause notice of the winding up proceedings to be mailed to each  
27 known creditor and claimant. Such notice shall be published [~~once a week~~] **on the front page**  
28 **of the company's website, if it has one**, for a period of two successive weeks [~~in a newspaper~~  
29 ~~of general circulation in the county in which the principal office of the company is located~~] . **If**  
30 **the company does not have a website, notice shall be sent to the secretary of state who shall**  
31 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
32 **for a period of two successive weeks;**

33 (5) The board of directors shall become trustees and have full power to wind up and  
34 settle the affairs of the company and shall proceed to collect the debts owing to the company,  
35 convey and dispose of its property and assets, pay, satisfy and discharge its debts, obligations and  
36 liabilities and do all other things required to liquidate its business and affairs, and after paying  
37 or adequately providing for the payment of all its debts, obligations and liabilities, shall distribute  
38 the remainder of its property and assets either:

39 (a) Among its members in proportion to the aggregate patronage of each such member  
40 during the seven years next preceding the date of such filing of the certificate, or, if the company  
41 shall not have been in existence for such period, during the period of its existence; or

42 (b) For one or more exempt purposes as provided in Section 501(c)(3) of the Internal  
43 Revenue Code of 1986, as amended, or to the federal government or to the state or a local  
44 government or a political subdivision of the state for a public purpose; and

45 (6) (a) When all debts, liabilities and obligations of the company have been paid and  
46 discharged or adequate provision shall have been made for the payment of such debts, liabilities  
47 and obligations and all of the remaining property and assets of the company shall, pursuant to  
48 sections 393.900 to 393.951 and pursuant to the articles of incorporation of the company, have  
49 been distributed to the members pursuant to sections 393.900 to 393.951, the board of directors  
50 shall authorize the execution of articles of dissolution which shall then be executed and  
51 acknowledged on behalf of the company by its president or vice president, and its corporate seal  
52 shall be affixed thereto and attested by its secretary. Such articles of dissolution shall recite in  
53 the caption that they are executed pursuant to sections 393.900 to 393.951 and shall state:

54 a. The name of the nonprofit water company;

55 b. The address of the principal office of the company;

56 c. That the company has heretofore delivered to the secretary of state a certificate of  
57 election to dissolve and the date on which the certificate was filed by the secretary of state in the  
58 records of his office;

59 d. That all debts, obligations and liabilities of the company have been paid and  
60 discharged or that adequate provision has been made for the payment of such debts, obligations  
61 and liabilities;

62 e. That all the remaining property and assets of the company have been distributed  
63 pursuant to sections 393.900 to 393.951 and the articles of incorporation of the company; and

64 f. That there are no actions or suits pending against the company.

65 (b) The president or vice president executing the articles of dissolution shall also make  
66 and annex to such articles an affidavit stating that the provisions of this section were duly  
67 complied with.

68 (c) Such articles of dissolution and affidavit, accompanied by proof of the publication  
69 required in this section, shall be submitted to the secretary of state for filing.

394.240. 1. A cooperative which has not commenced business may dissolve voluntarily  
2 by delivering to the secretary of state articles of dissolution, executed and acknowledged in  
3 duplicate on behalf of the cooperative by a majority of the incorporators, which shall state:

4 (1) The name of the cooperative;

5 (2) The address of its principal office;

6 (3) The date of its incorporation;

7 (4) That the cooperative has not commenced business;

8 (5) That the amount, if any, actually paid in on account of membership fees, less any part  
9 thereof disbursed for necessary expenses, has been returned to those entitled thereto and that all  
10 easements shall have been released to the grantors;

11 (6) That no debt of the cooperative remains unpaid; and

12 (7) That a majority of the incorporators elect that the cooperative be dissolved.

13 2. Such articles of dissolution shall be submitted to the secretary of state for filing as  
14 provided in this chapter.

15 3. A cooperative which has commenced business may dissolve voluntarily and wind up  
16 its affairs in the following manner:

17 (1) The board of directors shall first recommend that the cooperative be dissolved  
18 voluntarily and thereafter the proposition that the cooperative be dissolved shall be submitted  
19 to the members of the cooperative at any annual or special meeting the notice of which shall set  
20 forth such proposition. The proposed voluntary dissolution shall be deemed to be approved upon  
21 the affirmative vote of not less than a majority of the members;

22 (2) Upon such approval, a certificate of election to dissolve, herein designated the  
23 "certificate", shall be executed and acknowledged in duplicate on behalf of the cooperative by  
24 its president or vice president, and its corporate seal shall be affixed thereto and attested by its  
25 secretary. The certificate shall state:

26 (a) The name of the cooperative;  
27 (b) The address of its principal office;  
28 (c) The names and addresses of its directors; and  
29 (d) The total number of members of the cooperative and the number of members who  
30 voted for and against the voluntary dissolution of the cooperative. The president or vice  
31 president executing the certificate shall also make and annex thereto an affidavit stating that the  
32 provisions of subsection 3 were duly complied with. Such certificate and affidavit shall be  
33 submitted to the secretary of state for filing as provided in this chapter;

34 (3) Upon the filing of the certificate and affidavit by the secretary of state, the  
35 cooperative shall cease to carry on its business except insofar as may be necessary for the  
36 winding up thereof, but its corporate existence shall continue until articles of dissolution have  
37 been filed by the secretary of state;

38 (4) After the filing of the certificate and affidavit by the secretary of state the board of  
39 directors shall immediately cause notice of the winding up proceedings to be mailed to each  
40 known creditor and claimant and to be published [~~once a week~~] **on the front page of the**  
41 **cooperative's website, if it has one, for a period of two successive weeks** [~~in a newspaper of~~  
42 ~~general circulation in the county in which the principal office of the cooperative is located~~] . **If**  
43 **the cooperative does not have a website, notice shall be sent to the secretary of state who**  
44 **shall publish such notice on the legal notices website, established pursuant to section**  
45 **493.077, for a period of two successive weeks;**

46 (5) The board of directors shall become trustees and have full power to wind up and  
47 settle the affairs of the cooperative and shall proceed to collect the debts owing to the  
48 cooperative, convey and dispose of its property and assets, pay, satisfy, and discharge its debts,  
49 obligations, and liabilities, and do all other things required to liquidate its business and affairs,  
50 and after paying or adequately providing for the payment of all its debts, obligations and  
51 liabilities, shall distribute the remainder of its property and assets among its members in  
52 proportion to the aggregate patronage of each such member during the seven years next  
53 preceding the date of such filing of the certificate, or, if the cooperative shall not have been in  
54 existence for such period, during the period of its existence; and

55 (6) (a) When all debts, liabilities and obligations of the cooperative have been paid and  
56 discharged or adequate provision shall have been made therefor, and all of the remaining  
57 property and assets of the cooperative shall have been distributed to the members pursuant to the  
58 provisions of this section, the board of trustees shall authorize the execution of articles of  
59 dissolution which shall thereupon be executed and acknowledged on behalf of the cooperative  
60 by its president or vice president, and its corporate seal shall be affixed thereto and attested by

61 its secretary. Such articles of dissolution shall recite in the caption that they are executed  
62 pursuant to this chapter and shall state:

63 a. The name of the cooperative;

64 b. The address of the principal office of the cooperative;

65 c. That the cooperative has heretofore delivered to the secretary of state a certificate of  
66 election to dissolve and the date on which the certificate was filed by the secretary of state in the  
67 records of his office;

68 d. That all debts, obligations and liabilities of the cooperative have been paid and  
69 discharged or that adequate provision has been made therefor;

70 e. That all the remaining property and assets of the cooperative have been distributed  
71 among the members in accordance with the provisions of this section; and

72 f. That there are no actions or suits pending against the cooperative.

73 (b) The president or vice president executing the articles of dissolution shall also make  
74 and annex thereto an affidavit stating that the provisions of this subsection were duly complied  
75 with;

76 (c) Such articles of dissolution and affidavit accompanied by proof of the publication  
77 required in this subsection, shall be submitted to the secretary of state for filing as provided in  
78 this chapter.

400.7-210. (a) Except as otherwise provided in subsection (b), a warehouse's lien may  
2 be enforced by public or private sale of the goods, in bulk or in packages, at any time or place  
3 and on any terms that are commercially reasonable, after notifying all persons known to claim  
4 an interest in the goods. The notification shall include a statement of the amount due, the nature  
5 of the proposed sale, and the time and place of any public sale. The fact that a better price could  
6 have been obtained by a sale at a different time or in a method different from that selected by the  
7 warehouse is not of itself sufficient to establish that the sale was not made in a commercially  
8 reasonable manner. The warehouse sells in a commercially reasonable manner if the warehouse  
9 sells the goods in the usual manner in any recognized market therefore, sells at the price current  
10 in that market at the time of the sale, or otherwise sells in conformity with commercially  
11 reasonable practices among dealers in the type of goods sold. A sale of more goods than  
12 apparently necessary to be offered to ensure satisfaction of the obligation is not commercially  
13 reasonable, except in cases covered by the preceding sentence.

14 (b) A warehouse may enforce its lien on goods, other than goods stored by a merchant  
15 in the course of its business, only if the following requirements are satisfied:

16 (1) All persons known to claim an interest in the goods shall be notified.

17 (2) The notification shall include an itemized statement of the claim, a description of the  
18 goods subject to the lien, a demand for payment within a specified time not less than ten days

19 after receipt of the notification, and a conspicuous statement that unless the claim is paid within  
20 that time the goods will be advertised for sale and sold by auction at a specified time and place.

21 (3) The sale shall conform to the terms of the notification.

22 (4) The sale shall be held at the nearest suitable place to where the goods are held or  
23 stored.

24 (5) After the expiration of the time given in the notification, an advertisement of the sale  
25 shall be published [~~once a week~~] **on the front page of the warehouse's website, if it has one,**  
26 **for a period** two weeks consecutively [~~in a newspaper of general circulation where the sale is~~  
27 ~~to be held~~]. **If the warehouse does not have a website, notice shall be sent to the secretary**  
28 **of state who shall publish such notice on the legal notices website, established pursuant to**  
29 **section 493.077, for a period of two weeks consecutively.** The advertisement shall include a  
30 description of the goods, the name of the person on whose account the goods are being held, and  
31 the time and place of the sale. The sale shall take place at least fifteen days after the [~~first~~]  
32 publication. [~~If there is no newspaper of general circulation where the sale is to be held, the~~  
33 ~~advertisement shall be posted at least ten days before the sale in not fewer than six conspicuous~~  
34 ~~places in the neighborhood of the proposed sale.~~]

35 (c) Before any sale pursuant to this section, any person claiming a right in the goods may  
36 pay the amount necessary to satisfy the lien and the reasonable expenses incurred in complying  
37 with this section. In that event, the goods may not be sold but shall be retained by the warehouse  
38 subject to the terms of the receipt and this article.

39 (d) A warehouse may buy at any public sale held pursuant to this section.

40 (e) A purchaser in good faith of goods sold to enforce a warehouse's lien takes the goods  
41 free of any rights of persons against which the lien was valid, despite the warehouse's  
42 noncompliance with this section.

43 (f) A warehouse may satisfy its lien from the proceeds of any sale pursuant to this section  
44 but shall hold the balance, if any, for delivery on demand to any person to which the warehouse  
45 would have been bound to deliver the goods.

46 (g) The rights provided by this section are in addition to all other rights allowed by law  
47 to a creditor against a debtor.

48 (h) If a lien is on goods stored by a merchant in the course of its business, the lien may  
49 be enforced in accordance with subsection (a) or (b).

50 (i) A warehouse is liable for damages caused by failure to comply with the requirements  
51 for sale under this section and, in case of willful violation, is liable for conversion.

411.360. 1. Any public warehouseman may, on the written request of the owner of any  
2 grain stored in a special bin, upon the surrender of the receipt, or receipts therefor, be permitted  
3 to dry, clean, or otherwise change the condition or value of any such lot of grain; but in such case

4 it shall only be delivered as such separate lot, without reference to the grade it may be made by  
5 such process of drying or cleaning. Nothing in this section, however, shall prevent any public  
6 warehouseman from removing grain within his warehouse for its preservation or safekeeping,  
7 but no warehouseman shall be held liable for damage to grain stored in special bins by heating,  
8 unless such damage be caused by the negligence of the warehouseman.

9         2. In case any public warehouseman shall discover that any portion of the grain stored  
10 in a special bin in his warehouse is out of condition or becoming so, and it is not in his power  
11 to preserve the same, he shall immediately give notice to the owner, if known, and if not known,  
12 by public notice by advertising [~~in a newspaper of general circulation in the vicinity in which~~  
13 ~~such warehouse is situated, and by posting a]~~ **on the front page of the warehouse's website,**  
14 **if the warehouse has a website. If the warehouse does not have a website, notice shall be**  
15 **sent to the secretary of state, who shall publish such notice on the legal notices website,**  
16 **established pursuant to section 493.077.** Notice shall additionally be posted on the  
17 warehouse bulletin board or other public place of its actual condition, as near as he can ascertain.  
18 He shall state in such notice:

19             (1) The kind and grade of grain;

20             (2) The bin in which it is stored;

21             (3) The description of the warehouse receipts outstanding upon which such grain will  
22 be delivered, giving the numbers, amount, and date of each;

23             (4) The name of the party for whom such grain was stored;

24             (5) The date it was received and the amount of it.

25         3. The enumeration of receipts and identification of grain so described shall embrace as  
26 nearly as possible the quantity of grain contained in such bins; and such grain shall be delivered  
27 upon the return and cancellation of such receipts, and the unreceipted grain upon the request of  
28 the owner or holder of the receipt or receipts.

29         4. Nothing herein contained shall be held to relieve the public warehouseman from  
30 exercising proper care and vigilance in preserving such grain after such publication of its  
31 condition, but such grain shall be kept separate and apart from all direct contact with other grain,  
32 and shall not be mixed with other grain while in storage in such warehouse.

33         5. Nothing in this section shall be construed so as to permit any public warehouseman  
34 to deliver any grain stored in a special bin or by itself, as provided in this chapter, to any but the  
35 owners of the lot or the holder of the warehouse receipt or receipts.

411.671. 1. Any person operating a public warehouse in Missouri under this chapter,  
2 who desires to discontinue the operation of a public warehouse, shall notify by first class mail  
3 all holders of warehouse receipts, all parties storing grain in the warehouse, ~~and~~ all parties with  
4 whom the warehouseman has executed deferred payment or deferred pricing agreements in

5 accordance with the provisions of this chapter~~], and by advertising in a newspaper of general~~  
6 ~~circulation in the county in which the warehouse is situated~~], and the director of the state  
7 department of agriculture. **Notice shall additionally be published on the front page of the**  
8 **warehouse's website, if it has one**, at least thirty days prior to the date of [his] intention to  
9 discontinue the public grain warehouse business. **If the warehouse does not have a website,**  
10 **notice shall be sent to the secretary of state who shall publish such notice on the legal**  
11 **notices website, established pursuant to section 493.077.** The owners of the grain shall sell  
12 to the warehouseman or remove, or cause to be removed, their grain from the warehouse or the  
13 obligations may be assumed by a successor warehouseman before the termination of the license.  
14 In the case of a successor, producers or others may allow the original warehouseman to transfer  
15 the storage obligation to the successor. No assumption by a successor of any obligations of the  
16 predecessor warehouseman shall be valid unless the successor is duly licensed as required by this  
17 chapter prior to the assumption, and the depositor agrees to such assumption by the successor.  
18 Such assumption by a successor shall not relieve the predecessor warehouseman of the storage  
19 obligations in the event of default therein by the successor unless both the successor and  
20 terminating warehouseman have complied with all provisions of this section. If for any cause  
21 the grain is not sold to the warehouseman or removed from the warehouse or the obligation  
22 assumed by a successor, the warehouseman discontinuing business shall sell the grain at the best  
23 market price obtainable and deposit the funds with a bank authorized to do business in Missouri  
24 to be held for the account of the depositor and shall make a full detailed report of the same to the  
25 director. If and when the depositor, or holder of claim, appears and presents a valid claim to the  
26 bank for the funds so deposited, the bank shall deliver the funds to the claimant.

27         2. At the director's discretion, a warehouse license may be deemed to be invalid upon  
28 the change of ownership, cessation of operations, change of partners in a partnership, change of  
29 corporate structure of a corporation or sale. Every licensed warehouseman shall immediately  
30 notify the department as to any such change and, when requested to do so by the director, shall,  
31 deliver his license and all unused warehouse receipts to the office of the department, together  
32 with a notarized statement accounting for all receipts and setting forth the arrangements made  
33 with depositors for final disposition of the grain in storage and for fulfilling the obligations of  
34 the retiring warehouseman. In the case of a successor, the successor shall apply for a new license  
35 and execute a successor's agreement. When there is a change of ownership or cessation of  
36 operations, the 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 personal  
2 property stored within each leased space for rent, labor, or other charges, and for expenses  
3 reasonably incurred in sale of such personal property, as provided in sections 415.400 to  
4 415.425. The lien established by this subsection shall have priority over all other liens except

5 those liens that have been perfected and recorded on personal property. The rental agreement  
6 shall contain a statement, in bold type, advising the occupant of the existence of such lien and  
7 that property stored in the leased space may be sold to satisfy such lien if the occupant is in  
8 default, and that any proceeds from the sale of the property which remain after satisfaction of the  
9 lien will be paid to the state treasurer if unclaimed by the occupant within one year after the sale  
10 of the property.

11 2. If the occupant is in default for a period of more than forty-five days, the operator may  
12 enforce the lien granted in subsection 1 of this section and sell the property stored in the leased  
13 space for cash. Sale of the property stored on the premises may be done at a public or private  
14 sale, may be done as a unit or in parcels, or may be by way of one or more contracts, and may  
15 be at any time or place and on any terms as long as the sale is done in a commercially reasonable  
16 manner in accordance with the provisions of section 400.9-627. The operator may otherwise  
17 dispose of any property which has no commercial value.

18 3. The proceeds of any sale made under this subsection shall be applied to satisfy the  
19 lien, with any surplus being held for delivery on demand to the occupant or any other lienholders  
20 which the operator knows of or which are contained in the statement filed by the occupant  
21 pursuant to subsection 3 of section 415.410 for a period of one year after receipt of proceeds of  
22 the sale and satisfaction of the lien. No proceeds shall be paid to an occupant until such occupant  
23 files a sworn affidavit with the operator stating that there are no other valid liens outstanding  
24 against the property sold and that he or she, the occupant, shall indemnify the operator for any  
25 damages incurred or moneys paid by the operator due to claims arising from other lienholders  
26 of the property sold. After the one-year period set in this subsection, any proceeds remaining  
27 after satisfaction of the lien shall be considered abandoned property to be reported and paid to  
28 the state treasurer in accordance with laws pertaining to the disposition of unclaimed property.

29 4. Before conducting a sale under subsection 2 of this section, the operator shall:

30 (1) At least forty-five days before any disposition of property under this section, which  
31 shall run concurrently with subsection 2 of this section, notify the occupant and each lienholder  
32 which is contained in any statement filed by the occupant pursuant to subsection 3 of section  
33 415.410 of the default by first-class mail or electronic mail at the occupant's or lienholder's last  
34 known address, and shall notify any third-party owner identified by the occupant pursuant to  
35 subsection 3 of section 415.410;

36 (2) No sooner than ten days after mailing the notice required in subdivision (1) of this  
37 subsection, mail a second notice of default, by verified mail or electronic mail, to the occupant  
38 at the occupant's or lienholder's last known address, which notice shall include:

39 (a) A statement that the contents of the occupant's leased space are subject to the  
40 operator's lien;



41 (b) A statement of the operator's claim, indicating the charges due on the date of the  
42 notice, the amount of any additional charges which shall become due before the date of release  
43 for sale and the date those additional charges shall become due;

44 (c) A demand for payment of the charges due within a specified time, not less than ten  
45 days after the date on which the second notice was mailed;

46 (d) A statement that unless the claim is paid within the time stated, the contents of the  
47 occupant's space will be sold after a specified time; and

48 (e) The name, street address and telephone number of the operator, or a designated agent  
49 whom the occupant may contact, to respond to the notice;

50 (3) At least seven days before the sale, advertise the time, place and terms of the sale [~~in~~  
51 ~~a newspaper of general circulation in the jurisdiction where the sale is to be held. Such~~  
52 ~~advertisement shall be in the classified section of the newspaper and shall state that the items will~~  
53 ~~be released for sale] **on the front page of the facility's website, if it has one. If the facility**  
54 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
55 **notice on the legal notices website, established pursuant to section 493.077.**~~

56 5. If the property is a vehicle, watercraft, or trailer and rent and other charges remain  
57 unpaid for sixty days, the owner may treat the vehicle, watercraft, or trailer as an abandoned  
58 vehicle and have the vehicle, watercraft, or trailer towed from the self-service storage facility.  
59 When the vehicle, watercraft, or trailer is towed from the self-service storage facility, the owner  
60 shall not be liable for the vehicle, watercraft, or trailer for any damages to the motor vehicle,  
61 watercraft, or trailer once the tower takes possession of the property.

62 6. At any time before a sale under this section, the occupant may pay the amount  
63 necessary to satisfy the lien and redeem the occupant's personal property.

417.250. Persons engaged in manufacturing, bottling or selling liquids in vessels with  
2 their name branded, engraved, blown or otherwise produced thereon, may file in the office of the  
3 recorder of deeds of the city or county in which the principal place of business of said persons  
4 is situated, and also in the office of the secretary of state, a description of the name so used by  
5 them, and shall publish such description [~~once in each of~~] **on the front page of the person's**  
6 **website, if the person has one, for a period of** four successive weeks [~~in a newspaper published~~  
7 ~~in the city or county in which said description has been filed]. **If the person does not have a**  
8 **website, the description shall be sent to the secretary of state who shall publish it on the**  
9 **legal notices website, established pursuant to section 493.077, for a period of four**  
10 **successive weeks.**~~

417.300. 1. Any person engaged in manufacturing, bottling, or selling milk, buttermilk;  
2 cream or ice cream in any kind of receptacle, having the name of such person or other mark or  
3 device printed, stamped, engraved, etched, blown, painted or otherwise permanently fixed upon

4 the same, may file in the office of the secretary of state for record a description of the name,  
5 mark or device so used; and cause such description to be ~~[printed once each week]~~ **published**  
6 **on the front page of the person's website, if the person has one, for a period of three**  
7 ~~successive weeks [in a newspaper published in the county in which the principal place of~~  
8 ~~business of such person is located, or if the principal place of business of such person is located~~  
9 ~~in another state, then in the county wherein the principal office or depot of such person within~~  
10 ~~the state of Missouri is located].~~ **If the person does not have a website, the description shall**  
11 **be sent to the secretary of state who shall publish it on the legal notices website, established**  
12 **pursuant to section 493.077, for a period of three successive weeks.**

13         2. It shall be the duty of the secretary of state to issue to the person so filing for record  
14 a description of such name, mark or device in his office, to duly attest a certificate of the record  
15 of the same, for which he shall receive the fee prescribed by statute for the issuance of  
16 certificates.

17         3. In all prosecutions under sections 417.300 to 417.360 such certificate shall be prima  
18 facie evidence of the adoption and ownership of such name, mark or device and of the right of  
19 the person named therein to adopt and use the same.

       426.150. The court shall, by such order as the circumstances of the case may require,  
2 direct the clerk to give notice of the exhibition and filing of such accounts, for such time and in  
3 such ~~[public newspapers]~~ **manner** as it shall appoint, and that such accounts will be allowed by  
4 the court at a certain time to 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 and allowing  
2 demands against the estate of his assignor, by advertisement published ~~[in some newspaper~~  
3 ~~printed in the county, or, if there be none, in the one nearest the place where the inventory is~~  
4 ~~filed]~~ **on the front page of the assignee's website, if the assignee has one, for a period of four**  
5 ~~weeks successively[, the last insertion to be at least one week before the appointed day, and~~  
6 ~~also,].~~ **If the assignee does not have a website, notice shall be sent to the secretary of state**  
7 **who shall publish such notice on the legal notices website, established pursuant to section**  
8 **493.077, for a period of four weeks successively.** Whenever the residence of any of the  
9 creditors is known to him, by letter addressed to such creditors at their known or usual places of  
10 abode, at least four weeks before the appointed day. The assignee shall attend at the place  
11 designated in said notice in person, on said day, and shall remain in attendance at said place on  
12 said day, and during two consecutive days thereafter, and shall commence the adjustment and  
13 allowance of demands against the trust fund at nine o'clock a.m., and continue the same until five  
14 o'clock p.m., of each of said three days; and all creditors who, after being notified as aforesaid,  
15 shall not attend at the place designated during the said term, and lay before the assignee the  
16 nature and amount of their demands, shall be precluded from any benefit of said estate; but the

17 hearing on any demand presented at the time may be continued, for good cause shown, to such  
18 time as is deemed right; provided, that any creditor who shall fail to lay his claim before said  
19 assignee during said term, on account of sickness, absence from the state, or any other good  
20 cause, may, at any time before the declaration of the final dividend, file and prove up his claim,  
21 and the same may be allowed, and the remaining dividends paid thereon, as in the case of other  
22 allowed claims.

426.320. As soon as practicable, and not exceeding one month after the time for an  
2 allowance of demands had under this chapter, the assignee or assignees shall pay upon the  
3 demands allowed, according to their right, as much as the means on hand will permit, after  
4 reserving enough for proper fees, costs, expenses and demands, whose trial is legally continued  
5 or removed; and as often thereafter as a dividend of five percent can be paid upon the demands  
6 allowed as aforesaid, the assignee or assignees shall give notice thereof by publication **on the**  
7 **front page of the assignee's website, if the assignee has one, for a period of one week**~~in the~~  
8 ~~same newspaper in which was published the notice for allowance of demands, or in such other~~  
9 ~~newspaper as the court, or judge thereof in vacation, may direct, and] . **If the assignee does not**~~  
10 **have a website, notice shall be sent to the secretary of state who shall publish such notice**  
11 **on the legal notices website, established pursuant to section 493.077, for a period of one**  
12 **week.** If such assignee or assignees shall neglect or refuse to make payment out of such trust  
13 fund, as in this section required, for more than three days after the same have become due and  
14 have been demanded by the person entitled thereto, his agent or attorney, or if he or they shall  
15 in any wise neglect or refuse to comply with the provisions of this section, he or they shall, for  
16 every such neglect or refusal, forfeit and pay to the person aggrieved five percent per month  
17 interest on such sum as such person was entitled to at the time of such demand, to be recovered  
18 by motion in the court having jurisdiction of said assignment; and any judgment rendered by said  
19 court, on the hearing of such motion, shall be against said assignee or assignees and his or their  
20 securities on their trust, provided for in this chapter; and such assignee or assignees shall, in  
21 addition to such forfeiture, be subject to be dismissed from his or their trust by said court, for  
22 such neglect and refusal, on motion and citation for that purpose.

