

FIRST REGULAR SESSION

# HOUSE BILL NO. 186

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HANSEN.

0742H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 67.1421 and 67.1422, RSMo, and to enact in lieu thereof two new sections 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Section A. Sections 67.1421 and 67.1422, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 67.1421 and 67.1422, to read as follows:

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

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

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

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

(3) It contains the following information:

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

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

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.

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

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

59 Signature of person signing for owner Date

60 STATE OF MISSOURI)

61 ) ss.

62 COUNTY OF .....

63 Before me personally appeared ....., to me personally known to be the individual  
64 described in and who executed the foregoing instrument.

65 WITNESS my hand and official seal this ..... day of ..... (month), .... (year).

66 .....

67 Notary Public

68 My Commission Expires: .....; and

69 (5) Alternatively, the governing body of [any home rule city with more than four hundred  
70 thousand inhabitants and located in more than one county] **any municipality** may file a petition  
71 to initiate the process to establish a district [in the portion of the city located in any county of the  
72 first classification with more than two hundred thousand but fewer than two hundred sixty  
73 thousand inhabitants containing] . **Any petition filed under this subdivision shall be signed**  
74 **by the chief elected officer of the municipality and contain** the information required in  
75 subdivision (3) of this subsection[; provided that the only funding methods for the services and  
76 improvements will be a real property tax].

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

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

90 1 of this section, the petition may be approved by the governing body and an election shall be  
91 called pursuant to section 67.1422.

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

96 (1) At any time prior to the close of the public hearing required pursuant to subsection  
97 1 of this section; provided that, notice of the contents of the amended petition is given at the  
98 public hearing;

99 (2) At any time after the public hearing and prior to the adoption of an ordinance  
100 establishing the proposed district; provided that, notice of the amendments to the petition is  
101 given by publishing the notice in a newspaper of general circulation within the municipality and  
102 by sending the notice via registered certified United States mail with a return receipt attached to  
103 the address of record of each owner of record of real property within the boundaries of the  
104 proposed district per the tax records of the county clerk, or the collector of revenue if the district  
105 is located in a city not within a county. Such notice shall be published and mailed not less than  
106 ten days prior to the adoption of the ordinance establishing the district;

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

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

67.1422. 1. Notwithstanding sections 67.1531, 67.1545, and 67.1551, if the petition was  
2 filed pursuant to subdivision (5) of subsection 2 of section 67.1421 by a governing body of the  
3 [city] **municipality**, the governing body may adopt an ordinance approving the petition and  
4 submit a ballot to the qualified voters of the district; the question shall be in substantially the  
5 following form:

6 Shall the community improvement district to be known as the ".....  
7 Community Improvement District" approved by the ..... (insert governing body)  
8 be established for the purpose of (here summarize the proposed improvements and services) and  
9 be authorized to impose a [real property tax upon (all real property)] (**insert type of tax**) within  
10 the district at a rate of not more than [ten cents per hundred dollars assessed valuation] (**insert**  
11 **rate**) for a period of [ten years] (**insert duration**) from the date on which such tax is first  
12 imposed for the purpose of providing revenue for ..... (insert general description of  
13 purpose) in the district?

14  YES  NO

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

17

18 **If a majority of the qualified voters voting on the proposition vote in favor of the**  
19 **proposition, then the district shall be created and the tax may be imposed by the district's**  
20 **board of directors as provided in sections 67.1531, 67.1545, or 67.1551, as applicable,**  
21 **without further approval of the qualified voters of the district. If the majority of qualified**  
22 **voters voting on the proposition reject the proposition, then the governing body of the [city]**  
23 **municipality shall not [submit] resubmit the question to the qualified voters of the district [on**  
24 **more than one occasion] for a period of at least one year.**

25 2. A district levying a [real property] tax pursuant to this section may repeal or amend  
26 such [real property] tax or lower the tax rate of such tax if such repeal, amendment or lower rate  
27 will not impair the district's ability to repay any liabilities which it has incurred, money which  
28 it has borrowed or obligations that it has issued to finance any improvements or services  
29 rendered within the district.

30 3. An election conducted under this section may be conducted in accordance with the  
31 provisions of chapter 115 or by mail-in ballot.

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