

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 732
92ND GENERAL ASSEMBLY

Reported from the Committee on Local Government, April 22, 2004, with recommendation that the House Committee Substitute for Senate Substitute for Senate Bill No. 732 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

2861L.04C

AN ACT

To repeal sections 67.1706 and 67.1754, RSMo, and to enact in lieu thereof nine new sections relating to recreation and entertainment districts.

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

Section A. Sections 67.1706 and 67.1754, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 67.1706, 67.1754, 67.2500, 67.2505, 67.2510, 67.2515, 67.2520, 67.2525, and 67.2530, to read as follows:

67.1706. The metropolitan district shall have as its [primary] duty the development, operation and maintenance of a public system of interconnecting trails and parks throughout the counties comprising the district. **Nothing in this section shall restrict the district's entering into and initiating projects dealing with parks not necessarily connected to trails.** The metropolitan district shall supplement but shall not substitute for the powers and responsibilities of the other parks and recreation systems within the metropolitan district **or other conservation and environmental regulatory agencies** and shall have the power to contract with other parks and recreation systems as well as with other public and private entities. **Nothing in this section shall give the metropolitan district authority to regulate water quality, watershed or land use issues in the counties comprising the district.**

67.1754. The sales tax authorized in sections 67.1712 to 67.1721 shall be collected and allocated as follows:

(1) Fifty percent of the sales taxes collected from each county shall be deposited in the

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

4 metropolitan park and recreational fund to be administered by the board of directors of the
5 district to pay costs associated with the establishment, administration, operation and maintenance
6 of public recreational facilities, parks, and public recreational grounds associated with the
7 district. Costs for office administration beginning in the second fiscal year of district operations
8 may be up to but shall not exceed fifteen percent of the amount deposited pursuant to this
9 subdivision;

10 (2) Fifty percent of the sales taxes collected from each county shall be returned to the
11 source county for park purposes, except that forty percent of such fifty percent amount shall be
12 reserved for distribution to municipalities within the county in the form of grant revenue sharing
13 funds. Each county in the district shall establish its own process for awarding the grant proceeds
14 to its municipalities for park purposes **provided the purposes of such grants are consistent**
15 **with the purpose of the district.** In the case of a county of the first classification with a charter
16 form of government having a population of at least nine hundred thousand inhabitants, such grant
17 proceeds shall be awarded to municipalities by a municipal grant commission as described in
18 section 67.1757.

67.2500. 1. The governing body of any city, town, or village that is within a first
2 **class county with a charter form of government with a population over two hundred fifty**
3 **thousand that adjoins a first class county with a charter form of government with a**
4 **population over nine hundred thousand, may establish a theater, cultural arts, and**
5 **entertainment district in the manner provided in section 67.2505.**

6 **2. Sections 67.2500 to 67.2530 shall be know as the "Theater, Cultural Arts, and**
7 **Entertainment District Act".**

8 **3. As used in sections 67.2500 to 67.2530, the following terms mean:**

9 **(1) "District", a theater, cultural arts, and entertainment district organized under**
10 **this section;**

11 **(2) "Qualified electors", "qualified voters", or "voters", registered voters residing**
12 **within the district or subdistrict, or proposed district or subdistrict, who have registered**
13 **to vote pursuant to chapter 115, RSMo, or, if there are no persons eligible to be registered**
14 **voters residing in the district or subdistrict, proposed district or subdistrict, property**
15 **owners, including corporations and other entities, that are owners of real property;**

16 **(3) "Registered voters", persons qualified and registered to vote pursuant to**
17 **chapter 115, RSMo; and**

18 **(4) "Subdistrict", a subdivision of a district, but not a separate political**
19 **subdivision, created for the purposes specified in subsection 5 of section 67.2505.**

67.2505. 1. A district may be created to fund, promote, and provide educational,
2 **civic, musical, theatrical, cultural, concerts, lecture series, and related or similar**

entertainment events or activities, and to fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities in the district.

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

3. The name of a district shall consist of a name chosen by the original petitioners, preceding the words "theater, cultural arts, and entertainment district".

4. The district shall include a minimum of fifty contiguous acres.

5. Subdistricts shall be formed for the purpose of voting upon proposals for the creation of the district or subsequent proposed subdistrict, voting upon the question of imposing a proposed sales tax, and for representation on the board of directors, and for no other purpose.

6. Whenever the creation of a district is desired, one or more registered voters from each subdistrict of the proposed district, or one or more property owners who collectively own one or more parcels of real estate comprising at least a majority of the land situated in the proposed subdistricts within the proposed district, may file a petition requesting the creation of a district with the governing body of the city, town, or village within which the proposed district is to be established. The petition shall contain the following information:

(1) The name, address, and phone number of each petitioner and the location of the real property owned by the petitioner;

(2) The name of the proposed district;

(3) A legal description of the proposed district, including a map illustrating the district boundaries, which shall be contiguous, and the division of the district into at least five, but not more than fifteen, subdistricts that shall contain, or are projected to contain upon full development of the subdistricts, approximately equal populations;

(4) A statement indicating the number of directors to serve on the board, which shall be not less than five or more than fifteen;

(5) A request that the district be established;

(6) A general description of the activities that are planned for the district;

(7) A proposal for a sales tax to fund the district initially, pursuant to the authority granted in sections 67.2500 to 67.2530, together with a request that the imposition of the sales tax be submitted to the qualified voters within the district;

(8) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable;

(9) A request that the question of the establishment of the district be submitted to the qualified voters of the district;

(10) A signed statement that the petitioners are authorized to submit the petition

39 to the governing body; and

40 (11) Any other items the petitioners deem appropriate.