426.350. When any assignee becomes satisfied that it is no longer advantageous to the  
2 creditors of his assignor to keep the assignment open, he may apply to the circuit court in whose  
3 clerk's office the inventory is filed for a discharge from his trust, upon a notice of his intention  
4 to make such application, stating the time thereof, which notice shall be published ~~in the~~  
5 ~~newspaper aforesaid]~~ **on the front page of the assignee's website, if the assignee has one, for**  
6 **a period of** at least six weeks next before such time, at which time he may file his petition in  
7 said court for such discharge~~;~~ ~~which] . **If the assignee does not have a website, notice shall**~~  
8 **be sent to the secretary of state who shall publish it on the legal notices website, established**

9 **pursuant to section 493.077, for a period of at least six weeks.** The petition, verified by his  
 10 affidavit, shall set forth the disposition made of the assets of the assignment to him; what portion  
 11 of them remains on hand, and their condition; the amount realized from the assets; the particular  
 12 disposition of such amount; the demands allowed, particularly, with their respective amounts and  
 13 owners' names, and the sums paid on each, with an offer to deliver into the charge of the court  
 14 what remains of the assets and the evidence thereof, and accompanied with all vouchers  
 15 therewith connected.

430.100. 1. Such sale shall be held only after giving not less than twenty days' notice,  
 2 ~~[first,]~~ by mailing a copy of notice, by registered mail, if the address is known, addressed to the  
 3 owner for whom such expenditure of labor, material, skill or services are performed, in which  
 4 case a return receipt shall be evidence of due notice~~[-second]~~ **and by [not less than two**  
 5 ~~publications in some newspaper of general circulation where the property was received and is~~  
 6 ~~to be sold, the last publication to be not less than twenty days prior to the date of sale; third, if~~  
 7 ~~no newspaper be published within the county, then by posting, not less than twenty days prior~~  
 8 ~~to the date of sale, five handbills in different places within the township, one of which shall be~~  
 9 ~~posted where the property was received and is to be sold]~~ **publication on the front page of the**  
 10 **circuit court's website, if it has one. If the circuit court does not have a website, twenty**  
 11 **days' notice shall be sent to the secretary of state who shall publish such notice on the legal**  
 12 **notices website, established pursuant to section 493.077.**

13 2. The form of notice shall be substantially as follows:

14 NOTICE

15 Notice is hereby given that on (insert date), a sale will be held at (insert place),  
 16 to sell the following articles to enforce a lien existing under the laws of the State  
 17 of Missouri against such articles for labor, services, skill or material expended  
 18 upon such articles at the request of the following designated persons, unless such  
 19 articles are redeemed prior to the date of said sale:

	Description of	
Name of Owner	Article	Amount of lien
_____	_____	_____
_____	_____	_____
_____	_____	_____
		Name of Lienor

26 3. A separate notice need not be published for each lien to be enforced, but several may  
 27 be combined in one publication.

430.160. The lien provided for in section 430.150 shall be enforced as follows: The  
 2 person claiming the lien shall file in circuit court, before a circuit or associate circuit judge, in

3 the county in which he resides, a statement duly verified by himself, his agent or attorney, setting  
4 forth his account and a description of the property on which the lien is claimed, and thereupon  
5 the court shall issue a summons, as in ordinary civil actions, returnable forthwith; and upon a  
6 return of the summons, duly served, shall set the cause for hearing at any time after the lapse of  
7 one day. If summons be returned "defendant not found", and if it be proved to the satisfaction  
8 of the court that the defendant is not a resident of the county, the court shall order a notice of the  
9 proceedings to be published **on the front page of the court's website, if it has one, for a period**  
10 **of three successive days**~~], in a daily newspaper, if one be published in the county, and if there be~~  
11 ~~none, then once in a weekly, if such be published in the county, and if no paper be published in~~  
12 ~~the county, then by six handbills put up in six public places in the county,]~~ notifying the  
13 defendant of the filing and the particulars of the account, the description of the property on which  
14 the lien is claimed, its whereabouts, and the day and place set for the hearing of the cause, which  
15 shall be at least ten days from the day of the ~~[last]~~ publication of the notice ~~[or the posting~~  
16 ~~thereof, and]~~ . **If the court does not have a website, notice shall be sent to the secretary of**  
17 **state who shall publish such notice on the legal notices website, established pursuant to**  
18 **section 493.077, for a period of three successive days.** The proof of such publication or of the  
19 posting of such notice shall be filed in the court on or before the day of trial. When the  
20 defendant shall have been summoned or notified as aforesaid, the cause shall, on the day fixed  
21 for trial, be tried as any ordinary case before an associate circuit judge or a circuit judge, as the  
22 case may be. If the judgment be for the plaintiff, the court shall order the property upon which  
23 the lien shall have been found to exist to be sold to satisfy the same. If the lien be not  
24 established, and the defendant shall not have been summoned, or shall not have voluntarily  
25 appeared to the action, the cause shall be dismissed at the cost of the plaintiff. If the defendant  
26 shall have been summoned, or shall have appeared to the action, and the plaintiff shall have  
27 established an indebtedness on the account sued on, but shall have failed to establish the lien  
28 claimed, the judgment shall be for the plaintiff for such indebtedness, but the cost of suit, or any  
29 part thereof, may be taxed against him.

430.170. The owner or keeper of any stallion, jack or bull may advertise the terms upon  
2 which he will let any such animal to service, by publication thereof ~~[in some newspaper of the~~  
3 ~~county where such animal is kept]~~ **or the legal notices website, established pursuant to section**  
4 **493.077**, for sixty days during the season of each year, or by printed handbills conspicuously  
5 posted during such period, in four or more public places in said county, including the place  
6 where such animal is kept; and the publication or posting as aforesaid of the terms of such  
7 service shall impart notice thereof to the owner of any female animal served by such stallion,  
8 jack or bull during any such season; and in all actions and controversies in respect to the foal or  
9 other product of such service, the owner of such female animal so served shall be deemed to have

10 accepted and assented to said terms, when so advertised and published or posted as provided  
11 herein.

433.160. If the principal in the bond shall be absent from the state for the period of six  
2 months, the publication of the notice and petition [~~in some newspaper printed in this state~~] **on**  
3 **the legal notices website, established pursuant to section 493.077, for a period of** four weeks  
4 successively, shall be sufficient service of the notice.

443.110. Whenever any security instrument heretofore or hereafter executed, providing  
2 for the issue of a series of notes or bonds aggregating one hundred thousand dollars or more not  
3 including interest or interest notes or coupons secured in whole or in part by property located in  
4 this state, by its terms confers authority upon the trustee or trustees therein named, or either of  
5 them, to release the property or any part thereof encumbered by any such security instrument  
6 from the lien thereof, such release may be so made and it shall be the duty of the recorder of  
7 deeds of the county in which the property so released from such security instrument shall be  
8 situated to accept and record in the proper records any deed of release executed and duly  
9 acknowledged by such trustee, pursuant to the authority conferred by such security instrument,  
10 releasing the whole or any part of such mortgaged property; provided, however, that in the case  
11 of a security instrument which shall not have been qualified under the Federal Trust Indenture  
12 Act of 1939, as from time to time amended, no such release shall be made unless such security  
13 instrument shall contain a provision requiring that the amount due under the security instrument  
14 or the amount of money or other consideration received from the sale of the property described  
15 in such release or such portion thereof as may be stipulated in such security instrument shall be  
16 deposited with some banking firm or banking corporation or trust company named in such  
17 security instrument for the benefit of the holders of such notes or bonds, or a provision requiring  
18 that there shall have been reinvested in property subject to the lien of such security instrument  
19 an amount of money equal to the value of the property so released; provided, however, if there  
20 shall have been such reinvestments as provided by the terms of such security instrument, which  
21 shall not have been qualified under the Federal Trust Indenture Act of 1939, as from time to time  
22 amended, there shall be filed with the recorder of deeds, together with the aforesaid release, a  
23 certificate that at a meeting of the bondholders or noteholders, held at the place named in the  
24 security instrument for the payment of the principal of such bonds or notes, after publication of  
25 notice of such meeting **on the front page of the recorder of deeds' website, if it has one, or**  
26 **on the legal notices website, established pursuant to section 493.077, for a period of two**  
27 weeks [~~in some newspaper regularly published at such place~~], less than a majority in interest of  
28 the bonds or notes represented at such meeting voted against such release or a certificate that  
29 none of the bonds or notes were represented at such meeting. Such certificate shall be made by  
30 the person who shall at such meeting be elected chairman thereof, and upon the filing thereof the

31 recorder of deeds shall record said release as aforesaid; and provided further, that if the  
32 mortgaged property be subject to several security instruments, and upon the sale of only a part  
33 of the property covered by such security instruments, the amount of money or other consideration  
34 received from the sale of the property described in such release shall have been deposited with  
35 the banking firm or banking corporation or trust company named in the first security instrument  
36 for the benefit of the holders of the notes or bonds thereby secured in the order of their priority,  
37 and the excess if any, for the benefit of the holders of notes or bonds secured by the subsequent  
38 security instruments in the order of their priority, and such depository shall so certify, then the  
39 property so sold may be released by the trustees in each of the security instruments, which confer  
40 authority upon the trustee or trustees therein named to release such property from the lien of such  
41 security instruments.

443.320. The notice required by section 443.310 shall set forth the date and book and  
2 page of the record of such mortgages or deeds of trust, the grantors, the time, terms and place of  
3 sale, and a description of the property to be sold, and shall be ~~[given by advertisement, inserted~~  
4 ~~for at least twenty times, and continued to the day of the sale, in some daily newspaper, in~~  
5 ~~counties having cities of fifty thousand inhabitants or more, and in all other counties such notice~~  
6 ~~shall be given by advertisement in some weekly newspaper published in such county for four~~  
7 ~~successive issues, the last insertion to be not more than one week prior to the day of sale, or in~~  
8 ~~some daily, triweekly or semiweekly paper published in such county at least once a week for four~~  
9 ~~successive weeks. Such notice shall appear on the same day of each week, the last insertion to~~  
10 ~~be not more than one week prior to the day of sale, and if there be no newspaper published in~~  
11 ~~such county or city, such notice shall be published in the nearest newspaper thereto in this state]~~  
12 **published on the front page of the recorder of deeds' website, if it has one, for a period of**  
13 **four successive weeks. If the recorder of deeds does not have a website, notice shall be sent**  
14 **to the secretary of state who shall publish such notice on the legal notices website,**  
15 **established pursuant to section 493.077, for a period of four successive weeks.** Nothing in  
16 this section shall be construed to authorize the giving of any shorter notice than that required by  
17 such mortgage or deed of trust. ~~[Where the property to be sold lies wholly or in part within the~~  
18 ~~corporate limits of any city having or that may hereafter have a population of fifty thousand~~  
19 ~~inhabitants or more, then the notice provided for in this section shall be published in a daily~~  
20 ~~newspaper in such city and where the property to be sold lies wholly or in part within the~~  
21 ~~corporate limits of a city extending into two or more counties, then the notice provided for in this~~  
22 ~~section shall be published in some newspaper published in the county in which the property lies,~~  
23 ~~in the manner provided in this section for publication in such county, even though such property~~  
24 ~~may lie in a city having a population of fifty thousand inhabitants or more. Where the property~~  
25 ~~to be sold is located in more than one county, the notices required in this section shall be~~

26 ~~published in each county in which a part of the property is located. Other provisions of this~~  
27 ~~section to the contrary notwithstanding, in any county of the first class not having a charter form~~  
28 ~~of government and containing a portion of a city with a population over three hundred fifty~~  
29 ~~thousand and in any county of the second class containing a portion of a city with a population~~  
30 ~~over three hundred fifty thousand, the notice requirements of section 443.310 and this section~~  
31 ~~may be met by advertisement in some weekly newspaper published in such counties for four~~  
32 ~~successive issues, the 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 of the mining  
2 operations provided for in section 444.100 shall give at least thirty days' notice of such intention  
3 by notice [~~printed and~~] published [~~in some newspaper printed in such town, city or village~~  
4 ~~wherein such mining operations are proposed to be carried on, or if no newspaper be printed in~~  
5 ~~such city, town or village, then in some newspaper printed in said county, or if no newspaper be~~  
6 ~~printed in such county, then by written or printed handbills posted up in six public places in the~~  
7 ~~city, town or village wherein such mining operations are proposed to be carried on]~~ **on the front**  
8 **page of its website, if it has one. If the person, company, or corporation does not have a**  
9 **website, notice shall be sent to the secretary of state who shall publish such notice on the**  
10 **legal notices website, established pursuant to section 493.077, for a period of at least thirty**  
11 **days.**

2. Such notice shall contain an accurate description of the locality where such mining  
13 operations are to be carried on, giving the number of lot and block, and shall also state the nature  
14 of such mining operations, and name some day the circuit court in said county is in session when  
15 such person, company or corporation will offer for filing and approval the indemnity bond  
16 provided for in this chapter.

444.535. 1. In addition to the other powers and duties prescribed by law, the  
2 commission shall adopt and promulgate rules and regulations adequate to require the operator,  
3 with respect to strip mining of coal, to:

(1) Restore, within a reasonable time, any area which has been mined upon prime  
5 farmland to equivalent or higher levels of yield as nonmined prime farmland in the surrounding  
6 area under equivalent levels of management, and in connection therewith:

(a) Segregate the A horizon of the natural soil, except where it can be shown that other  
8 available soil materials will create a final soil having a greater productive capacity; and if not  
9 utilized immediately, stockpile this material separately from other spoil, and provide needed  
10 protection from wind and water erosion or contamination by other acid or toxic materials;

(b) Segregate the B horizon of the natural soil, or underlying C horizons or other strata,  
12 or a combination of such horizons or other strata that are shown to be both texturally and  
13 chemically suitable for plant growth and that can be shown to be equally or more favorable for



14 plant growth than the B horizon, in sufficient quantities to create in the regraded final soil a root  
15 zone of comparable depth and quality to that which existed in the natural soil; and if not utilized  
16 immediately, stockpile this material separately from other spoil, and provide needed protection  
17 from wind and water erosion or contamination by other acid or toxic materials;

18 (c) Replace and regrade the root zone material described in paragraph (b) of this  
19 subdivision with proper compaction and uniform depth over the regraded spoil material; and

20 (d) Redistribute and grade in a uniform manner the surface soil horizon described in  
21 paragraph (a) of this subdivision;

22 (e) Nothing in this subdivision shall apply to any permit issued prior to August 3, 1977,  
23 or to any revisions or renewals thereof, or to any existing strip mining operations for which a  
24 permit was issued prior to August 3, 1977;

25 (f) For the purposes of this subdivision, "prime farmland" shall mean that land which  
26 historically has been used for intensive agricultural purposes, and which meets the technical  
27 criteria established by the United States Secretary of Agriculture on the basis of such factors as  
28 moisture availability, temperature regime, chemical balance, permeability, surface layer  
29 composition, susceptibility to flooding, and erosion characteristics, as first published at 42  
30 Federal Register 42359, August 23, 1977;

31 (2) Restore the affected land to a condition capable of supporting the uses which it was  
32 capable of supporting prior to any mining, or higher or better uses of which there is reasonable  
33 likelihood, so long as such use or uses do not present any actual or probable hazard to public  
34 health or pose any actual or probable threat of water diminution or pollution, and the permit  
35 applicant's declared proposed land use following reclamation is not deemed to be impractical or  
36 unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable  
37 delay in implementation, or is violative of federal, state or local law;

38 (3) Backfill, compact, where advisable to ensure stability or to prevent leaching of toxic  
39 materials, and grade in order to restore the approximate original contour of the land with all  
40 highwalls, spoil piles and depressions eliminated, unless small depressions are needed in order  
41 to retain moisture to assist revegetation; provided, however, that in strip mining which is carried  
42 out at the same location over a substantial period of time where the operation transects the coal  
43 deposit, and the thickness of the coal deposit relative to the volume of the overburden is large  
44 and where the operator demonstrates that the overburden and other spoil and waste materials at  
45 a particular point in the permit area or otherwise available from the entire permit area are  
46 insufficient, giving due consideration to volumetric expansion, to restore the approximate  
47 original contour, the operator, at a minimum, shall backfill, grade and compact, where advisable,  
48 using all available overburden and other spoil and waste materials to attain the lowest practicable  
49 grade but not more than the angle of repose, to provide adequate drainage and to cover all

50 acid-forming and other toxic materials, in order to achieve an ecologically sound land use  
51 compatible with the surrounding region; and provided, further, that in strip mining where the  
52 volume of overburden is large relative to the thickness of the coal deposit and where the operator  
53 demonstrates that due to volumetric expansion the amount of overburden and other spoil and  
54 waste materials removed in the course of the mining operation is more than sufficient to restore  
55 the approximate original contour, the operator shall after restoring the approximate contour,  
56 backfill, grade and compact, where advisable, the excess overburden and other spoil and waste  
57 materials to attain the lowest grade but not more than the angle of repose, and to cover all  
58 acid-forming and other toxic materials, in order to achieve an ecologically sound land use  
59 compatible with the surrounding region, and that such overburden and spoil shall be shaped and  
60 graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in  
61 accordance with the requirements of sections 444.500 to 444.755;

62 (4) Remove the topsoil from the land in a separate layer, replace it on the backfill area,  
63 or if not utilized immediately, segregate it in a separate pile from other spoil and when the  
64 topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the  
65 topsoil, maintain a successful cover by quick growing plants or other means thereafter so that the  
66 topsoil is preserved from wind and water erosion, remains free of any contamination by any other  
67 acid or toxic material, and is in a usable condition for sustaining vegetation when restored during  
68 reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining  
69 vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then  
70 the operator shall remove, segregate and preserve in a like manner such other strata which are  
71 best able to support vegetation;

72 (5) Minimize the disturbances to the prevailing hydrologic balance at the mine site and  
73 in associated off-site areas and to the quality and quantity of water in surface and ground water  
74 systems both during and after strip mining operations and during reclamation by:

75 (a) Avoiding acid or other toxic mine drainage by such measures as, but not limited to:  
76 a. Preventing or removing water from contact with toxin producing deposits;  
77 b. Treating drainage to reduce toxic content which adversely affects downstream water  
78 upon being released to watercourses; casing, sealing or otherwise managing boreholes, shafts,  
79 and wells and keep acid or other toxic drainage from entering ground and surface waters;

80 (b) Conducting strip mining operations so as to prevent, to the extent possible using the  
81 best technology available, additional contributions of suspended solids to stream flow, or runoff  
82 outside the permit area, but in no event shall contributions be in excess of requirements set by  
83 applicable state or federal laws;

84 (c) Constructing any siltation structures pursuant to paragraph (b) of this subdivision  
85 prior to commencement of strip mining operations, such structures to be certified by a registered  
86 professional engineer to be constructed as designed and approved in the reclamation plan;

87 (d) Cleaning out and removing temporary or large settling ponds or other siltation  
88 structures from drainways after disturbed areas are revegetated and stabilized, and depositing the  
89 silt and debris at a site and in a manner approved by the commission;

90 (e) Restoring recharge capacity of the mined area to approximate premining conditions;

91 (f) Avoiding channel deepening or enlargement in operations requiring the discharge of  
92 water from mines;

93 (g) Such other actions as the commission may prescribe;

94 (6) Design, locate, construct, operate, maintain, enlarge, modify and remove or abandon,  
95 in accordance with the standards and criteria developed by the United States Secretary of the  
96 Interior pursuant to section 515(f) of Public Law 95-87, all existing and new coal mine waste  
97 piles consisting of mined wastes, tailings, coal processing wastes, or other liquid and solid  
98 wastes, and used either temporarily or permanently as dams or embankments;

99 (7) Ensure that explosives are used only in accordance with existing state and federal law  
100 and the regulations promulgated by the commission, which shall include provisions to:

101 (a) Require adequate advance [~~written~~] notice by the operator to local governments and  
102 residents who might be affected by the use of such explosives by publication of the planned  
103 blasting schedule [~~in a newspaper of general circulation in the locality~~] **on the front page of the**  
104 **commission website, if it has one**, and by mailing a copy of the proposed blasting schedule to  
105 every resident living within one-half mile of the proposed blasting site and by providing daily  
106 notice to residents or occupiers in such area prior to any blasting. **If the commission does not**  
107 **have a website, notice shall be sent to the secretary of state who shall publish such notice**  
108 **on the legal notices website, established pursuant to section 493.077;**

109 (b) Require the operator to maintain for a period of at least three years and make  
110 available for public inspection upon request a log detailing the location of the blast, the pattern  
111 and depth of the drill holes, the amount of explosives used per hole, and the order and length of  
112 delay in the blast;

113 (c) Limit the kind of explosives and detonating equipment, the size, the timing and  
114 frequency of blasts based upon the physical conditions at the site so as to prevent injury to  
115 persons, damage to public and private property outside the permit area, adverse impacts on any  
116 underground mine, and change in the course, channel or availability of ground or surface water  
117 outside the permit area;

118 (d) Require that all blasting operations be conducted by trained and competent persons  
119 as certified by the commission;

120 (e) Provide that upon the request of a resident or owner of a man-made dwelling or  
121 structure within one-half mile of any portion of the permitted area the operator shall conduct a  
122 preblasting survey of such structures and submit the survey to the commission and a copy to the  
123 resident or owner making the request. The area of the survey shall be decided by the commission  
124 and shall include such provisions as the United States Secretary of Interior shall promulgate;

125 (8) Establish on the regraded areas and all other lands affected, a diverse, effective and  
126 permanent vegetative cover of the same seasonal variety native to the area of land to be affected  
127 and capable of self-regeneration and plant succession at least equal in extent of cover to the  
128 natural vegetation of the area; except that introduced species may be used in the revegetation  
129 process where desirable and necessary to achieve the approved postmining land use plan;  
130 provided, however, that when the commission issues a written finding approving a long-term,  
131 intensive, agricultural postmining land use as part of the mining and reclamation plan, the  
132 commission may grant an exception to the requirement of permanent vegetative cover.

133 2. With respect to steep-slope strip mining, commission regulations shall provide, in  
134 addition to those general reclamation standards required by subsection 1 of this section, the  
135 following:

136 (1) Ensure that no debris, abandoned or disabled equipment, spoil material, or waste  
137 mineral matter be placed on the downslope below the bench or mining cut; provided, that spoil  
138 material in excess of that required for the reconstruction of the approximate original contour  
139 under the provisions of subdivision (3) of subsection 1 of this section or subdivision (2) of this  
140 subsection below shall be permanently stored in accordance with the following standards:

141 (a) Spoil is transported and placed in a controlled manner in position for concurrent  
142 compaction and in such a way to assure mass stability and to prevent mass movement;

143 (b) The areas of disposal are within the bonded permit area and all organic matter shall  
144 be removed immediately prior to spoil placement;

145 (c) Appropriate surface and internal drainage systems and diversion ditches are used so  
146 as to prevent spoil erosion and movement;

147 (d) The disposal area does not contain springs, natural watercourses or wet weather seeps  
148 unless lateral drains are constructed from the wet areas to the main underdrains in such a manner  
149 that filtration of the water into the spoil pile will be prevented;

150 (e) If placed on a slope, the spoil is placed upon the most moderate slope among those  
151 upon which, in the judgment of the commission, the spoil could be placed in compliance with  
152 all the requirements of sections 444.500 to 444.755, and shall be placed, where possible, upon  
153 or above a natural terrace, bench, or berm, if such placement provides additional stability and  
154 prevents mass movement;

155 (f) Where the toe of the spoil rests on a downslope, a rock toe buttress, of sufficient size  
156 to prevent mass movement, is constructed;

157 (g) The final configuration is compatible with the natural drainage patterns and  
158 surroundings and suitable for intended uses;

159 (h) Design of the spoil disposal area is certified by a registered professional engineer in  
160 conformance with professional standards; and

161 (i) All other provisions of sections 444.500 to 444.755 are met;

162 (2) Complete backfilling with spoil materials shall be required to cover completely the  
163 highwall and return the site to the approximate original contour, which material will maintain  
164 stability following mining and reclamation;

165 (3) The operator may not disturb land above the top of the highwall unless the  
166 commission finds that such disturbance will facilitate compliance with the reclamation standards  
167 of this section; provided, however, that the land disturbed above the highwall shall be limited  
168 to the amount necessary to facilitate the compliance;

169 (4) For the purposes of this subsection, the term "steep slope" is any slope greater than  
170 twenty degrees or such lesser slope as may be defined by the commission after consideration of  
171 soil, climate, and other characteristics of the state or a region of the state;

172 (5) The provisions of this subsection shall not apply to those situations in which an  
173 operator is mining on flat or gently rolling terrain, on which an occasional steep slope is  
174 encountered through which the mining operation is to proceed, leaving a plain or predominantly  
175 flat area.

176 3. The commission may grant a variance from the requirement to restore to approximate  
177 original contour set forth in subdivision (2) of subsection 2 of this section where the owner of  
178 the surface knowingly requests in writing, as part of the permit application, that such a variance  
179 be granted so as to render the land, after reclamation, suitable for an industrial, commercial,  
180 residential, or public use, including recreational facilities, upon the following conditions:

181 (1) After consultation with the appropriate land use planning agencies, if any, the  
182 potential use of the affected land is deemed to constitute an equal or better economic or public  
183 use;

184 (2) The reclamation plan, included with the variance application, is designed and  
185 certified by a registered professional engineer in conformance with professional standards that  
186 the plan will assure the stability, drainage, and configuration necessary for the intended use of  
187 the site;

188 (3) After approval by the director of staff of the clean water commission of the  
189 department of natural resources, the watershed of the affected land is deemed to be improved;

190 (4) Only such amount of spoil is placed off the mine bench as is necessary to achieve the  
191 planned postmining land use, ensure stability of the spoil retained on the bench, meet all other  
192 requirements of sections 444.500 to 444.755, and all spoil placement off the mine bench must  
193 comply with paragraphs (a) through (i) of subdivision (1) of subsection 2 of this section;

194 (5) Watershed control of the area is improved, and complete backfilling with spoil  
195 materials shall be required to cover completely the highwall, which material will maintain  
196 stability following mining and reclamation.

197 4. The person seeking a variance under the provisions of subsection 3 of this section  
198 shall do so by filing a petition for variance with the director. The director shall investigate the  
199 petition and make a recommendation to the commission as to the disposition thereof. Upon  
200 receiving the recommendation of the director, if the recommendation is against the granting of  
201 a variance, a hearing shall be held, if requested by the petitioner within thirty days of the  
202 director's recommendation, as provided in section 444.690. If the recommendation of the  
203 director is for the granting of a variance, the commission may do so without hearing, except that  
204 upon the petition of any person who is or would be aggrieved by the granting of a variance,  
205 before or within thirty days after the commission's action, a hearing shall be held as provided in  
206 section 444.690. In any hearing under this section the burden of proof shall be on the person  
207 petitioning for a variance.

208 5. Any variance granted pursuant to subsection 3 of this section shall run concurrently  
209 with the permit year. A variance may be extended from year to year by affirmative action of the  
210 commission; provided, however, that no variance may be extended unless the operator  
211 affirmatively demonstrates that the proposed development is proceeding in accordance with the  
212 terms of the reclamation plan.

213 6. The variance shall be granted upon such terms and conditions as the commission  
214 deems appropriate to ensure compliance with the provisions of sections 444.500 to 444.755.  
215 Upon failure to comply with the terms and conditions of any variance as specified by the  
216 commission, the variance may be revoked or modified by the commission after a hearing held  
217 upon not less than thirty days' written notice to the operator, the owner of the surface, and any  
218 other person who has filed with the director a written request for such notification. The hearing  
219 shall be held in accordance with section 444.690.

