1991

clerk of the court, as designated in sections 228.340 to 228.480.]

[228.430. Such road when established, shall be free to be traveled by all persons as a public road, and the county commission shall have power, at any time when it considers it of sufficient public utility, to adopt said road as a county road by complying with the laws providing for widening roads, locating, establishing and opening new public roads.]

[228.440. If, at any time after a private road has been opened under the provisions of sections 228.340 to 228.480, a public road shall be opened so as to give to the owners and occupants of such tract or lot of land as is contemplated by said sections convenient and practical access thereto from public road, without crossing the lands of others, or if the owners and occupants of such tract of land shall acquire title to and possession of adjoining lands which give them convenient and practical access to a public road without passing through the lands of others, or if any person owning lands adjoining any such tract or lot of land to which a private road has been opened, who has practical and convenient access from such lands to a public road, and also to such tract or lot of land to which a private road has been opened under the provisions of sections 228.340 to 228.480, shall acquire title to and possession of such tract or lot of land, for the benefit of which such private road was opened, it shall be lawful for the circuit court to vacate such private road in the manner provided in section 228.450.]

[228.450. When the owners and occupants of any tract or lot of land to which a private road has been opened from a public road through the lands of others has, after the opening of such road, been connected with a public road in a manner mentioned in section 228.440, the owners of the lands through which such private road was opened may file a petition with the circuit court of the proper county, reciting all the facts and praying for the vacation of such private road, it shall be the duty of the court to designate a day in the next term for the hearing of the cause. Notice of such proceeding shall be given in the manner provided by sections 228.340 to 228.480 for giving notice of actions to establish a private road. If there be no remonstrance filed on or before the day set for the hearing of the cause, the court may make an order vacating such road at the expense of the petitioners; but if a remonstrance be filed on or before the day set for the hearing of the cause, the court may, after hearing the cause, make an order vacating the road or dismissing the cause on such terms in either case as to the court may seem just.]

[228.460. If any person of the state shall file a petition in the circuit court of the proper county, setting forth that he or she is the owner of a tract or lot of land in such county, lying within twenty miles of a railroad running along or through said county, or any adjoining county, and that he or she has no access or approach to said railroad, by any public road running from such lands to such railroad, convenient for mining, agricultural or commercial purposes, and asking for the establishment of a private road from his or her said premises to connect with such railroad at some convenient point, and shall describe the place where said road is desired and the width desired, and if the court shall find that the allegations in said petition are true, it shall appoint three disinterested commissioners to view the premises and to mark out such road and assess the damages to the owner or owners of the land through which it will pass.]

[228.470. The proceedings under section 228.460 shall in all things conform to and be governed by the proceedings provided by sections 228.340 to 228.480 for the establishment of private roads, and when so established the same shall be subject to the use of the public the same as the other private roads; but nothing in said sections shall be so construed as to prohibit any person or persons petitioning for such private way from constructing and using thereon a tramway for the purpose of hauling and carrying coal and other products to such railroad, its branches and switches; and provided, that any road shall be not less than twenty nor more than forty feet in width, to be determined by the judgment of the circuit court.]

[228.480. One certified copy of any final judgment decreed by the court under the provisions of sections 228.340 to 228.480 shall be filed in the office of the clerk of the county or counties in which the land affected is situated, there to be made

a part of the permanent records pertaining to the public roads of such county or counties; and one certified copy of said judgment shall be recorded in the deed records of such county or counties, and fees for recording same shall be taxed and paid as costs in the case.].

Approved June 27, 1991.

[S. B. 235]

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

ROADS AND WATERWAYS: Transit authorities.

AN ACT to establish transit authorities in certain counties, with penalty provisions.

SECTION

1. St. Charles county transit authority created—members, appointment, qualifications.
2. St. Charles county transit authority—powers, generally.
3. St. Charles county transit authority—powers with respect to bi-state development agency.
4. Instruments issued by transit authority to be recognized as securities.
5. Property held by transit authority—status for purposes of taxation.
6. Transit authority sales tax—election, ballot language, amendment of tax, requirements—director of revenue, duties—trust fund established—surety bonds required—delinquent taxes, procedure.
7. Certain public officials prohibited from award of government funds.

