

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 795

94TH GENERAL ASSEMBLY

Reported from the Special Committee on Job Creation and Economic Development February 28, 2007 with recommendation that House Committee Substitute for House Bill No. 795 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 15, 2007 with recommendation that House Committee Substitute for House Bill No. 795 Do Pass.

Taken up for Perfection April 3, 2007. House Committee Substitute for House Bill No. 795 ordered Perfected and printed, as amended.

D. ADAM CRUMBLISS, Chief Clerk

1464L.04P

AN ACT

To repeal sections 67.2500, 67.2510, 89.010, 89.400, and 94.837, RSMo, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof six new sections relating to local public improvements.

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

Section A. Sections 67.2500, 67.2510, 89.010, 89.400, and 94.837, RSMo, and section
2 67.2505 as enacted by conference committee substitute for senate substitute for senate committee
3 substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with
4 house substitute for senate committee substitute for senate bill no. 1155, ninety-second general
5 assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate

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.

6 committee substitute for house committee substitute for house bill no. 833 merged with house
7 committee substitute for senate substitute for senate bill no. 732, ninety-second general
8 assembly, second regular session, are repealed and six new sections enacted in lieu thereof, to
9 be known as sections 67.2500, 67.2505, 67.2510, 89.010, 89.400, and 94.837, to read as follows:

67.2500. 1. **A theater, cultural arts, and entertainment district may be established**
2 **in the manner provided in section 67.2505** by the governing body of any **county, city, town,**
3 **or village that has adopted transect-based zoning under chapter 89, RSMo, any county**
4 **described in this subsection, or any** city, town, or village that is within [a first class county
5 with a charter form of government with a population over two hundred fifty thousand that
6 adjoins a first class county with a charter form of government with a population over nine
7 hundred thousand, or that is within] **such counties:**

8 (1) Any county with a charter form of government and with more than two hundred fifty
9 thousand but less than three hundred fifty thousand inhabitants[, may establish a theater, cultural
10 arts, and entertainment district in the manner provided in section 67.2505] ;

11 (2) **Any county of the first classification with more than ninety-three thousand eight**
12 **hundred but fewer than ninety-three thousand nine hundred inhabitants;**

13 (3) **Any county of the first classification with more than one hundred eighty-four**
14 **thousand but fewer than one hundred eighty-eight thousand inhabitants;**

15 (4) **Any county with a charter form of government and with more than six hundred**
16 **thousand but fewer than seven hundred thousand inhabitants;**

17 (5) **Any county of the first classification with more than one hundred thirty-five**
18 **thousand four hundred but fewer than one hundred thirty-five thousand five hundred**
19 **inhabitants;**

20 (6) **Any county of the first classification with more than one hundred four thousand**
21 **six hundred but fewer than one hundred four thousand seven hundred inhabitants.**

22 2. Sections 67.2500 to 67.2530 shall be known as the "Theater, Cultural Arts, and
23 Entertainment District Act".

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

25 (1) "District", a theater, cultural arts, and entertainment district organized under this
26 section;

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

32 (3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115,
33 RSMo; and

34 (4) "Subdistrict", a subdivision of a district, but not a separate political subdivision,
35 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, civic,
2 musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events
3 or activities, and to fund, promote, plan, design, construct, improve, maintain, and operate public
4 improvements, **infrastructure**, transportation projects, and related facilities in the district.

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

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

8 4. The district shall include a minimum of [fifty] **twenty-five** contiguous acres.

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

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

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

20 (2) The name of the proposed district;

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

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

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

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

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

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

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

36 (10) A signed statement that the petitioners are authorized to submit the petition to the
37 governing body; and

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

39 7. Upon the filing **and approval** of a petition pursuant to this section, the governing
40 body of any city, town, or village described in this section [may] **shall** pass a resolution
41 containing the following information:

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

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

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

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

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

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

50 8. Prior to the governing body certifying the question of the district's creation and
51 imposing a sales tax for approval by the qualified electors, a hearing shall be held as provided
52 by this subsection. The governing body of the municipality approving a resolution as set forth
53 in subsection 7 of this section shall:

54 (1) Publish notice of the hearing, which shall include the information contained in the
55 resolution cited in subsection 7 of this section, on two separate occasions in at least one
56 newspaper of general circulation in the county where the proposed district is located, with the
57 first publication to occur not more than thirty days before the hearing, and the second publication
58 to occur not more than fifteen days or less than ten days before the hearing;

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

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

62

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

66 9. Following the hearing, the governing body of any city, town, or village within which
67 the proposed district will be located may order an election on the questions of the district

68 creation and sales tax funding for voter approval and certify the questions to the municipal clerk.
69 The election order shall include the date on which the ballots will be mailed to qualified electors,
70 which shall be not sooner than the eighth Tuesday from the issuance of the order. The election
71 regarding the incorporation of the district and the imposing of the sales tax shall follow the
72 procedure set forth in section 67.2520, and shall be held pursuant to the order and certification
73 by the governing body. Only those subdistricts approving the question of creating the district
74 and imposing the sales tax shall become part of the district.