220 7. Nothing contained in this section shall apply to:

221 (1) The extraction of coal by a landowner for his **or her** own noncommercial use from  
222 land owned or leased by him **or her**;

223 (2) The extraction of coal as an incidental and noncommercial part of federal, state, or  
224 local government-financed highway or other construction;

225 (3) The extraction of coal incidental to the extraction of other minerals where coal does  
226 not exceed sixteen and two-thirds percent of the mineral tonnage removed for commercial use  
227 or sale; and

228 (4) Any strip mining operation where the operator removes no more than two hundred  
229 fifty tons of coal from any one location within twelve consecutive months.

444.600. 1. All applications for a permit shall be filed with the director who shall  
2 promptly investigate the application and make a decision within thirty days after the application  
3 is received as to whether the permit should be issued or denied. If the director is not satisfied  
4 with the information supplied by the applicant, he or she shall recommend denial of the permit.  
5 The director shall promptly notify the applicant of this action and at the same time publish a  
6 notice of the decision [~~in any newspaper with general circulation in the counties where the land~~  
7 ~~is located~~] **on the front page of the commission's website, if it has one**, and shall send notice  
8 to those persons registered with the director pursuant to section 444.720. **If the commission**  
9 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
10 **notice on the legal notices website, established pursuant to section 493.077.** The director's  
11 decision shall be deemed to be the decision of the director of the department of natural resources  
12 and shall be subject to appeal to the administrative hearing commission as provided by sections  
13 621.250 and 640.013.

14 2. Whenever a strip mine operator permit provided under section 444.540 is issued,  
15 denied, suspended, or revoked by the department of natural resources, any aggrieved person, by  
16 petition filed with the administrative hearing commission within thirty days of the decision, may  
17 appeal such decision as provided by sections 621.250 and 640.013. For purposes of an appeal,  
18 the administrative hearing commission may consider, based on competent and substantial  
19 scientific evidence on the record, whether an interested party's health, safety, or livelihood will  
20 be unduly impaired by the issuance, denial, suspension, or revocation of the permit. The  
21 administrative hearing commission may also consider, based on competent and substantial  
22 scientific evidence on the record, whether the operator has demonstrated, during the five-year  
23 period immediately preceding the date of the permit application, a pattern of noncompliance at  
24 other locations in Missouri that suggests a reasonable likelihood of future acts of noncompliance.  
25 In determining whether a reasonable likelihood of noncompliance will exist in the future, the  
26 administrative hearing commission may look to past acts of noncompliance in Missouri, but only  
27 to the extent they suggest a reasonable likelihood of future acts of noncompliance. Such past  
28 acts of noncompliance in Missouri, in and of themselves, are an insufficient basis to suggest a  
29 reasonable likelihood of future acts of noncompliance. In addition, such past acts shall not be  
30 used as a basis to suggest a reasonable likelihood of future acts of noncompliance unless the  
31 noncompliance has caused or has the potential to cause a risk to human health or to the

32 environment, or has caused or has potential to cause pollution, or was knowingly committed, or  
33 is defined by the United States Environmental Protection Agency as other than minor. If a  
34 hearing petitioner demonstrates or the administrative hearing commission finds either present  
35 acts of noncompliance or a reasonable likelihood that the permit seeker or the operations of  
36 associated persons or corporations in Missouri will be in noncompliance in the future, such a  
37 showing will satisfy the noncompliance requirement in this subsection. In addition, such basis  
38 must be developed by multiple noncompliances of any environmental law administered by the  
39 Missouri department of natural resources at any single facility in Missouri that resulted in harm  
40 to the environment or impaired the health, safety, or livelihood of persons outside the facility.  
41 For any permit seeker that has not been in business in Missouri for the past five years, the  
42 administrative hearing commission may review the record of noncompliance in any state where  
43 the applicant has conducted business during the past five years. Once the administrative hearing  
44 commission has reviewed the appeal, the administrative hearing commission shall issue a  
45 recommended decision to the commission on permit issuance, denial, suspension, or revocation.  
46 The commission shall issue its own decision, based on the appeal, for permit issuance, denial,  
47 suspension, or revocation. If the commission changes a finding of fact or conclusion of law  
48 made by the administrative hearing commission, or modifies or vacates the decision  
49 recommended by the administrative hearing commission, it shall issue its own decision, which  
50 shall include findings of fact and conclusions of law. The commission shall mail copies of its  
51 final decision to the parties to the appeal or their counsel of record. The commission's decision  
52 shall be subject to judicial review pursuant to chapter 536, except that the court of appeals  
53 district with territorial jurisdiction coextensive with the county where the mine is located or is  
54 to be located shall have original jurisdiction. No judicial review shall be available until and  
55 unless all administrative remedies are exhausted.

444.720. 1. No rule or regulation or any amendment or repeal thereof adopted pursuant  
2 to sections 444.500 to 444.755 shall be adopted except after a public hearing to be held after  
3 thirty days' prior notice by advertisement [~~in any two newspapers of general statewide circulation~~  
4 ~~and any newspapers with general circulation in the counties with strip mining operations,~~] of the  
5 date, time and place of hearing and opportunity given to the public to be heard. **Such**  
6 **advertisement shall be published 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 to the secretary of state**  
8 **who shall publish such notice on the legal notices website, established pursuant to section**  
9 **493.077, until the date of the hearing has passed.** In addition, at least thirty days prior to the  
10 scheduled date of the hearing, notice shall be sent by mail to any person who has registered with  
11 the director at least forty-five days prior to the scheduled date of the hearing, for purposes of such  
12 hearings in accordance with procedures prescribed by the commission.



13           2. At the hearing, opportunity to be heard by the commission with respect to the subject  
14 thereof shall be afforded any interested person upon written request to the commission, addressed  
15 to the director, no later than seven days prior to the hearing, and may be afforded to other persons  
16 if convenient. In addition, any interested persons, whether or not heard, may submit, within  
17 seven days subsequent to the hearings, a written statement of their views. The commission may  
18 solicit the views, in writing, of persons who may be affected by, or interested in, proposed rules  
19 or regulations. Any person heard or represented at the hearing or making written request for  
20 notice shall be given written notice of the action of the commission with respect to the subject  
21 thereof.

22           3. Any rule or regulation or amendment or repeal thereof shall not be deemed adopted  
23 or in force and effect until it has been approved in writing by at least four members of the  
24 commission. A rule or regulation or an amendment or repeal thereof shall not become effective  
25 until a certified copy thereof has been filed with the secretary of state as provided in chapter 536.

26           4. Any rule or regulation or any amendment or repeal thereof which is adopted by the  
27 commission may differ in its terms and provisions as between particular types of topography and  
28 areas of the state.

          444.772. 1. Any operator desiring to engage in surface mining shall make written  
2 application to the director for a permit.

3           2. Application for permit shall be made on a form prescribed by the commission and  
4 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 the permit;

7           (3) The permanent and temporary post office address of the applicant;

8           (4) Whether the applicant or any person associated with the applicant holds or has held  
9 any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

10           (5) The written consent of the applicant and any other persons necessary to grant access  
11 to the commission or the director to the area of land affected under application from the date of  
12 application until the expiration of any permit granted under the application and thereafter for  
13 such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790  
14 or any rule or regulation promulgated pursuant to them. Permit applications submitted by  
15 operators who mine an annual tonnage of less than ten thousand tons shall be required to include  
16 written consent from the operator to grant access to the commission or the director to the area  
17 of land affected;

18           (6) A description of the tract or tracts of land and the estimated number of acres thereof  
19 to be affected by the surface mining of the applicant for the next succeeding twelve months; and

20 (7) Such other information that the commission may require as such information applies  
21 to land reclamation.

22 3. The application for a permit shall be accompanied by a map in a scale and form  
23 specified by the commission by regulation.

24 4. The application shall be accompanied by a bond, security or certificate meeting the  
25 requirements of section 444.778, a geologic resources fee authorized under section 256.700, and  
26 a permit fee approved by the commission not to exceed one thousand dollars. The commission  
27 may also require a fee for each site listed on a permit not to exceed four hundred dollars for each  
28 site. If mining operations are not conducted at a site for six months or more during any year, the  
29 fee for such site for that year shall be reduced by fifty percent. The commission may also require  
30 a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty  
31 dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator  
32 that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the  
33 total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be  
34 established by rule, except for the initial fees as set forth in this subsection, and shall be set at  
35 levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making  
36 allowances for grants and other sources of funds. The director shall submit a report to the  
37 commission and the public each year that describes the number of employees and the activities  
38 performed the previous calendar year to administer sections 444.760 to 444.790. For any  
39 operator of a gravel mining operation where the annual tonnage of gravel mined by such operator  
40 is less than five thousand tons, the total cost of submitting an application shall be three hundred  
41 dollars. The issued permit shall be valid from the date of its issuance until the date specified in  
42 the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790.  
43 Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site  
44 fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand  
45 dollars. Fees may be raised as allowed in this subsection after a regulation change that  
46 demonstrates the need for increased fees.

47 5. An operator desiring to have his or her permit amended to cover additional land may  
48 file an amended application with the commission. Upon receipt of the amended application, and  
49 such additional fee and bond as may be required pursuant to the provisions of sections 444.760  
50 to 444.790, the director shall, if the applicant complies with all applicable regulatory  
51 requirements, issue an amendment to the original permit covering the additional land described  
52 in the amended application.

53 6. An operation may withdraw any land covered by a permit, excepting affected land,  
54 by notifying the commission thereof, in which case the penalty of the bond or security filed by

55 the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced  
56 proportionately.

57 7. Where mining or reclamation operations on acreage for which a permit has been  
58 issued have not been completed, the permit shall be renewed. The operator shall submit a permit  
59 renewal form furnished by the director for an additional permit year and pay a fee equal to an  
60 application fee calculated pursuant to subsection 4 of this section, but in no case shall the  
61 renewal fee for any operator be more than three thousand dollars. For any operator involved in  
62 any gravel mining operation where the annual tonnage of gravel mined by such operator is less  
63 than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit  
64 renewal form furnished by the director for an additional permit year and payment of a fee of three  
65 hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator,  
66 the director shall approve the renewal. With approval of the director and operator, the permit  
67 renewal may be extended for a portion of an additional year with a corresponding prorating of  
68 the renewal fee.

69 8. Where one operator succeeds another at any uncompleted operation, either by sale,  
70 assignment, lease or otherwise, the commission may release the first operator from all liability  
71 pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have  
72 been issued a permit and have otherwise complied with the requirements of sections 444.760 to  
73 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections  
74 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former  
75 operator.

76 9. The application for a permit shall be accompanied by a plan of reclamation that meets  
77 the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated  
78 pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed  
79 method of operation, reclamation, and a conservation plan for the affected area including  
80 approximate dates and time of completion, and stating that the operation will meet the  
81 requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant  
82 to them.

83 10. At the time that a permit application is deemed complete by the director, the operator  
84 shall publish a notice of intent to operate a surface mine ~~[in any newspaper qualified pursuant~~  
85 ~~to section 493.050 to publish legal notices in any county where the land is located]~~ **on the**  
86 **website of the person, firm, or corporation engaged in or controlling a strip mining**  
87 **operation, if such entity has a website, for a period of four consecutive weeks. If such**  
88 **entity does not have a website, notice shall be sent to the secretary of state who shall**  
89 **publish such notice on the legal notices website, established pursuant to section 493.077,**  
90 **for a period of four consecutive weeks.** If the director does not respond to a permit application

91 within forty-five calendar days, the application shall be deemed to be complete. ~~[Notice in the~~  
92 ~~newspaper shall be posted once a week for four consecutive weeks beginning no more than ten~~  
93 ~~days after the application is deemed complete.]~~ The operator shall also send notice of intent to  
94 operate a surface mine by certified mail to the governing body of the counties or cities in which  
95 the proposed area is located, and to the last known addresses of all record landowners whose  
96 property is:

97 (1) Within two thousand six hundred forty feet, or one-half mile from the border of the  
98 proposed mine plan area; and

99 (2) Adjacent to the proposed mine plan area, land upon which the mine plan area is  
100 located, or adjacent land having a legal relationship with either the applicant or the owner of the  
101 land upon which the mine plan area is located.

102 The notices shall include the name and address of the operator, a legal description consisting of  
103 county, section, township and range, the number of acres involved, a statement that the operator  
104 plans to mine a specified mineral during a specified time, and the address of the commission.

105 The notices shall also contain a statement that any person with a direct, personal interest in one  
106 or more of the factors the director may consider in issuing a permit may request a public meeting  
107 or file written comments to the director no later than fifteen days following the final public notice  
108 publication date. If any person requests a public meeting, the applicant shall cooperate with the  
109 director in making all necessary arrangements for the public meeting to be held in a reasonably  
110 convenient location and at a reasonable time for interested participants, and the applicant shall  
111 bear the expenses.

112 11. The director may approve a permit application or permit amendment whose operation  
113 or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be  
114 demonstrated by the operator that the conditions present at the surface mining location warrant  
115 an exception. The criteria accepted for consideration when evaluating the merits of an exception  
116 or variance to the requirements of sections 444.760 to 444.790 shall be established by  
117 regulations.

118 12. Fees imposed pursuant to this section shall become effective August 28, 2007, and  
119 shall expire on December 31, 2024. No other provisions of this 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 hundred  
3 dollars, plus an acreage fee of either thirty-five dollars or such different amount as determined  
4 by regulation of the commission, for each acre or fraction thereof of the permit area. Any  
5 acreage fee determined by the commission shall reflect the costs of administering and enforcing  
6 this law and the regulations adopted hereunder, making allowance for federal grants and other  
7 sources of funds, surplus moneys in the mined land conservation fund credited to this law, and

8 contingencies. For multiple-year permits, the acreage fee shall be paid annually by dividing the  
9 total acres in the permit area by the number of years covered by the permit and multiplying that  
10 number by that year's acreage fee, and, after the first year, there shall be an annual fee of one  
11 hundred dollars. For the first year of any new permit, the first year's fees shall be paid with the  
12 permit application. Thereafter, through the term of the permit, the annual fee and acreage fee  
13 shall be paid as a condition to and prior to operating for that permit year. The acreage fee shall  
14 be paid only once on any given acre, except in the case of a revocation; and an allowance shall  
15 be given for any acreage fee previously paid for a permit under sections 444.500 to 444.755  
16 when the land was not disturbed under said permit;

17 (2) For permit renewal there shall be a basic fee of one hundred dollars for each year of  
18 renewal, to be paid annually;

19 (3) For permit revision there shall be a basic application fee of one hundred dollars;

20 (4) For application of a successor to a permit there shall be a basic fee of one hundred  
21 dollars;

22 (5) For coal exploration permits there shall be an application fee of one hundred dollars;

23 (6) For surface effects of underground mining there shall be a fee determined as in  
24 subdivision (1) of this subsection;

25 (7) For reinstatement of a permit after suspension there shall be a fee of one hundred  
26 dollars;

27 (8) Any land disturbed subsequent to revocation of a permit which included such land,  
28 shall require a new permit application and fees paid as determined in subdivision (1) of this  
29 subsection, whether such land is to be disturbed by the same operator or a different operator.

30 2. The permit application shall be submitted in a manner satisfactory to the commission  
31 or the director and shall contain among other things:

32 (1) The names and addresses of:

33 (a) The permit applicant;

34 (b) Every legal owner of record of the property (surface and mineral) to be mined;

35 (c) The holders of record of any leasehold interest in the property;

36 (d) Any purchaser of record of the property under a real estate contract;

37 (e) The operator if he **or she** is a person different from the applicant; and

38 (f) If any of these are business entities other than a single proprietor, the names and  
39 addresses of the principals, officers, and resident agent;

40 (2) The names and addresses of the owners of record of all surface and subsurface areas  
41 adjacent to any part of the permit area;

42 (3) A statement of any current or previous surface coal mining permits in the United  
43 States held by the applicant and the permit identification and each pending application;

44 (4) If the applicant is a partnership, corporation, association, or other business entity, the  
45 following where applicable: The names and addresses of every officer, partner, director, or  
46 person performing a function similar to a director, of the applicant, together with the name and  
47 address of any person owning, of record, 10 percentum or more of any class of voting stock of  
48 the applicant and a list of all names under which the applicant, partner, or principal shareholder  
49 previously operated a surface mining operation within the United States within the five-year  
50 period preceding the date of submission of the application;

51 (5) A statement of whether the applicant, any subsidiary, affiliate, or persons controlled  
52 by or under common control with the applicant, has ever held a federal or state mining permit  
53 which in the five-year period prior to the date of submission of the application has been  
54 suspended or revoked or has had a mining bond or similar security deposited in lieu of bond  
55 forfeited and, if so, an explanation of the facts involved;

56 (6) A copy of the applicant's advertisement to be published ~~[in a newspaper of general~~  
57 ~~circulation in the locality of the proposed site at least once a week]~~ **on the front page of the**  
58 **commission's website, if it has one, for a period of** four successive weeks, and which includes  
59 the ownership, a description of the exact location and boundaries of the proposed site sufficient  
60 so that the proposed operation is readily locatable by local residents, and the location of where  
61 the application is available for public inspection. **If the commission does not have a website,**  
62 **notice shall be sent to the secretary of state who shall publish such notice on the legal**  
63 **notices website, established pursuant to section 493.077;**

64 (7) A description of the type and method of coal mining operation that exists or is  
65 proposed, the engineering techniques proposed or used, and the equipment used or proposed to  
66 be used;

67 (8) The anticipated or actual starting and termination dates of each phase of the mining  
68 operation and number of acres of land to be affected;

69 (9) An accurate map or plan, to an appropriate scale, clearly showing the land to be  
70 affected as of the date of the application, the area of land within the permit area upon which the  
71 applicant has the legal right to enter and commence surface mining operations and a statement  
72 of those documents upon which the applicant bases his **or her** legal right to enter and commence  
73 surface mining operations on the area affected, and whether that right is the subject of pending  
74 court litigation; provided, that nothing in this law shall be construed as vesting in the  
75 commission the jurisdiction to adjudicate property title disputes;

76 (10) The name of the watershed and location of the surface stream or tributary into which  
77 surface and pit drainage will be discharged;

78 (11) A determination of the probable hydrologic consequences of the mining and  
79 reclamation operations, both on and off the mine site, with respect to the hydrologic regime,

80 quantity and quality of water in surface and ground water systems including the dissolved and  
81 suspended solids under seasonal flow conditions and the collection of sufficient data for the mine  
82 site and surrounding areas so that an assessment can be made by the commission of the probable  
83 cumulative impacts of all anticipated mining in the area upon the hydrology of the area and  
84 particularly upon water availability; provided, however, that this determination shall not be  
85 required until such time as hydrologic information on the general area prior to mining is made  
86 available from an appropriate federal or state agency or person qualified by training or  
87 experience to develop such information; provided further, that the permit shall not be approved  
88 until such information is available and is incorporated into the application;

89 (12) When requested by the commission, the climatological factors that are peculiar to  
90 the locality of the land to be affected, including the average seasonal precipitation, the average  
91 direction and velocity of prevailing winds, and the seasonal temperature ranges;

92 (13) Accurate maps to an appropriate scale clearly showing (a) the land to be affected  
93 as of the date of application and (b) all types of information set forth on topographical maps of  
94 the United States Geological Survey of a scale of 1:24,000 or 1:25,000 or larger, including all  
95 manmade features and significant known archeological sites existing on the date of application.  
96 Such a map or plan shall, among other things specified by the commission, show all boundaries  
97 of the land to be affected, the boundary lines and names of present owners of record of all surface  
98 areas abutting the permit area, and the location of all buildings within one thousand feet of the  
99 permit area;

100 (14) Cross-section maps or plans of the land to be affected, including the actual area to  
101 be mined, prepared by or under the direction of and certified by a qualified registered  
102 professional engineer, or qualified registered land surveyor, or professional geologist with  
103 assistance from experts in related fields such as land surveying and landscape architecture,  
104 showing pertinent elevation and location of test borings or core samplings and depicting the  
105 following information: The nature and depth of the various strata of overburden; the location  
106 of subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider  
107 seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal  
108 seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined, within  
109 the area of land to be affected; existing or previous surface mining limits; the location and extent  
110 of known workings of any underground mines, including mine openings to the surface; the  
111 location of aquifers; the estimated elevation of the water table; the location of spoil, waste, or  
112 refuse areas and topsoil preservation areas; the location of all impoundments for waste or erosion  
113 control; any settling or water treatment facility; constructed or natural drainways and the location  
114 of any discharges to any surface body of water on the area of land to be affected or adjacent

115 thereto; and profiles at appropriate cross-sections of the anticipated final surface configuration  
116 that will be achieved pursuant to the operator's proposed reclamation plan;

117 (15) A statement of the result of test borings or core samplings from the permit area,  
118 including logs of the drill holes; the thickness of the coal seam found, an analysis of the chemical  
119 properties of such coal; the sulfur content of any coal seam; chemical analysis of potentially acid  
120 or toxic forming sections of the overburden; and chemical analysis of the stratum lying  
121 immediately underneath the coal to be mined except that the provisions of this subdivision may  
122 be waived by the commission with respect to the specific application by a written determination  
123 that such requirements are unnecessary;

124 (16) For those lands in the permit application which a reconnaissance inspection suggests  
125 may be prime farm lands, a soil survey shall be made or obtained according to standards  
126 established by the United States Secretary of Agriculture in order to confirm the exact location  
127 of such prime farm lands, if any;

128 (17) The written consent of the applicant and any other persons necessary to grant access  
129 to the commission or the director to the area of land affected under application from the date of  
130 application until the expiration of any permit granted under the application and thereafter for  
131 such time as is necessary to assure compliance with all provisions of this law or any rule or  
132 regulation promulgated under them.

133 3. Information pertaining to coal seams, test borings, core samplings, or soil samples as  
134 required by this section shall be made available to any person with an interest which is or may  
135 be adversely affected; provided, that information which pertains only to the analysis of the  
136 chemical and physical properties of the coal (excepting information regarding such mineral or  
137 elemental content which is potentially toxic in the environment) shall be kept confidential and  
138 not made a matter of public record.

139 4. If the commission finds that the probable total annual production at all locations of  
140 any coal surface mining operator will not exceed one hundred thousand tons, the determination  
141 of probable hydrologic consequences required by subdivision (11) of subsection 2 and the  
142 statement of the result of test borings or core samplings required by subdivision (15) of  
143 subsection 2 of this section shall, upon the written request of the operator, be performed by a  
144 qualified public or private laboratory designated by the commission, and the cost of the  
145 preparation of such determination and statement shall be assumed by the commission.

146 5. Each applicant for a permit shall be required to submit to the commission as part of  
147 the permit application a reclamation plan which shall meet the requirements of this law.

148 6. Each applicant for a permit shall, simultaneous to filing with the commission, file a  
149 copy of his **or her** application for public inspection with the recorder of deeds at the courthouse



150 of the county where the mining is proposed to occur, except for that information pertaining to  
151 the coal seam itself.

152         7. Each applicant for a permit shall be required to submit to the commission as part of  
153 the permit application a certificate issued by an insurance company authorized to do business in  
154 the state certifying that the applicant has a public liability insurance policy in force for the  
155 surface mining and reclamation operations for which such permit is sought. Such policy shall  
156 provide for personal injury and property damage protection in an amount adequate to compensate  
157 any persons damaged as a result of surface coal mining and reclamation operations including use  
158 of explosives. Such policy shall be maintained in full force and effect during the terms of the  
159 permit or any renewal, including the length of all reclamation operations.

160         8. Each applicant for a permit shall submit to the commission as part of the permit  
161 application a blasting plan which shall outline the procedures and standards by which the  
162 operator will meet the provisions of subdivision (15) of subsection 2 of section 444.855.

444.850. 1. At the time of submission of an application for a surface coal mining and  
2 reclamation permit, or renewal or revision of an existing permit, the applicant shall submit a  
3 copy of his **or her** advertisement of the ownership, precise location, and boundaries of the land  
4 to be affected. At the time of submission such advertisement shall be placed by the applicant in  
5 a local newspaper of general circulation in the locality of the proposed surface mine at least once  
6 a week for four consecutive weeks. The director shall within ten days after the application is  
7 filed notify various local governmental bodies, planning agencies, sewage and water treatment  
8 authorities, and water companies in the locality in which the proposed surface mining will take  
9 place, notifying them of the operator's intention to surface mine a particularly described tract of  
10 land and indicating the application's permit number and where a copy of the proposed mining  
11 and reclamation plan may be inspected. These local bodies, agencies, authorities, or companies  
12 may submit written comments within sixty days after the application is filed on the mining  
13 applications with respect to the effect of the proposed operation on the environment which are  
14 within their area of responsibility. Such comments shall immediately be transmitted to the  
15 applicant by the director and shall be made available to the public at the same locations as are  
16 the mining applications.

17         2. Any person having an interest which is or may be adversely affected or the officer or  
18 head of any federal, state, or local governmental agency or authority shall have the right to file  
19 written objections to the proposed initial or revised or renewal application for a permit for  
20 surface coal mining and reclamation operation with the director within sixty days after the  
21 application is filed. Such objections shall immediately be transmitted to the applicant by the  
22 director and shall be made available to the public. The applicant or the objector may, within  
23 thirty days after filing of objections, request an informal conference with the director. The

24 director shall hold an informal conference in the locality of the proposed mining, if requested,  
25 within thirty days of the receipt of such request. The date, time and location of such informal  
26 conference shall be advertised by the director [~~in a newspaper of general circulation in the~~  
27 ~~locality~~] **on the front page of the commission's website, if it has one, for a period of** at least  
28 two weeks prior to the scheduled conference date. **If the commission does not have a website,**  
29 **notice shall be sent at least two weeks prior to the scheduled conference date to the**  
30 **secretary of state who shall publish such notice on the legal notices website, established**  
31 **pursuant to section 493.077, until the date of the scheduled conference has passed.** The  
32 director may arrange with the applicant, upon request by any party to the administrative  
33 proceeding, access to the proposed mining area for the purpose of gathering information relevant  
34 to the proceeding. An electronic or stenographic record shall be made of the conference  
35 proceeding, unless waived by all parties. Such record shall be maintained and shall be accessible  
36 to the parties until final release of the applicant's performance bond. In the event all parties  
37 requesting the informal conference stipulate agreement prior to the requested informal  
38 conference and withdraw their request, such informal conference need not be held.

39         3. If an informal conference has been held, the director shall make written findings  
40 granting, requiring modification of or denying the permit in whole or in part and stating the  
41 reasons therefor, within sixty days of said conference, and shall furnish the applicant and all  
42 parties to the proceedings a copy of said findings.

43         4. If there has been no informal conference, the director shall, within sixty days after the  
44 last publication of notice in subsection 1, make written findings granting, requiring modification  
45 of or denying the permit in whole or in part and stating the reasons therefor, and shall furnish the  
46 applicant a copy of said findings.