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

Section 1. St. Charles county transit authority created—members, appointment, qualifications.—1. There is hereby created in each first class county which adjoins both a first class county with a charter form of government having a population of nine hundred thousand or more inhabitants, and not more than one second class county, a county transit authority, which shall be known as the "..... County Transit Authority" and shall consist of five members appointed by the governing body of the county. The county transit authority shall have the powers prescribed in sections 1 to 7 of this act.

2. The members of the transit authority shall be residents of the county and shall have been qualified voters in the county for a period of at least one year preceding their appointment. Not more than three members of the transit authority shall belong to the same political party.

3. Each member shall be appointed by a majority of the governing body of the county for a term of four years, except that of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. The members shall elect from among their membership a chairman and such other officers as the members deem necessary. Vacancies in the transit authority shall be filled for the unexpired term in the same manner as original appointments are made. The governing body of the county may remove any member for cause following a hearing.

4. Three members of the transit authority shall constitute a quorum, and any action or order of the transit authority shall require the approval of at least three members. All members shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties.

Section 2. St. Charles county transit authority—powers, generally.—Any transit authority established pursuant to section 1 of this act shall have the following powers:

(1) To acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, any airports, rail systems, wharves, docks, harbors, and industrial parks adjacent to and

necessary and convenient thereto, bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities;

(2) To plan, construct, operate, maintain, or lease to or contract with others for operation and maintenance of any facilities described in subdivision (1) of this section;

(3) To contract with municipalities or other political subdivisions for the services or use of any facility owned or operated by the transit authority, or owned or operated by any such municipality or other political subdivision;

(4) To borrow money and to issue the negotiable notes, bonds or other instruments in writing in evidence of the sum or sums to be borrowed;

(5) To issue negotiable refunding notes, bonds or other instruments in writing for the purpose of refunding, extending or unifying the whole or any part of its valid indebtedness from time to time outstanding, whether evidenced by notes, bonds or other instruments in writing;

(6) To provide that all negotiable notes, bonds or other instruments in writing issued either pursuant to subdivision (4) or pursuant to subdivision (5) of this section shall be payable, both as to principal and interest, out of the revenues collected for the use of any facility or combination of facilities owned or operated by the transit authority or out of any other resources of the transit authority, and may be further secured by a mortgage or deed of trust upon any property owned by the transit authority. All notes, bonds or other instruments in writing issued by the transit authority shall mature in not to exceed thirty years from the date thereof, shall bear interest at a rate not exceeding fourteen percent per annum, and shall be sold for not less than ninety-five percent of the par value thereof. The transit authority may prescribe the details of such notes, bonds or other instruments in writing, and of the issuance and sale thereof, and may enter into covenants with the holders of such notes, bonds or other instruments in writing, not inconsistent with the powers granted in sections 1 to 7 of this act to the transit authority, without further legislative authority;

(7) To condemn any and all rights or property, of any kind or character in accordance with applicable provisions sections 26, 27, and 28 of Article I of the Constitution of Missouri, necessary for the operation of facilities of the transit authority, except that no rights or property of any kind or character, now or hereafter owned, leased, controlled, operated or used, in whole or in part, by any common carrier engaged in interstate commerce shall be taken or appropriated by the transit authority without first obtaining the written consent and approval of such common carrier. The transit authority shall follow the procedure provided by the laws of the state of Missouri for the appropriation of land or other property taken for telegraph, telephone or railroad rights-of-way;

(8) To contract and to be contracted with, and to sue and to be sued in contract;

(9) To charge and collect fees for use of the facilities owned or operated by it;

(10) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, the state or any other political subdivisions or agencies, or by the federal government or any agency or officer thereof, and to levy and collect proceeds of the sales tax established in section 6 of this act;

(11) To disburse funds for its lawful activities, and to fix salaries and wages of its officers and employees; and

(12) To invest funds not needed for immediate disbursement in property or securities in the same manner as excess funds may be invested by any other political subdivision.

