

SECOND REGULAR SESSION

HOUSE BILL NO. 833

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LUETKEMEYER (Sponsor), COOPER (155), STEVENSON,
RICHARD, PURGASON, HUNTER, SCHAAF, EMERY, WILSON (130) AND SELF (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

3240L.011

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to the creation of exhibition center and recreational facility 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 one new section, to be
2 known as section 67.2000, to read as follows:

**67.2000. 1. This section shall be know as the "Exhibition Center and Recreational
2 Facility District Act".**

**3 2. Whenever not less than fifty owners of real property located within any county
4 of the first classifications with more than thirty-seven thousand but less than thirty-seven
5 thousand one hundred inhabitants, or any county of the third classification without a
6 township form of government and with more that twenty-three thousand five hundred but
7 less than twenty-three thousand six hundred inhabitants, or any county of the third
8 classification without a township form of government and with more than nineteen
9 thousand three hundred but less than nineteen thousand four hundred inhabitants, or any
10 county of the first classification with more than eighty-five thousand nine hundred but less
11 than eighty-six thousand inhabitants, or any county of the first classification with more
12 than one hundred four thousand six hundred but less than one hundred four thousand
13 seven hundred inhabitants, or any county of the second classification with more than
14 fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants
15 desire to create an exhibition center and recreational facility district, the property owners
16 shall file a petition with the governing body of each county located within the boundaries
17 of the proposed district requesting the creation of the district. The district boundaries may
18 include all or part of the counties described in this section. The petition shall contain the**

19 following information:

20 (1) The name and residence of each petitioner and the location of the real property
21 owned by the petitioner;

22 (2) A specific description of the proposed district boundaries, including a map
23 illustrating the boundaries; and

24 (3) The name of the proposed district.

25 3. Upon the filing of a petition pursuant to this section, the governing body of any
26 county described in this section may, by resolution, approve the creation of a district. Any
27 resolution to establish such a district shall be adopted by the governing body of each
28 county located within the proposed district, and shall contain the following information:

29 (1) A description of the boundaries of the proposed district;

30 (2) The time and place of a hearing to be held to consider establishment of the
31 proposed district;

32 (3) The proposed sales tax rate to be voted on within the proposed district; and

33 (4) The proposed uses for the revenue generated by the new sales tax.

34 4. Whenever a hearing is held as provided by this section, the governing body of
35 each county located within the proposed district shall:

36 (1) Publish notice of the hearing on two separate occasions in at least one
37 newspaper of general circulation in each county located within the proposed district, with
38 the first publication to occur not more than thirty days before the hearing, and the second
39 publication to occur not more than fifteen days or less than ten days before the hearing;

40 (2) Hear all protests and receive evidence for or against the establishment of the
41 proposed district; and

42 (3) Rule upon all protests, which determinations shall be final.

43 5. Following the hearing, if the governing body of each county located within the
44 proposed district decides to establish the proposed district, it shall adopt an order to that
45 effect; if the governing body of any county located within the proposed district decides to
46 not establish the proposed district, the boundaries of the proposed district shall not include
47 that county. The order shall contain the following:

48 (1) The description of the boundaries of the district;

49 (2) A statement that an exhibition center and recreational facility district has been
50 established;

51 (3) The name of the district;

52 (4) The uses for any revenue generated by a sales tax imposed pursuant to this
53 section; and

54 (5) A declaration that the district is a political subdivision of the state.

55 **6. A district established pursuant to this section may, at a general, primary, or**
 56 **special election, submit to the qualified voters within the district boundaries a sales tax not**
 57 **to exceed one-fourth of one percent on all retail sales within the district, which are subject**
 58 **to taxation pursuant to sections 144.010 to 144.525, RSMo, to fund the acquisition,**
 59 **construction, maintenance, operation, improvement, and promotion of an exhibition center**
 60 **and recreational facilities. The ballot of submission shall be in substantially the following**
 61 **form:**

62 **Shall the (name of district) impose a sales tax of (insert rate) to fund**
 63 **the acquisition, construction, maintenance, operation, improvement, and promotion of an**
 64 **exhibition center and recreational facilities?**

65 **YES** **NO**

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

70 **If a majority of the votes cast in the portion of any county that is part of the proposed**
 71 **district favor the proposal, then the sales tax shall become effective in that portion of the**
 72 **county that is part of the proposed district on the first day of the first calendar quarter**
 73 **immediately following the election. If a majority of the votes cast in the portion of a county**
 74 **that is a part of the proposed district oppose the proposal, then that portion of such county**
 75 **shall not impose the sales tax authorized in this section until after the county governing**
 76 **body has submitted another such sales tax proposal and the proposal is approved by a**
 77 **majority of the qualified voters voting thereon. However, if a sales tax proposal is not**
 78 **approved, the governing body of the county shall not resubmit a proposal to the voters**
 79 **pursuant to this section sooner than twelve months from the date of the last proposal**
 80 **submitted pursuant to this section. If the qualified voters in two or more counties that**
 81 **have contiguous districts approve the sales proposal, the districts shall combine to become**
 82 **one district.**