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

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

81 (2) A statement that a theater, cultural arts, and entertainment district has been
82 established;

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

84 (4) The name of the district;

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

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

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

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

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

67.2510. As a complete alternative to the procedure establishing a district set forth in
2 section 67.2505, **a theater, cultural arts, and entertainment district may be established in**
3 **the manner provided in section 67.2515 by a circuit court with jurisdiction over any county,**

4 **city, town, or village that has adopted transect-based zoning under chapter 89, RSMo, any**
5 **county described in this section, or any city, town, or village that is within [a first class county**
6 with a charter form of government with a population over two hundred fifty thousand that
7 adjoins a first class county with a charter form of government with a population over nine
8 hundred thousand, or that is within] **such counties:**

9 (1) Any county with a charter form of government and with more than two hundred fifty
10 thousand but less than three hundred fifty thousand inhabitants[, may establish a theater, cultural
11 arts, and entertainment district in the manner provided in section 67.2515] ;

12 (2) **Any county of the first classification with more than ninety-three thousand eight**
13 **hundred but fewer than ninety-three thousand nine hundred inhabitants;**

14 (3) **Any county of the first classification with more than one hundred eighty-four**
15 **thousand but fewer than one hundred eighty-eight thousand inhabitants;**

16 (4) **Any county with a charter form of government and with more than six hundred**
17 **thousand but fewer than seven hundred thousand inhabitants;**

18 (5) **Any county of the first classification with more than one hundred thirty-five**
19 **thousand four hundred but fewer than one hundred thirty-five thousand five hundred**
20 **inhabitants;**

21 (6) **Any county of the first classification with more than one hundred four thousand**
22 **six hundred but fewer than one hundred four thousand seven hundred inhabitants.**

89.010. 1. The provisions of sections 89.010 to 89.140 shall apply to all cities, towns
2 and villages in this state.

3 2. (1) As used in this subsection, "transect-based zoning" means a zoning
4 classification system that prescriptively arranges uses, elements, and environments
5 according to a geographic cross-section that range across a continuum from rural to urban,
6 with the range of environments providing the basis for organizing the components of the
7 constructed world, including buildings, lots, land use, street, and all other physical
8 elements of the human habitat, with the objective of creating sustainable communities and
9 emphasizing bicycle lanes, street connectivity, and sidewalks, and permitting high-density
10 and mixed use development in urban areas.

11 (2) In the event that any city, town, or village adopts a zoning or subdivision
12 ordinance based on transect-based zoning, and such transect-based zoning provisions
13 conflict with the zoning provisions adopted by code or ordinance of another political
14 subdivision with jurisdiction in such city, town, or village, the transect-based zoning
15 provisions governing street configuration requirements, including number and locations
16 of parking spaces, street, drive lane, and cul-de-sac lengths and widths, turning radii, and
17 improvements within the right-of-way, shall prevail over any other conflicting or more

18 **restrictive zoning provisions adopted by code or ordinance of the other political**
19 **subdivision.**

89.400. 1. When the planning commission of any municipality adopts a city plan which
2 includes at least a major street plan or progresses in its city planning to the making and adoption
3 of a major street plan, and files a certified copy of the major street plan in the office of the county
4 recorder of the county in which the municipality is located, no plat of a subdivision of land lying
5 within the municipality shall be filed or recorded until it has been submitted to and a report and
6 recommendation thereon made by the commission to the city council and the council has
7 approved the plat as provided by law.