47         5. If the application is approved, the permit shall be issued. If the application is  
48 disapproved, specific reasons therefor must be set forth in the notification. Within thirty days  
49 after the applicant is notified of the final decision of the director on the permit application, the  
50 applicant or any person with an interest which is or may be adversely affected may request a  
51 hearing on the reasons for final determination. The commission shall hold a hearing within thirty  
52 days of such request and provide notification to all interested parties at the time that the applicant  
53 is so notified. Such hearing shall be of record and a contested case. The chairman may designate  
54 one commission member as hearing officer, or may appoint a member in good standing of the  
55 Missouri Bar as hearing officer to hold the hearing and make recommendations to the  
56 commission, but the commission shall make the final decision thereon, and any commission  
57 member participating in the decision shall review the record before making decision. Within  
58 thirty days after the hearing the commission shall issue and furnish the applicant, and all persons

59 who participated in the hearing, with the written decision of the commission granting, requiring  
60 modification of or denying the permit in whole or in part and stating the reasons therefor.

61 6. Where a hearing is requested pursuant to subsection 5 the commission may, under  
62 such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending  
63 final determination of the proceedings if:

64 (1) All parties to the proceedings have been notified and given an opportunity to be heard  
65 on a request for temporary relief;

66 (2) The person requesting such relief shows that there is a substantial likelihood that he  
67 **or she** will prevail on the merits of the final determination of the proceeding; and

68 (3) Such relief will not adversely affect the public health or safety or cause significant  
69 imminent environmental harm to land, air, or water resources.

70 7. For the purpose of such hearing, the commission or hearing officer may administer  
71 oaths, subpoena witnesses, or written or printed materials, compel attendance of the witnesses,  
72 or production of the materials, and take evidence including but not limited to site inspections of  
73 the land to be affected and other surface coal mining operations carried on by the applicant in  
74 the general vicinity of the proposed operation. A verbatim record of each public hearing shall be  
75 made, and a transcript made available on the motion of any party or by order of the commission.

76 8. Any applicant or any person with an interest which is or may be adversely affected  
77 who has participated in the administrative proceedings, and who is aggrieved by the decision of  
78 the commission or if the commission fails to act within the time limits specified, shall have the  
79 right to appeal in accordance with section 444.900.

444.855. 1. Any permit issued to conduct surface coal mining operations shall require  
2 that such surface coal mining operations will meet all applicable performance standards of this  
3 law, and such other requirements as the commission shall promulgate.

4 2. General performance standards shall be applicable to all surface coal mining and  
5 reclamation operations and shall require the operation as a minimum to:

6 (1) Conduct surface coal mining operations so as to maximize the utilization and  
7 conservation of the solid fuel resource being recovered so that re-affecting the land in the future  
8 through surface coal mining can be minimized;

9 (2) Restore the land affected to a condition capable of supporting the uses which it was  
10 capable of supporting prior to any mining, or higher or better uses of which there is reasonable  
11 likelihood, so long as such use or uses do not present any actual or probable hazard to public  
12 health or safety or pose any actual or probable threat of water diminution or pollution, and the  
13 permit applicants' declared proposed land use following reclamation is not deemed to be  
14 impractical or unreasonable, inconsistent with applicable land use policies and plans, does not  
15 involve unreasonable delay in implementation, and is not violative of federal, state, or local law;

16           (3) Except as provided in subsection 3, with respect to all surface coal mining operations  
17 backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials),  
18 and grade in order to restore the approximate original contour of the land with all highwalls,  
19 spoil piles, and depressions eliminated (unless small depressions are needed in order to retain  
20 moisture to assist revegetation or as otherwise authorized pursuant to this law); provided,  
21 however, that in surface coal mining which is carried out at the same location over a substantial  
22 period of time where the operation transects the coal deposit, and the thickness of the coal  
23 deposits relative to the volume of the overburden is large and where the operator demonstrates  
24 that the overburden and other spoil and waste materials at a particular point in the permit area  
25 or otherwise available from the entire permit area is insufficient, giving due consideration to  
26 volumetric expansion, to restore the approximate original contour, the operator, at a minimum,  
27 shall backfill, grade, and compact (where advisable) using all available overburden and other  
28 spoil and waste materials to attain the lowest practicable grade but not more than the angle of  
29 repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in  
30 order to achieve an ecologically sound land use compatible with the surrounding region; and  
31 provided further, that in surface coal mining where the volume of overburden is large relative  
32 to the thickness of the coal deposit and where the operator demonstrates that due to volumetric  
33 expansion the amount of overburden and other spoil and waste materials removed in the course  
34 of the mining operation is more than sufficient to restore the approximate original contour, the  
35 operator shall after restoring the approximate contour, backfill, grade, and compact (where  
36 advisable) the excess overburden and other spoil and waste materials to attain the lowest grade  
37 but not more than the angle of repose, and to cover all acid-forming and other toxic materials,  
38 in order to achieve an ecologically sound land use compatible with the surrounding region and  
39 that such overburden or spoil shall be shaped and graded in such a way as to prevent slides,  
40 erosion, and water pollution and is revegetated in accordance with the requirements of this law;

41           (4) Stabilize and protect all surface areas including spoil piles affected by the surface  
42 coal mining and reclamation operation to effectively control erosion and attendant air and water  
43 pollution;

44           (5) Remove the topsoil from the land in a separate layer, replace it on the backfill area,  
45 or if not utilized immediately, segregate it in a separate pile from other spoil and when the  
46 topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the  
47 topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the  
48 topsoil is preserved from wind and water erosion, remains free of any contamination by other  
49 acid or toxic material, and is in a usable condition for sustaining vegetation when restored during  
50 reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining  
51 vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then

52 the operator shall remove, segregate, and preserve in a like manner such other strata which is best  
53 able to support vegetation;

54 (6) Restore the topsoil or the best available subsoil which is best able to support  
55 vegetation;

56 (7) For all prime farmlands as identified in subdivision (16) of subsection 2 of section  
57 444.820 to be mined and reclaimed, specifications for soil removal, storage, replacement, and  
58 reconstruction shall be established by the commission and the operator shall, as a minimum, be  
59 required to:

60 (a) Segregate the A horizon of the natural soil, except where it can be shown that other  
61 available soil materials will create a final soil having a greater productive capacity; and if not  
62 utilized immediately, stockpile this material separately from other spoil, and provide needed  
63 protection from wind and water erosion or contamination by other acid or toxic material;

64 (b) Segregate the B horizon of the natural soil, or underlying C horizons or other strata,  
65 or a combination of such horizons or other strata that are shown to be both texturally and  
66 chemically suitable for plant growth and that can be shown to be equally or more favorable for  
67 plant growth than the B horizon, in sufficient quantities to create in the regraded final soil a root  
68 zone of comparable depth and quality to that which existed in the natural soil; and if not utilized  
69 immediately, stockpile this material separately from other spoil, and provide needed protection  
70 from wind and water erosion or contamination by other acid or toxic material;

71 (c) Replace and regrade the root zone material described in (b) above with proper  
72 compaction and uniform depth over the regraded spoil material; and

73 (d) Redistribute and grade in a uniform manner the surface soil horizon described in (a);

74 (8) Create, if authorized in the approved mining and reclamation plan and permit,  
75 permanent impoundments of water on mining sites as part of reclamation activities only when  
76 it is adequately demonstrated that:

77 (a) The size of the impoundment is adequate for its intended purposes;

78 (b) The impoundment dam construction will be so designed as to achieve necessary  
79 stability with an adequate margin of safety compatible with that of structures constructed under  
80 Public Law 83-566 (16 U.S.C. 1006);

81 (c) The quality of impounded water will be suitable on a permanent basis for its intended  
82 use and that discharges from the impoundment will not degrade the water quality below water  
83 quality standards established pursuant to applicable federal and state law in the receiving stream;

84 (d) The level of water will be reasonably stable;

85 (e) Final grading will provide adequate safety and access for proposed water uses; and

86 (f) Such water impoundments will not result in the diminution of the quality or quantity  
87 of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational  
88 or domestic uses;

89 (9) Conducting any augering operation associated with surface mining in a manner to  
90 maximize recoverability of mineral reserves remaining after the operation and reclamation are  
91 complete; and seal all auger holes with an impervious and noncombustible material in order to  
92 prevent drainage except where the commission determines that the resulting impoundment of  
93 water in such auger holes may create a hazard to the environment or the public health or safety;  
94 provided, that the commission may prohibit augering if necessary to maximize the utilization,  
95 recoverability or conservation of the solid fuel resources or to protect against adverse water  
96 quality impacts;

97 (10) Minimize the disturbances to the prevailing hydrologic balance at the mine-site and  
98 in associated offsite areas and to the quality and quantity of water in surface and ground water  
99 systems both during and after surface coal mining operations and during reclamation by:

100 (a) Avoiding acid or other toxic mine drainage by such measures as, but not limited to:

101 a. Preventing or removing water from contact with toxic producing deposits;

102 b. Treating drainage to reduce toxic content which adversely affects downstream water  
103 upon being released to watercourses;

104 c. Casing, sealing, or otherwise managing boreholes, shafts, and wells and keep acid or  
105 other toxic drainage from entering ground and surface waters;

106 (b) a. Conducting surface coal mining operations so as to prevent, to the extent possible  
107 using the best technology currently available, additional contributions of suspended solids to  
108 streamflow, or runoff outside the permit area, but in no event shall contributions be in excess of  
109 requirements set by applicable state or federal law;

110 b. Constructing any siltation structures pursuant to (b) (i) above prior to commencement  
111 of surface coal mining operations, such structures to be certified by a qualified registered  
112 professional engineer to be constructed as designed and as approved in the reclamation plan;

113 (c) Cleaning out and removing temporary or large settling ponds or other siltation  
114 structures from drainways after disturbed areas are revegetated and stabilized; and depositing the  
115 silt and debris at a site and in a manner approved by the commission;

116 (d) Restoring recharge capacity of the mined area to approximate premining conditions;

117 (e) Avoiding channel deepening or enlargement in operations requiring the discharge of  
118 water from mines;

119 (f) Such other actions as the commission may prescribe;

120 (11) With respect to surface disposal of mine wastes, tailings, coal processing wastes,  
121 and other wastes in areas other than the mine working or excavations, stabilize all waste piles

122 in designated areas through construction in compacted layers including the use of incombustible  
123 and impervious materials if necessary and assure the final contour of the waste pile will be  
124 compatible with natural surroundings and that the site can and will be stabilized and revegetated  
125 according to the provisions of this law;

126 (12) Refrain from surface coal mining within five hundred feet from active and  
127 abandoned underground mines in order to prevent breakthroughs and to protect health or safety  
128 of miners; provided, that the commission shall permit an operator to mine near, through or  
129 partially through an abandoned underground mine or closer to an active underground mine if the  
130 nature, timing, and sequencing of the approximate coincidence of specific surface mine activities  
131 with specific underground mine activities are jointly approved by the regulatory authorities  
132 concerned with surface mine regulation and the health and safety of underground miners, and  
133 such operations will result in improved resource recovery, abatement of water pollution, or  
134 elimination of hazards to the health and safety of the public;

135 (13) Design, locate, construct, operate, maintain, enlarge, modify, and remove or  
136 abandon all existing and new coal mine waste piles consisting of mine wastes, tailings, coal  
137 processing wastes, or other liquid and solid wastes, and used either temporarily or permanently  
138 as dams or embankments. The commission shall promulgate standards and criteria regulating  
139 the design, location, construction, operation, maintenance, enlargement, modification, removal,  
140 and abandonment of new and existing coal mine waste piles referred to herein and in subdivision  
141 (5) of subsection 2 of section 444.860. Such standards and criteria shall conform to the standards  
142 and criteria used by the United States Chief of Engineers to insure that flood control structures  
143 are safe and effectively perform their intended function. In addition to engineering and other  
144 technical specifications, the standards and criteria must include provisions for: review and  
145 approval of plans and specifications prior to construction, enlargement, modification, removal,  
146 or abandonment; performance of periodic inspections during construction; performance of  
147 periodic safety inspections; and issuance of notices for required remedial or maintenance work;

148 (14) Insure that all debris, acid-forming materials, toxic materials, or materials  
149 constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a  
150 manner designed to prevent contamination of ground or surface waters and that contingency  
151 plans are developed to prevent sustained combustion;

152 (15) Insure that explosives are used only in accordance with existing state and federal  
153 law and the regulations promulgated by the commission which shall include provisions to:

154 (a) Provide adequate advance ~~written~~ notice to local governments and residents who  
155 might be affected by the use of such explosives by publication of the planned blasting schedule  
156 ~~[in a newspaper of general circulation in the locality]~~ **on the legal notices website, established**  
157 **pursuant to section 493.077**, and by mailing a copy of the proposed blasting schedule to every

158 resident living within one-half mile of the proposed blasting site and by providing daily notice  
159 to resident/occupiers in such areas prior to any blasting;

160 (b) Maintain for a period of at least three years and make available for public inspection  
161 upon request a log detailing the location of the blasts, the pattern and depth of the drill holes, the  
162 amount of explosives used per hole, and the order and length of delay in the blasts;

163 (c) Limit the type of explosives and detonating equipment, the size, the timing and  
164 frequency of blasts based upon the physical conditions of the site so as to prevent;

165 a. Injury to persons,

166 b. Damage to public and private property outside the permit area,

167 c. Adverse impacts on any underground mine, and

168 d. Change in the course, channel, or availability of ground or surface water outside the  
169 permit area;

170 (d) Require that all blasting operations be conducted by trained and competent persons  
171 as certified by the commission;

172 (e) Provide that upon the request of a resident or owner of a man-made dwelling or  
173 structure within one-half mile of any portion of the permitted area the applicant or permittee shall  
174 conduct a preblasting survey of such structures and submit the survey to the commission and a  
175 copy to the resident or owner making the request. The area of the survey shall be decided by the  
176 commission and shall include such provisions as the commission shall promulgate;

177 (16) Insure that all reclamation efforts proceed in an environmentally sound manner and  
178 as contemporaneously as practicable with the surface coal mining operations; provided, however,  
179 that where the applicant proposes to combine surface mining operations with underground  
180 mining operations to assure maximum practical recovery of the mineral resources, the  
181 commission may grant additional time for specific areas within the reclamation plan from the  
182 requirement that reclamation efforts proceed as contemporaneously as practicable to permit  
183 underground mining operations prior to reclamation:

184 (a) If the commission finds in writing that:

185 a. The applicant has presented, as part of the permit application, specific, feasible plans  
186 for the proposed underground mining operations;

187 b. The proposed underground mining operations are necessary or desirable to assure  
188 maximum practical recovery of the mineral resource and will avoid multiple disturbance of the  
189 surface;

190 c. The applicant has satisfactorily demonstrated that the plan for the underground mining  
191 operations conforms to requirements for underground mining in the jurisdiction and that permits  
192 necessary for the underground mining operations have been issued by the appropriate authority;



193 d. The areas proposed have been shown by the applicant to be necessary for the  
194 implementing of the proposed underground mining operations;

195 e. No substantial adverse environmental damage, either on-site or offsite, will result from  
196 the delay in completion of reclamation as required by this law;

197 f. Provisions for the offsite storage of spoil will comply with subdivision (22) of  
198 subsection 2 of section 444.855;

199 (b) If the United States Secretary of the Interior has promulgated specific regulations to  
200 govern the granting of such additional time and the commission has imposed such additional  
201 requirements as it deems necessary;

202 (c) If additional time granted under the provisions of this subsection are to be reviewed  
203 by the commission not more than three years from the date of issuance of the permit; and

204 (d) If liability under the bond filed by the applicant with the commission pursuant to  
205 section 444.830 shall be for the duration of the underground mining operations and until the  
206 requirements of subsection 2 of section 444.855 and section 444.875 have been fully complied  
207 with;

208 (17) Insure that the construction, maintenance, and postmining conditions of access  
209 roads into and across the site of operations will control or prevent erosion and siltation, pollution  
210 of water, damage to fish or wildlife or their habitat, or public or private property;

211 (18) Refrain from the construction of roads or other access ways up a stream bed or  
212 drainage channel or in such proximity to such channel so as to seriously alter the normal flow  
213 of water;

214 (19) Establish on the regraded areas, and all other lands affected, a diverse, effective, and  
215 permanent vegetative cover of the same seasonal variety native to the area of land to be affected  
216 and capable of self-regeneration and plant succession at least equal in extent of cover to the  
217 natural vegetation of the area; except, that introduced species may be used in the revegetation  
218 process where desirable and necessary to achieve the approved postmining land use plan;

219 (20) Assume the responsibility for successful revegetation, as required by subdivision  
220 (19) above, for a period of five full years after the last year of augmented seeding, fertilizing,  
221 irrigation, or other work in order to assure compliance with subdivision (19) above, except in  
222 those areas where the annual average precipitation is twenty-six inches or less, then the operator's  
223 assumption of responsibility and liability will extend for a period of ten full years after the last  
224 year of augmented seeding, fertilizing, irrigation, or other work; provided, that when the  
225 commission approves a long-term intensive agricultural postmining land use, the applicable  
226 five- or ten-year period of responsibility for revegetation shall commence at the date of initial  
227 planting for such long-term intensive agricultural postmining land use; provided further, that  
228 when the commission issues a written finding approving a long-term, intensive, agricultural

229 postmining land use as part of the mining and reclamation plan, the commission may grant  
230 exception to the provisions of subdivision (19) above;

231 (21) Protect offsite areas from slides or damage occurring during the surface coal mining  
232 and reclamation operations, and not deposit spoil material or locate any part of the operations  
233 or waste accumulations outside the permit area;

234 (22) Place all excess spoil material resulting from coal surface mining and reclamation  
235 activities in such a manner that:

236 (a) Spoil is transported and placed in a controlled manner in position for concurrent  
237 compaction and in such a way to assure mass stability and to prevent mass movement;

238 (b) The areas of disposal are within the bonded permit areas, and all organic matter shall  
239 be removed immediately prior to spoil placement;

240 (c) Appropriate surface and internal drainage systems and diversion ditches are used so  
241 as to prevent spoil erosion and movement;

242 (d) The disposal area does not contain springs, natural watercourses or wet weather seeps  
243 unless lateral drains are constructed from the wet areas to the main underdrains in such a manner  
244 that filtration of the water into the spoil pile will be prevented;

245 (e) If placed on a slope, the spoil is placed upon the most moderate slope among those  
246 upon which, in the judgment of the commission, the spoil could be placed in compliance with  
247 all the requirements of this law and shall be placed, where possible, upon, or above, a natural  
248 terrace, bench, or berm, if such placement provides additional stability and prevents mass  
249 movement;

250 (f) Where the toe of the spoil rests on a downslope, a rock toe buttress, of sufficient size  
251 to prevent mass movement, is constructed;

252 (g) The final configuration is compatible with the natural drainage pattern and  
253 surroundings and suitable for intended uses;

254 (h) Design of the spoil disposal area is certified by a qualified registered professional  
255 engineer in conformance with professional standards; and

256 (i) All other provisions of this law are met;

257 (23) Meet such other criteria as are necessary to achieve reclamation in accordance with  
258 the purposes of this law, taking into consideration the physical, climatological, and other  
259 characteristics of the site;

260 (24) To the extent possible using the best technology currently available, minimize  
261 disturbances and adverse impacts of the operation on fish, wildlife, and related environmental  
262 values, and achieve enhancement of such resources where practicable; and

263 (25) Provide for an undisturbed natural barrier beginning at the elevation of the lowest  
264 coal seam to be mined and extending from the outslope for such distance as the commission shall  
265 determine shall be retained in place as a barrier to slides and erosion.

266 3. (1) Where an applicant meets the requirements of subdivisions (2) and (3) of this  
267 subsection a permit without regard to the requirement to restore to approximate original contour  
268 set forth in subdivision (3) of subsection 2 or subdivision (2) of subsection 4 and subdivision (3)  
269 of this section may be granted for the surface mining of coal where the mining operation will  
270 remove an entire coal seam or seams running through the upper fraction of a mountain, ridge,  
271 or hill (except as provided in paragraph (a) of subdivision (3) hereof) by removing all of the  
272 overburden and creating a level plateau or a gently rolling contour with no highwalls remaining,  
273 and capable of supporting postmining uses in accord with the requirements of this subsection.

274 (2) In cases where an industrial, commercial, agricultural, residential or public facility  
275 (including recreational facilities) use is proposed for the postmining use of the affected land, a  
276 permit may be granted for a surface mining operation of the nature described in subdivision (1)  
277 where:

278 (a) After consultation with the appropriate land use planning agencies, if any, the  
279 proposed postmining land use is deemed to constitute an equal or better economic or public use  
280 of the affected land, as compared with premining use;

281 (b) The applicant presents specific plans for the proposed postmining land use and  
282 appropriate assurances that such use will be:

- 283 a. Compatible with adjacent land uses;  
284 b. Obtainable according to data regarding expected need and market;  
285 c. Assured of investment in necessary public facilities;  
286 d. Supported by commitments from public agencies where appropriate;  
287 e. Practicable with respect to private financial capability for completion of the proposed  
288 use;

289 f. Planned pursuant to a schedule attached to the reclamation plan so as to integrate the  
290 mining operation and reclamation with the postmining land use; and

291 g. Designed by a registered professional engineer in conformance with professional  
292 standards established to assure the stability, drainage, and configuration necessary for the  
293 intended use of the site;

294 (c) The proposed use will be consistent with adjacent land uses, and existing state and  
295 local land use plans and programs;

296 (d) The commission provides the governing body of the county in which the land is  
297 located and any state or federal agency which the commission, in its discretion, determines to

298 have an interest in the proposed use, an opportunity of not more than sixty days to review and  
299 comment on the proposed use;

300 (e) All other requirements of this law will be met.

301 (3) In granting any permit pursuant to this subsection the commission shall require that:

302 (a) The toe of the lowest coal seam and the overburden associated with it are retained  
303 in place as a barrier to slides and erosion;

304 (b) The reclaimed area is stable;

305 (c) The resulting plateau or rolling contour drains inward from the out slopes except at  
306 specified points;

307 (d) No damage will be done to natural watercourses;

308 (e) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned  
309 postmining land use; provided, that all excess spoil material not retained on the mountaintop  
310 shall be placed in accordance with the provisions of subdivision (22) of subsection 2 of this  
311 section;

312 (f) Insure stability of the spoil retained on the mountaintop and meet the other  
313 requirements of this law.

314 (4) The commission shall promulgate specific regulations to govern the granting of  
315 permits in accord with the provisions of this subsection.

316 (5) All permits granted under the provisions of this subsection shall be reviewed not  
317 more than three years from the date of issuance of the permit, unless the applicant affirmatively  
318 demonstrates that the proposed development is proceeding in accordance with the terms of the  
319 approved schedule and reclamation plan.

320 4. The following performance standards shall be applicable to steep-slope surface coal  
321 mining and shall be in addition to those general performance standards required by this section;  
322 provided, however, that the provisions of this subsection 4 shall not apply to those situations in  
323 which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope  
324 is encountered through which the mining operation is to proceed, leaving a plain or  
325 predominantly flat area or where an operator is in compliance with provisions of subsection 3  
326 hereof.

327 (1) Insure that when performing surface coal mining on steep slopes, no debris,  
328 abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the  
329 downslope below the bench or mining cut; provided, that spoil material in excess of that required  
330 for the reconstruction of the approximate original contour under the provisions of subdivision  
331 (3) of subsection 2 of section 444.855 or subdivision (2) of subsection 4 of section 444.855 shall  
332 be permanently stored pursuant to subdivision (22) of subsection 2 of section 444.855;

333 (2) Complete backfilling with spoil material shall be required to cover completely the  
334 highwall and return the site to the approximate original contour, which material will maintain  
335 stability following mining and reclamation;

336 (3) The operator may not disturb land above the top of the highwall unless the  
337 commission finds that such disturbance will facilitate compliance with the environmental  
338 protection standards of this section; provided, however, that the land disturbed above the  
339 highwall shall be limited to that amount necessary to facilitate said compliance;

340 (4) For the purposes of this subsection 4, the term "steep slope" is any slope above  
341 twenty degrees or such lesser slope as may be defined by the commission after consideration of  
342 soil, climate, and other characteristics of the area.

343 5. (1) Where an applicant meets the requirements and purposes of this subsection a  
344 permit without regard to the requirement to restore to approximate original contour may be  
345 granted for the surface mining of coal where the owner of the surface knowingly requests in  
346 writing, as a part of the permit application, that such a permit be granted so as to render the land,  
347 after reclamation, suitable for an industrial, commercial, residential, or public use (including  
348 recreational facilities) in accord with this subsection; provided, that the watershed control of the  
349 area is improved; and further provided, complete backfilling with spoil material shall be required  
350 to cover completely the highwall which material will maintain stability following mining and  
351 reclamation.

352 (2) Such permit may be granted only if:

353 (a) After consultation with the appropriate land use planning agencies, if any, the  
354 potential use of the affected land is deemed to constitute an equal or better economic or public  
355 use;

356 (b) Is designed and certified by a qualified registered professional engineer in  
357 conformance with professional standards established to assure the stability, drainage and  
358 configuration necessary for the intended use of the site; and

359 (c) After approval of the director of the department of natural resources, the watershed  
360 of the affected land is deemed to be improved.

361 (3) In granting a permit pursuant to this subsection the commission shall require that  
362 only such amount of spoil will be placed off the mine bench as is necessary to achieve the  
363 planned postmining land use, insure stability of the spoil retained on the bench, meet all other  
364 requirements of this law, and all spoil placement off the mine bench must comply with  
365 subdivision (22) of subsection 2 of section 444.855.

366 (4) The commission shall promulgate specific regulations to govern the granting of  
367 permits in accord with the provisions of this subsection.

368 (5) All permits granted under the provisions of this subsection shall be reviewed not  
369 more than three years from the date of issuance of the permit, unless the permittee affirmatively  
370 demonstrates that the proposed development is proceeding in accordance with the terms of the  
371 reclamation plan.

444.875. 1. The permittee may file a request with the commission for the release of all  
2 or part of a performance bond or deposit. Within thirty days after any application for bond  
3 release has been filed, the operator shall submit a copy of an advertisement [~~placed at least once~~  
4 ~~a week for four successive weeks in a newspaper of general circulation in the locality of the~~  
5 ~~surface coal mining operation]~~ **on the front page of the operator's website, if it has one, for**  
6 **a period of four successive weeks. If the operator does not have a website, the**  
7 **advertisement shall be sent to the secretary of state who shall publish such advertisement**  
8 **on the legal notices website, established pursuant to section 493.077, for a period of four**  
9 **successive weeks.** Such advertisement shall be considered part of any bond release application  
10 and shall contain a notification of the precise location of the land affected, the number of acres,  
11 the permit and the date approved, the amount of the bond filed and the portion sought to be  
12 released, and the type and appropriate dates of reclamation work performed, and a description  
13 of the results achieved as they relate to the operator's approved reclamation plan. In addition,  
14 as part of any bond release application, the applicant shall submit copies of letters which he **or**  
15 **she** has sent to adjoining property owners, local governmental bodies, planning agencies, sewage  
16 and water treatment authorities, and water companies in the locality in which the surface coal  
17 mining and reclamation activities took place, notifying them of his **or her** intention to seek  
18 release from the bond. At the time of final or phase III bond release submittal, the operator shall  
19 include evidence that an affidavit has been recorded with the recorder of deeds in the county  
20 where the mined land is located, generally describing the parcel or parcels of land where  
21 operations such as underground mining, auger mining, covering of slurry ponds, or other  
22 underground activities occurred which could impact or limit future use of that land. This  
23 requirement shall be applicable to mined land where phase I reclamation was completed on or  
24 after September 1, 1992.