41 7. Upon the filing of a petition pursuant to this section, the governing body of any
42 city, town, or village described in this section may pass a resolution containing the
43 following information:

44 (1) A description of the boundaries of the proposed district and each subdistrict;

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

47 (3) The time frame and manner for the filing of protests;

48 (4) The proposed sales tax rate to be voted upon within the subdistricts of the
49 proposed district;

50 (5) The proposed uses for the revenue to be generated by the new sales tax; and

51 (6) Such other matters as the governing body may deem appropriate.

52 8. Prior to the governing body certifying the question of the district's creation and
53 imposing a sales tax for approval by the qualified electors, a hearing shall be held as
54 provided by this subsection. The governing body of the municipality approving a
55 resolution as set forth in section 67.2520 shall:

56 (1) Publish notice of the hearing, which shall include the information contained in
57 the resolution cited in section 67.2520, on two separate occasions in at least one newspaper
58 of general circulation in the county where the proposed district is located, with the first
59 publication to occur not more than thirty days before the hearing, and the second
60 publication to occur not more than fifteen days or less than ten days before the hearing;

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

63 (3) Consider all protests, which determinations shall be final.
64

65 The costs of printing and publication of the notice shall be paid by the petitioners. If the
66 district is organized pursuant to sections 67.2500 to 67.2530, the petitioners may be
67 reimbursed for such costs out of the revenues received by the district.

68 9. Following the hearing, the governing body of any city, town, or village within
69 which the proposed district will be located may order an election on the questions of the
70 district creation and sales tax funding for voter approval and certify the questions to the
71 municipal clerk. The election order shall include the date on which the ballots will be
72 mailed to qualified electors, which shall be not sooner than the eighth Tuesday from the
73 issuance of the order. The election regarding the incorporation of the district and the
74 imposing of the sales tax shall follow the procedure set forth in section 67.2520, and shall

75 be held pursuant to the order and certification by the governing body. Only those
76 subdistricts approving the question of creating the district and imposing the sales tax shall
77 become part of the district.

78 **10. If the results of the election conducted in accordance with section 67.2520 show**
79 **that a majority of the votes cast were in favor of organizing the district and imposing the**
80 **sales tax, the governing body may establish the proposed district in those subdistricts**
81 **approving the question of creating the district and imposing the sales tax, by adopting an**
82 **ordinance to that effect. The ordinance establishing the district shall contain the following:**

83 **(1) The description of the boundaries of the district and each subdistrict;**

84 **(2) A statement that a theater, cultural arts, and entertainment district has been**
85 **established;**

86 **(3) A declaration that the district is a political subdivision of the state;**

87 **(4) The name of the district;**

88 **(5) The date on which the sales tax election in the subdistricts was held, and the**
89 **result of the election;**

90 **(6) The uses for any revenue generated by a sales tax imposed pursuant to this**
91 **section;**

92 **(7) A certification to the newly created district of the election results, including the**
93 **election concerning the sales tax; and**

94 **(8) Such other matters as the governing body deems appropriate.**

95 **11. Any subdistrict that does not approve the creation of the district and imposing**
96 **the sales tax shall not be a part of the district and the sales tax shall not be imposed until**
97 **after the district board of directors has submitted another proposal for the inclusion of the**
98 **area into the district and such proposal and the sales tax proposal are approved by a**
99 **majority of the qualified voters in the subdistrict voting thereon. Such subsequent**
100 **elections shall be conducted in accordance with section 67.2520; provided, however, that**
101 **the district board of directors may place the question of the inclusion of a subdistrict**
102 **within a district and the question of imposing a sales tax before the voters of a proposed**
103 **subdistrict, and the municipal clerk, or circuit clerk if the district is formed by the circuit**
104 **court, shall conduct the election. In subsequent elections, the election judges shall certify**
105 **the election results to the district board of directors.**

67.2510. As a complete alternative to the procedure establishing a district set forth
2 **in section 67.2505, a circuit court with jurisdiction over any city, town, or village that is**
3 **within a first class county with a charter form of government with a population over two**
4 **hundred fifty thousand that adjoins a first class county with a charter form of government**
5 **with a population over nine hundred thousand, may establish a theater, cultural arts, and**

6 entertainment district in the manner provided in section 67.2515.