8 **2. (1) As used in this subsection, "transect-based zoning" means a zoning**
9 **classification system that prescriptively arranges uses, elements, and environments**
10 **according to a geographic cross-section that range across a continuum from rural to urban,**
11 **with the range of environments providing the basis for organizing the components of the**
12 **constructed world, including buildings, lots, land use, street, and all other physical**
13 **elements of the human habitat, with the objective of creating sustainable communities and**
14 **emphasizing bicycle lanes, street connectivity, and sidewalks, and permitting high-density**
15 **and mixed use development in urban areas.**

16 **(2) In the event that any city, town, or village adopts a zoning or subdivision**
17 **ordinance based on transect-based zoning, and such transect-based zoning provisions**
18 **conflict with the zoning provisions adopted by code or ordinance of another political**
19 **subdivision with jurisdiction in such city, town, or village, the transect-based zoning**
20 **provisions governing street configuration requirements, including number and locations**
21 **of parking spaces, street, drive lane, and cul-de-sac lengths and widths, turning radii, and**
22 **improvements within the right-of-way, shall prevail over any other conflicting or more**
23 **restrictive zoning provisions adopted by code or ordinance of the other political**
24 **subdivision.**

94.837. 1. The governing body of any city of the fourth classification with more than
2 two thousand five hundred but fewer than two thousand six hundred inhabitants and located in
3 any county of the third classification without a township form of government and with more than
4 ten thousand four hundred but fewer than ten thousand five hundred inhabitants, the governing
5 body of any special charter city [with more than nine hundred fifty but fewer than one thousand
6 fifty inhabitants], and the governing body of any city of the fourth classification with more than
7 one thousand two hundred but fewer than one thousand three hundred inhabitants and located
8 in any county of the third classification without a township form of government and with more
9 than four thousand three hundred but fewer than four thousand four hundred inhabitants may
10 impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels

11 situated in the city or a portion thereof, which shall not be more than five percent per occupied
12 room per night, except that such tax shall not become effective unless the governing body of the
13 city submits to the voters of the city at a state general or primary election a proposal to authorize
14 the governing body of the city to impose a tax under this section. The tax authorized in this
15 section shall be in addition to the charge for the sleeping room and all other taxes imposed by
16 law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism.
17 Such tax shall be stated separately from all other charges and taxes.

18 2. The ballot of submission for the tax authorized in this section shall be in substantially
19 the following form:

20 Shall (insert the name of the city) impose a tax on the charges for
21 all sleeping rooms paid by the transient guests of hotels and motels situated in
22 (name of city) at a rate of (insert rate of percent) percent for the sole
23 purpose of promoting tourism?

24 ☐ YES

☐ NO

25

26 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
27 of the question, then the tax shall become effective on the first day of the second calendar quarter
28 following the calendar quarter in which the election was held. If a majority of the votes cast on
29 the question by the qualified voters voting thereon are opposed to the question, then the tax
30 authorized by this section shall not become effective unless and until the question is resubmitted
31 under this section to the qualified voters of the city and such question is approved by a majority
32 of the qualified voters of the city voting on the question.

33 3. As used in this section, "transient guests" means a person or persons who occupy a
34 room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

2 [67.2505. 1. A district may be created to fund, promote, and provide
3 educational, civic, musical, theatrical, cultural, concerts, lecture series, and
4 related or similar entertainment events or activities, and to fund, promote, plan,
5 design, construct, improve, maintain, and operate public improvements,
6 transportation projects, and related facilities in the district.

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

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

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

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

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

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

24 (2) The name of the proposed district;

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

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

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

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

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

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

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

41 (10) A signed statement that the petitioners are authorized to submit the
42 petition to the governing body; and

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

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

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

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

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

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

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

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

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

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

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

69 (3) Consider all protests, which determinations shall be final.
70

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

74 9. Following the hearing, the governing body of any city, town, or village
75 within which the proposed district will be located may order an election on the
76 questions of the district creation and sales tax funding for voter approval and
77 certify the questions to the municipal clerk. The election order shall include the
78 date on which the ballots will be mailed to qualified electors, which shall be not
79 sooner than the eighth Tuesday from the issuance of the order. The election
80 regarding the incorporation of the district and the imposing of the sales tax shall
81 follow the procedure set forth in section 67.2520, and shall be held pursuant to
82 the order and certification by the governing body. Only those subdistricts
83 approving the question of creating the district and imposing the sales tax shall
84 become part of the district.

85 10. If the results of the election conducted in accordance with section
86 67.2520 show that a majority of the votes cast were in favor of organizing the
87 district and imposing the sales tax, the governing body may establish the
88 proposed district in those subdistricts approving the question of creating the
89 district and imposing the sales tax by adopting an ordinance to that effect. The
90 ordinance establishing the district shall contain the following:

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

92 (2) A statement that a theater, cultural arts, and entertainment district has
93 been established;

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

95 (4) The name of the district;

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

98 (6) The uses for any revenue generated by a sales tax imposed pursuant
99 to this section;

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

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

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

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