

SENATE BILL NO. 96

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

0917S.03I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 67.1421, 67.1422, and 238.225, RSMo, and to enact in lieu thereof three new sections relating to certain special taxing districts.

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

Section A. Sections 67.1421, 67.1422, and 238.225, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 67.1421, 67.1422, and 238.225, to read as
4 follows:

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

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

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

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

18 (3) It contains the following information:

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

21 (b) The name of the proposed district;

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23 not be withdrawn later than seven days after the petition is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

25 (d) A five-year plan stating a description of the
26 purposes of the proposed district, the services it will
27 provide, each improvement it will make from the list of
28 allowable improvements under section 67.1461, an estimate of
29 the costs of these services and improvements to be incurred,
30 the anticipated sources of funds to pay the costs, and the
31 anticipated term of the sources of funds to pay the costs;

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

36 (f) If the district is to be a political subdivision,
37 a statement as to whether the district will be governed by a
38 board elected by the district or whether the board will be
39 appointed by the municipality, and, if the board is to be
40 elected by the district, the names and terms of the initial
41 board may be stated;

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

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

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

49 (j) The proposed length of time for the existence of
50 the district, which in the case of districts established
51 after August 28, 2021, shall not exceed twenty-seven years
52 from the adoption of the ordinance establishing the district
53 unless the municipality extends the length of time under
54 section 67.1481;

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

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

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

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

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

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

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

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

74 Name of owner: _____

75 Owner's telephone number and mailing address: _____

76 If signer is different from owner:

77 Name of signer: _____

78 State basis of legal authority to sign: _____

79 Signer's telephone number and mailing address: _____

80

81 If the owner is an individual, state if owner is
82 single or married: _____

83 If owner is not an individual, state what type of
84 entity: _____

85 Map and parcel number and assessed value of each
86 tract of real property within the proposed district
87 owned: _____

88 By executing this petition, the undersigned
89 represents and warrants that he or she is authorized
90 to execute this petition on behalf of the property
91 owner named immediately above

92 _____

93 Signature of person Date

94 signing for owner

95 STATE OF MISSOURI)

96) ss.

97 COUNTY OF _____)

98 Before me personally appeared _____, to me
99 personally known to be the individual described in
100 and who executed the foregoing instrument.

101 WITNESS my hand and official seal this _____ day of
102 _____ (month), _____ (year).

103 _____

104 Notary Public

105 My Commission Expires: _____ ; and

106 (5) Alternatively, the governing body of any home rule
107 city with more than four hundred thousand inhabitants and
108 located in more than one county may file a petition to
109 initiate the process to establish a district in the portion
110 of the city located in any county of the first

111 classification with more than two hundred thousand but fewer
112 than two hundred sixty thousand inhabitants containing the
113 information required in subdivision (3) of this subsection;
114 provided that the only funding methods for the services and
115 improvements will be a real property tax.

116 3. Upon receipt of a petition the municipal clerk
117 shall, within a reasonable time not to exceed ninety days
118 after receipt of the petition, review and determine whether
119 the petition substantially complies with the requirements of
120 subsection 2 of this section. In the event the municipal
121 clerk receives a petition which does not meet the
122 requirements of subsection 2 of this section, the municipal
123 clerk shall, within a reasonable time, return the petition
124 to the submitting party by hand delivery, first class mail,
125 postage prepaid or other efficient means of return and shall
126 specify which requirements have not been met.

127 4. After the close of the public hearing required
128 pursuant to subsection 1 of this section, the governing body
129 of the municipality may adopt an ordinance approving the
130 petition and establishing a district as set forth in the
131 petition and may determine, if requested in the petition,
132 whether the district, or any legally described portion
133 thereof, constitutes a blighted area. If the petition was
134 filed by the governing body of a municipality pursuant to
135 subdivision (5) of subsection 2 of this section, after the
136 close of the public hearing required pursuant to subsection
137 1 of this section, the petition may be approved by the
138 governing body and an election shall be called pursuant to
139 section 67.1422. **Any ordinance or petition approved**
140 **pursuant to this subsection shall be by a unanimous vote.**

141 5. Amendments to a petition may be made which do not
142 change the proposed boundaries of the proposed district if

143 an amended petition meeting the requirements of subsection 2
144 of this section is filed with the municipal clerk at the
145 following times and the following requirements have been met:

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

150 (2) At any time after the public hearing and prior to
151 the adoption of an ordinance establishing the proposed
152 district; provided that, notice of the amendments to the
153 petition is given by publishing the notice in a newspaper of
154 general circulation within the municipality and by sending
155 the notice via registered certified United States mail with
156 a return receipt attached to the address of record of each
157 owner of record of real property within the boundaries of
158 the proposed district per the tax records of the county
159 clerk, or the collector of revenue if the district is
160 located in a city not within a county. Such notice shall be
161 published and mailed not less than ten days prior to the
162 adoption of the ordinance establishing the district. Such
163 notice shall also be sent to the Missouri department of
164 revenue, which shall publish such notice on its website;

165 (3) At any time after the adoption of any ordinance
166 establishing the district a public hearing on the amended
167 petition is held and notice of the public hearing is given
168 in the manner provided in section 67.1431 and the governing
169 body of the municipality in which the district is located
170 adopts an ordinance approving the amended petition after the
171 public hearing is held.

172 6. Upon the creation of a district, the municipal
173 clerk shall report in writing the creation of such district

174 to the Missouri department of economic development and the
175 state auditor.

176 7. (1) The governing body of the municipality or
177 county establishing a district or the governing body of such
178 district shall, as soon as is practicable, submit the
179 following information to the state auditor and the
180 department of revenue:

181 (a) A description of the boundaries of such district
182 as well as the rate of property tax or sales tax levied in
183 such district;

184 (b) Any amendments made to the boundaries of a
185 district or the tax rates levied in such district; and

186 (c) The date on which the district is to expire unless
187 sooner terminated.

188 (2) The governing body of a community improvement
189 district established on or after August 28, 2022, shall not
190 order any assessment to be made on any real property located
191 within a district and shall not levy any property or sales
192 tax until the information required by paragraph (a) of
193 subdivision (1) of this subsection has been submitted.

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

8 Shall the community improvement district to be
9 known as the "_____ Community Improvement
10 District" approved by the _____ (insert governing
11 body) be established for the purpose of (here
12 summarize the proposed improvements and services)
13 and be authorized to impose a real property tax

14 upon (all real property) within the district at a
15 rate of not more than ten cents per hundred
16 dollars assessed valuation for a period of ten
17 years from the date on which such tax is first
18 imposed for the purpose of providing revenue for
19 _____ (insert general description of purpose) in
20 the district?

21 YES NO

22 If you are in favor of the question, place an "X"
23 in the box opposite "YES". If you are opposed to
24 the question, place an "X" in the box opposite
25 "NO".

26 The governing body of the city shall not submit the question
27 to the qualified voters of the district on more than one
28 occasion.

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

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

238.225. 1. Before construction or funding of any
2 project the district shall submit the proposed project to
3 the commission for its **unanimous** prior approval. If the
4 commission by minute finds that the project will improve or
5 is a necessary or desirable extension of the state highways
6 and transportation system, the commission may preliminarily
7 approve the project subject to the district providing plans

8 and specifications for the proposed project and making any
9 revisions in the plans and specifications required by the
10 commission and the district and commission entering into a
11 mutually satisfactory agreement regarding development and
12 future maintenance of the project. After such preliminary
13 approval, the district may impose and collect such taxes and
14 assessments as may be included in the commission's
15 preliminary approval. After the commission approves the
16 final construction plans and specifications, the district
17 shall obtain prior commission approval of any modification
18 of such plans or specifications.

19 2. If the proposed project is not intended to be
20 merged into the state highways and transportation system
21 under the commission's jurisdiction, the district shall also
22 submit the proposed project and proposed plans and
23 specifications to the local transportation authority that
24 will become the owner of the project for its **unanimous** prior
25 approval.

26 3. In those instances where a local transportation
27 authority is required to approve a project and the
28 commission determines that it has no direct interest in that
29 project, the commission may decline to consider the
30 project. Approval of the project shall then vest
31 exclusively with the local transportation authority subject
32 to the district making any revisions in the plans and
33 specifications required by the local transportation
34 authority and the district and the local transportation
35 authority entering into a mutually satisfactory agreement
36 regarding development and future maintenance of the
37 project. After the local transportation authority
38 **unanimously** approves the final construction plans and
39 specifications, the district shall obtain prior approval of

40 the local transportation authority before modifying such
41 plans or specifications.

42 4. Notwithstanding any provision of this section to
43 the contrary, this section shall not apply to any district
44 whose project is a public mass transportation system.

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