

SECOND REGULAR SESSION

HOUSE BILL NO. 2184

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

4959H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 67.453, 67.1401, and 67.1461, RSMo, and to enact in lieu thereof three new sections relating to political subdivisions.

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

Section A. Sections 67.453, 67.1401, and 67.1461, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 67.453, 67.1401, and 67.1461, to read as follows:

67.453. Sections 67.453 to 67.475 are known and may be cited as the "Neighborhood Improvement District Act", and the following words and terms, as used in sections 67.453 to 67.475 mean:

(1) "Acquire", the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means and may include the acquisition of existing property and improvements already owned by the city or county;

(2) "Consultant", engineers, architects, planners, attorneys, financial advisors, accountants, investment bankers and other persons deemed competent to advise and assist the governing body of the city or county in planning and making improvements;

(3) "Cost", all costs incurred in connection with an improvement, including, but not limited to, costs incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, fees and expenses of consultants, interest accrued on borrowed money during the period of construction, underwriting costs and other costs incurred in connection with the issuance of bonds or notes, establishment of reasonably required reserve funds for bonds or notes, the cost of land, materials, labor and other lawful expenses incurred in planning, acquiring

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.

17 and doing any improvement, reasonable construction contingencies, and work done or services
18 performed by the city or county in the administration and supervision of the improvement;

19 (4) "Improve", to construct, reconstruct, maintain, restore, replace, renew, repair, install,
20 equip, extend, or to otherwise perform any work which will provide a new public facility or
21 enhance, extend or restore the value or utility of an existing public facility;

22 (5) "Improvement", any one or more public facilities or improvements which confer a
23 benefit on property within a definable area and may include or consist of a reimprovement of a
24 prior improvement. Improvements include, but are not limited to, the following activities:

25 (a) To acquire property or interests in property when necessary or desirable for any
26 purpose authorized by sections 67.453 to 67.475;

27 (b) To open, widen, extend and otherwise to improve streets, paving and other surfacing,
28 gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works
29 incidental thereto, and service connections from sewer, water, gas and other utility mains,
30 conduits or pipes;

31 (c) To improve main and lateral storm water drains and sanitary sewer systems, and
32 appurtenances thereto;

33 (d) To improve street lights and street lighting systems;

34 (e) To improve waterworks systems;

35 (f) To improve parks, playgrounds and recreational facilities;

36 (g) To improve any street or other facility by landscaping, planting of trees, shrubs, and
37 other plants;

38 (h) To improve dikes, levees and other flood control works, gates, lift stations, bridges
39 and streets appurtenant thereto;

40 (i) To improve vehicle and pedestrian bridges, overpasses and tunnels;

41 (j) To improve retaining walls and area walls on public ways or land abutting thereon;

42 (k) To improve property for off-street parking facilities including construction and
43 equipment of buildings thereon;

44 (l) To acquire or improve any other public facilities or improvements deemed necessary
45 by the governing body of the city or county; ~~and~~

46 (m) To improve public safety; **or**

47 **(n) To improve telecommunications facilities;**

48 (6) "Neighborhood improvement district", an area of a city or county with defined limits
49 and boundaries which is created by vote or by petition under sections 67.453 to 67.475 and
50 which is benefitted by an improvement and subject to special assessments against the real
51 property therein for the cost of the improvement;

52 (7) "Telecommunications facilities", the same meaning as defined under section
53 386.020.

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

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

4 (1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to
5 67.1571, a simple majority of those qualified voters voting in the election;

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

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

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

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, sections 99.800 to 99.865, or sections 99.300 to
18 99.715;

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;

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

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

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

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

34 (11) "Owner", for real property, the individual or individuals or entity or entities who
35 own a fee interest in real property that is located within the district or their legally authorized
36 representative; for business organizations and other entities, the owner shall be deemed to be the
37 individual which is legally authorized to represent the entity in regard to the district;

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

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

46 (14) "Qualified voters",

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

48 a. Registered voters; or

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

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

55 a. Registered voters; or

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

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

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

67 (16) "Telecommunications facilities", the same meaning as defined under section
68 **386.020**.

67.1461. 1. Each district shall have all the powers, except to the extent any such power
2 has been limited by the petition approved by the governing body of the municipality to establish
3 the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401
4 to 67.1571 including, but not limited to, the following:

5 (1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to
6 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

7 (2) To sue and be sued;

8 (3) To make and enter into contracts and other instruments, with public and private
9 entities, necessary or convenient to exercise its powers and carry out its duties pursuant to
10 sections 67.1401 to 67.1571;

11 (4) To accept grants, guarantees and donations of property, labor, services, or other
12 things of value from any public or private source;

13 (5) To employ or contract for such managerial, engineering, legal, technical, clerical,
14 accounting, or other assistance as it deems advisable;

15 (6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real
16 property within its boundaries, personal property, or any interest in such property;

17 (7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise
18 encumber or dispose of any real or personal property or any interest in such property;

19 (8) To levy and collect special assessments and taxes as provided in sections 67.1401
20 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from
21 taxation pursuant to subdivision (5) of section 137.100. Those exempt pursuant to subdivision
22 (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to
23 67.1571;