83 **7. There is hereby created a board of trustees to administer any district created and**
 84 **the expenditure of revenue generated pursuant to this section consisting of four individuals**
 85 **to represent each county approving the district, as provided in this subsection. The**
 86 **governing body of each county located within the district, upon approval of that county's**
 87 **sales tax proposal, shall appoint four members to the board of trustees; at least one shall**
 88 **be an owner of a nonlodging business located within the taxing district, or their designee,**
 89 **at least one shall be an owner of a lodging facility located within the district, or their**
 90 **designee, and all members shall reside in the district except that one nonlodging business**

91 owner, or their designee, and one lodging facility owner, or their designee, may reside
92 outside the district. Each trustee shall be at least twenty-five years of age and a resident
93 of this state. Of the initial trustees appointed from each county, two shall hold office for
94 two years, and two shall hold office for four years. Trustees appointed after expiration of
95 the initial terms shall be appointed to a four-year term by the governing body of the county
96 the trustee represents, with the initially appointed trustee to remain in office until a
97 successor is appointed, and shall take office upon being appointed. Each trustee may be
98 reappointed. Vacancies shall be filled in the same manner in which the trustee vacating
99 the office was originally appointed. The trustees shall not receive compensation for their
100 services, but may be reimbursed for their actual and necessary expenses. The board shall
101 elect a chair and other officers necessary for its membership. Trustees may be removed
102 if:

103 (1) By a two-thirds vote, the board moves for the member's removal and submits
104 such motion to the governing body of the county from which the trustee was appointed;
105 and

106 (2) The governing body of the county from which the trustees were appointed, by
107 a majority vote, adopts the motion for removal.

108 8. The board of trustees shall have the following powers, authority, and privileges:

109 (1) To have and use a corporate seal;

110 (2) To sue and be sued, and be a party to suits, actions, and proceedings;

111 (3) To enter into contracts, franchises, and agreements with any person or entity,
112 public or private, affecting the affairs of the district, including contracts with any
113 municipality, district, or state, or the United States, and any of their agencies, political
114 subdivisions, or instrumentalities, for the funding, including without limitation interest
115 rate exchange or swap agreements, planning, development, construction, acquisition,
116 maintenance, or operation of a single exhibition center and recreational facilities or to
117 assist in such activity. As used in this section, "recreational facilities" means locations
118 explicitly designated for public use where the primary use of the facility involves
119 participation in hobbies or athletic activities;

120 (4) To borrow money and incur indebtedness and evidence the same by certificates,
121 notes, or debentures, to issue bonds and use any one or more lawful funding methods the
122 district may obtain for its purposes at such rates of interest as the district may determine.
123 Any bonds, notes, and other obligations issued or delivered by the district may be secured
124 by mortgage, pledge, or deed of trust of any or all of the property and income of the
125 district. The district shall not mortgage, pledge, or give a deed of trust on any real
126 property or interests which it obtained or acquired from the state or any agency or political

127 subdivision thereof. Every issue of such bonds, notes, or other obligations shall be payable
128 out of property and revenues of the district and may be further secured by other property
129 of the district, which may be pledged, assigned, mortgaged, or a security interest granted
130 for such payment, without preference or priority of the first bonds issued, subject to any
131 agreement with the holders of any other bonds pledging any specified property or
132 revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the
133 district board, and shall bear such date or dates, and shall mature at such time or times,
134 but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other
135 obligations shall be in such denomination, bear interest at such rate or rates, be in such
136 form, either coupon or registered, be issued as current interest bonds, compound interest
137 bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such
138 manner, be payable in such place or places, and be subject to redemption as such
139 resolution may provide, notwithstanding section 108.170, RSMo. The bonds, notes, or
140 other obligations may be sold at either public or private sale, at such interest rates, and at
141 such price or prices as the district shall determine;

142 (5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and
143 personal property in furtherance of district purposes;

144 (6) To refund any bonds, notes or other obligations of the district without an
145 election. The terms and conditions of refunding obligations shall be substantially the same
146 as those of the original issue, and the board shall provide for the payment of interest at not
147 to exceed the legal rate, and the principal of such refunding obligations in the same manner
148 as is provided for the payment of interest and principal of obligations refunded;

149 (7) To have the management, control and supervision of all the business and affairs
150 of the district, and the construction, installation, operation, and maintenance of district
151 improvements therein; to collect rentals, fees, and other charges in connection with its
152 services or for the use of any of its facilities;

153 (8) To hire and retain agents, employees, engineers, and attorneys;

154 (9) To receive and accept by bequest, gift, or donation any kind of property;

155 (10) To adopt and amend bylaws and any other rules and regulations not in conflict
156 with the constitution and laws of this state, necessary for the carrying on of the business,
157 objects, and affairs of the board and of the district; and

158 (11) To have and exercise all rights and powers necessary or incidental to or
159 implied from the specific powers granted by this section.