Section 3. St. Charles county transit authority—powers with respect to bi-state development agency.—In addition to the powers prescribed in section 2 of this act, any transit authority established pursuant to section 1 of this act, with respect to its dealings with the bi-state development agency created pursuant to sections 70.370 to 70.440, RSMo, may:

(1) Cooperate with the bi-state development agency in the exercise by the bi-state development agency of all the powers granted to it under sections 70.370 to 70.440, RSMo;

(2) Receive funds from the bi-state development agency upon such terms and conditions as shall be set forth in an agreement between the transit authority and the bi-state development agency, which contract or agreement may be for such number of years or duration as the transit authority and the bi-state development agency may agree;

(3) Acquire from the bi-state development agency any public transportation facility by purchase contract, gift, grant, exchange for other property or rights in property, lease or installment or conditional purchase contracts, which contracts or leases may provide for consideration to be paid in annual installments during a period not exceeding forty years. Such property may be acquired subject to such conditions, restrictions, liens or security or other interests of other parties as the transit authority may deem appropriate and in each case the transit authority may acquire a joint, leasehold, easement, license or other partial interest in such property;

(4) Lease as lessor, or provide for the use by the bi-state development agency any public transportation facility upon such terms and for such consideration, as the transit authority may deem proper; and

(5) Cooperate with the bi-state development agency for the protection of employees of the transit authority and users of public transportation facilities against crime and also to protect such facilities, but neither the transit authority nor its officers or employees shall be held liable for failure to provide a security or police force, or, if a security or police force is provided, for failure to provide adequate police protection or security, failure to prevent the commission of crimes by fellow passengers or other third persons or for the failure to apprehend criminals.

Section 4. Instruments issued by transit authority to be recognized as securities.—Any notes, bonds or other instruments in writing issued by a transit authority pursuant to the provisions of sections 1 to 7 of this act are recognized to be securities in which all state and municipal officers and bodies, all banks, bankers, trust companies, savings banks, savings associations, building and loan associations, investment companies, and all other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries and all other persons whatsoever who are now or who may hereafter be authorized to invest in bonds or other obligations of the state of Missouri may properly and legally invest any funds, including capital, belonging to them, or within their control. Such obligations are recognized as securities which may properly and legally be deposited with and shall be received by any state or municipal officer or agency for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

Section 5. Property held by transit authority—status for purposes of taxation.—All property, real and personal, owned or held by any transit authority established pursuant to section 1 of this act, and all interest income derived from any notes, bonds or other instruments in writing issued by such transit authority, shall possess the same status, with respect to taxation in the state of Missouri, as is now or may hereafter be possessed by property, real and personal, owned or held by cities within the state of Missouri, and by the interest income derived from notes, bonds or other instruments in writing issued by such cities.

Section 6. Transit authority sales tax—election, ballot language, amendment of tax, requirements—director of revenue, duties—trust fund established—surety bonds required—delinquent taxes, procedure.—1. Any county transit authority established pursuant to section 1 of this act may impose a sales tax of up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the transit authority to impose a tax.

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

Shall the ..... Transit Authority impose a countywide sales tax of ..... (Insert amount) in order to provide revenues for the operation of transportation facilities operated by the transit authority?

☐ Yes

☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes." If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective on the first day of the second calendar quarter following notification to the department of revenue of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the provisions of this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by this section, plus any amounts imposed under other provisions of law.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285, RSMo, shall apply to all taxable transactions.

7. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as

modified in this section. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under chapter 144, RSMo, are hereby allowed and made applicable to any taxes collected under the provisions of this section. The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for a violation of those sections are hereby made applicable to violations of this section.

8. For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer, except for tangible personal property sold which is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which he works.

9. All sales taxes collected by the director of revenue under this section on behalf of any transit authority, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this section, shall be deposited in the state treasury in a special trust fund, which is hereby created, to be known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county transit authority sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each transit authority imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the transit authority which levied the tax.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any transit authority for erroneous payments and overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the transit authority shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such transit authority, the director of revenue shall authorize the state treasurer to remit the balance in the account to the transit authority and close the account of that transit authority. The director of revenue shall notify each transit authority of each instance of any amount refunded or any check redeemed from receipts due the transit authority. The director of revenue shall annually report on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transit authority.

11. The director of revenue and any of his deputies, assistants and employees, who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this section shall enter a surety bond or bonds payable to any and all transit authorities in whose behalf such funds have been collected under this section in the amount of one hundred thousand dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

12. Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As used in this subsection, the term "boat" shall only include motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

13. In any county where the transit authority sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this section or in the event a determination has been made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such transit authority. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax would be due so that appropriate action may be taken by the transit authority.

14. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the state and to the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such transit authority under this section.

15. The transit authority created under the provisions of sections 1 to 7 of this act shall notify any and all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 1 to 7 of this act.