67.2515. 1. Whenever the creation of a theater, cultural arts, and entertainment
2 district is desired, one or more registered voters from each subdistrict of the proposed
3 district, or if there are no registered voters in a subdistrict, one or more property owners
4 who collectively own one or more parcels of real estate comprising at least a majority of the
5 land situated in the proposed subdistricts within the proposed district may file a petition
6 with the circuit court requesting the creation of a theater, cultural arts, and entertainment
7 district. The petition shall contain the following information:

8 (1) The name, address, and phone number of each petitioner and the location of the
9 real property owned by the petitioner;

10 (2) The name of the proposed district;

11 (3) A legal description of the proposed district, including a map illustrating the
12 district boundaries, which shall be contiguous, and the division of the district into at least
13 five, but not more than fifteen, subdistricts that shall contain, or are projected to contain
14 upon full development of the subdistricts, approximately equal populations;

15 (4) A statement indicating the number of directors to serve on the board, which
16 shall be not less than five or more than fifteen;

17 (5) A request that the district be established;

18 (6) A general description of the activities that are planned for the district;

19 (7) A proposal for a sales tax to fund the district initially, pursuant to the authority
20 granted in sections 67.2500 to 67.2530, together with a request that the imposing of the
21 sales tax be submitted to the qualified voters within the district;

22 (8) A statement that the proposed district shall not be an undue burden on any
23 owner of property within the district and is not unjust or unreasonable;

24 (9) A request that the question of the establishment of the district be submitted to
25 the qualified voters of the district;

26 (10) A signed statement that the petitioners are authorized to submit the petition
27 to the circuit court; and

28 (11) Any other items the petitioners deem appropriate.

29 2. The circuit clerk of the county in which the petition is filed pursuant to this
30 section shall present the petition to the judge, who shall thereupon set the petition for
31 hearing not less than thirty days nor more than forty days after the filing. The judge shall
32 cause publication of the notice of the hearing on two separate occasions in at least one
33 newspaper of general circulation in the county where the proposed district is located, with
34 the first publication to occur not more than thirty days before the hearing, and the second
35 publication to occur not more than fifteen days or less than ten days before the hearing.

36 The notice shall recite the following information:

- 37 (1) A description of the boundaries of the proposed district and each subdistrict;
38 (2) The time and place of a hearing to be held to consider establishment of the
39 proposed district;
40 (3) The timeframe and manner for the filing of the petitions or answers in the case;
41 (4) The proposed sales tax rate to be voted on within the subdistricts of the
42 proposed district;
43 (5) The proposed uses for the revenue generated by the new sales tax; and
44 (6) Such other matters as the circuit court may deem appropriate.

45

46 The costs of printing and publication of the notice shall be paid by the petitioners. If the
47 district is organized pursuant to sections 67.2500 to 67.2530, the petitioners may be
48 reimbursed for such costs out of the revenues received by the district.

49 3. Any registered voter or owner of real property within the proposed district may
50 join in or file a petition supporting or answer opposing the creation of the district and
51 seeking a judgment respecting these same issues; provided, however, that all pleadings
52 must be filed with the court no later than five days before the case is heard.

53 4. The court shall hear the case without a jury. If the court determines the petition
54 is defective or the proposed district or its plan of operation is unconstitutional, it shall enter
55 its judgment to that effect and shall refuse to incorporate the district as requested in the
56 pleadings. If the court determines the petition is not legally defective and the proposed
57 district and plan of operation are not unconstitutional, the court shall order an election on
58 the questions of the district creation and sales tax funding for voter approval and certify
59 the questions to the circuit clerk. The election order shall include the date on which the
60 ballots will be mailed to qualified electors, which shall be not sooner than the eighth
61 Tuesday from the issuance of the order. The election regarding the incorporation of the
62 district and the imposing the sales tax shall follow the procedure set forth in section
63 67.2520, and shall be held pursuant to the order and certification by the circuit judge.
64 Only those subdistricts approving the question of creating the district and imposing the
65 sales tax shall become part of the district.

66 5. If the results of the election conducted in accordance with section 67.2520 show
67 that a majority of the votes cast were in favor of organizing the district and imposing the
68 sales tax, the circuit judge shall establish the proposed district in those subdistricts
69 approving the question of creating the district and imposing the sales tax by issuing an
70 order to that effect. The court shall determine and declare the district organized and
71 incorporated and issue an order that includes the following:

- 72 (1) The description of the boundaries of the district and each subdistrict;
73 (2) A statement that a theater, cultural arts, and entertainment district has been
74 established;
75 (3) A declaration that the district is a political subdivision of the state;
76 (4) The name of the district;
77 (5) The date on which the sales tax election in the subdistricts was held, and the
78 result of the election;
79 (6) The uses for any revenue generated by a sales tax imposed pursuant to this
80 section;
81 (7) A certification to the newly created district of the election results, including the
82 election concerning the sales tax; and
83 (8) Such other matters as the circuit court deems appropriate.
- 84 6. Any subdistrict that does not approve the creation of the district and imposing
85 the sales tax shall not be a part of the district and the sales tax shall not be imposed until
86 after the district board of directors has submitted another proposal for the inclusion of the
87 area into the district and such proposal and the sales tax proposal are approved by a
88 majority of the qualified voters in the subdistrict voting thereon. Such subsequent
89 elections shall be conducted in accordance with section 67.2520; provided, however, that
90 the district board of directors may place the question of the inclusion of a subdistrict
91 within a district and the question of imposing a sales tax in the proposed subdistrict before
92 the voters of a proposed subdistrict, and the circuit clerk shall conduct the subsequent
93 election. In subsequent elections, the election judges shall certify the election results to the
94 district board of directors.
- 95 7. Any party having filed a petition or answer to a petition may appeal the circuit
96 court's order or judgment in the same manner as provided for other appeals. Any order
97 either refusing to incorporate the district or incorporating the district shall be a final
98 judgment for purposes of appeal.