24 (9) If the district is a political subdivision, to levy real property taxes and business
25 license taxes in the county seat of a county of the first classification containing a population of
26 at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such
27 assessments or taxes shall be levied on any property exempt from taxation pursuant to
28 subdivisions (2) and (5) of section 137.100. Those exempt pursuant to subdivisions (2) and (5)
29 of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

30 (10) If the district is a political subdivision, to levy sales taxes pursuant to sections
31 67.1401 to 67.1571;

32 (11) To fix, charge, and collect fees, rents, and other charges for use of any of the
33 following:

34 (a) The district's real property, except for public rights-of-way for utilities;

35 (b) The district's personal property, except in a city not within a county; or

- 36 (c) Any of the district's interests in such real or personal property, except for public
37 rights-of-way for utilities;
- 38 (12) To borrow money from any public or private source and issue obligations and
39 provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;
- 40 (13) To loan money as provided in sections 67.1401 to 67.1571;
- 41 (14) To make expenditures, create reserve funds, and use its revenues as necessary to
42 carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;
- 43 (15) To enter into one or more agreements with the municipality for the purpose of
44 abating any public nuisance within the boundaries of the district including, but not limited to,
45 the stabilization, repair or maintenance, or demolition and removal of buildings or structures,
46 provided that the municipality has declared the existence of a public nuisance;
- 47 (16) Within its boundaries, to provide assistance to or to construct, reconstruct, install,
48 repair, maintain, and equip any of the following public improvements:
- 49 (a) Pedestrian or shopping malls and plazas;
- 50 (b) Parks, lawns, trees, and any other landscape;
- 51 (c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;
- 52 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic
53 signs and signals, utilities, drainage, water, storm and sewer systems, ~~and~~ **telecommunications**
54 **facilities, or** other site improvements;
- 55 (e) Parking lots, garages, or other facilities;
- 56 (f) Lakes, dams, and waterways;
- 57 (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees,
58 awnings, canopies, walls, and barriers;
- 59 (h) Telephone and information booths, bus stop and other shelters, rest rooms, and
60 kiosks;
- 61 (i) Paintings, murals, display cases, sculptures, and fountains;
- 62 (j) Music, news, and child-care facilities; and
- 63 (k) Any other useful, necessary, or desired improvement;
- 64 (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks,
65 parks, and other real property and improvements located within its boundaries for public use;
- 66 (18) Within its boundaries and with the municipality's consent, to prohibit or restrict
67 vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks,
68 and tunnels and to provide the means for access by emergency vehicles to or in such areas;
- 69 (19) Within its boundaries, to operate or to contract for the provision of music, news,
70 child-care, or parking facilities, and buses, minibuses, or other modes of transportation;
- 71 (20) Within its boundaries, to lease space for sidewalk cafe tables and chairs;

72 (21) Within its boundaries, to provide or contract for the provision of security personnel,
73 equipment, or facilities for the protection of property and persons;

74 (22) Within its boundaries, to provide or contract for cleaning, maintenance, and other
75 services to public and private property;

76 (23) To produce and promote any tourism, recreational or cultural activity or special
77 event in the district by, but not limited to, advertising, decoration of any public place in the
78 district, promotion of such activity and special events, and furnishing music in any public place;

79 (24) To support business activity and economic development in the district including,
80 but not limited to, the promotion of business activity, development and retention, and the
81 recruitment of developers and businesses;

82 (25) To provide or support training programs for employees of businesses within the
83 district;

84 (26) To provide refuse collection and disposal services within the district;

85 (27) To contract for or conduct economic, planning, marketing or other studies;

86 (28) To repair, restore, or maintain any abandoned cemetery on public or private land
87 within the district; and

88 (29) To carry out any other powers set forth in sections 67.1401 to 67.1571.

89 2. Each district which is located in a blighted area or which includes a blighted area shall
90 have the following additional powers:

91 (1) Within its blighted area, to contract with any private property owner to demolish and
92 remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private
93 property owner; and

94 (2) To expend its revenues or loan its revenues pursuant to a contract entered into
95 pursuant to this subsection, provided that the governing body of the municipality has determined
96 that the action to be taken pursuant to such contract is reasonably anticipated to remediate the
97 blighting conditions and will serve a public purpose.

98 3. Each district shall annually reimburse the municipality for the reasonable and actual
99 expenses incurred by the municipality to establish such district and review annual budgets and
100 reports of such district required to be submitted to the municipality; provided that, such annual
101 reimbursement shall not exceed one and one-half percent of the revenues collected by the district
102 in such year.

103 4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district
104 any sovereign right of municipalities to promote order, safety, health, morals, and general
105 welfare of the public, except those such police powers, if any, expressly delegated pursuant to
106 sections 67.1401 to 67.1571.

107 5. The governing body of the municipality establishing the district shall not decrease the
108 level of publicly funded services in the district existing prior to the creation of the district or
109 transfer the financial burden of providing the services to the district unless the services at the
110 same time are decreased throughout the municipality, nor shall the governing body discriminate
111 in the provision of the publicly funded services between areas included in such district and areas
112 not so included.

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