

FIRST REGULAR SESSION

# HOUSE BILL NO. 764

## 94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARSON.

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D. ADAM CRUMBLISS, Chief Clerk

1903L.011

### AN ACT

To repeal sections 238.202, 238.207, 238.208, 238.225, and 238.275, RSMo, and to enact in lieu thereof five new sections relating to transportation development districts.

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

Section A. Sections 238.202, 238.207, 238.208, 238.225, and 238.275, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 238.202, 238.207,  
3 238.208, 238.225, and 238.275, to read as follows:

238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

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

3 (2) "Commission", the Missouri highways and transportation commission;

4 (3) "District", a transportation development district organized under sections 238.200  
5 to 238.275;

6 (4) "Local transportation authority", a county, city, town, village, county highway  
7 commission, special road district, interstate compact agency, or any local public authority or  
8 political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake  
9 or river port, airport, railroad, light rail or other transit improvement or service;

10 (5) "Project" includes any bridge, street, road, highway, access road, interchange,  
11 intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar,  
12 shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit  
13 and any similar or related improvement or infrastructure.

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

14           2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of  
15 Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following  
16 terms shall have the meanings given:

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

18           (2) "Qualified electors", "qualified voters" or "voters", [if] **within the proposed or**  
19 **established district**, any persons [eligible to be registered voters reside within the proposed  
20 district, such persons] **residing therein** who have registered to vote pursuant to chapter 115,  
21 RSMo, [or if no persons eligible to be registered voters reside within the proposed district,] **and**  
22 the owners of real property [located within the proposed district] , **who shall receive one vote**  
23 **per acre, provided that any registered voter who also owns property shall elect whether to**  
24 **vote as an owner or a registered voter;**

25           (3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115,  
26 RSMo.

          238.207. 1. Whenever the creation of a district is desired, not less than fifty registered  
2 voters from each county partially or totally within the proposed district may file a petition  
3 requesting the creation of a district. However, if no persons eligible to be registered voters reside  
4 within the district, the owners of record of all of the real property, except public streets, located  
5 within the proposed district may file a petition requesting the creation of a district. The petition  
6 shall be filed in the circuit court of any county partially or totally within the proposed district.

7           2. Alternatively, the governing body of any local transportation authority within any  
8 county in which a proposed project may be located may file a petition in the circuit court of that  
9 county, requesting the creation of a district.

10           3. The proposed district area shall be contiguous and may contain all or any portion of  
11 one or more municipalities and counties; provided:

12           (1) Property separated only by public streets, easements or rights-of-way shall be  
13 considered contiguous;

14           (2) In the case of a district formed pursuant to a petition filed by the owners of record  
15 of all of the real property located within the proposed district, the proposed district area need not  
16 contain contiguous properties if:

17           (a) The petition provides that the only funding method for project costs will be a sales  
18 tax;

19           (b) The court finds that all of the real property located within the proposed district will  
20 benefit by the projects to be undertaken by the district; and

21           (c) Each parcel within the district is within five miles of every other parcel; and

22 (3) In the case of a district created pursuant to subsection 5 of this section, property  
23 separated only by public streets, easements, or rights-of-way or connected by a single public  
24 street, easement, or right-of-way shall be considered contiguous.

25 4. The petition shall set forth:

26 (1) The name, voting residence and county of residence of each individual petitioner, or,  
27 if no persons eligible to be registered voters reside within the proposed district, the name and  
28 address of each owner of record of real property located within the proposed district, or shall  
29 recite that the petitioner is the governing body of a local transportation authority acting in its  
30 official capacity;

31 (2) The name and address of each respondent. Respondents must include the  
32 commission and each affected local transportation authority within the proposed district, except  
33 a petitioning local transportation authority;

34 (3) A specific description of the proposed district boundaries including a map illustrating  
35 such boundaries;

36 (4) A general description of each project proposed to be undertaken by that district,  
37 including a description of the approximate location of each project;

38 (5) The name of the proposed district;

39 (6) The number of members of the board of directors of the proposed district, which shall  
40 be not less than five or more than fifteen;

41 (7) A statement that the terms of office of initial board members shall be staggered in  
42 approximately equal numbers to expire in one, two or three years;

43 (8) If the petition was filed by registered voters or by a governing body, a request that  
44 the question be submitted to the qualified voters within the limits of the proposed district  
45 whether they will establish a transportation development district to develop a specified project  
46 or projects;

47 (9) A proposal for funding the district initially, pursuant to the authority granted in  
48 sections 238.200 to 238.275, together with a request that the funding proposal be submitted to  
49 the qualified voters [residing] within the limits of the proposed district; provided, however, the  
50 funding method of special assessments may also be approved as provided in subsection 1 of  
51 section 238.230; and

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

54 5. (1) As an alternative to the methods described in subsections 1 and 2 of this section,  
55 if two or more local transportation authorities have adopted resolutions calling for the joint  
56 establishment of a district, the governing body of any one such local transportation authority may

57 file a petition in the circuit court of any county in which the proposed project is located  
58 requesting the creation of a district.

59 (2) The proposed district area shall be contiguous and may contain all or any portion of  
60 one or more municipalities and counties. Property separated only by public streets, easements,  
61 or rights-of-way or connected by a single public street, easement, or right-of-way shall be  
62 considered contiguous.