67.2520. 1. If a governing body or circuit court judge has certified the question
2 regarding the district creation and sales tax funding for voter approval, the municipal
3 clerk in which the district is located, or the circuit clerk if the order and certification has
4 been by a circuit judge, shall conduct the election. The questions shall be submitted to the
5 qualified voters of each subdistrict within the district boundaries who have filed an
6 application pursuant to this section. The municipal clerk, or the circuit clerk if the district
7 is being formed by the circuit court, shall publish notice of the election in at least one
8 newspaper of general circulation in the county where the proposed district is located, with
9 the publication to occur not more than fifteen days but not less than ten days before the

10 date when applications for ballots will be accepted. The notice shall include a description
11 of the district boundaries, the timeframe and manner of applying for a ballot, the questions
12 to be voted upon, and where and when applications for ballots will be accepted. The
13 municipal clerk, or circuit clerk if the district is being formed by the circuit court, shall
14 also send a notice of the election to all registered voters in the proposed district, which shall
15 include the information in the published notice. The costs of printing and publication of
16 the notice, and mailing of the notices to registered voters, shall be paid by the petitioners.
17 If the district is organized pursuant to sections 67.2500 to 67.2530, the petitioners may be
18 reimbursed for such costs out of the revenues received by the district.

19 2. For elections held in subdistricts pursuant to this section, if all the owners of
20 property in a subdistrict joined in the petition for formation of the district, such owners
21 may cast their ballot by unanimous petition approving any measure submitted to them as
22 subdistrict voters pursuant to this section. Each owner shall receive one vote per acre
23 owned. Fractional votes shall be allowed. The petition shall be submitted to the municipal
24 clerk, or the circuit court clerk if the district is being formed by the circuit court, who shall
25 verify the authenticity of all signatures thereon. The filing of a unanimous petition shall
26 constitute an election in the subdistrict under this section and the results of said election
27 shall be entered pursuant to this section.

28 3. The sales tax shall be not more than one-half of one percent on all retail sales
29 within the district, which are subject to taxation pursuant to section 67.2530, to fund,
30 promote, and provide educational, civic, musical, theatrical, cultural, concerts, lecture
31 series, and related or similar entertainment events or activities, and to fund, promote, plan,
32 design, construct, improve, maintain, and operate public improvements, transportation
33 projects, and related facilities in the district.

34 4. Application for a ballot shall be made as provided in this subsection:

35 (1) Persons entitled to apply for a ballot in an election
36 shall be:

37 (a) A resident registered voter of the district; or

38 (b) If there are no registered voters in a subdistrict, a person, including a
39 corporation or other entity, which owns real property within the subdistrict. Each voter
40 which is not an individual shall determine how to cast its vote as provided for in its articles
41 of incorporation, articles of organization, articles of partnership, bylaws, or other
42 document which sets forth an appropriate mechanism for the determination of the entity's
43 vote. If a voter has no such mechanism, then its vote shall be cast as determined by a
44 majority of the persons who run the day-to-day affairs of the voter. Each property owner
45 shall receive one vote;

(2) Only persons entitled to apply for a ballot in elections pursuant to this subsection shall apply. Such persons shall apply with the municipal clerk, or the circuit clerk if the district is formed by the circuit court. Each person applying shall provide:

- (a) Such person's name, address, mailing address, and phone number;
- (b) An authorized signature; and
- (c) Evidence that such person is entitled to vote. Such evidence shall be a copy of:
 - a. For resident individuals, proof of registration from the election authority;
 - b. For owners of real property, a tax receipt or deed or other document which evidences an equitable ownership, and identifies the real property by location;

(3) Applications for ballot applications shall be made not later than the fourth Tuesday before the ballots are mailed to qualified electors. The ballot of submission shall be in substantially the following form:

"Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a district, to be known as the "..... Theater, Cultural Arts, and Entertainment District" for the purpose of funding, promoting, and providing educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and funding, promoting, planning, designing, constructing, improving, maintaining, and operating public improvements, transportation projects, and related facilities in the district?

☐ YES

☐ NO

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

Shall the (name of district) impose a sales tax of (insert rate) to fund, promote, and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and to fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities in the district?