Section 7. Certain public officials prohibited from award of government funds.—No elected official in any city or county establishing a transit authority under the provisions of sections 1 to 7 of this act, acting in his own self-interest for profit or acting on behalf of any firm, corporation, person, or other legal entity with whom such official is engaged in any contractual agreement, shall seek, apply for, or be awarded any federal or state funds appropriated for the purpose of conducting a feasibility study of any proposed public transportation system within such city or county.

Approved June 14, 1991.

[H. B. 619]

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

LANDS, LEVEES, DRAINAGE, SEWERS AND PUBLIC WATER SUPPLY: Water districts.

AN ACT to repeal section 247.040, RSMo 1986, and section 247.060, RSMo Supp. 1990, relating to certain water districts, and to enact in lieu thereof three new sections relating to the same subject.

SECTION

A. Enacting clause.
247.040. Formation of public water supply district—procedure.
247.060. Board of directors—powers—qualifications—appointment—terms—vacancies, how filled—elections held, when, procedure.
1. Real estate subdivision with approved installation of water line, certain districts not to refuse water—(Jackson county).

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

Section A. Enacting clause.—Section 247.040, RSMo 1986, and section 247.060, RSMo Supp. 1990, are repealed and three new sections enacted in lieu thereof, to be known as sections 247.040, 247.060 and 1, to read as follows:

247.040. Formation of public water supply district—procedure.—1. Proceedings for the formation of a public water supply district shall be substantially as follows: A petition in duplicate describing the proposed boundaries of the district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situate, or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of the improvement, an approximation of the assessed valuation of taxable property within the district and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by not less than fifty voters within the proposed district and shall pray for the incorporation of the territory therein described into a public water supply district. The petition shall be verified by at least one of the signers thereof.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The said notice shall contain a description of the proposed boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than fifteen nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of said circuit court and shall be published in three successive issues of a weekly newspaper or in twenty successive issues of a daily newspaper.

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

4. Exceptions to the formation of a district, or to the boundaries outlined in the petition for the incorporation thereof, may be made by any voter of the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which

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238.400. County first class transit authority created—members, appointment, qualifications.—1. [There is hereby created in each first class county which adjoins both a first class county with a charter form of government having a population of nine hundred thousand or more inhabitants, and not more than one second class county,] **Any county of the first class may, by ordinance or order of the county governing body, establish** a county transit authority, which shall be known as the "..... County Transit Authority" and shall consist of five members appointed by the governing body of the county. The county transit authority shall have the powers prescribed in sections 238.400 to 238.412. **Any county transit authority created by this section prior to August 28, 1995, shall continue in existence under sections 238.400 to 238.412.**

2. The members of the transit authority shall be residents of the county and shall have been qualified voters in the county for a period of at least one year preceding their appointment. Not more than three members of the transit authority shall belong to the same political party.

3. Each member shall be appointed by a majority of the governing body of the county for a term of four years, except that of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. The members shall elect from among their membership a chairman and such other officers as the members deem necessary. Vacancies in the transit authority shall be filled for the unexpired term in the same manner as original appointments are made. The governing body of the county may remove any member for cause following a hearing.

4. Three members of the transit authority shall constitute a quorum, and any action or order of the transit authority shall require the approval of at least three members. All members shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties.

Approved June 27, 1995.

[C. C. S. S. B. 16]

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

CITIES, TOWNS AND VILLAGES: Housing authorities law.

AN ACT to repeal sections 99.020 and 99.134, RSMo 1994, relating to housing authorities law, and to enact in lieu thereof three new sections relating to the same subject.

SECTION

A. Enacting clause.
99.020. Definitions.
99.134. Commissioners of housing authority—membership—terms (Kansas City).
1. Commissioner may be employee of city or county.

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

Section A. Enacting clause.—Sections 99.020 and 99.134, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 99.020, 99.134 and 1, to read as follows:

99.020. Definitions.—The following terms, wherever used or referred to in sections 99.010 to 99.230, shall have the following respective meanings unless a different meaning clearly appears from the context:

(1) "Area of operation", in the case of a housing authority of a city, shall include such city; in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined;

(2) "Authority" or "housing authority" shall mean any of the municipal corporations created by section 99.040;

(3) "Blighted" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any combination of these factors are detrimental to safety, health and morals;

(4) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this chapter;

(5) "City" shall mean any city, town or village in the state;

(6) "The city" shall mean the particular city for which a particular housing authority is created;