

FIRST REGULAR SESSION

HOUSE BILL NO. 85

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LUETKEMEYER.

Pre-filed December 5, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0152L.011

AN ACT

To amend chapter 67, RSMo, by adding thereto eighteen new sections relating to law enforcement districts.

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

Section A. Chapter 67, RSMo, is amended by adding thereto eighteen new sections, to
2 be known as sections 67.1860, 67.1862, 67.1864, 67.1866, 67.1868, 67.1870, 67.1872, 67.1874,
3 67.1876, 67.1878, 67.1880, 67.1882, 67.1884, 67.1886, 67.1888, 67.1890, 67.1892 and 67.1894,
4 to read as follows:

**67.1860. Sections 67.1860 to 67.1894 shall be known as the "Missouri Law
2 Enforcement District Act".**

67.1862. As used in sections 67.1860 to 67.1894, the following terms mean:

2 **(1) "Approval of the required majority" or "direct voter approval", a simple
3 majority;**

4 **(2) "Board", the board of directors of a district;**

5 **(3) "District", a law enforcement district organized pursuant to sections 67.1860
6 to 67.1894.**

**67.1864. 1. A district may be created to fund, promote, plan, design, construct,
2 improve, maintain and operate one or more projects relating to law enforcement or to
3 assist in such activity.**

4 **2. A district is a political subdivision of the state.**

5 **3. A district may be created in any county of the first classification without a
6 charter form of government and a population of fifty thousand inhabitants or less.**

**67.1866. 1. Whenever the creation of a district is desired, ten percent of the
2 registered voters within the proposed district may file a petition requesting the creation of**

3 a district. The petition shall be filed in the circuit court of the county in which the
4 proposed district is located.

5 2. The proposed district area shall be contiguous and may contain any portion of
6 one or more municipalities.

7 3. The petition shall set forth:

8 (1) The name and address of each owner of real property located within the
9 proposed district or who is a registered voter resident within the proposed district;

10 (2) A specific description of the proposed district boundaries including a map
11 illustrating such boundaries;

12 (3) A general description of the purpose or purposes for which the district is being
13 formed; and

14 (4) The name of the proposed district.

15 4. In the event any owner of real property within the proposed district who is
16 named in the petition or any legal voter resident within the district shall not join in the
17 petition or file an entry of appearance and waiver of service of process in the case, a copy
18 of the petition shall be served upon said owner or legal voter in the manner provided by
19 supreme court rule for the service of petitions generally. Any objections to the petition
20 shall be raised by answer within the time provided by supreme court rule for the filing of
21 an answer to a petition.

67.1868. 1. Any owner of real property within the proposed district and any legal
2 voter who is a resident within the proposed district may join in or file a petition supporting
3 or answer opposing the creation of the district and seeking a judgment respecting these
4 same issues.

5 2. The court shall hear the case without a jury. If the court determines the petition
6 is defective or the proposed district or its plan of operation is unconstitutional, it shall enter
7 its judgment to that effect and shall refuse to incorporate the district as requested in the
8 pleadings. If the court determines the petition is not legally defective and the proposed
9 district and plan of operation are not unconstitutional, the court shall determine and
10 declare the district organized and incorporated and shall approve the plan of operation
11 stated in the petition.

12 3. Any party having filed a petition or answer to a petition may appeal the circuit
13 court's order or judgment in the same manner as provided for other appeals. Any order
14 either refusing to incorporate the district or incorporating the district shall be a final
15 judgment for purposes of appeal.

67.1870. The costs of filing and defending the petition and all publication and
2 incidental costs incurred in obtaining circuit court certification of the petition for voter

3 approval shall be paid by the petitioners. If a district is organized pursuant to sections
4 67.1860 to 67.1894, the petitioners may be reimbursed for such costs out of the revenues
5 received by the district.

67.1872. A district created pursuant to sections 67.1860 to 67.1894 shall be
2 governed by a board of directors consisting of five members to be elected as provided in
3 section 67.1874.

67.1874. 1. Within thirty days after the order declaring the district organized has
2 become final, the circuit clerk of the county in which the petition was filed shall give notice
3 by causing publication to be made once a week for two consecutive weeks in a newspaper
4 of general circulation in the county, the last publication of which shall be at least ten days
5 before the day of the meeting required by this section, to call a meeting of the owners of
6 real property and registered voters resident within the district at a day and hour specified
7 in a public place in the county in which the petition was filed for the purpose of electing
8 a board of five directors, two to serve one year, two to serve two years, and one to serve
9 three years, to be composed of residents of the district.