160 9. There is hereby created the "Exhibition Center and Recreational Facility District
161 Sales Tax Trust Fund", which shall consist of all revenue collected pursuant to this section.
162 The director of revenue shall be custodian of the trust fund, and moneys in the trust fund

163 shall be used solely for the purposes authorized in this section. Moneys in the trust fund
 164 shall be considered nonstate funds pursuant to section 15, article IV, constitution of
 165 Missouri. The director of revenue shall invest moneys in the trust fund in the same manner
 166 as other funds are invested. Any interest and moneys earned on such investments shall be
 167 credited to the trust fund. All sales taxes collected by the director of revenue pursuant to
 168 this section on behalf of the district, less one percent for the cost of collection which shall
 169 be deposited in the state's general revenue fund after payment of premiums for surety
 170 bonds as provided in section 532.087, RSMo, shall be deposited in the trust fund. The
 171 director of revenue shall keep accurate records of the amount of moneys in the trust fund
 172 which was collected in the district imposing a sales tax pursuant to this section, and the
 173 records shall be open to the inspection of the officers of each district and the general
 174 public. Not later than the tenth day of each month, the director of revenue shall distribute
 175 all moneys deposited in the trust fund during the preceding month to the district. The
 176 director of revenue may authorize refunds from the amounts in the trust fund and credited
 177 to the district for erroneous payments and overpayments made, and may redeem
 178 dishonored checks and drafts deposited to the credit of the district.

179 10. The sales tax authorized by this section is in addition to all other sales taxes
 180 allowed by law. Except as modified in this section, all provisions of sections 32.085 and
 181 32.087, RSMo, apply to the sales tax imposed pursuant to this section.

182 11. Any sales tax imposed pursuant to this section shall reduce to a rate of one-tenth
 183 of one percent twenty-five years from the effective date of the sales tax unless an extension
 184 of the sales tax is submitted to and approved by the qualified voters in each county in the
 185 manner provided in this section. Each extension of the sales tax shall be for a period not
 186 to exceed twenty years. The ballot of submission for the extension shall be in substantially
 187 the following form:

188 Shall the (name of district) extend the sales tax of..... (insert rate) for a
 189 period of (insert number of years) years to fund the acquisition, construction,
 190 maintenance, operation, improvement, and promotion of an exhibition center and
 191 recreational facilities?

192 YES NO

193

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

196

197 If a majority of the votes cast favor the extension, then the sales tax shall remain in effect
 198 at the rate and for the time period approved by the voters. If a majority of the votes cast

199 oppose the extension, then that portion of the county that is a part of the district shall
200 reduce the sales tax rate to one-tenth of one percent. If a sales tax extension is not
201 approved, the district may submit another sales tax proposal as authorized in this section,
202 but the district shall not submit such a proposal to the voters sooner than twelve months
203 from the date of the last extension submitted.

204 **12. Once the sales tax authorized by this section is abolished or terminated by any**
205 **means, all funds remaining in the trust fund shall be used solely for the purposes approved**
206 **in the ballot question authorizing the sales tax. The sales tax shall not be abolished or**
207 **terminated while the district has any financing or other obligations outstanding; provided**
208 **that any new financing, debt, or other obligation or any restructuring or refinancing of an**
209 **existing debt or obligation incurred more than ten years after voter approval of the sales**
210 **tax provided in this section or more than ten years after any voter approved extension**
211 **thereof shall not cause the extension of the sales tax provided in this section. Any funds in**
212 **the trust fund which are not needed for current expenditures may be invested by the**
213 **district in the securities described in subdivisions (1) to (12) of subsection 1 of section**
214 **30.270, RSMo, or repurchase agreements secured by such securities. If the district**
215 **abolishes the sales tax, the district shall notify the director of revenue of the action at least**
216 **ninety days before the effective date of the repeal, and the director of revenue may order**
217 **retention in the trust fund, for a period of one year, of two percent of the amount collected**
218 **after receipt of such notice to cover possible refunds or overpayment of the sales tax and**
219 **to redeem dishonored checks and drafts deposited to the credit of such accounts. After one**
220 **year has elapsed after the effective date of abolition of the sales tax in the district, the**
221 **director of revenue shall remit the balance in the account to the district and close the**
222 **account of the district. The director of revenue shall notify the district of each instance of**
223 **any amount refunded or any check redeemed from receipts due the district.**

224 **13. In the event that the district is dissolved or terminated by any means, the**
225 **governing bodies of the counties in the district shall appoint a person to act as trustee for**
226 **the district so dissolved or terminated. Before beginning the discharge of duties, the**
227 **trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and**
228 **shall give bond with sufficient security, approved by the governing bodies of the counties,**
229 **to the use of the dissolved or terminated district, for the faithful discharge of duties. The**
230 **trustee shall have and exercise all powers necessary to liquidate the district, and upon**
231 **satisfaction of all remaining obligations of the district, shall pay over to the county**
232 **treasurer of each county in the district and take receipt for all remaining moneys in**
233 **amounts based on the ratio the levy of each county bears to the total levy for the district**
234 **in the previous three years or since the establishment of the district, whichever time period**

235 **is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of**
236 **the governing body of any county in the district all books, papers, records, and deeds**
237 **belonging to the dissolved district.**