25 2. Upon receipt of the notification and request, the commission shall cause to be  
26 conducted within thirty days an inspection and evaluation of the reclamation work involved.  
27 Such evaluation shall consider, among other things, the degree of difficulty to complete any  
28 remaining reclamation, whether pollution of surface and subsurface water is occurring, the  
29 probability of continuance or future occurrence of such pollution, and the estimated cost of  
30 abating such pollution. The commission shall notify the permittee in writing of its decision to  
31 release or not to release all or part of the performance bond or deposit within sixty days from the  
32 filing of the request, if no public hearing is held pursuant to subsection 6 of this section, and if

33 there has been a public hearing held pursuant to subsection 6 of this section, within thirty days  
34 thereafter.

35 3. The commission may release in whole or in part said bond or deposit if satisfied the  
36 reclamation covered by the bond or deposit or portion thereof has been accomplished according  
37 to the following schedule:

38 (1) When the operator completes the backfilling, regrading, and drainage control of a  
39 bonded area in accordance with his **or her** approved reclamation plan, the release of not more  
40 than sixty percentum of the bond or deposit for the applicable permit area;

41 (2) After revegetation has been established on the regraded mined lands in accordance  
42 with the approved reclamation plan, the release of a portion of the bond or deposit may be  
43 approved. When determining the amount of bond to be released after successful revegetation  
44 has been established, the commission shall retain that amount of bond for the revegetated area  
45 which would be sufficient for a third party to cover the cost of reestablishing revegetation for the  
46 period specified for operator responsibility in section 444.855 for reestablishing revegetation.  
47 No part of the bond or deposit shall be released under this subdivision so long as the lands to  
48 which the release would be applicable are contributing suspended solids to streamflow or runoff  
49 outside the permit area in excess of the requirements set by subdivision (10) of subsection 2 of  
50 section 444.855 or until soil productivity for prime farm lands has returned to equivalent levels  
51 of yield as nonmined land of the same soil type in the surrounding area under equivalent  
52 management practices as determined from the soil survey performed pursuant to subdivision (16)  
53 of subsection 2 of section 444.820. Where a silt dam is to be retained as a permanent  
54 impoundment pursuant to subdivision (8) of subsection 2 of section 444.855, the portion of bond  
55 may be released under this subdivision so long as provisions for sound future maintenance by  
56 the operator or the landowner have been made with the commission;

57 (3) When the operator has completed successfully all surface coal mining and  
58 reclamation activities, the release of the remaining portion of the bond, but not before the  
59 expiration of the period specified for operator responsibility in section 444.855; provided,  
60 however, that no bond shall be fully released until all reclamation requirements are fully met.

61 4. If the commission disapproves the application for release of the bond or portion  
62 thereof, the commission shall notify the permittee, in writing, stating the reasons for disapproval  
63 and recommending corrective actions necessary to secure said release and allowing opportunity  
64 for a public hearing unless a hearing has been held.

65 5. When any application for total or partial bond release is filed, the commission shall  
66 notify the county and/or municipality in which a surface coal mining operation is located by  
67 certified mail within thirty days from the date the application is filed.

68           6. Any person with a valid legal interest which might be adversely affected by release  
69 of the bond or the responsible officer or head of any federal, state, or local governmental agency  
70 which has jurisdiction by law or special expertise with respect to any environmental, social, or  
71 economic impact involved in the operation, or is authorized to develop and enforce  
72 environmental standards with respect to such operations shall have the right to file written  
73 objections to the proposed release from bond within sixty days after the application was filed.  
74 If written objections are filed, and a hearing requested, the commission shall inform all the  
75 interested parties of the time and place of the hearing, and the date, time, and location of such  
76 public hearing shall be advertised by the commission in a newspaper of general circulation in the  
77 locality for two consecutive weeks, and the commission shall hold a public hearing in the locality  
78 of the surface coal mining operation proposed for bond release or in Cole County, at the option  
79 of the objector, within ninety days after the application has been filed.

80           7. For the purpose of such hearing the commission shall have the authority and is hereby  
81 empowered to administer oaths, subpoena witnesses or written or printed materials, compel the  
82 attendance of witnesses, or production of the materials, and take evidence including, but not  
83 limited to, inspections of the land affected and other surface coal mining operations carried on  
84 by the applicant in the general vicinity. A verbatim record of each public hearing shall be made,  
85 and a transcript made available on the motion of any party or by order of the commission. The  
86 chairman may designate one commission member as hearing officer, or may appoint a member  
87 in good standing of the Missouri bar as hearing officer to hold the hearing and make  
88 recommendations to the commission, but the commission shall make the final decision thereon  
89 and any member participating in the decision shall review the record before making decision.

          444.925. 1. If the commission, pursuant to an approved state program, makes a finding  
2 of fact that:

3           (1) Land or water resources have been adversely affected by past coal mining practices;  
4 and

5           (2) The adverse effects are at a stage where, in the public interest, action to restore,  
6 reclaim, abate, control, or prevent should be taken; and

7           (3) The owners of the land or water resources where entry must be made to restore,  
8 reclaim, abate, control, or prevent the adverse effects of past coal mining practices are not  
9 known, or readily available; or

10          (4) The owners will not give permission to enter upon such property to restore, reclaim,  
11 abate, control, or prevent the adverse effects of past coal mining practices; then, upon giving  
12 notice by mail to the owners if known or if not known by posting notice upon the premises and  
13 ~~[advertising once in a newspaper of general circulation in the county in which the land lies]~~ **on**  
14 **the front page of the commission's website, if it has one**, the commission, its agents,



15 employees, or contractors, shall have the right to enter upon the property adversely affected by  
16 past coal mining practices and any other property to have access to such property to do all things  
17 necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects. **If the**  
18 **commission does not 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 to section 493.077.**  
20 Such entry shall be construed as an exercise of the police power for the protection of public  
21 health, safety, and general welfare and shall not be construed as an act of condemnation of  
22 property nor of trespass thereon. The moneys expended for such work and the benefits accruing  
23 to any such premises so entered upon shall be chargeable against such land and shall mitigate or  
24 offset any claim in or any action brought by any owner of any interest in such premises for any  
25 alleged damages by virtue of such entry; provided, however, that this provision is not intended  
26 to create new rights of action or eliminate existing immunities.

27         2. The commission, its agents, employees, or contractors shall have the right to enter  
28 upon any property for the purpose of conducting studies or exploratory work to determine the  
29 existence of adverse effects of past coal mining practices and to determine the feasibility of  
30 restoration, reclamation, abatement, control, or prevention of such adverse effects. Such entry  
31 shall be construed as an exercise of the police power for the protection of public health, safety,  
32 and general welfare and shall not be construed as an act of condemnation of property nor trespass  
33 thereon.

34         3. The commission may acquire any land, by purchase, donation, or condemnation,  
35 which is adversely affected by past coal mining practices if the commission determines that  
36 acquisition of such land is necessary to successful reclamation and that:

37             (1) The acquired land, after restoration, reclamation, abatement, control, or prevention  
38 of the adverse effects of past coal mining practices, will serve recreation and historic purposes,  
39 conservation and reclamation purposes or provide open space benefits; and

40             (2) Permanent facilities such as a treatment plant or a relocated stream channel will be  
41 constructed on the land for the restoration, reclamation, abatement, control or prevention of the  
42 adverse effects of past coal mining practices; or

43             (3) Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the  
44 purposes of sections 444.915 to 444.940 or that public ownership is desirable to meet emergency  
45 situations and prevent recurrences of the adverse effects of past coal mining practices.

46         4. Title to all lands acquired pursuant to this section shall be in the name of the state.  
47 The price paid for land acquired under this section shall reflect the market value of the land as  
48 adversely affected by past coal mining practices.

49         5. Where land acquired pursuant to this section is deemed to be suitable for industrial,  
50 commercial, residential, or recreational development, the commission may sell such land by

51 public sale under a system of competitive bidding, at not less than fair market value and under  
 52 such other regulations promulgated to insure that such lands are put to proper use consistent with  
 53 local and state land use plans, if any.

54 6. The commission, when requested after appropriate public notice shall hold a public  
 55 hearing, with the appropriate notice, in the county or counties in which lands acquired pursuant  
 56 to this section are located. The hearings shall be held at a time which shall afford local citizens  
 57 and governments the maximum opportunity to participate in the decision concerning the use or  
 58 disposition of the lands after restoration, reclamation, abatement, control, or prevention of the  
 59 adverse effects of past coal mining practices.

446.090. The party applying for the establishment of any corner or corners shall give  
 2 notice, in writing, of the time and place of taking such depositions, to every person or persons  
 3 who may be the owner of any interest in the lands adjoining such corner or corners, his **or her**  
 4 or their agent or attorney, at least thirty days before the taking of the same. In case the person  
 5 interested be a minor or disabled as defined in chapter 475, the notice shall be served on the  
 6 conservator of such minor or disabled person. ~~[The publication of such notice in some~~  
 7 ~~newspaper printed in the county, at least three weeks consecutively, the last insertion to be~~  
 8 ~~twenty days before the day of taking depositions, shall be sufficient notice to nonresidents of the~~  
 9 ~~state and all other persons.]~~ **Notice shall be published on the front page of the circuit court's**  
 10 **website, if it has one, for a period of at least three consecutive weeks. If the circuit court**  
 11 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
 12 **notice on the legal notices website, established pursuant to section 493.077, for a period of**  
 13 **three consecutive weeks.**

447.040. If no owner appear and prove the money or property within forty days, and the  
 2 value exceed twenty dollars, the finder shall, within thirty days thereafter, cause a copy of the  
 3 description to be ~~[inserted in some newspaper of general circulation, qualified pursuant to~~  
 4 ~~chapter 493, and located in the county where the money or property was found, once per week]~~  
 5 **sent to the secretary of state who shall publish such description on the legal notices website,**  
 6 **established pursuant to section 493.077, for a period of three consecutive weeks;** and if no  
 7 owner prove the property within one hundred eighty days after such publication, the same shall  
 8 vest in the finder.

447.541. 1. Within two hundred forty days from the due date of the report required by  
 2 section 447.539, the treasurer shall cause notice to be published ~~[at least once each week]~~ **on the**  
 3 **legal notices website, established pursuant to section 493.077, for a period of two successive**  
 4 **weeks** ~~[in a newspaper of general circulation as defined in section 493.050 in the county in this~~  
 5 ~~state in which is located the last known address of any person to be named in the notice. If no~~  
 6 ~~address is listed or if the address is outside this state and the property may be subject to sale or~~

7 ~~liquidation, the notice shall be published in the county in which the holder of the abandoned~~  
8 ~~property has his principal place of business within this state].~~

9         2. The published notice shall be entitled "Notice of Names of Persons Appearing to be  
10 Owners of Abandoned Property", and shall contain:

11             (1) The names in alphabetical order and last known addresses, if any, of persons listed  
12 in the report and entitled to notice within the county as specified in subsection 1 of this section;

13             (2) A statement that information concerning the amount or description of the property  
14 and the name and address of the holder may be obtained by any persons possessing an interest  
15 in the property by addressing an inquiry to the treasurer;

16             (3) A statement that if proof of claim is not presented by the owner to the holder and if  
17 the owner's right to receive the property is not established to the treasurer's satisfaction within  
18 one year from the date of the delivery of the property to the treasurer, the abandoned property  
19 will be sold as provided in section 447.558. The treasurer is not required to publish in the notice  
20 any items of less than fifty dollars unless, in the aggregate, the items total fifty or more dollars  
21 for any one individual. The treasurer shall use reasonable diligence to determine if small items  
22 in fact belong to the same individual.

23         3. Within one hundred twenty days from the receipt of the report required by section  
24 447.539, the treasurer shall mail a notice to each person having an address listed therein who  
25 appears to be entitled to property of the value of fifty dollars or more presumed abandoned under  
26 sections 447.500 to 447.595.

27         4. The mailed notice shall contain:

28             (1) A statement that, according to a report filed with the treasurer, property is being held  
29 by the treasurer to which the addressee appears entitled; and

30             (2) A statement that, if satisfactory proof of claim is not presented by the owner to the  
31 treasurer by the date specified in the published notice, the property will be sold as provided in  
32 section 447.558.

33         5. Subsections 1 and 4 of this section are not applicable to sums payable on traveler's  
34 checks or money orders.

35         6. In addition to the above forms of notice to owners of abandoned property, the treasurer  
36 shall work with other state agencies to provide notice to holders of their rights and  
37 responsibilities pursuant to sections 447.500 to 447.595 by including information regarding  
38 Missouri's unclaimed property laws.

447.558. 1. All abandoned property delivered to the treasurer pursuant to sections  
2 447.500 to 447.595 shall, within two years after the delivery, be sold by the treasurer to the  
3 highest bidder at public sale in whatever manner affords in the treasurer's judgment the most  
4 favorable market for the property involved. The treasurer may decline the highest bid and reoffer

5 the property for sale if the treasurer considers the price bid insufficient. The treasurer need not  
6 offer any property for sale if, in the treasurer's opinion, the probable cost of sale exceeds the  
7 value of the property.

8 2. Any sale held pursuant to this section, except for the sale of marketable securities,  
9 shall be preceded by a [single] publication of notice [~~thereof, at least three weeks in advance of~~  
10 ~~sale, in a newspaper qualified to publish public notices as provided in chapter 493, published in~~  
11 ~~the county, or if no such qualified paper is published in the county, then in a county adjacent to~~  
12 ~~such county, and in the city, town, or village where the property is to be sold if the property is~~  
13 ~~to be sold there]~~ **on the legal notices website, established pursuant to section 493.077.**

14 3. The purchaser at any sale conducted by the treasurer pursuant to sections 447.500 to  
15 447.595 shall receive title to the property purchased, free from all claims of the owner or prior  
16 holder thereof and of all persons claiming through or under them. The treasurer shall execute  
17 all documents necessary to complete the transfer of title.

18 4. The proceeds from the sale of abandoned property pursuant to this section shall  
19 forthwith be deposited in the abandoned funds account.

451.300. The spouse of any person who is under conservatorship may join with the  
2 conservator in making partition of his or her own real estate held in joint tenancy, or in common,  
3 and may, jointly with the conservator, make any release or other conveyance necessary and  
4 proper for that purpose; and he or she may sell and convey his or her own real estate by joining  
5 with the conservator in such sale and conveyance, to be under the order and supervision of the  
6 proper court, and deeds executed jointly by himself or herself and such conservator shall have  
7 the same force and effect as if done with his or her spouse if such spouse had been under no  
8 disability; and in all cases where the real estate of such person shall be sold by his or her  
9 conservator in due conformity to law, he or she may relinquish his or her right in such real estate  
10 as fully as if his or her spouse joined in the deed of release; and when a person is found to be  
11 disabled as defined in chapter 475, and his or her spouse is the owner of real estate in this state  
12 that he or she desires to convey, then, upon provision made for such disabled person, according  
13 to his or her needs, and according to the ability, situation in life and circumstances of his or her  
14 spouse, and to his or her safely secured under the order and control of the proper court, the  
15 conservator of such disabled person may, under the order and approval of the court, join in a  
16 deed, on behalf of such disabled person, for the purpose of conveying his or her homestead,  
17 interest in such real estate; and if he or she has no conservator, then the court may appoint a  
18 guardian ad litem pursuant to chapter 475 who may, in like manner, upon the conditions and  
19 under the order of the court, join with the spouse on his or her behalf in such deed; and such  
20 conveyance, when executed, as aforesaid, by either the conservator or the guardian ad litem and  
21 the spouse of such person, shall be as valid and effectual to convey any land owned by such

22 spouse, including his or her homestead, and shall have the effect of releasing the spouse's  
23 homestead in the real estate as fully as if he or she had, under no disability, of his or her own free  
24 will, executed and acknowledged the same; provided, that no such order of conveyance shall be  
25 made by the court until application made thereto, in writing, by such spouse, setting forth the  
26 facts, and twenty days' public notice given of the time and place of hearing such application has  
27 been given [~~by publication in a weekly newspaper of general circulation published in the county]~~  
28 **on the front page of the circuit court's website, if it has one. If the circuit court does not**  
29 **have a website, notice shall be sent to the secretary of state who shall publish such notice**  
30 **on the legal notices website, established pursuant to section 493.077.**

456.5-505. 1. Whether or not the terms of a trust contain a spendthrift provision, during  
2 the lifetime of the settlor, the property of a revocable trust is subject to claims of the settlor's  
3 creditors.

4 2. With respect to an irrevocable trust without a spendthrift provision, a creditor or  
5 assignee of the settlor may reach the maximum amount that can be distributed to or for the  
6 settlor's benefit. If a trust has more than one settlor, the amount the creditor or assignee of a  
7 particular settlor may reach may not exceed the settlor's interest in the portion of the trust  
8 attributable to that settlor's contribution.

9 3. With respect to an irrevocable trust with a spendthrift provision, a spendthrift  
10 provision will prevent the settlor's creditors from satisfying claims from the trust assets except:

11 (1) Where the conveyance of assets to the trust was fraudulent as to creditors pursuant  
12 to the provisions of chapter 428; or

13 (2) To the extent of the settlor's beneficial interest in the trust assets, if at the time the  
14 trust became irrevocable:

15 (a) The settlor was the sole beneficiary of either the income or principal of the trust or  
16 retained the power to amend the trust; or

17 (b) The settlor was one of a class of beneficiaries and retained a right to receive a  
18 specific portion of the income or principal of the trust that was determinable solely from the  
19 provisions of the trust instrument.

20 4. In the event that a trust meets the requirements set forth in subsection 3 of this section,  
21 a settlor's creditors may not reach the settlor's beneficial interest in that trust regardless of any  
22 testamentary power of appointment retained by the settlor that is exercisable by the settlor in  
23 favor of any appointees other than the settlor, the settlor's estate, the settlor's creditors, or the  
24 creditors of the settlor's estate.

25 5. Any trustee who has a duty or power to pay the debts of a deceased settlor may publish  
26 a notice [~~in a newspaper published in the county designated in subdivision (3) of this subsection~~

27 ~~once a week]~~ **on the legal notices website, established pursuant to section 493.077**, for four  
 28 consecutive weeks in substantially the following form:

29 To all persons interested in the estate of \_\_\_\_\_, decedent. The undersigned  
 30 \_\_\_\_\_ is acting as Trustee under a trust the terms of which provide that the  
 31 debts of the decedent may be paid by the Trustee(s) upon receipt of proper proof  
 32 thereof. The address of the Trustee is \_\_\_\_\_.

33 All creditors of the decedent are noticed to present their claims to the undersigned  
 34 within six (6) months from the date of the first publication of this notice or be  
 35 forever barred.

36 \_\_\_\_\_ Trustee

37 (1) If such publication is duly made by the trustee, any debts not presented to the trustee  
 38 within six months from the date of the first publication of the preceding notice shall be forever  
 39 barred as against the trustee and the trust property.

40 (2) A trustee shall not be liable to account to the decedent's personal representative under  
 41 the provisions of section 461.300 by reason of any debt barred under the provisions of this  
 42 subsection.

43 (3) ~~[Such publication shall be in a newspaper published in:~~

44 ~~\_\_\_\_\_ (a) The county in which the domicile of the settlor at the time of his or her death is~~  
 45 ~~situated;~~

46 ~~\_\_\_\_\_ (b) If the settlor had no domicile in this state at the time of his or her death, any county~~  
 47 ~~wherein trust assets are located, except that, when the major part of the trust assets in this state~~  
 48 ~~consist of real estate, the notice shall be published in the county in which the real estate or the~~  
 49 ~~major part thereof is located; or~~

50 ~~\_\_\_\_\_ (c) If the settlor had no domicile in this state at the time of his or her death and no trust~~  
 51 ~~assets are located therein, the county wherein the principal place of administration of the trust~~  
 52 ~~is located;~~

53 ~~\_\_\_\_\_ (4)]~~ For purposes of this subsection, the term "domicile" means the place in which the  
 54 settlor voluntarily fixed his or her abode, not for a mere special or temporary purpose, but with  
 55 a present intention of remaining there permanently or for an indefinite term.

56 6. For purposes of this section:

57 (1) During the period the power may be exercised, the holder of a power of withdrawal  
 58 is treated in the same manner as the settlor of a revocable trust to the extent of the property  
 59 subject to the power; and

60 (2) Upon the lapse, release, or waiver of the power, the holder is treated as the settlor of  
 61 the trust only to the extent the value of the property affected by the lapse, release, or waiver

62 exceeds the greater of the amount specified in Sections 2041(b)(2), 2514(e) or 2503(b) of the  
63 Internal Revenue Code.

64 7. This section shall not apply to a spendthrift trust described, defined, or established in  
65 section 456.014.

470.080. Such scire facias shall be served fifteen days before the return day thereof, and  
2 the court shall make an order, setting forth briefly the contents of such information, and requiring  
3 all persons interested in or claiming title to said estate to appear and show cause, at the next term  
4 of said court, why the same shall not be sold and the proceeds transferred to the state; which  
5 order shall be published for six weeks ~~[in some newspaper printed and published in the county  
6 in which such proceedings are had]~~ **on the front page of the circuit court's website, if it has  
7 one. If the circuit court does not have a website, notice shall be sent to the secretary of  
8 state who shall publish such notice on the legal notices website, established pursuant to  
9 section 493.077.**

472.100. 1. No notice to interested persons need be given except as specifically provided  
2 for in this code or as ordered by the court. When no notice is required by this code, the court  
3 may require such notice as it deems desirable by a general rule or by an order in a particular case.

4 2. Except as otherwise specifically provided by law, all notices required by this code or  
5 the court to be served upon any person shall be served as the court directs, by rule or otherwise,  
6 in such manner and at such time as to constitute reasonable notice, in any of the following  
7 manners:

8 (1) By delivering to the person, including a minor or a disabled or incapacitated person  
9 not known to have a legally appointed guardian or conservator, a copy of the notice personally  
10 or by leaving a copy at his **or her** dwelling house or usual place of abode with some person of  
11 his **or her** family over the age of fifteen years, or by delivering a copy to an agent authorized by  
12 appointment or required by law to receive service of process;

13 (2) By publishing a copy of the notice ~~[in some newspaper qualified to publish legal  
14 notices under chapter 493 and having general circulation within the county in which the court  
15 is held for the time required by law or court rule or order. If no time is fixed by law or by rule  
16 of court, the notice shall be published once each week for four consecutive weeks, the last  
17 insertion being at least seven days before the hearing. The personal representative, or other  
18 person at whose instance any notice by publication is required, may designate the newspaper in  
19 which such notice is to be published, but as to any notice which is necessary to the jurisdiction  
20 of the court, the clerk shall designate the newspaper unless the personal representative or other  
21 person has made such designation and so informed the clerk in writing before the time for  
22 commencement of publication. If there is no qualified newspaper published in the county, the  
23 notice shall be published in some qualified newspaper published in an adjoining county which~~

24 ~~has a general circulation within the county in which the court is held or the notice shall be given~~  
25 ~~by posting copies thereof in ten public places in the county as the court directs. If a notice, which~~  
26 ~~is required to be published once a week for more than one time, is published in a daily~~  
27 ~~newspaper, each publication after the first shall appear on the same day of the week on which~~  
28 ~~the first publication was made]~~ **on the front page of the circuit court's website, if it has one.**  
29 **If the circuit court does not have a website, notice shall be sent to the secretary of state who**  
30 **shall publish such notice on the legal notices website, established pursuant to section**  
31 **493.077;**

32 (3) By registered or certified mail, addressed to the person to be notified at his **or her**  
33 address within the United States, deposited in the United States mail, with all postage charges  
34 prepaid, and, if ordered by the court, with a return receipt requested;

35 (4) By ordinary mail, deposited in the United States mail with all postage charges  
36 prepaid at the first class rate, in a sealed envelope or on a post or postal card, properly addressed,  
37 bearing the name and return address of the sender and otherwise inscribed in accordance with  
38 the regulations of the United States Postal Service to require a return thereof to the sender upon  
39 nondelivery to the addressee;

40 (5) By any combination of the above or as may be provided by the rules of civil  
41 procedure.

42 3. Service by publication is notice to all heirs and devisees, whether known or unknown  
43 or whether residents or nonresidents of this state, spouses and to all creditors and other persons  
44 interested in the estate.

45 4. Provisions in this code for notice to interested persons, other than by publication, do  
46 not require such notice to creditors unless otherwise specifically required by the code or by the  
47 court.

48 5. Service of notice upon a minor or a disabled or incapacitated person having a legally  
49 appointed guardian or conservator, if the fact of the guardianship or conservatorship is known  
50 to the person requiring such service or is disclosed by the court files or records, shall be made  
51 by serving such guardian or conservator in the manner provided herein for service upon other  
52 persons. Service upon a corporation may be made in the manner provided by law for the service  
53 of summons on corporations in civil actions.

54 6. In all cases where service by publication is required but personal service or service by  
55 registered or certified mail is not ordered, all interested persons whose names and addresses  
56 appear in the court files or records, including creditors only when ordered by the court, shall be  
57 served by ordinary mail. Failure in any such case to mail any notice or failure of any interested  
58 person to receive any mailed notice does not invalidate any order of the court or deprive the court  
59 of jurisdiction.



60 7. Personal service and service by registered or certified mail may be made by any  
61 competent witness, except that service by mail of any process, order or notice issued by the court  
62 shall be made by the clerk, or, if personal service is required, by the sheriff. Service by  
63 publication and by ordinary mail, except those required by section 473.587, shall be made by the  
64 clerk when requested in writing by the party requiring same, and when furnished with the  
65 necessary information therefor.

66 8. If an attorney has entered his **or her** appearance in writing for any party in any probate  
67 proceeding or matter pending in the court, all notices required to be served on the party in the  
68 proceeding or matter may be served on the attorney and such service shall be in lieu of service  
69 upon the party for whom the attorney appears. Service on an attorney may be made by ordinary  
70 mail or by leaving a copy of any notice or paper at his **or her** office with his **or her** clerk or with  
71 an attorney employed by or associated with the attorney to be served.

472.110. Proof of service in all cases requiring notice whether by publication, mailing  
2 or otherwise, shall be filed before the hearing. Service made by a private person shall be proved  
3 by the affidavit of the person or by acknowledgment of service; service made by the clerk, sheriff  
4 or other official shall be proved by certificate or return of service. Proof of service by  
5 publication shall be made in the form of the [~~affidavit prescribed by section 493.060~~] **certificate**  
6 **provided pursuant to section 493.077**. In the case of service by registered or certified mail,  
7 where the court requires a return receipt, the return receipt shall be attached to the proof of  
8 service if a receipt has been received; if no receipt has been received, or in case a notice served  
9 by ordinary mail is returned to the sender, the court may, in its discretion, order further service  
10 on the party.

