

SECOND REGULAR SESSION

HOUSE BILL NO. 2483

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHOELLER (Sponsor) AND TALBOY (Co-sponsor).

Read 1st time March 27, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5210L.01I

AN ACT

To repeal sections 67.456, 67.1401, 67.1421, 67.1451, 67.1461, 67.1521, 67.1545, and 67.1551, RSMo, and to enact in lieu thereof eight new sections relating to improvement districts.

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

Section A. Sections 67.456, 67.1401, 67.1421, 67.1451, 67.1461, 67.1521, 67.1545, and
2 67.1551, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as
3 sections 67.456, 67.1401, 67.1421, 67.1451, 67.1461, 67.1521, 67.1545, and 67.1551, to read
4 as follows:

67.456. 1. The average maturity of bonds or notes issued under the neighborhood
2 improvement district act after August 28, 2004, shall not exceed one hundred twenty percent of
3 the average economic life of the improvements for which the bonds or notes are issued.

4 2. Any improvement for which a petition is filed or an election is held under section
5 67.457 after August 28, 2004, including improvements to or located on property owned by a city
6 or county, shall include provisions for maintenance of the project during the term of the bonds
7 or notes.

8 3. In the event that, after August 28, 2004, any parcel of property within the
9 neighborhood improvement district is divided into more than one parcel of property after the
10 final costs of the improvement are assessed, all unpaid final costs of the improvement assessed
11 to the original parcel that was divided [shall be recalculated and] **may, within sixty days after**
12 **recordation of proof of division of such parcel in the real property records of the county**
13 **or city not within a county where the district is located, be reallocated effective as of the**

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 **next ensuing January first following such division, but only as to the newly created parcels**
15 **by the city or county that formed the district. Such reallocation shall be in accordance with**
16 **the method for assessment of the original parcel set forth in the ballot question or petition**
17 **related to the formation of the district described in section 67.457, with such amounts to**
18 **be certified to the county clerk and county collector, or the equivalent officers in a city not**
19 **within a county, and which amounts shall be used for reassessment of the newly created**
20 **parcels. If the city or county that formed the district does not reallocate the assessments**
21 **on the newly created parcels in accordance with the original method of assessment and**
22 **certify such information to the county clerk and county collector, or the equivalent officers**
23 **in a city not within a county, within sixty days of recordation of proof of the division of the**
24 **original parcel, the unpaid cost of the improvements assessed to the original parcel that**
25 **was divided shall be** reassessed proportionally to each of the parcels resulting from the division
26 of the original parcel, based on the assessed valuation of each resulting parcel. No parcel of
27 property which has had the assessment against it paid in full by the property owner shall be
28 reassessed under this section. No parcel of property shall have the initial assessment against it
29 changed, except for any changes for special, supplemental, or additional assessments authorized
30 under the state neighborhood improvement district act.

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
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 **or representatives**; for business organizations and other entities, the owner shall
37 be deemed to be the individual **or individuals** which [is] **are** legally authorized to represent the
38 entity in regard to the district;
- 39 (12) "Per capita", one head count applied to each individual, entity or group of
40 individuals or entities having fee ownership of real property within the district whether such
41 individual, entity or group owns one or more parcels of real property in the district as joint
42 tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with
43 respect to a condominium created under sections 448.1-101 to 448.4-120, RSMo, "per capita"
44 means one head count applied to the applicable unit owners' association and not to each unit
45 owner;
- 46 (13) "Petition", a petition to establish a district as it may be amended in accordance with
47 the requirements of section 67.1421;
- 48 (14) "Qualified voters",
- 49 (a) For purposes of elections for approval of real property taxes:
- 50 a. Registered voters; or
- 51 b. If no registered voters reside in the district, the owners of one or more parcels of real
52 property which is to be subject to such real property taxes and is located within the district per
53 the [tax] **real estate** records [for real property of the county clerk, or the collector of revenue if

54 the district is located in a city not within a county] **of the recorder of deeds where the district**
55 **is located**, as of the thirtieth day prior to the date of the applicable election;

56 (b) For purposes of elections for approval of business license taxes or sales taxes:

57 a. Registered voters; or

58 b. If no registered voters reside in the district, the owners of one or more parcels of real
59 property located within the district per the [tax] **real estate** records [for real property of the
60 county clerk] **of the recorder of deeds where the district is located** as of the thirtieth day
61 before the date of the applicable election; and

62 (c) For purposes of the election of directors of the board, registered voters and owners
63 of real property which is not exempt from assessment or levy of taxes by the district and which
64 is located within the district per the [tax] **real estate** records [for real property of the county
65 clerk, or the collector of revenue if the district is located in a city not within a county] **of the**
66 **recorder of deeds where the district is located**, of the thirtieth day prior to the date of the
67 applicable election; and

68 (15) "Registered voters", persons who reside within the district and who are qualified
69 and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election
70 authority as of the thirtieth day prior to the date of the applicable election.

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the
2 governing body of the municipality in which the proposed district is located shall hold a public
3 hearing in accordance with section 67.1431 and may adopt an ordinance to establish the
4 proposed district.

