

SECOND REGULAR SESSION

# HOUSE BILL NO. 2452

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHUPP.

5138L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 67.1401, RSMo, and to enact in lieu thereof one new section relating to community improvement districts.

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

Section A. Section 67.1401, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.1401, to read as follows:

67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

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.

16 (b) Has been declared blighted or found to be a blighted area pursuant to Missouri law  
17 including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections  
18 99.300 to 99.715, RSMo;

19 (4) "Board", if the district is a political subdivision, the board of directors of the district,  
20 or if the district is a not-for-profit corporation, the board of directors of such corporation;

21 (5) "Director of revenue", the director of the department of revenue of the state of  
22 Missouri;

23 (6) "District", a community improvement district, established pursuant to sections  
24 67.1401 to 67.1571, **including a residential district unless a residential district is specifically**  
25 **excluded;**

26 (7) "Election authority", the election authority having jurisdiction over the area in which  
27 the boundaries of the district are located pursuant to chapter 115, RSMo;

28 (8) "Municipal clerk", the clerk of the municipality;

29 (9) "Municipality", any city, village, incorporated town, or county of this state, or in any  
30 unincorporated area that is located in any county with a charter form of government and with  
31 more than one million inhabitants;

32 (10) "Obligations", bonds, loans, debentures, notes, special certificates, or other  
33 evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes  
34 or to refund outstanding obligations;

35 (11) "Owner", for real property, the individual or individuals or entity or entities who  
36 own a fee interest in real property that is located within the district or their legally authorized  
37 representative; for business organizations and other entities, the owner shall be deemed to be the  
38 individual [which] **who** is legally authorized to represent the entity in regard to the district.  
39 **Notwithstanding subsection 2 of section 115.137 to the contrary, the legally authorized**  
40 **representative of an entity owning real property in a district may vote in any district**  
41 **election if otherwise authorized to vote under sections 67.1401 to 67.1571;**

42 (12) "Per capita", one head count applied to each individual, entity or group of  
43 individuals or entities having fee ownership of real property within the district whether such  
44 individual, entity or group owns one or more parcels of real property in the district as joint  
45 tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with  
46 respect to a condominium created under sections 448.1-101 to 448.4-120, RSMo, "per capita"  
47 means one head count applied to the applicable unit owners' association and not to each unit  
48 owner;

49 (13) "Petition", a petition to establish a district as it may be amended in accordance with  
50 the requirements of section 67.1421;

51 (14) "Qualified voters",

52 (a) For purposes of elections for approval of real property taxes:

53 a. Registered voters; or

54 b. If no registered voters reside in the district, the owners of one or more parcels of real  
55 property which is to be subject to such real property taxes and is located within the district per  
56 the tax records for real property of the county clerk, or the collector of revenue if the district is  
57 located in a city not within a county, as of the thirtieth day prior to the date of the applicable  
58 election;

59 (b) For purposes of elections for approval of business license taxes or sales taxes:

60 a. Registered voters; or

61 b. If no registered voters reside in the district, the owners of one or more parcels of real  
62 property located within the district per the tax records for real property of the county clerk as of  
63 the thirtieth day before the date of the applicable election; and

64 (c) For purposes of the election of directors of the board, registered voters and owners  
65 of real property which is not exempt from assessment or levy of taxes by the district and which  
66 is located within the district per the tax records for real property of the county clerk, or the  
67 collector of revenue if the district is located in a city not within a county, of the thirtieth day prior  
68 to the date of the applicable election; and

69 **(d) For purposes of the election of directors of the board in a residential district:**

70 **a. Registered voters; and**

71 **b. Owners of real property which is not exempt from assessment or levy of taxes**  
72 **by the residential district and which is located within the residential district per the tax**  
73 **records for real property of the county clerk, or the collector of revenue if the residential**  
74 **district is located in a city not within a county, as of the thirtieth day prior to the date of**  
75 **the applicable election; provided that an owner is:**

76 **(i) At least eighteen years of age on the date of the election;**

77 **(ii) Not otherwise disqualified to vote under subsection 2 of section 115.133;**

78 **(iii) Allowed only one vote regardless of the number of parcels owned; and**

79 **(iv) Allowed only one vote regardless of whether the owner is also a registered voter**  
80 **in the residential district;**

81 (15) "Registered voters", persons who reside within the district and who are qualified  
82 and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election  
83 authority as of the thirtieth day prior to the date of the applicable election; **and**

84 **(16) "Residential district", a community improvement district established under**  
85 **sections 67.1401 to 67.1571 in which at least eighty percent of the real property in the**  
86 **district is zoned for residential uses, including any community improvement district**  
87 **established prior to August 28, 2010, that meets this definition.**

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