473.033. The clerk, as soon as letters testamentary or of administration are issued, shall  
2 cause to be published [~~in some newspaper~~] a notice of the appointment of the personal  
3 representative, in which shall be included a notice to creditors of the decedent to file their claims  
4 in the court or be forever barred. The notice shall be published [~~once a week~~] **on the front page**  
5 **of the circuit court's website, if it has one**, for four consecutive weeks. **If the circuit court**  
6 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
7 **notice on the legal notices website, established pursuant to section 493.077, for four**  
8 **consecutive weeks**. The clerk shall send a copy of the notice by ordinary mail to each heir and  
9 devisee whose name and address are shown on the application for letters or other records of the  
10 court, but any heir or devisee may waive notice to such person by filing a waiver in writing. The  
11 personal representative may, but is not required to, send a copy of the notice by ordinary mail  
12 or personal service to any creditor of the decedent whose claim has not been paid, allowed or  
13 disallowed as provided in section 473.403. Proof of publication of notice under this section and

14 proof of mailing of notice shall be filed not later than ten days after completion of the  
 15 publication. The notice shall be in substantially the following form:

16 To all persons interested in the estate of \_\_\_\_\_, decedent:

17 On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, (the last will of the decedent having  
 18 been admitted to probate) \_\_\_\_\_ was appointed the personal representative of  
 19 the estate of \_\_\_\_\_, decedent, by the probate division of the circuit court of  
 20 \_\_\_\_\_ County, Missouri. The business address of the personal representative is  
 21 \_\_\_\_\_, and the personal representative's attorney is \_\_\_\_\_ of \_\_\_\_\_.

22 All creditors of the decedent are notified to file claims in court within six months  
 23 from the date of first publication of this notice or if a copy of this notice was  
 24 mailed to, or served upon, such creditor by the personal representative, then  
 25 within two months from the date it was mailed or served, whichever is later, or  
 26 be forever barred to the fullest extent permissible by law. Such six-month period  
 27 and such two-month period do not extend the limitation period that would bar  
 28 claims one year after the decedent's death, as provided in section 473.444, RSMo,  
 29 or any other applicable limitation periods. Nothing in section 473.033, RSMo,  
 30 shall be construed to bar any action against a decedent's liability insurance carrier  
 31 through a defendant ad litem pursuant to section 537.021, RSMo.

32 Receipt of this notice by mail should not be construed by the recipient to indicate  
 33 that the recipient necessarily has a beneficial interest in the estate. The nature and  
 34 extent of any person's interest, if any, can be determined from the files and  
 35 records of this estate in the probate division of the circuit court of \_\_\_\_\_  
 36 County, Missouri.

37 Date of the decedent's death was \_\_\_\_\_, 20\_\_\_\_\_

38 Date of first publication is \_\_\_\_\_, 20\_\_\_\_\_

39  
 40  
 41  
 42

\_\_\_\_\_  
 Clerk of the Probate Division  
 of the Circuit Court  
 \_\_\_\_\_ County, Missouri

473.040. When an intestate has left no known heirs, the clerk shall also publish a notice~~;~~  
 2 ~~once a week]~~ for six consecutive weeks ~~[in at least two newspapers, published in the places~~  
 3 ~~designated by the court,]~~ containing the name of the intestate, a description of his **or her** person,  
 4 the time and place of his **or her** death, the place of his **or her** nativity, if known, and the  
 5 appraised amount of his **or her** estate. **Such notice shall be published on the front page of the**  
 6 **court's website, if it has one. If the court does not have a website, notice shall be sent to the**

7 **secretary of state who shall publish such notice on the legal notices website, established**  
8 **pursuant to section 493.077.**

473.097. 1. Distributees of an estate which consists of personal property or real property  
2 or both personal and real property have a defeasible right to the personal property, and are  
3 entitled to the real property of such estate, as provided in this section, without awaiting the  
4 granting of letters testamentary or of administration, if all of the following conditions are met:

5 (1) The value of the entire estate, less liens, debt, and encumbrances, does not exceed  
6 forty thousand dollars;

7 (2) Thirty days have elapsed since the death of the decedent and no application for letters  
8 or for administration or for refusal of letters under section 473.090 is pending or has been  
9 granted, or if such refusal has been granted and subsequently revoked;

10 (3) A bond, in an amount not less than the value of the personal property, approved by  
11 the judge or clerk of the probate division is filed by the person making the required affidavit  
12 conditioned upon the payment of the debts of the decedent, including any debts to the state of  
13 Missouri, the expenses of funeral and burial and compliance with future orders of the court in  
14 relation to the estate of the decedent; and further conditioned that any part of the property to  
15 which the distributee is not entitled will be delivered to the persons entitled to the property under  
16 the law. Liability of the sureties on the bonds provided for in this section terminates unless  
17 proceedings against them are instituted within two years after the bond is filed; except that, the  
18 court may dispense with the filing of a bond if it finds that the same is not necessary;

19 (4) A fee, in the amount prescribed in subsection 1 of section 483.580, and when  
20 required, the publication cost of the notice to creditors are paid or the proof of payment for such  
21 publication is provided to the clerk of the probate division.

22 2. Notwithstanding the limitation periods set out in section 473.050, the affidavit  
23 required by this section may be made by the person designated as personal representative under  
24 the will of the decedent, if a will has been presented for probate within the limitation periods  
25 specified in section 473.050, otherwise by any distributee entitled to receive property of the  
26 decedent any time after thirty days after decedent's death, and shall set forth all of the following:

27 (1) That the decedent left no will or, if the decedent left a will, that the will was  
28 presented for probate within the limitation periods specified in section 473.050;

29 (2) That all unpaid debts, claims or demands against the decedent or the decedent's estate  
30 and all estate taxes due, if any, on the property transfers involved have been or will be paid,  
31 except that any liability by the affiant for the payment of unpaid claims or demands shall be  
32 limited to the value of the property received;

33 (3) An itemized description and valuation of property of the decedent. As used in this  
34 subdivision, the phrase "property of the decedent" shall not include property which was held by  
35 the decedent as a tenant by the entirety or a joint tenant at the time of the decedent's death;

36 (4) The names and addresses of persons having possession of the property;

37 (5) The names, addresses and relationship to the decedent of the persons entitled to and  
38 who will receive, the specific items of property remaining after payment of claims and debts of  
39 the decedent, included in the affidavit;

40 (6) The facts establishing the right to such specific items of property as prescribed by this  
41 section.

42 The certificate of the clerk shall be annexed to or endorsed on the affidavit and shall show the  
43 names and addresses of the persons entitled to the described property under the facts stated in  
44 the affidavit and shall recite that the will of decedent has been probated or that no will has been  
45 presented to the court and that all estate taxes on the property, if any are due, have been paid.

46 3. A copy of the affidavit and certificate shall be filed in the office of the clerk of the  
47 probate division and copies of the affidavit and certificate shall be furnished by the clerk.

48 4. The distributees mentioned in this section may establish their right to succeed to the  
49 real estate of the decedent by filing a copy of the foregoing affidavit and certificate of the clerk  
50 in the office of the recorder of deeds of each county where the real property is situated.

51 5. When the value of the property listed in the affidavit is more than fifteen thousand  
52 dollars, the clerk shall cause to be published ~~[in a newspaper of general circulation within the~~  
53 ~~county which qualifies under chapter 493]~~ a notice to creditors of the decedent to file their claims  
54 in the court or be forever barred. The notice shall be published ~~[once a week]~~ **on the front page**  
55 **of the court's website, if it has one**, for two consecutive weeks. **If the court does not have a**  
56 **website, notice shall be sent to the secretary of state who shall publish such notice on the**  
57 **legal notices website, established pursuant to section 493.077, for two consecutive weeks.**  
58 Proof of publication of notice pursuant to this section shall be filed not later than ten days after  
59 completion of the publication. The notice shall be in substantially the following form:

60 To all persons interested in the estate of \_\_\_\_\_, Decedent:

61 On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, a small estate affidavit was filed by the  
62 distributees for the decedent under section 473.097, RSMo, with the probate  
63 division of the circuit court of \_\_\_\_\_ County, Missouri.

64 All creditors of the decedent, who died on \_\_\_\_\_, 20\_\_\_\_\_, are notified that  
65 section 473.444 sets a limitation period that would bar claims one year after the  
66 death of the decedent. A creditor may request that this estate be opened for  
67 administration.

68 Receipt of this notice should not be construed by the recipient to indicate that the  
 69 recipient may possibly have a beneficial interest in the estate. The nature and  
 70 extent of any person's interest, if any, may possibly be determined from the  
 71 affidavit on this estate filed in the probate division of the circuit court of \_\_\_\_\_  
 72 County, Missouri.

73 Date of first publication is \_\_\_\_\_, 20\_\_\_\_\_

74 \_\_\_\_\_

75 Clerk of the Probate Division  
 76 of the Circuit Court

77 \_\_\_\_\_ County, Missouri

78 6. Upon compliance with the procedure required by this section, the personal property  
 79 and real estate involved shall not thereafter be taken in execution for any debts or claims against  
 80 the decedent, but such compliance has the same effect in establishing the right of distributees to  
 81 succeed to the property as if complete administration was had; but nothing in this section affects  
 82 the right of secured creditors with respect to such property.

83 7. The affiant shall collect the property of decedent described in the affidavit. The  
 84 property of decedent shall be liquidated by the affiant to the extent necessary to pay debts of  
 85 decedent. If the decedent's property is not sufficient to pay such debts, abatement of the shares  
 86 of the distributees shall occur in accordance with section 473.620. The affiant shall distribute the  
 87 remaining property to such persons identified in the affidavit as required in subdivision (5) of  
 88 subsection 2 of this section who are entitled to receive the specific items of personal property,  
 89 as described in the affidavit, or to have any evidence of such property transferred to such persons.  
 90 To the extent necessary to facilitate distribution, the affiant may liquidate all or part of decedent's  
 91 property.

473.507. In all public sales of real estate made under this law, the executor or  
 2 administrator shall cause a notice containing a particular description of the real estate to be sold  
 3 and the street address or approximate direction and distance from any city or town, and popular  
 4 name thereof, if any, stating the time, place and terms of sale, to be published [~~once a week~~] for  
 5 four consecutive weeks prior to the sale [~~in some newspaper~~] **on the legal notices website,**  
 6 **established pursuant to section 493.077.** The name of the estate shall be printed in capital  
 7 letters in the notice. [~~The notice shall be published in accordance with section 472.100 except~~  
 8 ~~that the newspaper in which publication is made must be published in the county in which the~~  
 9 ~~land is situated, or if there is none, in an adjoining county.~~] Omission of or error in the street  
 10 address or approximate direction or distance from any city or town or popular name, or any of  
 11 them, shall not affect the validity of the notice.

473.697. Whenever application shall be made to any probate division for letters of administration upon the estate of any person supposed to be dead, because of the absence of such person for five consecutive years from the place of his **or her** last known domicile within this state, or because such person was exposed to a specific peril of death due to a terrorist event, or because, having been a resident of this state, such person has heretofore gone from and has not returned to this state for five consecutive years, or, because, having been such resident of this state, such person shall hereafter go from and shall not return to this state for five consecutive years, or, because being a resident of this state, such person shall have so concealed or conducted himself **or herself** within this state that he **or she** shall not have been heard of for five consecutive years by the judge of the probate division having jurisdiction of his **or her** estate, or by the persons interested therein, then said court, if satisfied that the applicant would be entitled to such letters if the supposed decedent were in fact dead, shall cause a notice to such supposed deceased person to be published ~~[in a newspaper, published in the county, once a week]~~ **on the front page of its website, if it has one**, for four consecutive weeks, setting forth the fact that such application has been made, together with notice that on a day certain, which shall be at least two weeks after the [last] publication of such notice, the court will hear evidence concerning the alleged absence of the supposed decedent, and the circumstances and duration thereof. **If the court does not have a website, notice shall be sent to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077, for four consecutive weeks.** The persons applying for such letters of administration shall file a petition stating the facts upon which such application is based and the place where such supposed deceased person resided when last heard from by him **or her** or by any person within his **or her** knowledge.

473.703. If satisfied, upon such hearing, that the legal presumption of death is established, the court shall so declare and it shall forthwith cause notice thereof to be published ~~[once a week]~~ **on the front page of its website, if it has one**, for four consecutive weeks~~[-in a newspaper published in the county, and also, if the court shall find that such supposed decedent resided in or was possessed of property located in any county in this or any other state at a time subsequent to his residence in the county in which applications are made, the notice of such publication shall be published in like manner in such other county].~~ **If the court does not have a website, notice shall be sent to the secretary of state who shall publish such notice on the legal notices website, established pursuant to section 493.077, for four consecutive weeks.** Such notice shall require the supposed decedent, if alive, or any other person for him **or her**, to produce to the court, within twelve weeks from the date of the [last] publication ~~[thereof]~~ **of notice**, satisfactory evidence of the fact that he **or she** is still living~~[-provided, that where~~

13 ~~publication is made in a daily newspaper, publication for each week after the first shall fall on~~  
14 ~~the corresponding day of the week as did the first publication].~~

475.140. 1. The clerk, as soon as letters of conservatorship of the estate of any disabled  
2 person are issued, upon the basis of a determination of disability other than minority, shall cause  
3 to be published [~~in some newspaper~~] a notice of the appointment of the conservator, in which  
4 shall be included a notice to creditors of the protectee to file their claims in the court or be  
5 forever barred. The notice shall be published [~~once a week~~] **on the front page of the court's**  
6 **website, if it has one**, for four consecutive weeks in accordance with section 472.100. **If the**  
7 **court does not have a website, notice shall be sent to the secretary of state who shall publish**  
8 **such notice on the legal notices website, established pursuant to section 493.077, for four**  
9 **consecutive weeks.** Such notice shall be in substantially the following form:

10 TO ALL PERSONS INTERESTED IN THE ESTATE OF \_\_\_\_\_, A  
11 DISABLED PERSON:

12 On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, \_\_\_\_\_ was appointed conservator of  
13 the estate of \_\_\_\_\_, a person adjudicated disabled under the laws of Missouri,  
14 by the Probate Division of the Circuit Court of \_\_\_\_\_ County, Missouri. The  
15 business address of the conservator is \_\_\_\_\_. All creditors of said disabled  
16 person are notified to file their claims in the Probate Division of the Circuit  
17 Court. Date of first publication \_\_\_\_\_

18 \_\_\_\_\_  
19 Clerk of the Probate Division of the Circuit Court of  
20 \_\_\_\_\_ County, Missouri

21 2. The court, in its discretion, may waive publication of notice or defer it until a definite  
22 date or until further order of the court.

23 3. When a limited conservator has been appointed, the notice shall so specify.

479.368. 1. (1) Except for county sales taxes deposited in the county sales tax trust fund  
2 as defined in section 66.620, any county, city, town, or village failing to timely file the required  
3 addendums or remit the required excess revenues, if applicable, after the time period provided  
4 by the notice by the director of the department of revenue or any final determination on excess  
5 revenue by the court in a judicial proceeding, whichever is later, shall not receive from that date  
6 any amount of moneys to which the county, city, town, or village would otherwise be entitled  
7 to receive from revenues from local sales tax as defined in section 32.085.

8 (2) If any county, city, town, or village has failed to timely file the required addendums,  
9 the director of the department of revenue shall hold any moneys the noncompliant city, town,  
10 village, or county would otherwise be entitled to from local sales tax as defined in section 32.085

11 until a determination is made by the director of revenue that the noncompliant city, town, village,  
12 or county has come into compliance with the provisions of sections 479.359 and 479.360.

13 (3) If any county, city, town, or village has failed to remit the required excess revenue  
14 to the director of the department of revenue such general local sales tax revenues shall be  
15 distributed as provided in subsection 1 of section 479.359 by the director of the department of  
16 revenue in the amount of excess revenues that the county, city, town, or village failed to remit.  
17 Upon a noncompliant city, town, village, or county coming into compliance with the provisions  
18 of sections 479.359 and 479.360, the director of the department of revenue shall disburse any  
19 remaining balance of funds held under this subsection after satisfaction of amounts due under  
20 section 479.359. Moneys held by the director of the department of revenue under this subsection  
21 shall not be deemed to be state funds and shall not be commingled with any funds of the state.

22 2. (1) Any city, town, village, or county that participates in the distribution of local sales  
23 tax in sections 66.600 to 66.630 and fails to timely file the required addendums or remit the  
24 required excess revenues, if applicable, after the time period provided by the notice by the  
25 director of the department of revenue or any final determination on excess revenue by the court  
26 in a judicial proceeding, whichever is later, shall not receive any amount of moneys to which said  
27 city, town, village, or county would otherwise be entitled under sections 66.600 to 66.630. The  
28 director of the department of revenue shall notify the county to which the duties of the director  
29 have been delegated under section 66.601 of any noncompliant city, town, village, or county and  
30 the county shall remit to the director of the department of revenue any moneys to which said city,  
31 town, village, or county would otherwise be entitled. No disbursements to the noncompliant city,  
32 town, village, or county shall be permitted until a determination is made by the director of  
33 revenue that the noncompliant city, town, village, or county has come into compliance with the  
34 provisions of sections 479.359 and 479.360.

35 (2) If such county, city, town, or village has failed to timely file the required addendums,  
36 the director of the department of revenue shall hold any moneys the noncompliant city, town,  
37 village, or county would otherwise be entitled to under sections 66.600 to 66.630 until a  
38 determination is made by the director of revenue that the noncompliant city, town, village, or  
39 county has come into compliance with the provisions of sections 479.359 and 479.360.

40 (3) If any county, city, town, or village has failed to remit the required excess revenue  
41 to the director of the department of revenue, the director shall distribute such moneys the county,  
42 city, town, or village would otherwise be entitled to under sections 66.600 to 66.630 in the  
43 amount of excess revenues that the city, town, village, or county failed to remit as provided in  
44 subsection 1 of section 479.359.

45 Upon a noncompliant city, town, village, or county coming into compliance with the provisions  
46 of sections 479.359 and 479.360, the director of the department of revenue shall disburse any



47 remaining balance of funds held under this subsection after satisfaction of amounts due under  
 48 section 479.359 and shall notify the county to which the duties of the director have been  
 49 delegated under section 66.601 that such compliant city, town, village, or county is entitled to  
 50 distributions under sections 66.600 to 66.630. If a noncompliant city, town, village, or county  
 51 becomes disincorporated, any moneys held by the director of the department of revenue shall be  
 52 distributed to the schools of the county in the same manner that proceeds of all penalties,  
 53 forfeitures, and fines collected for any breach of the penal laws of the state are distributed.  
 54 Moneys held by the director of the department of revenue under this subsection shall not be  
 55 deemed to be state funds and shall not be commingled with any funds of the state.

56 3. In addition to the provisions of subsection 1 of this section, any county that fails to  
 57 remit the required excess revenue as required by section 479.359 shall have an election upon the  
 58 question of disincorporation under Article VI, Section 5 of the Constitution of Missouri, and any  
 59 such city, town, or village that fails to remit the required excess revenue as required by section  
 60 479.359 shall have an election upon the question of disincorporation according to the following  
 61 procedure:

62 (1) The election upon the question of disincorporation of such city, town, or village shall  
 63 be held on the next general election day, as defined by section 115.121;

64 (2) The director of the department of revenue shall notify the election authorities  
 65 responsible for conducting the election according to the terms of section 115.125 and the county  
 66 governing body in which the city, town, or village is located not later than 5:00 p.m. on the tenth  
 67 Tuesday prior to the election of the amount of the excess revenues due;

68 (3) The question shall be submitted to the voters of such city, town, or village in  
 69 substantially the following form:

70 The city/town/village of \_\_\_\_\_ has kept more revenue from fines, bond  
 71 forfeitures, and court costs for municipal ordinance violations and minor traffic  
 72 violations than is permitted by state law and failed to remit those revenues to the  
 73 county school fund. Shall the city/town/village of \_\_\_\_\_ be dissolved?

74  YES  NO

75 (4) Upon notification by the director of the department of revenue, the county governing  
 76 body in which the city, town, or village is located shall give notice of the election for eight  
 77 consecutive weeks prior to the election by publication [~~in a newspaper of general circulation~~  
 78 ~~published in the city, town, or village, or if there is no such newspaper in the city, town, or~~  
 79 ~~village, then in the newspaper in the county published nearest the city, town, or village]~~ **on its**  
 80 **website, if it has one. If the county governing body does not have a website, notice shall be**  
 81 **sent to the secretary of state who shall publish such notice on the legal notices website,**  
 82 **established pursuant to section 493.077; and**

83 (5) Upon the affirmative vote of a majority of those persons voting on the question, the  
84 county governing body shall disincorporate the city, town, or village.

492.470. The publication of such notice [~~in some newspaper printed in this state, at least  
2 three weeks consecutively, the last insertion to be twenty days before the day of taking the  
3 depositions]~~ **on the legal notices website, established pursuant to section 493.077**, shall be  
4 sufficient notice to all persons residing without the state.

**493.077. 1. The secretary of state shall establish and maintain a legal notices  
2 website. The secretary of state may charge a ten dollar fee to publish a legal notice or other  
3 publication on the legal notice website.**

4 **2. The legal notices website shall be accessible to the public over the internet at least  
5 ninety percent of the time, twenty-four hours per day, every day of the year.**

6 **3. Whenever an individual is unable to access an electronic publication of a legal  
7 notice or other publication, the secretary of state shall provide a copy of the notice or  
8 publication to the individual free of charge.**

9 **4. Notices and publications shall remain available on the legal notices website at  
10 least until the last posting date required by law has expired or until the event described in  
11 a notice has taken place, whichever is later.**

12 **5. The secretary of state shall create and keep on file an electronic or paper based  
13 certification of the posting required for each legal notice or other publication. The  
14 certification shall state that the notice or publication was posted from the initial date  
15 through either the last posting date required by law or the date when the event described  
16 in a notice takes place, whichever occurs later. The certification shall not be required to  
17 be notarized. The secretary of state shall provide a copy of the certification free of charge  
18 upon request.**

19 **6. Proof of publication of an electronically published legal notice or publication for  
20 the purpose of complying with public notice requirements shall be satisfied and deemed  
21 conclusive upon the provision of the certification described in subsection 5 of this section  
22 by the person responsible for the electronic publication, stating that the notice or  
23 publication was posted from the initial date until the last posting date required by law.**

24 **7. The secretary of state may promulgate rules that are reasonable and necessary  
25 to accomplish the limited duties specifically delegated in this section. Any rule or portion  
26 of a rule, as that term is defined in section 536.010 that is created under the authority  
27 delegated in this section shall become effective only if it complies with and is subject to all  
28 of the provisions of chapter 536, and, if applicable, section 536.028. This section and  
29 chapter 536 are nonseverable and if any of the powers vested with the general assembly  
30 pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul**

31 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**  
32 **any rule proposed or adopted after August 28, 2020, shall be invalid and void.**

506.160. 1. Service by mail or by publication shall be allowed in all cases affecting a  
2 fund, will, trust estate, specific property, or any interest therein, or any res or status within the  
3 jurisdiction of the court, or in any special proceedings in which notice by mail or by publication  
4 is authorized, including but not limited to actions to quiet title and actions to ascertain and  
5 determine title to real estate. If the defendant so served does not appear, judgment may be  
6 rendered affecting said property, res or status within the jurisdiction of the court as to said  
7 defendant, but such service shall not warrant a general judgment against such defendant.

8 2. A party desiring service by mail shall allege and state either in his **or her** verified  
9 petition or in a separate affidavit any one or more of the same specific grounds for substituted  
10 service as set forth in subsection 3 **of this section**, or shall state any other facts showing why  
11 personal service cannot be had on the defendant or defendants in this state. Such petition or  
12 affidavit shall be verified by oath of the party or of someone in his **or her** behalf, and shall state  
13 the address of the party to be served by mail. Upon the filing of such petition or affidavit with  
14 the judge or clerk, the clerk shall serve a copy of the summons and of the petition by registered  
15 mail, requesting a return receipt signed by addressee only, addressed to the defendant at the  
16 address furnished by plaintiff.

17 3. If the plaintiff or other person for plaintiff shall allege in his **or her** verified petition,  
18 or at the time of filing same, or at any time thereafter, shall file an affidavit stating that part or  
19 all of the defendants are nonresidents of the state, or is a corporation of another state, kingdom  
20 or country, and cannot be personally served in this state in the manner prescribed by law for  
21 personal service, or have absconded or absented themselves from their usual place of abode in  
22 this state, or that they have concealed themselves so that the ordinary process of law cannot be  
23 personally served upon them, and the affidavit or the verified petition shall state the present  
24 known address of the defendant, if known, or in lieu thereof state that said address of the  
25 defendant is unknown, the court or judge or clerk thereof shall issue an order of publication of  
26 notice to such defendant or defendants, notifying such defendant or defendants of the  
27 commencement of the action, and stating briefly the object and general nature thereof, and  
28 describing the property, if any, to be affected. The notice shall also contain the name of the court  
29 and the names of the parties to the suit, and shall state the name and address of the attorney for  
30 plaintiff, if any, otherwise the plaintiff's address, and shall state that unless said named defendant  
31 or defendants file an answer or other pleading or shall otherwise appear and defend against the  
32 petition within forty-five days after the date of the first publication, to be stated in the published  
33 notice, provided, the court or judge thereof may extend the date within which any such defendant  
34 may plead or otherwise appear to a date certain beyond such forty-five day limit judgment by

35 default will be rendered against them. Such notice shall be published [~~at least once each week]~~  
36 **on the front page of the court's website, if it has one, for a period of** four consecutive weeks  
37 [~~in some newspaper of general circulation published in the county where suit is instituted, if there~~  
38 ~~be such newspaper published there, which the plaintiff or his attorney of record may designate;~~  
39 ~~if no such newspaper be published in such county, then in some such paper published in this~~  
40 ~~state, which the plaintiff or his attorney of record may designate as most likely to give notice to~~  
41 ~~the defendant or defendants to be notified]. **If the court does not have a website, the clerk**  
42 **shall send the notice to the secretary of state who shall publish such notice on the legal**  
43 **notices website, established pursuant to section 493.077, for a period of four consecutive**  
44 **weeks.** If the present known address of the defendant is given, the clerk shall within ten days  
45 after said order of publication mail a copy of the notice to each defendant whose address has  
46 been stated in the affidavit or verified petition. The clerk shall file a certificate certifying that  
47 copies of the notice have been mailed as required by this section, in all cases where the present  
48 known address has been given, and such certificates shall be conclusive and binding upon the  
49 parties.~~

50 4. When the names of one or more defendants are unknown to plaintiff, he **or she** may  
51 so state in his **or her** verified petition, or in a separate affidavit for order of publication, and the  
52 court or judge or clerk thereof shall issue an order of publication of notice to the unknown  
53 defendant or defendants in the same manner prescribed in subsection 3 **of this section**, and the  
54 notice of publication shall be published in like manner. It shall be sufficient to name or describe  
55 said unknown defendants as the heirs, grantees, or successors of the person to whom the property  
56 to be affected was last known to have been transferred.