10 2. The attendees, when assembled, shall organize by the election of a chairman and
11 secretary of the meeting who shall conduct the election.

12 3. Each director shall serve for a term of three years and until such director's
13 successor is duly elected and qualified. Successor directors shall be elected in the same
14 manner as the initial directors at a meeting of the residents called by the board. Each
15 successor director shall serve a three-year term. The remaining directors shall have the
16 authority to elect an interim director to complete any unexpired term of a director caused
17 by resignation or disqualification.

18 4. Directors shall be at least twenty-one years of age.

67.1876. 1. The board shall possess and exercise all of the district's legislative and
2 executive powers.

3 2. Within thirty days after the election of the initial directors, the board shall meet.
4 At its first meeting and after each election of new board members the board shall elect a
5 chairman, a secretary, a treasurer and such other officers as it deems necessary from its
6 members. A director may fill more than one office, except that a director may not fill both
7 the office of chairman and secretary.

8 3. The board may employ such employees as it deems necessary; provided,
9 however, that the board shall not employ any employee who is related within the third
10 degree by blood or marriage to a member of the board.

11 4. At the first meeting, the board, by resolution, shall define the first and
12 subsequent fiscal years of the district, and shall adopt a corporate seal.

13 **5. A simple majority of the board shall constitute a quorum. If a quorum exists,**
14 **a majority of those voting shall have the authority to act in the name of the board, and**
15 **approve any board resolution.**

16 **6. Each director shall devote such time to the duties of the office as their faithful**
17 **discharge may require and may be reimbursed for such director's actual expenditures in**
18 **the performance of such director's duties on behalf of the district.**

67.1878. A district may receive and use funds for the purposes of planning,
2 designing, constructing, reconstructing, maintaining and operating one or more projects
3 relating to law enforcement. Such funds may be derived from any funding method which
4 is authorized by sections 67.1860 to 67.1894 and from any other source, including but not
5 limited to funds from federal sources, the state of Missouri or an agency of the state, a
6 political subdivision of the state or private sources.

67.1880. 1. If approved by at least four-sevenths of the qualified voters voting on
2 the question in the district, the district may impose a property tax in an amount not to
3 exceed the annual rate of thirty cents per one hundred dollars assessed valuation. The
4 district board may levy a property tax rate lower than its approved tax rate ceiling and
5 may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter
6 approval. The property tax shall be uniform throughout the district.

7 **2. The ballot of submission shall be substantially in the following form:**

8 **Shall the Law Enforcement District impose a property tax upon all real and**
9 **tangible personal property within the district at a rate of not more than (insert**
10 **amount) cents per one hundred dollars assessed valuation for the purpose of providing**
11 **revenue for the development of a project (or projects) in the district (insert general**
12 **description of the project or projects, if necessary)?**

[illegible]

14

15 **If you are in favor of the question, place an "X" in the box opposite "YES". If you are**

16 **opposed to the question, place an "X" in the box opposite "NO".**

17 **3. The county collector of each county in which the district is partially or entirely**
18 **located shall collect the property taxes and special benefit assessments made upon all real**
19 **property and tangible personal property within that county and the district, in the same**
20 **manner as other property taxes are collected.**

21 **4. Every county collector having collected or received district property taxes shall,**
22 **on or before the fifteenth day of each month and after deducting his or her commissions,**
23 **remit to the treasurer of that district the amount collected or received by him or her prior**
24 **to the first day of the month. Upon receipt of such money, the district treasurer shall**

25 execute a receipt therefor, which he or she shall forward or deliver to the collector. The
26 district treasurer shall deposit such sums into the district treasury, credited to the
27 appropriate project or purpose. The collector and district treasurer shall make final
28 settlement of the district account and commissions owing, not less than once each year, if
29 necessary.

67.1882. 1. A district may contract and incur obligations appropriate to accomplish
2 its purposes.

3 2. A district may enter into any lease or lease-purchase agreement for or with
4 respect to any real or personal property necessary or convenient for its purposes.

5 3. A district may borrow money for its purposes at such rates of interest as the
6 district may determine.

7 4. A district may enter into labor agreements, establish all bid conditions, decide
8 all contract awards, pay all contractors and generally supervise the operation of the
9 district.

67.1884. The district may contract with a federal agency, a state or its agencies and
2 political subdivisions, a corporation, partnership or individual regarding funding,
3 promotion, planning, designing, constructing, improving, maintaining or operating a
4 project or to assist in such activity; provided, however, that any contract providing for the
5 overall management and operation of the district shall only be with a governmental entity
6 or a not for profit corporation.