☐ YES

☐ NO

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

(4) Not sooner than the fourth Tuesday after the deadline for applying for ballots, the municipal clerk, or the circuit clerk if the district is being formed by the circuit court, shall mail a ballot to each qualified voter who applied for a ballot pursuant to this subsection along with a return addressed envelope directed to the municipal clerk or the circuit clerk's office, with a sworn affidavit on the reverse side of such envelope for the voter's signature. Such affidavit shall be in the following form:

82 **"I hereby declare under penalties of perjury that I am qualified to vote, or to affix**
83 **my authorized signature in the name of an entity which is entitled to vote, in this election.**

84

85 **Authorized Signature**

86 **Printed Name of Voter Signature of notary or other officer authorized to administer oaths.**

87 **..... Mailing Address of Voter (if different)**

88 **Subscribed and sworn to before me this day of....., 20.."**

89 **(5) Each qualified voter shall have one vote, except as provided for in section**
90 **67.2520. Each voted ballot shall be signed with the authorized signature as provided for**
91 **in this subsection;**

92 **(6) Voted ballots shall be returned to the municipal clerk, or the clerk of the circuit**
93 **court if the district is being formed by the circuit court, by mail or hand delivery no later**
94 **than 5:00 p.m. on the fourth Tuesday after the date for mailing the ballots. The municipal**
95 **clerk, or circuit clerk if the district is being formed by the circuit court, shall transmit all**
96 **voted ballots to a beam of judges of not less than four, with an equal number from each of**
97 **the two major political parties. The judges shall be selected by the city, town, or village,**
98 **or the circuit clerk, from lists compiled by the county election authority. Upon receipt of**
99 **the voted ballots the judges shall verify the authenticity of the ballots, canvass the votes,**
100 **and certify the results. Certification by the election judges shall be final and shall be**
101 **immediately transmitted to the governing body of the city, town, or village for further**
102 **action, or the circuit judge for further action if the district is being formed by the circuit**
103 **court. Any voter who applied for such election may contest the result in the same manner**
104 **as provided in chapter 115, RSMo.**

67.2525. 1. Each member of the board of directors shall have the following
2 **qualifications:**

3 **(1) As to those subdistricts in which there are registered voters, a resident**
4 **registered voter in the subdistrict that he or she represents, or be a property owner or, as**
5 **to those subdistricts in which there are not registered voters who are residents, a property**
6 **owner or representative of a property owner in the subdistrict he or she represents;**

7 **(2) Be at least twenty-one years of age and a registered voter in the district.**

8 **2. The district shall be subdivided into at least five, but not more than fifteen**
9 **subdistricts, which shall be represented by one representative on the district board of**
10 **directors. All board members shall have terms of four years, including the initial board**
11 **of directors. All members shall take office upon being appointed and shall remain in office**
12 **until a successor is appointed by the mayor or chairman of the municipality in which the**
13 **district is located, or elected by the property owners in those subdistricts without registered**

14 voters.

15 **3. For those subdistricts which contain one or more registered voters, the mayor**
16 **or chairman of the city, town, or village shall, with the consent of the governing body,**
17 **appoint a registered voter residing in the subdistrict to the board of directors.**

18 **4. For those subdistricts which contain no registered voters, the property owners**
19 **who collectively own one or more parcels of real estate comprising more than half of the**
20 **land situated in each subdistrict shall meet and shall elect a representative to serve upon**
21 **the board of directors. The clerk of the city, town, or village in which the petition was filed**
22 **shall, unless waived in writing by all property owners in the subdistrict, give notice by**
23 **causing publication to be made once a week for two consecutive weeks in a newspaper of**
24 **general circulation in the county, the last publication of which shall be at least ten days**
25 **before the day of the meeting required by this section, to call a meeting of the owners of**
26 **real property within the subdistrict at a day and hour specified in a public place in the city,**
27 **town, or village in which the petition was filed for the purpose of electing members of the**
28 **board of directors.**

29 **5. The property owners, when assembled, shall organize by the election of a**
30 **temporary chairman and secretary of the meeting who shall conduct the election. An**
31 **election shall be conducted for each subdistrict, with the eligible property owners voting**
32 **in that subdistrict. At the election, each acre of real property within the subdistrict shall**
33 **represent one share, and each owner, including corporations and other entities, may have**
34 **one vote in person or for every acre of real property owned by such person within the**
35 **subdistrict. Each voter which is not an individual shall determine how to cast its vote as**
36 **provided for in its articles of incorporation, articles of organization, articles of partnership,**
37 **bylaws, or other document which sets forth an appropriate mechanism for the**
38 **determination of the entity's vote. If a voter has no such mechanism, then its vote shall be**
39 **cast as determined by a majority of the persons who run the day-to-day affairs of the voter.**
40 **The results of the meeting shall be certified by the temporary chairman and secretary to**
41 **the municipal clerk if the district is established by a municipality described in this section,**
42 **or to the circuit clerk if the district is established by a circuit court.**

43 **6. Successor boards shall be appointed or elected, depending upon the presence or**
44 **absence of resident registered voters, by the mayor or chairman of a city, town, or village**
45 **described in this section, or the property owners as set forth above; provided, however,**
46 **that elections held by the property owners after the initial board is elected shall be certified**
47 **to the municipal clerk of the city, town, or village where the district is located and the**
48 **board of directors of the district.**

49 **7. Should a vacancy occur on the board of directors, the mayor or chairman of the**

50 city, town, or village if there are registered voters within the subdistrict, or a majority of
51 the owners of real property in a subdistrict if there are not registered voters in the
52 subdistrict, shall have the authority to appoint or elect, as set forth in this section, an
53 interim director to complete any unexpired term of a director caused by resignation or
54 disqualification.

