

FIRST REGULAR SESSION

HOUSE BILL NO. 1042

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES TALBOY (Sponsor), SCHOELLER, LOW (39), PAGE,
JOHNSON (61), ZIMMERMAN, BURNETT, PORTWOOD, HOLSMAN, LeVOTA,
HUGHES AND SILVEY (Co-sponsors).

Read 1st time March 1, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2083L.01I

AN ACT

To repeal sections 67.1401 and 67.1561, RSMo, and to enact in lieu thereof three new sections relating to community improvement districts.

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

Section A. Sections 67.1401 and 67.1561, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 67.1401, 67.1485, and 67.1561, to read as
3 follows:

67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the
2 "Community Improvement District Act".

3 2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

4 (1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to
5 67.1571, a simple majority of those qualified voters voting in the election;

6 (2) "Assessed value", the assessed value of real property as reflected on the tax records
7 of the county clerk of the county in which the property is located, or the collector of revenue if
8 the property is located in a city not within a county, as of the last completed assessment;

9 (3) "Blighted area", an area which:

10 (a) By reason of the predominance of defective or inadequate street layout, insanitary or
11 unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting,
12 or the existence of conditions which endanger life or property by fire and other causes, or any

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.

13 combination of such factors, retards the provision of housing accommodations or constitutes an
14 economic or social liability or a menace to the public health, safety, morals or welfare in its
15 present condition and use; or

16 (b) Has been declared blighted or found to be a blighted area pursuant to Missouri law
17 including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections
18 99.300 to 99.715, RSMo;

19 (4) "Board", if the district is a political subdivision, the board of directors of the district,
20 or if the district is a not-for-profit corporation, the board of directors of such corporation;

21 (5) "Director of revenue", the director of the department of revenue of the state of
22 Missouri;

23 (6) "District", a community improvement district, established pursuant to sections
24 67.1401 to 67.1571;

25 (7) "Election authority", the election authority having jurisdiction over the area in which
26 the boundaries of the district are located pursuant to chapter 115, RSMo;

27 (8) "Municipal clerk", the clerk of the municipality;

28 (9) "Municipality", any city, village, incorporated town, or county of this state, or in any
29 unincorporated area that is located in any county with a charter form of government and with
30 more than one million inhabitants;

31 (10) "Obligations", bonds, loans, debentures, notes, special certificates, or other
32 evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes
33 or to refund outstanding obligations;

34 (11) "Owner", for real property, the individual or individuals or entity or entities who
35 own a fee interest in real property that is located within the district or their legally authorized
36 representative; for business organizations and other entities, the owner shall be deemed to be the
37 individual which is legally authorized to represent the entity in regard to the district;

38 (12) "Per capita", one head count applied to each individual, entity or group of
39 individuals or entities having fee ownership of real property within the district whether such
40 individual, entity or group owns one or more parcels of real property in the district as joint
41 tenants, tenants in common, tenants by the entirety [or], tenants in partnership, **except that with**
42 **respect to a condominium created under sections 448.1-101 to 448.4-120, RSMo, "per**
43 **capita" means one head count applied to the applicable unit owners' association and not**
44 **to each unit owner;**

45 (13) "Petition", a petition to establish a district as it may be amended in accordance with
46 the requirements of section 67.1421;

47 (14) "Qualified voters",

48 (a) For purposes of elections for approval of real property taxes:

- 49 a. Registered voters; or
- 50 b. If no registered voters reside in the district, the owners of one or more parcels of real
- 51 property which is to be subject to such real property taxes and is located within the district per
- 52 the tax records for real property of the county clerk, or the collector of revenue if the district is
- 53 located in a city not within a county, as of the thirtieth day prior to the date of the applicable
- 54 election;
- 55 (b) For purposes of elections for approval of business license taxes or sales taxes:
- 56 a. Registered voters; or
- 57 b. If no registered voters reside in the district, the owners of one or more parcels of real
- 58 property located within the district per the tax records for real property of the county clerk as of
- 59 the thirtieth day before the date of the applicable election; and
- 60 (c) For purposes of the election of directors of the board, registered voters and owners
- 61 of real property which is not exempt from assessment or levy of taxes by the district and which
- 62 is located within the district per the tax records for real property of the county clerk, or the
- 63 collector of revenue if the district is located in a city not within a county, of the thirtieth day prior
- 64 to the date of the applicable election; and
- 65 (15) "Registered voters", persons who reside within the district and who are qualified
- 66 and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election
- 67 authority as of the thirtieth day prior to the date of the applicable election.

67.1485. 1. Any district organized as a nonprofit corporation may merge with

2 another district organized as a nonprofit organization. Such merger shall be conducted

3 under the procedures for merger provided in chapter 355, RSMo, and shall not become

4 effective unless:

- 5 (1) The boundaries of the merging districts are contiguous;
- 6 (2) The articles of merger required under section 355.361, RSMo, contain a legal
- 7 description of the surviving district corporation;
- 8 (3) The term of existence of the surviving district corporation stated in the articles
- 9 of merger shall be equal to the shortest length of time remaining for existence of either
- 10 merging district corporation as determined by the applicable ordinances establishing the
- 11 merging district corporations;
- 12 (4) A copy of the articles of merger is sent to the department of economic
- 13 development.
- 14 2. If two district corporations merge under this section, the board of directors of
- 15 the surviving district corporation may continue to levy special assessments against such
- 16 tracts, lots, or parcels listed, and in an amount as provided in, a previously authorized
- 17 petition under section 67.1521, provided that the level of service stated in such petition is

18 **not decreased by the surviving district corporation. A new special assessment petition may**
19 **be submitted to the surviving district corporation and, if stated in the petition, may**
20 **supersede or replace the previously authorized special assessment petitions.**

21 **3. No merger under this section shall be construed to be a petition for termination**
22 **under section 67.1481 or to invoke a plan of dissolution as provided in section 67.1481.**

67.1561. No lawsuit to set aside a district established, or a special assessment or a tax
2 levied under sections 67.1401 to 67.1571 or to otherwise question the validity of the proceedings
3 related thereto shall be brought after the expiration of ninety days from the effective date of the
4 ordinance establishing such district in question or the effective date of the resolution levying
5 such special assessment or tax in question **or the effective date of a merger of two districts**
6 **under section 67.1485.**

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