57 5. Whenever publication of notice is ordered for service by mail or by publication in a  
58 newspaper, the court may also in its discretion, order that a summons be issued and delivered  
59 with a copy of the petition to the sheriff or other person especially appointed to serve the same,  
60 for personal service in the ordinary manner if the same can be had.

61 6. In any of the cases mentioned in subsection 1 **of this section**, the plaintiff may cause  
62 a copy of the petition, with a copy of the summons, to be delivered to each defendant residing  
63 or being without this state, and at any place within the United States or their territories  
64 summoning said defendant to appear and plead within thirty days after service upon said  
65 defendant; and if the defendant shall refuse to receive such copy of the petition and summons,  
66 the offer of the officer to deliver same to him **or her** or them, and such refusal, shall be as  
67 effectual service as though such copies were actually delivered to such defendant. Such service  
68 may be made by any officer authorized by law to serve process in civil actions within the state  
69 or territory where such service is made, or by his **or her** deputy, and shall be proved by the  
70 affidavit of such officer, or deputy, stating the time and manner of such service, made before the

71 clerk or judge of the court of which affiant is an officer. Such clerk or judge shall certify to the  
72 official character of the affiant, and to his **or her** authority to serve process in civil actions within  
73 the state or territory where such service was made. When such certificate is made by a clerk or  
74 judge of a court of record, the same shall be attested by the seal of such court, and when the same  
75 is made by a judge of a court not of record, the official character of such judge shall also be  
76 certified by the proper officer of the state, under his **or her** official seal. Any return of service,  
77 made and certified as above provided, shall be prima facie evidence of the facts stated in such  
78 return. If the plaintiff, or his **or her** attorney of record, in any of the causes mentioned in  
79 subsection 1 of this section, shall allege in his **or her** verified petition, or at the time of filing  
80 same, or at any time thereafter shall make the affidavit required by subsection 3 **of this section**,  
81 and shall file in said cause proof of service of process on any defendant or defendants, in  
82 conformity with the provisions of this section, it shall not be necessary for such plaintiff or  
83 plaintiffs to obtain the order for service by mail or by publication provided for in this section or  
84 to procure the publication provided in this section.

506.180. 1. Every officer to whom any writ of process shall be directed and delivered  
2 for service shall make return thereof in writing of the time, place and manner of service of such  
3 writ, and shall sign his **or her** name to such return.

4 2. If service of such process is, by order of the court, directed to and delivered to a  
5 person, other than an officer, for service, such person shall make affidavit as to the time, place  
6 and manner of his **or her** service thereof.

7 3. Service by mail shall be proved by a certificate of the clerk that he **or she** has mailed  
8 a copy of the summons and of the petition as required by law and the order of the court and by  
9 the return registered mail receipt mentioned in subsection 2 of section 506.160, which shall be  
10 filed as a paper in the particular lawsuit.

11 4. Service by publication shall be proved by an affidavit showing the dates upon which  
12 ~~[and the newspaper in which]~~ the notice of publication was published. A copy of the notice shall  
13 be attached to the affidavit which shall be filed in the cause. The clerk's certificate that he **or she**  
14 has mailed a copy of the notice to each defendant whose address was stated in the motion for  
15 order of publication and the date of the mailing shall likewise be filed.

16 5. No person shall be arrested, held to bail, or imprisoned, on any mesne process or  
17 execution founded upon any civil action whatsoever.

511.420. The order shall be published ~~[in some newspaper printed in this state]~~ **on the**  
2 **front page of the court's website, if it has one, for a period of three weeks**~~[- the last insertion~~  
3 ~~to be two weeks before the commencement of the term at which the parties are required to~~  
4 ~~appear]. If the court does not have a website, the clerk shall send the notice to the secretary~~

5 **of state who shall publish such notice on the legal notices website, established pursuant to**  
6 **section 493.077, for a period of three consecutive weeks.**

7 513.205. When real estate shall be taken in execution by an officer, it shall be his **or her**  
8 duty to expose the same to sale at the courthouse door, having previously given twenty days'  
9 notice of the time and place of sale, and what real estate is to be sold and where situated, by  
10 ~~[advertisement in some newspaper printed in the county which may be designated by the plaintiff~~  
11 ~~or his attorney of record, if there be one regularly published, weekly or daily, and if not, by at~~  
12 ~~least six printed or written handbills, signed by such sheriff, and put up in public places in~~  
13 ~~different parts of the county, and the printer's fee for such advertisement shall be taxed and paid~~  
~~as other costs]~~ **publication on the front page of the sheriff's website, if there is one. If the**  
**sheriff does not have a website, notice shall be sent to the secretary of state who shall**  
**publish such notice on the legal notices website, established pursuant to section 493.077,**  
**for a period of twenty days;** provided, that in all cities in this state now or hereafter containing  
one hundred thousand inhabitants or more, such sales shall be on the floor of the real estate  
exchange or at the courthouse door, as may be announced in said advertisement.

515.520. 1. Upon entry of an order appointing a receiver or upon conversion of a limited  
receiver to a general receiver pursuant to section 515.515 and within ten business days thereof,  
or within such additional time as the court may allow, the receiver shall give notice of the  
appointment or conversion to all parties in interest, including the secretary of state for the state  
of Missouri, and state and federal taxing authorities. Such notice shall be made by first class  
mail and proof of service thereof shall be filed with the court. The content of such notice shall  
include:

- 8 (1) The caption reflecting the action in which the receiver is appointed;
- 9 (2) The date the action was filed;
- 10 (3) The date the receiver was appointed;
- 11 (4) The name, address, and contact information of the appointed receiver;
- 12 (5) Whether the receiver is a limited or general receiver;
- 13 (6) A description of the estate property;
- 14 (7) The debtor's name and address and the name and address of the attorney for the  
15 debtor, if any;
- 16 (8) The court address at which pleadings, motions, or other papers may be filed;
- 17 (9) Such additional information as the court directs; and
- 18 (10) A copy of the court's order appointing the receiver.

19 2. A general receiver shall also give notice of the receivership by publication ~~[in a~~  
20 ~~newspaper of general circulation published in the county or counties in which estate property is~~  
21 ~~known to be located once a week for three consecutive weeks. The first notice shall be published~~

22 ~~within thirty days after the date of appointment of the receiver]~~ **on the legal notices website,**  
23 **established pursuant to section 493.077.** The notice of the receivership shall include the date  
24 of appointment of the receiver, the name of the court and the action number, the last day on  
25 which claims may be filed, if established by the court, and the name and address of the debtor,  
26 the receiver, and the receiver's attorney, if any. For purposes of this section, all intangible  
27 property included as estate property is deemed to be located in the county in which the debtor,  
28 if a natural person, resides, or in which the debtor, if an entity, maintains its principal  
29 administrative offices.

30 3. The debtor shall cooperate with all reasonable requests for information from the  
31 receiver for purposes of assisting the receiver in providing notice pursuant to subsection 1 of this  
32 section. In the court's discretion, the failure of such debtor to cooperate with any reasonable  
33 request for information may be punished as a contempt of court.

523.030. Upon the filing of the petition, a summons shall be issued, giving such owner  
2 at least ten days' notice of the time when said petition will be heard, which summons shall be  
3 served by the sheriff of the county, in the same manner as writs of summons are or may be by  
4 law required to be served. If the name or residence of the owner is unknown, or if the owners,  
5 or any of them, do not reside within the state, notice of the time of hearing the petition, reciting  
6 the substance of the petition and the day fixed for the hearing thereof, shall be given by  
7 publication [~~once each week]~~ **on the front page of the court's website, if it has one, for a**  
8 **period of three consecutive weeks** prior to the time of hearing the petition[~~in a newspaper~~  
9 ~~published in the county in which the proceedings are pending, if one is published in the county,~~  
10 ~~or if no newspaper is published in the county, or the publisher shall refuse to publish the same~~  
11 ~~on tender of his usual charges for advertising, then by posting up said notice for three~~  
12 ~~consecutive weeks at the door of the courthouse of the county wherein the lands or any portion~~  
13 ~~of them lie]. **If 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 website, established**  
15 **pursuant to section 493.077, for a period of three consecutive weeks.**~~

523.262. 1. Except as set forth in subsection 2 of this section, the power of eminent  
2 domain shall only be vested in governmental bodies or agencies whose governing body is elected  
3 or whose governing body is appointed by elected officials or in an urban redevelopment  
4 corporation operating pursuant to a redevelopment agreement with the municipality for a  
5 particular redevelopment area, which agreement was executed prior to or on December 31, 2006.

6 2. A private utility company, public utility, rural electric cooperative, municipally owned  
7 utility, pipeline, railroad or common carrier shall have the power of eminent domain as may be  
8 granted pursuant to the provisions of other sections of the revised statutes of Missouri. For the  
9 purposes of this section, the term "common carrier" shall not include motor carriers, contract

10 carriers, or express companies. Where a condemnation by such an entity results in a displaced  
11 person, as defined in section 523.200, the provisions of subsections 3 and 6 to 10 of section  
12 523.205 shall apply unless the condemning entity is subject to the relocation assistance  
13 provisions of the federal Uniform Relocation Assistance Act.

14 3. Any entity with the power of eminent domain and pursuing the acquisition of property  
15 for the purpose of constructing a power generation facility after December 31, 2006, after  
16 providing notice [~~in a newspaper of general circulation in the county where the facility is to be~~  
17 ~~constructed~~] **on the front page of its website, if it has one**, shall conduct a public meeting  
18 disclosing the purpose of the proposed facility prior to making any offer to purchase property in  
19 pursuit thereof or, alternatively, shall provide the property owner with notification of the identity  
20 of the condemning authority and the proposed purpose for which the condemned property shall  
21 be used at the time of making the initial offer. **If the entity with the power of eminent domain**  
22 **does not have a website, notice shall be sent to the secretary of state who shall publish such**  
23 **notice on the legal notices website, established pursuant to section 493.077.**

2525.270. 1. If the garnishee disclose in his **or her** answer, and declare his **or her** belief,  
2 that the debt owing by him **or her** to the defendant, or the supposed property of the defendant  
3 in his **or her** hands, has been sold or assigned to a third person, and the plaintiff contests or  
4 disputes the existence, force or validity of such sale or assignment, the court shall make an order  
5 upon the supposed vendee or assignee, to appear at a designated time and sustain his **or her**  
6 claim to the property or debt.

7 2. A copy of such order shall be served upon him **or her**, as in the case of a summons,  
8 if he **or she** can be found; if not, it shall be published [~~once a week~~] **on the front page of the**  
9 **court's website, if it has one**, for a period of three consecutive weeks[~~; in some newspaper~~  
10 ~~published in or nearest the county in which the action is pending~~], which shall be equivalent to  
11 service. **If the court does not have a website, the clerk shall send the notice to the secretary**  
12 **of state who shall publish such notice on the legal notices website, established pursuant to**  
13 **section 493.077, for a period of three consecutive weeks.** If the party so notified fail to appear  
14 as required, the garnishee's averment of such sale or assignment shall be disregarded; but if he  
15 **or she** appear, and, in writing, filed in the cause and verified by affidavit, claim under such sale  
16 or assignment, a trial of his **or her** right shall be had, without unnecessary delay, upon an issue  
17 made thereon; and if the same be determined in his **or her** favor, the garnishee shall, as to the  
18 property or debt in question, be discharged.

527.200. On the filing of said petition with the clerk of said court, it shall be the duty of  
2 said clerk to cause a notice to be published [~~in some public newspaper published in the county~~  
3 ~~where the cause is pending, and if there be no newspaper published in said county, then in some~~  
4 ~~public newspaper published nearest to the county seat of said county~~] **on the front page of the**



5 **court's website, if it has one**, addressed to all whom it may concern, and setting forth the filing  
 6 of said petition, a description of the lands in said petition described, and the estate or interest  
 7 claimed therein by said petitioner or petitioners, and that a decree will be entered in said cause  
 8 at the next term of said court after the due publication of said notice, and the title or interest to  
 9 or in said land adjudged to said petitioner or petitioners, according to the prayer of said petition[;  
 10 ~~which said~~]. **Such** notice shall be published [~~once a week~~] for a **period of** at least four weeks[;  
 11 ~~the last insertion to be at least four weeks prior to the term of said court; and~~]. **If the court does**  
 12 **not have a website, the clerk shall send the notice to the secretary of state who shall publish**  
 13 **such notice on the legal notices website, established pursuant to section 493.077, for a**  
 14 **period of four weeks.** If any person or persons shall be in possession of said lands in the  
 15 petition described, then a copy of the notice shall be duly served upon such person or persons,  
 16 at least twenty days previous to said regular term of said court, subsequent to the publication of  
 17 said notice, as herein provided; and at the next term of said court after the due publication of  
 18 said notice, the petitioner or petitioners may produce and submit to the court such evidence and  
 19 proof of title or interest to or in the said lands in the petition described, as he **or she** may be able,  
 20 and also touching and concerning the loss or destruction of his **or her** said deed or other  
 21 evidence of title in and to the lands; which evidence and proofs shall be taken, and proceedings  
 22 had, after the form and practice and proceedings in civil cases in said court.

527.290. 1. Public notice of such a change of name shall be [~~given at least three times~~  
 2 ~~in a newspaper published in the county where such person is residing,~~] **published on the front**  
 3 **page of the court's website, if it has one. If the court does not have a website, notice shall**  
 4 **be sent to the secretary of state who shall publish such notice on the legal notices website,**  
 5 **established pursuant to section 493.077. In any event, notice shall be published** within  
 6 twenty days after the order of court is made[~~, and if no newspaper is published in the person's~~  
 7 ~~or any adjacent county, then such notice shall be given in a newspaper published in the City of~~  
 8 ~~St. Louis, or at the seat of government~~].

9 2. Public notice of such name change through publication as required in subsection 1 of  
 10 this section shall not be required, and any system operated by the judiciary that is designed to  
 11 provide public case information electronically shall not post the name change, if the petitioner  
 12 is:

- 13 (1) The victim of a crime, the underlying factual basis of which is found by the court on  
 14 the record to include an act of domestic violence, as defined in section 455.010;
- 15 (2) The victim of child abuse, as defined in section 210.110; or
- 16 (3) The victim of domestic violence by a family or household member, as defined in  
 17 section 455.010.

578.100. 1. Whoever engages on Sunday in the business of selling or sells or offers for sale on such day, at retail, motor vehicles; clothing and wearing apparel; clothing accessories; furniture; housewares; home, business or office furnishings; household, business or office appliances; hardware; tools; paints; building and lumber supply materials; jewelry; silverware; watches; clocks; luggage; musical instruments and recordings or toys; excluding novelties and souvenirs; is guilty of a misdemeanor and shall upon conviction for the first offense be sentenced to pay a fine of not exceeding one hundred dollars, and for the second or any subsequent offense be sentenced to pay a fine of not exceeding two hundred dollars or undergo confinement not exceeding thirty days in the county jail in default thereof.

2. Each separate sale or offer to sell shall constitute a separate offense.

3. Information charging violations of this section shall be brought within five days after the commission of the alleged offense and not thereafter.

4. The operation of any place of business where any goods, wares or merchandise are sold or exposed for sale in violation of this section is hereby declared to be a public and common nuisance.

5. Any county of this state containing all or part of a city with a population of over four hundred thousand may exempt itself from the application of this section by submission of the proposition to the voters of the county at a general election or a special election called for that purpose, and the proposition receiving a majority of the votes cast therein. The proposal to exempt the county from the provisions of this section shall be submitted to the voters of the county upon a majority vote of the governing body of the county or when a petition requesting the submission of the proposal to the voters and signed by a number of qualified voters residing in the county equal to eight percent of the votes cast in the county in the next preceding gubernatorial election is filed with the governing body of the county. The ballot of submission shall contain, but not be limited to, the following language:

FOR the exemption of \_\_\_\_\_ County from the Sunday sales law

AGAINST the exemption of \_\_\_\_\_ County from the Sunday sales law

If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are in favor of the proposal, then the provisions of this section shall no longer apply within that county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are opposed to the proposal, then the provisions of this section shall continue to apply and be enforced within that county. The exemption of any county from the provisions of this section shall not become effective in that county until the results of the vote exempting the county have been filed with the secretary of state and with the revisor of statutes and have been certified as received by those officers. The revisor of statutes shall note which counties are exempt from the provisions of this section in the Missouri revised statutes.

37           6. In addition to any other method of exemption provided by law, the governing body  
38 of any county of this state may exempt itself from the application of this section by order or  
39 ordinance of the governing body of the county after public hearing upon the matter. Such public  
40 hearing shall be preceded by public notice which shall ~~be published [at least~~  
41 ~~three different times in the newspaper with the greatest circulation in the county]~~ **on the front**  
42 **page of the governing body's website, if it has one, for a period of at least three consecutive**  
43 **weeks. If the governing body does not have a website, notice shall be sent to the secretary**  
44 **of state who shall publish such notice on the legal notices website, established pursuant to**  
45 **section 493.077, until the date of the hearing has passed.** Upon such order or ordinance  
46 becoming effective, such county shall be exempt from the provisions of this section and no  
47 election or other method of exemption shall be required. The exemption of any county from the  
48 provisions of this section by order or ordinance shall not become effective in that county until  
49 the order or ordinance has been filed with the secretary of state and the revisor of statutes and  
50 has been certified as received by those officers. The revisor of statutes shall note which counties  
51 are 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 rules that  
2 prescribe environmental conditions or standards promulgated by the department of natural  
3 resources, a board or a commission, pursuant to authorities granted in this chapter and chapters  
4 260, 278, 319, 444, 643, and 644, the hazardous waste management commission in chapter 260,  
5 the state soil and water districts commission in chapter 278, the Missouri mining commission  
6 in chapter 444, the safe drinking water commission in this chapter, the air conservation  
7 commission in chapter 643, and the clean water commission in chapter 644 shall cite the specific  
8 section of law or legal authority. The rule shall also be based on the regulatory impact report  
9 provided in this section.

10           2. The regulatory impact report required by this section shall include:

11           (1) A report on the peer-reviewed scientific data used to commence the rulemaking  
12 process;

13           (2) A description of persons who will most likely be affected by the proposed rule,  
14 including persons that will bear the costs of the proposed rule and persons that will benefit from  
15 the proposed rule;

16           (3) A description of the environmental and economic costs and benefits of the proposed  
17 rule;

18           (4) The probable costs to the agency and to any other agency of the implementation and  
19 enforcement of the proposed rule and any anticipated effect on state revenue;

20 (5) A comparison of the probable costs and benefits of the proposed rule to the probable  
21 costs and benefits of inaction, which includes both economic and environmental costs and  
22 benefits;

23 (6) A determination of whether there are less costly or less intrusive methods for  
24 achieving the proposed rule;

25 (7) A description of any alternative method for achieving the purpose of the proposed  
26 rule that were seriously considered by the department and the reasons why they were rejected in  
27 favor of the proposed rule;

28 (8) An analysis of both short-term and long-term consequences of the proposed rule;

29 (9) An explanation of the risks to human health, public welfare, or the environment  
30 addressed by the proposed rule;

31 (10) The identification of the sources of scientific information used in evaluating the risk  
32 and a summary of such information;

33 (11) A description and impact statement of any uncertainties and assumptions made in  
34 conducting the analysis on the resulting risk estimate;

35 (12) A description of any significant countervailing risks that may be caused by the  
36 proposed rule; and

37 (13) The identification of at least one, if any, alternative regulatory approaches that will  
38 produce comparable human health, public welfare, or environmental outcomes.

39 3. The department, board, or commission shall develop the regulatory impact report  
40 required by this section using peer-reviewed and published data or when the peer-reviewed data  
41 is not reasonably available, a written explanation shall be filed at the time of the rule  
42 promulgation notice explaining why the peer-reviewed data was not available to support the  
43 regulation. If the peer-reviewed data is not available, the department must provide all scientific  
44 references and the types, amount, and sources of scientific information that was used to develop  
45 the rule at the time of the rule promulgation notice.

46 4. The department, board, or commission shall publish ~~[in at least one newspaper of~~  
47 ~~general circulation, qualified pursuant to chapter 493, with an average circulation of twenty~~  
48 ~~thousand or more and]~~ on the department, board, or commission website a notice of availability  
49 of any regulatory impact report conducted pursuant to this section and shall make such  
50 assessments and analyses available to the public by posting them on the department, board, or  
51 commission website. The department, board, or commission shall allow at least sixty days for  
52 the public to submit comments and shall post all comments and respond to all significant  
53 comments prior to promulgating the rule.

54           5. The department, board, or commission shall file a copy of the regulatory impact report  
55 with the joint committee on administrative rules concurrently with the filing of the proposed rule  
56 pursuant to section 536.024.

57           6. If the department, board, or commission fails to conduct the regulatory impact report  
58 as required for each proposed rule pursuant to this section, such rule shall be void unless the  
59 written explanation delineating why the peer-reviewed data was not available has been filed at  
60 the time of the rule promulgation notice.

61           7. Any other provision of this section to the contrary notwithstanding, the department,  
62 board, or commission referenced in subsection 1 of this section may adopt a rule without  
63 conducting a regulatory impact report if the director of the department determines that immediate  
64 action is necessary to protect human health, public welfare, or the environment; provided,  
65 however, in doing so, the department, board, or commission shall be required to provide written  
66 justification as to why it deviated from conducting a regulatory impact report and shall complete  
67 the regulatory impact report within one hundred eighty days of the adoption of the rule.

68           8. The provisions of this section shall not apply if the department adopts environmental  
69 protection agency rules and rules from other applicable federal agencies without variance.

640.120. 1. The department of natural resources shall require tests for those  
2 contaminants in water which are included in the state drinking water regulations, for those  
3 contaminants included in the national primary drinking water regulations, for those contaminants  
4 for which monitoring is otherwise required pursuant to the provisions of the federal Safe  
5 Drinking Water Act, and for any other contaminants which the department of natural resources  
6 finds may be hazardous to public health.

7           2. A water system shall be tested for each contaminant at the frequency required under  
8 federal drinking water regulations or a flexible monitoring program allowed under the federal  
9 Safe Drinking Water Act, as amended, unless the department determines, after public notice and  
10 comment, that testing at a greater frequency for that contaminant is necessary to protect the  
11 health of persons served by that system. In an emergency situation, the director may order more  
12 frequent testing in order to protect the public health.

13           3. Water sampling conducted pursuant to this section for lead or other contaminants  
14 suspected to be originating in privately owned plumbing attached to the water system shall  
15 include a representative number of first draw samples collected at the tap. Samples taken from  
16 private property not part of the facilities owned by a public water system may be taken only with  
17 the permission of the owner or lessee of the property.

18           4. The department of natural resources may authorize variances and exemptions from  
19 state primary water regulations.

20           5. Duly authorized representatives of the department of natural resources, with prior  
21 notice, may enter at reasonable times upon any private or public property to inspect and  
22 investigate conditions relating to the construction, maintenance and operation of a public water  
23 supply, and take samples for analysis. If the director or the director's representative has probable  
24 cause to believe that a public water supply system is located on any premises, the director or the  
25 director's representative shall be granted entry for the purpose of inspection and sample  
26 collection. Should entry be denied, a suitably restricted search warrant, upon a showing of  
27 probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge  
28 having jurisdiction to any representative of the department to enable the director or the director's  
29 representative to make such inspections.

30           6. The department of natural resources shall publish annually a census of Missouri public  
31 water systems. The department shall make available for public review for each public water  
32 system the most recent level found of each contaminant for which it is required to test pursuant  
33 to subsection 1 of this section. The department shall notify the public annually by press release  
34 ~~[directed to the newspaper or newspapers of general circulation or radio stations in the area~~  
35 ~~served by each community water system]~~ as to the availability of an annual report on the  
36 condition of drinking water quality. **Such report shall be published on the front page of the**  
37 **department's website.** The report shall describe testing procedures, identify contaminants  
38 tested for and the levels of contamination found, and indicate trends which have been observed  
39 in water quality in public water systems.

40           7. Only lead-free materials, as determined by the department by rule, shall be used in  
41 construction and repair of any public water system and on plumbing in any building in this state  
42 which is connected to any public water system; provided, however, that lead may be used to  
43 repair lead joints connecting cast iron pipes which were in use prior to August 28, 1989.

640.418. 1. The department may establish special water quality protection areas where  
2 it finds a contaminant in a public water system in concentration which exceeds a maximum  
3 contaminant level established by the environmental protection agency pursuant to the Safe  
4 Drinking Water Act, as amended, or a maximum contaminant level established by the  
5 department pursuant to this chapter or sections 640.400 to 640.435 or a contaminant in surface  
6 or groundwater which exceeds water quality standards established pursuant to chapter 644,  
7 which presents a threat to public health or the environment. In making such a determination, the  
8 department shall consider the probable effect of the contaminant or contaminants on human  
9 health and the environment, the probable duration of the elevated levels of the contaminant, the  
10 quality, quantity and probable uses of surface or groundwater within the area, and whether  
11 protective measures are likely to prevent, mitigate or minimize the level of the contaminant in  
12 the surface or groundwater.

13           2. If the department determines that a special water quality protection area should be  
14 established, it shall consult with the interagency task force and with the public water system or  
15 systems affected and determine the boundaries of such area. When the boundaries of any such  
16 areas have been determined, the department shall, after a public hearing, issue an order  
17 designating the area as a special water quality protection area. Such an order shall include a  
18 geographic, hydrologic and stratigraphic definition of the area.

19           3. The department shall hold a public hearing or a public meeting within the area under  
20 consideration for designation as a special water quality protection area. The department shall  
21 notify every city and county within the proposed area and shall notify the public by press release  
22 and by publication of a notice ~~[in a newspaper of general circulation in the region]~~ **on the front**  
23 **page of its website.**

644.036. 1. No standard, rule or regulation or any amendment or repeal thereof shall be  
2 adopted except after a public hearing to be held after thirty days' prior notice by advertisement  
3 of the date, time and place of the hearing and opportunity given to the public to be heard. Notice  
4 of the hearings and copies of the proposed standard, rule or regulation or any amendment or  
5 repeal thereof shall also be given by regular mail, at least thirty days prior to the scheduled date  
6 of the hearing, to any person who has registered with the director for the purpose of receiving  
7 notice of such public hearings in accordance with the procedures prescribed by the commission  
8 at least forty-five days prior to the scheduled date of the hearing. However, this provision shall  
9 not preclude necessary changes during this thirty-day period.

10           2. At the hearing, opportunity to be heard by the commission with respect to the subject  
11 thereof shall be afforded any interested person upon written request to the commission, addressed  
12 to the director, not later than seven days prior to the hearing, and may be afforded to other  
13 persons if convenient. In addition, any interested persons, whether or not heard, may submit,  
14 within seven days subsequent to the hearings, a written statement of their views. The  
15 commission may solicit the views, in writing, of persons who may be affected by, or interested  
16 in, proposed rules and regulations, or standards. Any person heard or represented at the hearing  
17 or making written request for notice shall be given written notice of the action of the commission  
18 with respect to the subject thereof.

19           3. Any standard, rule or regulation or amendment or repeal thereof shall not be deemed  
20 adopted or in force and effect until it has been approved in writing by at least four members of  
21 the commission. A standard, rule or regulation or an amendment or repeal thereof shall not  
22 become effective until a certified copy thereof has been filed with the secretary of state as  
23 provided in chapter 536.