55 **8. The board shall possess and exercise all of the district's legislative and executive**
56 **powers, including:**

57 **(1) The power to fund, promote and provide educational, civic, musical, theatrical,**
58 **cultural, concerts, lecture series, and related or similar entertainment events or activities,**
59 **and fund, promote, plan, design, construct, improve, maintain, and operate public**
60 **improvements, transportation projects, and related facilities within the district;**

61 **(2) The power to accept and disburse tax or other revenue collected in the district;**
62 **and**

63 **(3) The power to receive property by gift or otherwise.**

64 **9. Within thirty days after the selection of the initial directors, the board shall meet.**
65 **At its first meeting and annually thereafter the board shall elect a chairman from its**
66 **members.**

67 **10. The board shall appoint an executive director, district secretary, treasurer, and**
68 **such other officers or employees as it deems necessary.**

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

71 **12. A simple majority of the board shall constitute a quorum. If a quorum exists,**
72 **a majority of those voting shall have the authority to act in the name of the board, and**
73 **approve any board resolution.**

74 **13. At the first meeting, the board, by resolution, shall receive the certification of**
75 **the election regarding the sales tax, and may impose the sales tax in all subdistricts**
76 **approving the imposing sales tax. In those subdistricts that approve the sales tax, the sales**
77 **tax shall become effective on the first day of the first calendar quarter immediately**
78 **following the action by the district board of directors imposing the tax.**

79 **14. Each director shall devote such time to the duties of the office as the faithful**
80 **discharge thereof and may require and be reimbursed for his actual expenditures in the**
81 **performance of his duties on behalf of the district. Directors may be compensated, but**
82 **such compensation shall not exceed one hundred dollars per month.**

83 **15. In addition to all other powers granted by sections 67.2500 to 67.2530, the**
84 **district shall have the following general powers:**

85 **(1) To sue and be sued in its own name, and to receive service of process, which**

86 shall be served upon the district secretary;

87 (2) To fix compensation of its employees and contractors;

88 (3) To enter into contracts, franchises, and agreements with any person or entity,
89 public or private, affecting the affairs of the district, including contracts with any
90 municipality, district, or state, or the United States,
91 and any of their agencies, political subdivisions, or instrumentalities, for the funding,
92 including without limitation, interest rate exchange or swap agreements, planning,
93 development, construction, acquisition, maintenance, or operation of a district facility or
94 to assist in such activity;

95 (4) To acquire, develop, construct, equip, transfer, donate, lease, exchange,
96 mortgage, and encumber real and personal property in furtherance of district purposes;

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

98 (6) To collect taxes and other revenues;

99 (7) To borrow money and incur indebtedness and evidence the same by certificates,
100 notes, bonds, debentures, or refunding of any such obligations for the purpose of paying
101 all or any part of the cost of land, construction, development, or equipping of any facilities
102 or operations of the district;

103 (8) To own or lease real or personal property for use in connection with the exercise
104 of powers pursuant to this subsection;

105 (9) To provide for the election or appointment of officers, including a chairman,
106 treasurer, and secretary. Officers shall not be required to be residents of the district, and
107 one officer may hold more than one office;

108 (10) To hire and retain agents, employees, engineers, and attorneys;

109 (11) To enter into entertainment contracts binding the district and artists, agencies,
110 or performers, management contracts, contracts relating to the booking of entertainment
111 and the sale of tickets, and all other contracts which relate to the purposes of the district;

112 (12) To contract with a local government, a corporation, partnership, or individual
113 regarding funding, promotion, planning, designing, constructing, improving, maintaining,
114 or operating a project or to assist in such activity;

115 (13) To contract for transfer to a city, town, or village such district facilities and
116 improvements free of cost or encumbrance on such terms set forth by contract;

117 (14) To exercise such other powers necessary or convenient for the district to
118 accomplish its purposes which are not inconsistent with its express powers.

119 16. A district may at any time authorize or issue notes, bonds, or other obligations
120 for any of its powers or purposes. Such notes, bonds, or other obligations:

121 (1) Shall be in such amounts as deemed necessary by the district, including costs

122 of issuance thereof;

123 (2) Shall be payable out of all or any portion of the revenues or other assets of the
124 district;

125 (3) May be secured by any property of the district which may be pledged, assigned,
126 mortgaged, or otherwise encumbered for payment;

127 (4) Shall be authorized by resolution of the district, and if issued by the district,
128 shall bear such date or dates, and shall mature at such time or times, but not in excess of
129 forty years, as the resolution shall specify;

130 (5) Shall be in such denomination, bear interest at such rates, be in such form, be
131 issued as current interest bonds, compound interest bonds, variable rate bonds, convertible
132 bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places
133 and subject to redemption as such resolution may provide; and

134 (6) May be sold at either public or private sale, at such interest rates, and at such
135 price or prices as the district shall determine.