67.1886. In addition to all other powers granted by sections 67.1860 to 67.1894 the
2 district shall have the following general powers:

3 (1) To contract with the local sheriff's department for the provision of services;

4 (2) To sue and be sued in its own name, and to receive service of process, which
5 shall be served upon the district secretary;

6 (3) To fix compensation of its employees and contractors;

7 (4) To purchase any personal property necessary or convenient for its activities;

8 (5) To collect and disburse funds for its activities; and

9 (6) To exercise such other implied powers necessary or convenient for the district
10 to accomplish its purposes which are not inconsistent with its express powers.

67.1888. 1. The district may obtain such insurance as it deems appropriate,
2 considering its legal limits of liability, to protect itself, its officers and its employees from
3 any potential liability and may also obtain such other types of insurance as it deems
4 necessary to protect against loss of its real or personal property of any kind. The cost of
5 this insurance shall be charged against the project.

6 2. The district may also require contractors performing construction or

7 maintenance work on the project and companies providing operational and management
8 services to obtain liability insurance having the district, its directors and employees as
9 additional named insureds.

10 3. The district shall not attempt to self-insure for its potential liabilities unless it
11 finds that it has sufficient funds available to cover any anticipated judgments or
12 settlements and still complete its project without interruption. The district may self-insure
13 if it is unable to obtain liability insurance coverage at a rate which is economically feasible
14 to the district, considering its resources.

67.1890. 1. The boundaries of any district organized pursuant to sections 67.1860
2 to 67.1894 may be changed in the manner prescribed in this section, but any change of
3 boundaries of the district shall not impair or affect its organization or its rights in or to
4 property, or any of its rights or privileges whatsoever; nor shall it affect or impair or
5 discharge any contract, obligation, lien or charge for or upon which it might be liable or
6 chargeable had any change of boundaries not been made.

7 2. The boundaries may be changed as follows:

8 (1) Twenty-five percent of the number of voters who voted in the most recent
9 gubernatorial election in the area to be annexed may file with the board a petition in
10 writing praying that such real property be included within the district. The petition shall
11 describe the property to be included in the district and shall describe the property owned
12 by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in
13 the district of the property described in the petition. Such petition shall be in substantially
14 the form set forth for petitions in chapter 116, RSMo; provided that, in the event that there
15 are more than twenty-five property owners or taxpaying electors signing the petition, it
16 shall be deemed sufficient description of their property in the petition as required in this
17 section to list the addresses of such property; or

18 (2) All of the owners of any territory or tract of land near or adjacent to a district
19 who own all of the real estate in such territory or tract of land may file a petition with the
20 board praying that such real property be included in the district. The petition shall
21 describe the property owned by the petitioners and shall be deemed to give assent of the
22 petitioners to the inclusion in the district of the property described in the petition.

23 3. The secretary of the board shall cause notice of the filing of any petition filed
24 pursuant to this section to be given and published in the county in which the property is
25 located, which notice shall recite the filing of such petition, the number of petitioners, a
26 general description of the boundaries of the area proposed to be included and the prayer
27 of the petitioners; giving notice to all persons interested to appear at the office of the board
28 at the time named in the notice and show cause in writing, if any they have, why the

29 petition should not be granted. The board shall at the time and place mentioned, or at such
30 time or times to which the hearing may be adjourned, proceed to hear the petition and all
31 objections thereto presented in writing by any person showing cause why the petition
32 should not be granted. The failure of any person interested to show cause in writing why
33 such petition shall not be granted shall be deemed as an assent on his part to the inclusion
34 of such lands in the district as prayed for in the petition.

35 4. If the board deems it for the best interest of the district, it shall grant the petition,
36 but if the board determines that some portion of the property mentioned in the petition
37 cannot as a practical matter be served by the district, or if it deems it for the best interest
38 of the district that some portion of the property in the petition not be included in the
39 district, then the board shall grant the petition in part only. If the petition is granted, the
40 board shall make an order to that effect and file the petition with the circuit clerk. Upon
41 the order of the court having jurisdiction over the district, the property shall be included
42 in the district. If the petition contains the signatures of all the owners of the property
43 pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property
44 shall be included in the district upon the order of the court. If the petition contains the
45 signatures of twenty-five percent of the number of voters who voted in the most recent
46 gubernatorial election in the area to be annexed pursuant to subdivision (1) of subsection
47 2 of this section, the property shall be included in the district subject to the election
48 provided in section 67.1892. The circuit court having jurisdiction over the district shall
49 proceed to make any such order including such additional property within the district as
50 is provided in the order of the board, unless the court shall find that such order of the
51 board was not authorized by law or that such order of the board was not supported by
52 competent and substantial evidence.