24           4. Unless prohibited by any federal water pollution control act, any standard, rule or  
25 regulation or any amendment or repeal thereof which is adopted by the commission may differ

26 in its terms and provisions as between particular types and conditions of water quality standards  
27 or of water contaminants, as between particular classes of water contaminant sources, and as  
28 between particular waters of the state.

29         5. Any listing required by Section 303(d) of the federal Clean Water Act, as amended,  
30 33 U.S.C. 1251, et seq., to be sent to the U.S. Environmental Protection Agency for its approval  
31 that will result in any waters of the state being classified as impaired shall be adopted by the  
32 commission after a public hearing, or series of hearings, held in accordance with the following  
33 procedures. The department of natural resources shall publish [~~in at least six regional~~  
34 ~~newspapers, in advance,~~] a notice by advertisement the availability of a proposed list of impaired  
35 waters of the state and such notice shall include at least ninety days' advance notice of the date,  
36 time, and place of the public hearing and opportunity given to the public to be heard. Notice of  
37 the hearings and copies of the proposed list of impaired waters also shall be posted on the  
38 department of natural resources' website and given by regular mail, at least ninety days prior to  
39 the scheduled date of the hearing, to any person who has registered with the director for the  
40 purpose of receiving notice of such public hearings. The proposed list of impaired waters shall  
41 identify the water segment, the uses to be made of such waters, the uses impaired, identify the  
42 pollutants causing or expected to cause violations of the applicable water quality standards, and  
43 provide a summary of the data relied upon to make the preliminary determination.  
44 Contemporaneous with the publication of the notice of public hearing, the department shall make  
45 available on its website all data and information it relied upon to prepare the proposed list of  
46 impaired waters, including a narrative explanation of how the department determined the water  
47 segment was impaired. At any time after the public notice and until seven days after the public  
48 hearing, the department shall accept written comments on the proposed list of impaired waters.  
49 After the public hearing and after all written comments have been submitted, the department  
50 shall prepare a written response to all comments and a revised list of impaired waters. The  
51 commission shall adopt a list of impaired waters in a public meeting during which the public  
52 shall be afforded an opportunity to respond to the department's written response to comments and  
53 revised list of impaired waters. Notice of the meeting shall include the date, time, and place of  
54 the public meeting and shall provide notice that the commission will give interested persons the  
55 opportunity to respond to the department's revised list of impaired waters and written responses  
56 to comments. At its discretion, the commission may extend public comment periods or hold  
57 additional public hearings on the proposed and revised lists of impaired waters. The commission  
58 shall not vote to add to the list of impaired waters any waters not recommended by the  
59 department in the proposed or revised lists of impaired waters without granting the public at least  
60 thirty additional days to comment on the proposed addition. The list of impaired waters adopted  
61 by the commission shall not be deemed to be a rule as defined by section 536.010. The listing



62 of any water segment on the list of impaired waters adopted by the commission shall be subject  
63 to judicial review by any adversely affected party under section 536.150.

700.527. 1. If a person abandons a manufactured home on any real property owned by  
2 another who is renting such real property to the owner of the manufactured home, and such  
3 abandonment is without the consent of the owner of the real property, and the abandoned  
4 manufactured home is not subject to any lien perfected according to sections 700.350 to 700.380,  
5 the owner of the real property shall have a lien for unpaid rent against the manufactured home.  
6 The lien for unpaid rent shall be enforced as provided in this section and may be contested as  
7 provided in section 700.528.

8 2. The real property owner claiming a lien on an abandoned manufactured home shall  
9 give written notice to the owner of the manufactured home, by certified mail, return receipt  
10 requested. The notice shall contain the following:

11 (1) The name, address, and telephone number of the real property owner;

12 (2) The name of the owner of the manufactured home and the make, year, and serial  
13 number of the manufactured home;

14 (3) That the manufactured home is abandoned as provided in section 700.526 and  
15 applicable rule of the director of revenue;

16 (4) The duration of such abandonment;

17 (5) That the manufactured home is located on real estate owned by the real property  
18 owner;

19 (6) That the home is located on such real estate by reason of a valid rental agreement;

20 (7) That the homeowner is in default of the rental agreement;

21 (8) The amount of rent accrued to the date of the notice and the monthly rate at which  
22 future rent will accrue until the abandoned home is redeemed;

23 (9) That the homeowner has not paid or made arrangements for the payment of the  
24 accrued rent;

25 (10) That the real property owner claims a lien for all such rent;

26 (11) That the owner of the manufactured home may redeem the abandoned manufactured  
27 home at any time during business hours by paying all rent accrued under the terms of the rental  
28 agreement;

29 (12) That the manufactured homeowner has a right to contest the real property owner's  
30 lien by filing, within ten days of receipt of the notice required by this section, a petition in the  
31 associate circuit division of circuit court of the county in which the manufactured home is  
32 located;

33 (13) That if the manufactured home remains unredeemed thirty days from the date of  
34 mailing of the notice and within ten days of mailing of the notice a petition is not filed to contest

35 the lien, the real property owner may apply to the director of revenue for a lien title. Upon  
36 receipt of a lien title, the real property owner shall have the right to sell the manufactured home  
37 to recover unpaid rent, actual and necessary expenses incurred in obtaining a lien title, and  
38 conducting and advertising the sale.

39         3. The real property owner's lien and the sum of which the homeowner shall be obligated  
40 to pay to satisfy the lien shall be the unpaid rent accrued under the terms of the rental agreement  
41 to the date the homeowner satisfied the lien or if not so satisfied to the date the home is sold  
42 under this section.

43         4. The owner of the manufactured home shall not have the right to remove the home  
44 from the real property owner's property until such time as all rent provided for the rental  
45 agreement is paid.

46         5. If the homeowner has not paid or made arrangements for the payment of the accrued  
47 rent with the real property owner within thirty days from the date of mailing of the notice and  
48 no petition as provided in section 700.528 has been filed in the associate circuit division of the  
49 circuit court in the county in which the abandoned manufactured home is located to contest the  
50 lien or if filed has been dismissed or judgment has been entered on the petition establishing the  
51 real property owner's lien, the real property owner may apply to the director of revenue for a  
52 certificate of title in order to enforce the lien.

53         6. The application for a lien title shall be in the form furnished by the director of revenue  
54 and shall contain and be accompanied by:

55             (1) The make, year, and serial number of the manufactured home;

56             (2) An affidavit of the owner of real property seeking possession of the manufactured  
57 home that states:

58                 (a) The manufactured home is abandoned as provided in section 700.526 and by  
59 applicable rule of the director of revenue;

60                 (b) The duration of such abandonment;

61                 (c) The manufactured home is located upon real property owned by the real property  
62 owner;

63                 (d) The manufactured home is located on the real estate by reason of a valid rental  
64 agreement;

65                 (e) The homeowner is in default of the rental agreement;

66                 (f) The amount of past-due rent and the monthly rate at which future rent will accrue  
67 under the rental agreement;

68                 (g) The homeowner has not paid or made arrangements for the payment of the rent;

69                 (h) The owner of real property claims a lien for all such rent;

70 (i) The real property owner mailed the notice required by subsection 3 of this section to  
71 the owner of the manufactured home by certified mail, return receipt requested;

72 (j) The manufactured homeowner has not filed a petition in the associate circuit division  
73 of circuit court contesting the real property owner's lien, or if a petition was filed, that either the  
74 homeowner's petition was dismissed or that a judgment in the real property owner's favor  
75 establishing the lien was entered;

76 (3) A copy of the thirty-day notice given by certified mail to the owner of the  
77 manufactured home;

78 (4) A copy of the certified mail receipt indicating that the owner was sent the notice as  
79 required in subsection 3 of this section;

80 (5) A copy of the envelope or mailing container showing the address and postal marking  
81 that indicate the notice was not forwardable or address unknown;

82 (6) An original, photostatic, or conformed copy of the original contract for the rental of  
83 the real property;

84 (7) A copy of any judgment of dismissal of the homeowner's petition to contest the lien  
85 or a judgment awarding the real property owner a lien against the manufactured home; and

86 (8) Any other information that the director of revenue may require by rule.

87 7. If the director is satisfied with the genuineness of the application and supporting  
88 documents submitted under this section, the director shall issue, in the manner a repossessed title  
89 is issued, a certificate of ownership or certificate of title to the real property owner which shall  
90 be captioned "lien title".

91 8. Upon receipt of a lien title, the holder shall within thirty days begin proceedings to sell  
92 the manufactured home as prescribed in this section. The real property owner shall be entitled  
93 to any actual and necessary expenses incurred in obtaining the lien title, including, but not  
94 limited to reasonable attorney's fees and cost of advertising.

95 9. The sale of the manufactured home shall be held only after giving the owner not less  
96 than twenty days' notice, by one of the following means:

97 (1) By personal delivery to the owner of a copy of the notice set out below;

98 (2) By mailing a copy of the notice set out in subsection 11 of this section, by registered  
99 mail addressed to the owner of the manufactured home in which case a return receipt shall be  
100 evidence of due notice;

101 (3) By publishing the notice not less than [~~twice in a newspaper of general circulation~~  
102 ~~in the county in which the manufactured home is to be sold, the last publication to be not less~~  
103 ~~than~~] twenty days prior to the date of sale[~~;~~ or

104 ~~— (4) If no newspaper is published within the county in which said manufactured home is~~  
105 ~~to be sold, then by posting the notice, not less than twenty days prior to the date of sale, on five~~

106 ~~handbills placed in five different places in the county in which the manufactured home is to be~~  
107 ~~sold and with one of such handbills posted where the manufactured home is located] on the legal~~  
108 **notices website, established pursuant to section 493.077. Such notice shall remain on the**  
109 **legal notices website until the date of the sale has passed.**

110 10. The form of the notice shall be substantially as follows:

111

"NOTICE

112 Notice is hereby given that on (insert date), sale will be held at (insert place) to  
113 sell the following manufactured home to enforce a lien existing under the laws  
114 of the state of Missouri for real estate rental, unless the manufactured home is  
115 redeemed prior to the date of sale:

116 Name of Owner: Description of Manufacturer's Amount of Lien:

117 Manufactured Serial Number:

118 Home:

119 Name of Lienor:".

120 11. The owner of the manufactured home may redeem the home prior to the sale by  
121 payment of all rents due and owing to the real property owner under the rental agreement to the  
122 date of sale or payment, whichever is sooner, and payment of actual and necessary expenses  
123 incurred in obtaining the lien, including but not limited to reasonable attorney's fees, and  
124 necessary expenses of advertising the sale.

125 12. If the manufactured home is not redeemed prior to the date of sale provided in the  
126 notice set forth in this section, the real property owner may sell the manufactured home on the  
127 day and at the place specified in the notice. The proceeds of sale shall be distributed in the  
128 following order:

129 (1) To the satisfaction of real property owner's past-due rent and reimbursement of its  
130 actual and necessary expenses incurred in obtaining the lien and lien title, including attorney's  
131 fees and the necessary expenses of advertising the sale provided for in this section;

132 (2) The excess, if any, shall be paid to the manufactured homeowner.

133 If the manufactured homeowner cannot be located within thirty days of the date of sale, the  
134 excess, if any, shall be deposited with the county treasurer of the county in which the home was  
135 sold and in the case of a sale within a city not within a county with its treasurer, together with  
136 a sworn statement containing the name of the owner, description of the manufactured home by  
137 manufacturer's serial number, amount of lien, sale price, name of purchaser, and costs and  
138 manner of advertising.

139 13. Such treasurer shall credit such excess to the general revenue fund of the county or  
140 a city not within a county, subject to the right of the owner to reclaim the same at any time within  
141 three years of the date of such deposit with the treasurer, after presentation of proper evidence

142 of ownership and obtaining an order of the county commission, or comptroller of a city not  
143 within a county, directed to said treasurer for the return of such excess deposit.

144 14. Any lienor failing to or refusing to deliver to such treasurer the excess proceeds of  
145 sale together with a sworn statement as required in this section within thirty days after such sale  
146 shall be liable for double the excess of proceeds of such sale, to be recovered in any court of  
147 competent jurisdiction by civil action.

148 15. The real property owner's compliance with the requirements of this section shall be  
149 a perpetual bar to any action against such owner of real property by any person for the recovery  
150 of the manufactured home or its value or of any damages growing out of the taking of possession  
151 and sale of such manufactured home.

152 16. The real property owner may be a purchaser at the public sale conducted under this  
153 section.

154 17. The provisions of this section shall not apply to a manufactured home which is real  
155 estate as defined in subsection 7 of section 442.015.

2 ~~[21.300. The notice shall state the substance of the contemplated law,  
3 shall be signed by ten householders of the county or incorporated city or town  
4 where the notice is published and shall be inserted in four separate publications  
5 of the newspaper. The first insertion shall be at least thirty days prior to the  
6 introduction of the contemplated bill. Notice given by handbills shall be posted  
7 at least thirty days prior to the introduction of the contemplated bill and notice  
8 shall be recited in the bill, according to its tenor.]~~

2 ~~[21.310. The proof of the publication of the notice shall be made by the  
3 affidavit of the publisher of the newspaper in which the notice is published, to  
4 which shall be attached a copy of the notice. The proof of notice published by  
5 handbills shall be made by the affidavit of some person who signed the notice to  
6 which shall be attached a copy of the notice.]~~

2 ~~[116.260. The secretary of state shall designate in what newspaper or  
3 newspapers in each county the text of statewide ballot measures shall be  
4 published. If possible, each shall be published once a week for two consecutive  
5 weeks in two newspapers of different political faiths in each county, the last  
6 publication to be not more than thirty or less than fifteen days next preceding the  
7 election. If there is but one newspaper in any county, publication for four  
8 consecutive weeks shall be made, the first publication to be not less than  
9 twenty-eight days next preceding the election. If there are two or more  
10 newspapers in a county, none of which is of different political faiths from  
11 another, the statewide ballot measures shall be published once a week for two  
12 consecutive weeks in any two newspapers in the county with the last publication  
13 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~~  
3 ~~notice required in section 271.100, and filing the affidavit thereof with the clerk,~~  
4 ~~one dollar and sixty cents.]~~

2 ~~[492.480. Parties applying for commissions shall, in addition to the~~  
3 ~~notice required by sections 492.450 to 492.470, give a general notice, in the~~  
4 ~~nearest newspaper to the place where the depositions are to be taken, for four~~  
5 ~~successive weeks, of the time and place of taking the depositions, and the object~~  
6 ~~thereof.]~~

2 ~~[493.025. Except where otherwise provided in this chapter, when the~~  
3 ~~publication of a law, proclamation, nominations to office, proposed constitutional~~  
4 ~~amendments or other questions to be submitted to the people, order or notice~~  
5 ~~shall be published in any newspaper for the state, or for any public officer on~~  
6 ~~account of, or in the name of the state, or for any county, or for any public officer~~  
7 ~~on account of, or in the name of any county, or any legal advertisement, legal~~  
8 ~~notice, order of court or public notice of any kind is allowed or required by law;~~  
9 ~~a newspaper publishing such notice shall charge and receive not more than its~~  
10 ~~regular local classified advertising rate. The regular local classified advertising~~  
11 ~~rate is that rate shown by the newspaper's rate schedule as offered to the public,~~  
12 ~~and shall have been in effect for at least thirty days preceding publication of the~~  
13 ~~particular notice to which it is applied.]~~

2 ~~[493.027. In any first classification county, or in any city not within a~~  
3 ~~county, a board consisting of the judges of the circuit court of such county, or a~~  
4 ~~majority of them, if they deem it in the public interest, may qualify any~~  
5 ~~newspaper of general circulation, and as further qualified in section 493.050, for~~  
6 ~~the publication of public notices and advertisements, and may review and~~  
7 ~~approve rates which may be charged for public notices and advertisements.]~~

2 ~~[493.040. In procuring the publication of any law, proclamation,~~  
3 ~~advertisement, order or notice, as in section 493.030 mentioned, the public~~  
4 ~~officers shall accept of the most advantageous terms that can be obtained, not~~  
5 ~~exceeding the rates limited in said section.]~~

2 ~~[493.045. As used in this chapter the words "daily newspaper" shall mean~~  
3 ~~a newspaper which is published every day, or each day except Sundays and legal~~  
4 ~~holidays, or which shall be published on each of any five days in every week~~  
5 ~~excepting legal holidays and including or excluding Sundays; except, that when~~  
6 ~~a holiday intervenes in any given week the newspaper may be published on each~~  
7 ~~of any four days in said week.]~~

2 ~~[493.050. All public advertisements and orders of publication required~~  
3 ~~by law to be made and all legal publications affecting the title to real estate shall~~  
4 ~~be published in some daily, triweekly, semiweekly or weekly newspaper of~~  
5 ~~general circulation in the county where located and which shall have been~~  
6 ~~admitted to the post office as periodicals class matter in the city of publication;~~  
7 ~~shall have been published regularly and consecutively for a period of three years;~~  
8 ~~except that a newspaper of general circulation may be deemed to be the successor~~  
9 ~~to a defunct newspaper of general circulation, and subject to all of the rights and~~  
10 ~~privileges of said prior newspaper under this statute, if the successor newspaper~~  
11 ~~shall begin publication no later than thirty consecutive days after the termination~~  
12 ~~of publication of the prior newspaper; shall have a list of bona fide subscribers~~  
13 ~~voluntarily engaged as such, who have paid or agreed to pay a stated price for a~~  
14 ~~subscription for a definite period of time; provided, that when a public notice,~~  
15 ~~required by law to be published once a week for a given number of weeks, shall~~  
16 ~~be published in a daily, triweekly, semiweekly or weekly newspaper, the notice~~  
17 ~~shall appear once a week, on the same day of each week, and further provided,~~  
18 ~~that every affidavit to proof of publication shall state that the newspaper in which~~  
19 ~~such notice was published has complied with the provisions of this section;~~  
20 ~~provided further, that the duration of consecutive publication provided for in this~~  
21 ~~section shall not affect newspapers which have become legal publications prior~~  
22 ~~to September 6, 1937; provided, however, that when any newspaper shall be~~  
23 ~~forced to suspend publication in any time of war, due to the owner or publisher~~  
24 ~~being inducted into the Armed Forces of the United States, the newspaper may~~  
25 ~~be reinstated within one year after actual hostilities have ceased, with all the~~  
26 ~~benefits provided pursuant to the provisions of this section, upon the filing with~~  
27 ~~the secretary of state of notice of intention of such owner or publisher, the~~  
28 ~~owner's surviving spouse or legal heirs, to republish such newspaper, setting forth~~  
29 ~~the name of the publication, its volume and number, its frequency of publication,~~  
30 ~~and its readmission to the post office where it was previously entered as~~  
31 ~~periodicals class mail matter, and when it shall have a list of bona fide~~  
32 ~~subscribers voluntarily engaged as such who have paid or agreed to pay a stated~~  
33 ~~price for subscription for a definite period of time. All laws or parts of laws in~~  
34 ~~conflict with this section except sections 493.070 to 493.120, are hereby~~  
35 ~~repealed.]~~

2 ~~[493.055. All public advertisements and orders of publication required~~  
3 ~~by law to be made, including but not limited to amendments to the Missouri~~  
4 ~~Constitution, legal publications affecting all sales of real estate under a power of~~  
5 ~~sale contained in any mortgage or deed of trust, and other legal publications~~  
6 ~~affecting the title to real estate, shall be published in a newspaper of general~~  
7 ~~circulation, qualified under the provisions of section 493.050, and persons~~  
8 ~~responsible for orders of publication described in sections 443.310 and 443.320~~  
~~shall be subject to the prohibitions in sections 493.130 and 493.140.]~~

2 ~~[493.060. When any notice or other advertisement shall be required, by~~  
3 ~~law or the order of any court, to be published in any newspaper or made in~~  
4 ~~conformity with any deed of trust or power of attorney, the affidavit of the~~  
5 ~~printer, editor, or publisher, with a copy of such advertisement annexed, stating~~  
6 ~~the number and date of the papers in which the same was published, shall be~~  
7 ~~sufficient evidence of the publication.]~~

2 ~~[493.070. In all cities of this state which now have, or shall hereafter~~  
3 ~~have, a population of one hundred thousand inhabitants or more, all public~~  
4 ~~notices and advertisements, directed by any court, or required by law to be~~  
5 ~~published in a newspaper, shall be published in some daily newspaper of such~~  
6 ~~city, of general circulation therein, which shall have been established and~~  
7 ~~continuously published as such for a period of at least three consecutive years~~  
8 ~~next prior to the publication of any such notice.]~~

2 ~~[493.075. When any law of this state provides that notices of any act or~~  
3 ~~thing be made by posting a notice, or by putting up advertisements in public~~  
4 ~~places, the notices or advertisements may, in lieu of posting, be published for the~~  
5 ~~period required by such law in a newspaper accredited under the provisions of~~  
6 ~~this chapter; and published in the locality where such act or thing is required, but~~  
7 ~~if no newspaper is published therein, then in a newspaper published in the county~~  
8 ~~in such locality, except that nothing in this section shall be construed to limit in~~  
9 ~~any way or restrict the provisions of any law of this state which may require~~  
10 ~~longer or more frequent insertions of any notices in a newspaper, and except that~~  
11 ~~this section shall not apply to the notices required under sections 228.030 and~~  
12 ~~228.110; provided, however, this section shall not apply to counties of the first~~  
13 ~~class having a charter form of government nor to cities located in said counties.]~~

2 ~~[493.080. In all such cities a board consisting of the judges of the circuit~~  
3 ~~court of such city or of the judicial circuit in which the city is situated, or a~~  
4 ~~majority of them shall on or before the first day of January, 1942, and every two~~  
5 ~~years thereafter, cause to be published in some daily newspaper of said city a~~  
6 ~~notice for at least twenty days announcing and designating the time and place~~  
7 ~~when and where said board shall hold a hearing to determine what newspapers~~  
8 ~~in such cities are qualified to publish public notices and advertisements under the~~  
9 ~~provisions of section 493.070; and all newspapers in the cities desiring to publish~~  
10 ~~such public notices and advertisements shall, on or prior to the date of each such~~  
11 ~~hearing, file with the board a petition verified by the affidavit of one of the~~  
12 ~~publishers thereof, that such newspaper has the qualifications set forth in said~~  
13 ~~section and desires to be designated as a qualified newspaper under the~~  
14 ~~provisions of section 493.070, and a majority of the board at such time and place~~  
15 ~~shall determine what newspapers so petitioning are qualified under the provisions~~  
~~of that section and shall make a record thereof and shall file a copy thereof with~~



16 ~~the clerk of all courts of record within such cities, and thereupon such~~  
17 ~~newspapers shall be deemed and considered by all courts and officers of this state~~  
18 ~~to be qualified under the provisions of that section; provided, however, that there~~  
19 ~~shall not be charged by or allowed to any such newspaper for such publications~~  
20 ~~a rate that exceeds the rate provided in section 493.030; provided, however, that~~  
21 ~~the petition shall be accompanied by a good and sufficient bond, in a sum to be~~  
22 ~~fixed by the board, conditioned for the correct and faithful publication in the~~  
23 ~~newspaper of all public notices and advertisements, in manner and form as~~  
24 ~~required by law, and at rates not in excess of the rate fixed herein; provided;~~  
25 ~~further, that the board of judges of any such city, if the board shall deem it in the~~  
26 ~~public interest, shall, in the manner herein prescribed, qualify any daily~~  
27 ~~newspaper of general circulation for the publication of public notices and~~  
28 ~~advertisements at rates higher than the maximum rates herein established, though~~  
29 ~~such newspaper shall not file bond hereunder.]~~

30  
31 ~~[493.090. No public notice or advertisement directed by any court or~~  
32 ~~required by law to be published in a newspaper, in cities of one hundred thousand~~  
33 ~~inhabitants or more, shall be valid unless it be published in a daily newspaper~~  
34 ~~qualified to publish such notices and advertisements under the provisions of~~  
35 ~~sections 493.070 to 493.090.]~~

36  
2 ~~[493.100. In all cities having a population of more than six hundred~~  
3 ~~thousand inhabitants, as shown by the last United States census, no notice or~~  
4 ~~other advertisement permitted or required by law to be made in conformity with~~  
5 ~~the power of sale of real estate contained in any mortgage or deed of trust shall~~  
6 ~~be valid or sufficient unless such notice or other advertisement shall be published~~  
7 ~~in a daily newspaper, published in such city, whose annual cash receipts from~~  
8 ~~circulation shall exceed six thousand dollars; and such receipts shall be paid by~~  
9 ~~the bona fide individual and separate subscribers of such newspapers in such city;~~  
10 ~~and in computing such receipts there shall not be counted or included cash~~  
11 ~~received from advertising or from any other source.]~~

2 ~~[493.110. In all such cities, a board, consisting of the judges of the circuit~~  
3 ~~court of such city, or of the judicial circuit in which such city is situated, or a~~  
4 ~~majority of the same, shall, on or before the first day of January, 1912, and every~~  
5 ~~two years thereafter, cause to be published in some daily newspaper of said city~~  
6 ~~a notice for at least ten days announcing and designating the time and place when~~  
7 ~~and where the said board shall have a hearing to determine what newspapers in~~  
8 ~~such cities are eligible to publish such notices under the provisions of the~~  
9 ~~foregoing section. The publishers of newspapers desiring the right to publish~~  
10 ~~such notices shall, upon or prior to the date of such hearing, file with said board~~  
11 ~~a petition, verified by the affidavit of such publishers, directed to said board~~  
~~petitioning for such right and setting forth that such newspaper has the required~~

12 ~~circulation as set forth in the foregoing section. At the time and place so~~  
13 ~~designated the said board shall determine, by such method as shall seem to it~~  
14 ~~best, what newspapers so making application are eligible under the provisions of~~  
15 ~~the foregoing section, and a record of the decisions of the board and a list of the~~  
16 ~~newspapers so declared eligible shall be made in such court and in such manner~~  
17 ~~as the board shall determine.]~~  
18

2 ~~[493.120. No notice or other advertisement, as set forth in section~~  
3 ~~493.100, published in newspapers other than those so declared eligible by such~~  
4 ~~board shall be valid.]~~

2 ~~[493.130. It shall be unlawful for any officer of the law, attorney at law,~~  
3 ~~administrator, agent or person holding property in trust, to make a profit, directly~~  
4 ~~or indirectly, through or by virtue of any contract, express or implied, made with~~  
5 ~~any newspaper or publishing company for any advertisements, official or~~  
6 ~~otherwise, and any rebate contracted for, allowed or given to such officer,~~  
7 ~~attorney or person shall be accounted for, and the benefit thereof given to the~~  
8 ~~party entitled thereto.]~~

2 ~~[493.140. Any officer, attorney or person who shall collect, retain or~~  
3 ~~enjoy, and any person who shall give to any such officer, attorney or person, any~~  
4 ~~rebate or pecuniary benefit, as designated in section 493.130 herein, shall be~~  
5 ~~guilty of a misdemeanor, and upon conviction shall be punished by imprisonment~~  
6 ~~in the county jail for a term not exceeding one year, or by fine not exceeding one~~  
7 ~~thousand dollars, or by both such fine and imprisonment.]~~

✓