

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1937

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PEARCE (Sponsor), FISHER, BAKER (123), WILSON (130), COOPER (120), SCAVUZZO, HUNTER, EMERY, RICHARD, BROWN (50), STEVENSON, MEINERS AND RUESTMAN (Co-sponsors).

Read 1st time January 31, 2008 and copies ordered printed.

Read 2nd time February 4, 2008 and referred to the Committee on Transportation February 12, 2008.

Reported from the Committee on Transportation March 11, 2008 with recommendation that the bill Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 25, 2008 with recommendation that the bill Do Pass by Consent with no time limit for debate.

Perfected by Consent April 1, 2008.

D. ADAM CRUMBLISS, Chief Clerk

4539L.01P

AN ACT

To repeal sections 238.207 and 238.210, RSMo, and to enact in lieu thereof two new sections relating to transportation development districts.

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

Section A. Sections 238.207 and 238.210, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 238.207 and 238.210, to read as follows:

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.

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.

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 estimated project costs and the anticipated revenues to be collected from the
39 project;

40 (6) The name of the proposed district;

41 (7) The number of members of the board of directors of the proposed district, which shall
42 be not less than five or more than fifteen;

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

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

49 (10) A proposal for funding the district initially, pursuant to the authority granted in
50 sections 238.200 to 238.275, together with a request that the funding proposal be submitted to
51 the qualified voters within the limits of the proposed district; provided, however, the funding
52 method of special assessments may also be approved as provided in subsection 1 of section
53 238.230; and

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

56 5. (1) As an alternative to the methods described in subsections 1 and 2 of this section,
57 if two or more local transportation authorities have adopted resolutions calling for the joint
58 establishment of a district, the governing body of any one such local transportation authority may
59 file a petition in the circuit court of any county in which the proposed project is located
60 requesting the creation of a district; **or, if not less than fifty registered voters from each of two**
61 **or more counties sign a petition calling for the joint establishment of a district for the**
62 **purpose of developing a project that lies in whole or in part within those same counties, the**
63 **petition may be filed in the circuit court of any of those counties in which not less than fifty**
64 **registered voters have signed the petition.**

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

69 (3) The petition shall set forth:

70 (a) That the petitioner is the governing body of a local transportation authority acting in
71 its official capacity; **or, if the petition was filed by obtaining the signatures of not less than**
72 **fifty registered voters in each of two or more counties, it shall set forth the name, voting**
73 **residence, and county of residence of each individual petitioner;**

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

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

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

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

84 (f) The name of the proposed district;

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

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

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

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

238.210. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve
2 a copy of the petition on the respondents who shall have thirty days after receipt of service to file
3 an answer stating agreement with or opposition to the creation of the district. If any respondent
4 files its answer opposing the creation of the district, it shall recite legal reasons why the petition
5 is defective, why the proposed district is illegal or unconstitutional, or why the proposed method
6 for funding the district is illegal or unconstitutional. The respondent shall ask the court for a
7 declaratory judgment respecting these issues. The answer of each respondent shall be served on
8 each petitioner and every other respondent named in the petition. Any resident, taxpayer, any
9 other entity, or any local transportation authority within the proposed district may join in or file
10 a petition supporting or answer opposing the creation of the district and seeking a declaratory
11 judgment respecting these same issues within thirty days after the date notice is last published
12 by the circuit clerk.

13 2. The court shall hear the case without a jury. If the court shall thereafter determine the
14 petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue
15 burden on any owner of property within the district or is unjust and unreasonable, it shall enter
16 its declaratory judgment to that effect and shall refuse to make the certifications requested in the
17 pleadings. If the court determines that any proposed funding method is illegal or

18 unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the
19 court determines the petition is not legally defective and the proposed district and method of
20 funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect.
21 If the petition was filed by registered voters or by a governing body, the court shall then certify
22 the questions regarding district creation, project development, and proposed funding for voter
23 approval. If the petition was filed by a governing body **or by no less than fifty registered**
24 **voters of two or more counties** pursuant to subsection 5 of section 238.207, the court shall then
25 certify the single question regarding district creation, project development, and proposed funding
26 for voter approval. If the petition was filed by the owners of record of all of the real property
27 located within the proposed district, the court shall declare the district organized and certify the
28 funding methods stated in the petition for qualified voter approval; provided, however, the
29 funding method of special assessments may also be approved as provided in subsection 1 of
30 section 238.230. In either case, if no objections to the petition are timely filed, the court may
31 make such certifications based upon the pleadings before it without any hearing.

32 3. Any party having filed an answer or petition may appeal the circuit court's order or
33 declaratory judgment in the same manner provided for other appeals.

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