63 (3) The petition shall set forth:

64 (a) That the petitioner is the governing body of a local transportation authority acting in  
65 its official capacity;

66 (b) The name of each local transportation authority within the proposed district. The  
67 resolution of the governing body of each local transportation authority calling for the joint  
68 establishment of the district shall be attached to the petition;

69 (c) The name and address of each respondent. Respondents must include the  
70 commission and each affected local transportation authority within the proposed district, except  
71 a petitioning local transportation authority;

72 (d) A specific description of the proposed district boundaries including a map illustrating  
73 such boundaries;

74 (e) A general description of each project proposed to be undertaken by the district,  
75 including a description of the approximate location of each project;

76 (f) The name of the proposed district;

77 (g) The number of members of the board of directors of the proposed district;

78 (h) A request that the question be submitted to the qualified voters within the limits of  
79 the proposed district whether they will establish a transportation development district to develop  
80 the projects described in the petition;

81 (i) A proposal for funding the district initially, pursuant to the authority granted in  
82 sections 238.200 to 238.275, together with a request that the imposition of the funding proposal  
83 be submitted to the qualified voters residing within the limits of the proposed district; provided,  
84 however, the funding method of special assessments may also be approved as provided in  
85 subsection 1 of section 238.230; and

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

238.208. 1. The owners of property adjacent to a transportation district formed under  
2 the Missouri transportation development district act may petition the court by unanimous petition  
3 to add their property to the district. If the property owners within the transportation development  
4 district unanimously approve of the addition of property, the adjacent properties in the petition  
5 shall be added to the district. Any property added under this section shall be subject to all

6 projects, taxes, and special assessments in effect as of the date of the court order adding the  
7 property to the district. The owners of the added property shall be allowed to vote at the next  
8 election scheduled for the district to fill vacancies on the board and on any other question  
9 submitted to them by the board under this chapter. The owners of property added under this  
10 section shall have one vote per acre in the same manner as provided in subdivision (2) of  
11 subsection 2 of section 238.220.

12 **2. The owners of all of the property located in a transportation development district**  
13 **formed under this chapter may, by unanimous petition filed with the board of directors of**  
14 **the district, remove any property from the district, so long as such removal will not**  
15 **materially affect any obligations of the district.**

238.225. 1. Before construction or funding of any project, the district shall submit the  
2 proposed project[, together with the proposed plans and specifications,] to the commission for  
3 its prior approval [of the project]. If the commission by minute finds that the project will  
4 improve or is a necessary or desirable extension of the state highways and transportation system,  
5 the commission may **preliminarily** approve the project subject to the district **providing plans**  
6 **and specifications for the proposed project and** making any revisions in the plans and  
7 specifications required by the commission and the district and commission entering into a  
8 mutually satisfactory agreement regarding development and future maintenance of the project.  
9 **After such preliminary approval, the district may impose and collect such taxes and**  
10 **assessments as may be included in the commission's preliminary approval.** After the  
11 commission approves the final construction plans and specifications, the district shall obtain  
12 prior commission approval of any modification of such plans or specifications.

13 2. If the proposed project is not intended to be merged into the state highways and  
14 transportation system under the commission's jurisdiction, the district shall also submit the  
15 proposed project and proposed plans and specifications to the local transportation authority that  
16 will become the owner of the project for its prior approval.

17 3. In those instances where a local transportation authority is required to approve a  
18 project and the commission determines that it has no direct interest in that project, the  
19 commission may decline to consider the project. Approval of the project shall then vest  
20 exclusively with the local transportation authority subject to the district making any revisions in  
21 the plans and specifications required by the local transportation authority and the district and the  
22 local transportation authority entering into a mutually satisfactory agreement regarding  
23 development and future maintenance of the project. After the local transportation authority  
24 approves the final construction plans and specifications, the district shall obtain prior approval  
25 of the local transportation authority before modifying such plans or specifications.

238.275. 1. Within six months after development and initial maintenance costs of its  
2 completed project have been paid, the district shall pursuant to contract transfer ownership and  
3 control of the project to the commission or a local transportation authority which shall be  
4 responsible for all future maintenance costs pursuant to contract. **Such transfer may be made**  
5 **sooner with the consent of the recipient.**

6 2. At such time as a district has completed its project and has transferred ownership of  
7 the project to the commission or other local transportation authority for maintenance, or at such  
8 time as the board determines that it is unable to complete its project due to lack of funding or for  
9 any other reason, the board shall submit for a vote in an election held throughout the district the  
10 question of whether the district should be abolished. The question shall be submitted in  
11 substantially the following form:

12 Shall the ..... Transportation Development District be abolished?

13 3. The district board shall not propose the question to abolish the district while there are  
14 outstanding claims or causes of action pending against the district, while the district liabilities  
15 exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the  
16 bankruptcy court. Prior to submitting the question to abolish the district to a vote, the state  
17 auditor shall audit the district to determine the financial status of the district, and whether the  
18 district may be abolished pursuant to law.

19 4. While the district still exists, it shall continue to accrue all revenues to which it is  
20 entitled at law.

21 5. Upon receipt of certification by the appropriate election authorities that the majority  
22 of those voting within the district have voted to abolish the district, and if the state auditor has  
23 determined that the district's financial condition is such that it may be abolished pursuant to law,  
24 then the board shall:

25 (1) Sell any remaining district real or personal property it wishes, and then transfer the  
26 proceeds and any other real or personal property owned by the district, including revenues due  
27 and owing the district, to the commission or any appropriate local transportation authority  
28 assuming maintenance and control of the project, for its further use and disposition;

29 (2) Terminate the employment of any remaining district employees, and otherwise  
30 conclude its affairs;

31 (3) At a public meeting of the district, declare by a majority vote that the district has been  
32 abolished effective that date; and

33 (4) Cause copies of that resolution under seal to be filed with the secretary of state, the  
34 director of revenue, the commission, and with each local transportation authority affected by the  
35 district. Upon the completion of the final act specified in this subsection, the legal existence of  
36 the district shall cease.