53 5. Any person aggrieved by any decision of the board made pursuant to the
54 provisions of this section may appeal that decision to the circuit court of the county in
55 which the property is located within thirty days of the decision by the board.

67.1892. 1. If the petition to add any territory or tract of land to the district
2 contained fewer than all of the signatures required pursuant to subdivision (2) of
3 subsection 2 of section 67.1890, the decree of extension of boundaries shall not become final
4 and conclusive until it has been submitted to an election of the voters residing within the
5 boundaries described in such decree and until it has been assented to by a majority vote
6 of the voters in the newly included area voting on the question. The decree shall also
7 provide for the holding of the election to vote on the proposition of extending the
8 boundaries of the district, and shall fix the date for holding the election.

9 2. The question shall be submitted in substantially the following form:

10 **Shall the boundaries of the Law Enforcement District be extended to include**
11 **the following described property? (Describe property)**

12 ☐ **YES**

☐ **NO**

13 **3. If a majority of the voters voting on the proposition vote in favor of the extension**
14 **of the boundaries of the district, then the court shall enter its further order declaring the**
15 **decree of extension of the boundaries to be final and conclusive. In the event, however,**
16 **that the court finds that a majority of the voters voting thereon voted against the**
17 **proposition to extend the boundaries of the district, then the court shall enter its further**
18 **order declaring the decree of extension of boundaries to be void and of no effect.**

67.1894. 1. Whenever a petition signed by not less than one hundred voters in any
2 **district organized pursuant to sections 67.1860 to 67.1888 is filed with the circuit court**
3 **having jurisdiction over the district, setting forth all the relevant facts pertaining to the**
4 **district, and alleging that the further operation of the district is not in the best interests of**
5 **the inhabitants of the district, and that the district should, in the interest of the public**
6 **welfare and safety, be dissolved, the circuit court shall have authority, after hearing**
7 **evidence submitted on such question, to order a submission of the question, after having**
8 **caused publication of notice of a hearing on such petition in the same manner as the notice**
9 **required in section 67.1874, in substantially the following form:**

10 **Shall (Insert the name of the law enforcement district) Law**
11 **Enforcement District be dissolved?**

12 ☐ **YES**

☐ **NO**

13 **2. If the court shall find that it is to the best interest of the inhabitants of the district**
14 **that such district be dissolved, it shall make an order reciting such finding and providing**
15 **for the submission of the proposition to dissolve such district to a vote of the voters of the**
16 **district, setting forth such further details in its order as may be necessary to an orderly**
17 **conduct of such election. Such election shall be held on the general municipal election day.**
18 **Returns of the election shall be certified to the court. If the court finds that a majority of**
19 **the voters voting thereon shall have voted in favor of the proposition to dissolve the district,**
20 **the court shall make a final order dissolving the district, and the decree shall contain a**
21 **proviso that the district shall continue in full force for the purpose of paying all**
22 **outstanding and lawful obligations and disposing of property of the district; but no**
23 **additional costs or obligations shall be created except such as are necessary to pay such**
24 **costs, obligations and liabilities previously incurred, or necessary to the winding up of the**
25 **district. If the court shall find that a majority of the voters of the district voting thereon**
26 **shall not have voted favorably on the proposition to dissolve such district, then the court**
27 **shall make a final order declaring such result dismissing the petition praying for the**

28 dissolution of said district; and the district shall continue to operate in the same manner
29 as though the petition asking for such dissolution has not been filed.

30 3. The dissolution of a district shall not invalidate or affect any right accruing to
31 such district, or to any person, or invalidate or affect any contract or indebtedness entered
32 into or imposed upon such district or person; and whenever the circuit court shall,
33 pursuant to this section, dissolve a law enforcement district, the court shall appoint some
34 competent person to act as trustee for the district so dissolved and such trustee before
35 entering upon the discharge of his or her duties shall take and subscribe an oath that he
36 or she will faithfully discharge the duties of the office, and shall give bond with sufficient
37 security, to be approved by the court to the use of such dissolved district, for the faithful
38 discharge of his or her duties, and shall proceed to liquidate the district under orders of
39 the court, including the levying of any taxes provided for in sections 67.1860 to 67.1888.