136 The provisions of this subsection are applicable to the district notwithstanding the
137 provisions of section 108.170, RSMo.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded
2 at any time by the district by issuing refunding bonds in such amount as the district may
3 deem necessary. Such bonds shall be subject to, and shall have the benefit of the foregoing
4 provisions regarding notes, bonds, and other obligations. Without limiting the generality
5 of the foregoing, refunding bonds may include amounts necessary to finance any premium,
6 unpaid interest, and costs of issuance in connection with the refunding bonds. Any such
7 refunding may be effected whether the bonds to be refunded then shall have matured or
8 thereafter shall mature, either by sale of the refunding bonds and the application of the
9 proceeds thereof to the payment of the obligations being refunded or the exchange of the
10 refunding bonds for the obligations being refunded with the consent of the holders of the
11 obligations being refunded.

12 2. Notes, bonds, or other indebtedness of the district shall be exclusively the
13 responsibility of the district payable solely out of the district funds and property and shall
14 not constitute a debt or liability of the state of Missouri or any agency or political
15 subdivision of the state. Any notes, bonds, or other indebtedness of the district shall state
16 on their face that they are not obligations of the state of Missouri or any agency or political
17 subdivision thereof other than the district.

18 3. Any district may by resolution impose a district sales tax of up to one half of one
19 percent on all retail sales made in such district that are subject to taxation pursuant to the
20 provisions of sections 144.010 to 144.525, RSMo. Upon voter approval, and receiving the

21 necessary certifications from the governing body of the municipality in which the district
22 is located, or from the circuit court if the district was formed by the circuit court, the board
23 of directors shall have the power to impose a sales tax at its first meeting, or any meeting
24 thereafter. Voter approval of the question of the imposing sales tax shall be in accordance
25 with section 67.2520 of this section. The sales tax shall become effective in those
26 subdistricts that approve the sales tax on the first day of the first calendar quarter
27 immediately following the passage of a resolution by the board of directors imposing the
28 sales tax.

29 4. In each district in which a sales tax has been imposed in the manner provided
30 by this section, every retailer shall add the tax imposed by the district pursuant to this
31 section to the retailer's sale price, and when so added, such tax shall constitute a part of the
32 price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable
33 at law in the same manner as the purchase price.

34 5. In order to permit sellers required to collect and report the sales tax authorized
35 by this section to collect the amount required to be reported and remitted, but not to
36 change the requirements of reporting or remitting tax or to serve as a levy of the tax, and
37 in order to avoid fractions of pennies, the district may establish appropriate brackets
38 which shall be used in the district imposing a tax pursuant to this section in lieu of those
39 brackets provided in section 144.285, RSMo.

40 6. All revenue received by a district from the sales tax authorized by this section
41 shall be deposited in a special trust fund and shall be used solely for the purposes of the
42 district. Any funds in such special trust fund which are not needed for the district's
43 current expenditures may be invested by the district board of directors in accordance with
44 applicable laws relating to the investment of other district funds.

45 7. The sales tax may be imposed at a rate of up to one half of one percent on the
46 receipts from the sale at retail of all tangible personal property or taxable services at retail
47 within the district adopting such tax, if such property and services are subject to taxation
48 by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo.
49 Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall
50 be uniform throughout the subdistricts approving the sales tax.

51 8. The resolution imposing the sales tax pursuant to this section shall impose upon
52 all sellers a tax for the privilege of engaging in the business of selling tangible personal
53 property or rendering taxable services at retail to the extent and in the manner provided
54 in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of
55 revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed
56 by the resolution as the sales tax and the tax shall be reported and returned to and

57 collected by the district.

58 **9. (1) On and after the effective date of any sales tax imposed pursuant to this**
59 **section, the district shall perform all functions incident to the administration, collection,**
60 **enforcement, and operation of the tax. The sales tax imposed pursuant to this section shall**
61 **be collected and reported upon such forms and under such administrative rules and**
62 **regulations as may be prescribed by the district.**

63 **(2) All such sales taxes collected by the district shall be deposited by the district in**
64 **a special fund to be expended for the purposes authorized in this section. The district shall**
65 **keep accurate records of the amount of money which was collected pursuant to this section,**
66 **and the records shall be open to the inspection of officers of each district and the general**
67 **public.**

68 **(3) The district may contract with the municipality that the district is within for the**
69 **municipality to collect any revenue received by the district and, after deducting the cost of**
70 **such collection, but not to exceed one percent of the total amount collected, deposit such**
71 **revenue in a special trust account. Such revenue and interest may be applied by the**
72 **municipality to expenses, costs, or debt service of the district at the direction of the district**
73 **as set forth in a contract between the municipality and the district.**

74 **10. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo,**
75 **governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo,**
76 **the uniform confidentiality provision, shall apply to the collection of the tax imposed by**
77 **this section, except as modified in this section.**

78 **(2) All exemptions granted to agencies of government, organizations, persons, and**
79 **to the sale of certain articles and items of tangible personal property and taxable services**
80 **pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made**
81 **applicable to the imposition and collection of the tax imposed by this section.**

82 **(3) The same sales tax permit, exemption certificate, and retail certificate required**
83 **by sections 144.010 to 144.525, RSMo, for the administration and collection of the state**
84 **sales tax shall satisfy the requirements of this section, and no additional permit or**
85 **exemption certificate or retail certificate shall be required; except that the district may**
86 **prescribe a form of exemption certificate for an exemption from the tax imposed by this**
87 **section.**

88 **(4) All discounts allowed the retailer pursuant to the provisions of the state sales**
89 **tax laws for the collection of and for payment of taxes pursuant to such laws are hereby**
90 **allowed and made applicable to any taxes collected pursuant to the provisions of this**
91 **section.**

92 **(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to**

93 **144.525, RSMo, for violation of those sections are hereby made applicable to violations of**
94 **this section.**

95 **(6) For the purpose of a sales tax imposed by a resolution pursuant to this section,**
96 **all retail sales shall be deemed to be consummated at the place of business of the retailer**
97 **unless the tangible personal property sold is delivered by the retailer or the retailer's agent**
98 **to an out-of-state destination or to a common carrier for delivery to an out-of-state**
99 **destination. In the event a retailer has more than one place of business in this state which**
100 **participates in the sale, the sale shall be deemed to be consummated at the place of business**
101 **of the retailer where the initial order for the tangible personal property is taken, even**
102 **though the order must be forwarded elsewhere for acceptance, approval of credit,**
103 **shipment, or billing. A sale by a retailer's employee shall be deemed to be consummated**
104 **at the place of business from which the employee works.**

105 **(7) Subsequent to the initial approval by the voters and implementation of a sales**
106 **tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-**
107 **half of one percent on retail sales as provided in this subsection. The election shall be**
108 **conducted in accordance with section 67.2520; provided, however, that the district board**
109 **of directors may place the question of the increase of the sales tax before the voters of the**
110 **district by resolution, and the municipal clerk of the city, town, or village which originally**
111 **conducted the incorporation of the district, or the circuit clerk of the court which originally**
112 **conducted the incorporation of the district, shall conduct the subsequent election. In**
113 **subsequent elections, the election judges shall certify the election results to the district**
114 **board of directors. The ballot of submission shall be in substantially the following form:**

115 **"Shall (name of district) increase the (insert amount) percent**
116 **district sales tax now in effect to (insert amount) in the (name of**
117 **district)?**

118 ☐ **YES** ☐ **No**

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

121

122 **If a majority of the votes cast on the proposal by the qualified voters of the district voting**
123 **thereon are in favor of the increase, the increase shall become effective December**
124 **thirty-first of the calendar year in which such increase was approved.**

125 **11. (1) There shall not be any election as provided for in this section while the**
126 **district has any financing or other obligations outstanding.**

127 **(2) The board, when presented with a petition signed by at least one-third of the**
128 **registered voters in a district that voted in the last gubernatorial election, or signed by at**

least two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax shall submit the question to the voters using the same procedure by which the imposing tax was voted. The ballot of submission shall be in substantially the following form:

"Shall (name of district) dissolve and repeal the (insert amount) percent district sales tax now in effect in the (name of district)?

☐ YES ☐ NO

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

Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

(3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved or after the repayment of the district's indebtedness, whichever occurs later.

12. (1) At such time as the board of directors of the district determines that further operation of the district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

"Shall the theater, cultural arts, and entertainment district be abolished?

☐ YES ☐ NO

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

(2) The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit the district to determine the financial status of the district, and

165 whether the district may be abolished pursuant to law. The vote on the abolition of the
166 district shall be conducted by the municipal clerk of the city, town, or village in which the
167 district is located. The procedure shall be the same as in section 67.2520, except that the
168 question shall be determined by the qualified voters of the entire district. No individual
169 subdistrict may be abolished, except at such time as the district is abolished.

170 (3) While the district still exists, it shall continue to accrue all revenues to which it
171 is entitled at law.

172 (4) Upon receipt by the board of directors of the district of the certification by the
173 city, town, or village in which the district is located that the majority of those voting within
174 the entire district have voted to abolish the district, and if the state auditor has determined
175 that the district's financial condition is such that it may be abolished pursuant to law, then
176 the board of directors of the district shall:

177 (a) Sell any remaining district real or personal property it wishes, and then transfer
178 the proceeds and any other real or personal property owned by the district to the city,
179 town, or village in which the district is located, including revenues due and owing the
180 district, for its further use and disposition;

181 (b) Terminate the employment of any remaining district employees, and otherwise
182 conclude its affairs;

183 (c) At a public meeting of the district, declare by a resolution of the board of
184 directors passed by a majority vote that the district has been abolished effective that date;

185 (d) Cause copies of that resolution under seal to be filed with the secretary of state
186 and the city, town, or village in which the district is located. Upon the completion of the
187 final act specified in this subsection, the legal existence of the district shall cease.

188 (5) The legal existence of the district shall not cease for a period of two years after
189 voter approval of the abolition.