5 2. A petition is proper if, based on the [tax] **real estate** records of the [county clerk, or
6 the collector of revenue if the district is located in a city not within a county] **recorder of deeds**
7 **where the district is located**, as of the time of filing the petition with the municipal clerk, it
8 meets the following requirements:

9 (1) It has been signed by property owners collectively owning more than fifty percent
10 by assessed value, **as reflected by the tax records of the county where the proposed district**
11 **is located**, of the real property within the boundaries of the proposed district;

12 (2) It has been signed by more than fifty percent per capita of all owners of real property
13 within the boundaries of the proposed district; and

14 (3) It contains the following information:

15 (a) The legal description of the proposed district, including a map illustrating the district
16 boundaries;

17 (b) The name of the proposed district;

18 (c) A notice that the signatures of the signers may not be withdrawn later than seven days
19 after the petition is filed with the municipal clerk;

20 (d) A five-year plan stating a description of the purposes of the proposed district, the
21 services it will provide, the improvements it will make and an estimate of costs of these services
22 and improvements to be incurred;

23 (e) A statement as to whether the district will be a political subdivision or a not for profit
24 corporation and if it is to be a not for profit corporation, the name of the not for profit
25 corporation;

26 (f) If the district is to be a political subdivision, a statement as to whether the district will
27 be governed by a board elected by the district or whether the board will be appointed by the
28 municipality, and, if the board is to be elected by the district, the names and terms of the initial
29 board may be stated;

30 (g) If the district is to be a political subdivision, the number of directors to serve on the
31 board;

32 (h) The total assessed value, **as reflected by the tax records of the county where the**
33 **proposed district is located**, of all real property within the proposed district;

34 (i) A statement as to whether the petitioners are seeking a determination that the
35 proposed district, or any legally described portion thereof, is a blighted area;

36 (j) The proposed length of time for the existence of the district;

37 (k) The maximum rates of real property taxes, and, business license taxes in the county
38 seat of a county of the first classification without a charter form of government containing a
39 population of at least two hundred thousand, that may be submitted to the qualified voters for
40 approval;

41 (l) The maximum rates of special assessments and respective methods of assessment that
42 may be proposed by petition;

43 (m) The limitations, if any, on the borrowing capacity of the district;

44 (n) The limitations, if any, on the revenue generation of the district;

45 (o) Other limitations, if any, on the powers of the district;

46 (p) A request that the district be established; and

47 (q) Any other items the petitioners deem appropriate; and

48 (4) The signature block for each real property owner signing the petition shall be in
49 substantially the following form and contain the following information:

50 Name of owner:

51 Owner's telephone number and mailing address:

52 If signer is different from owner:

53 Name of signer:

54 State basis of legal authority to sign:

55 Signer's telephone number and mailing address:

56 If the owner is an individual, state if owner is single or married:

57 If owner is not an individual, state what type of entity:

58 Map and parcel number and assessed value of each tract of real property within the proposed
59 district owned:

60

61 By executing this petition, the undersigned represents and warrants that he or she is authorized
62 to execute this petition on behalf of the property owner named immediately above.

63

64 Signature of person signing for owner Date

65 STATE OF MISSOURI)

66) ss.

67 COUNTY OF)

68 Before me personally appeared, to me personally known to be the
69 individual described in and who executed the foregoing instrument.

70 WITNESS my hand and official seal this day of
71 (month), (year).

72

73 Notary Public

74 My Commission Expires:

75 3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to
76 exceed ninety days after receipt of the petition, review and determine whether the petition
77 substantially complies with the requirements of subsection 2 of this section. In the event the
78 municipal clerk receives a petition which does not meet the requirements of subsection 2 of this
79 section, the municipal clerk shall, within a reasonable time, return the petition to the submitting
80 party by hand delivery, first class mail, postage prepaid or other efficient means of return and
81 shall specify which requirements have not been met.

82 4. After the close of the public hearing required pursuant to subsection 1 of this section,
83 the governing body of the municipality may adopt an ordinance approving the petition and
84 establishing a district as set forth in the petition and may determine, if requested in the petition,
85 whether the district, or any legally described portion thereof, constitutes a blighted area.

86 5. Amendments to a petition may be made which do not change the proposed boundaries
87 of the proposed district if an amended petition meeting the requirements of subsection 2 of this
88 section is filed with the municipal clerk at the following times and the following requirements
89 have been met:

90 (1) At any time prior to the close of the public hearing required pursuant to subsection
91 1 of this section; provided that, notice of the contents of the amended petition is given at the
92 public hearing;

93 (2) At any time after the public hearing and prior to the adoption of an ordinance
94 establishing the proposed district; provided that, notice of the amendments to the petition is
95 given by publishing the notice in a newspaper of general circulation within the municipality and
96 by sending the notice via registered certified United States mail with a return receipt attached to
97 the address of record of each owner of record of real property within the boundaries of the
98 proposed district per the [tax records of the county clerk, or the collector of revenue if the district
99 is located in a city not within a county] **real estate records of the recorder of deeds where the**
100 **district is located as of a date no earlier than thirty days and no later than ten days prior**
101 **to the mailing.** Such notice shall be published and mailed not less than ten days prior to the
102 adoption of the ordinance establishing the district;

103 (3) At any time after the adoption of any ordinance establishing the district a public
104 hearing on the amended petition is held and notice of the public hearing is given in the manner
105 provided in section 67.1431 and the governing body of the municipality in which the district is
106 located adopts an ordinance approving the amended petition after the public hearing is held.

107 6. Upon the creation of a district, the municipal clerk shall report in writing the creation
108 of such district to the Missouri department of economic development.

67.1451. 1. If a district is a political subdivision, the election and qualifications of
2 members to the district's board of directors shall be in accordance with this section. If a district
3 is a not-for-profit corporation, the election and qualification of members to its board of directors
4 shall be in accordance with chapter 355, RSMo.

5 2. The district shall be governed by a board consisting of at least five but not more than
6 thirty directors. Each director shall, during his or her entire term, be:

7 (1) At least eighteen years of age; and

8 (2) Be either:

9 (a) An owner, as defined in section 67.1401, of real property or of a business operating
10 within the district; or

11 (b) A registered voter residing within the district; and

12 (3) Any other qualifications set forth in the petition establishing the district.

13

14 If there are fewer than five owners of real property located within a district, the board may be
15 comprised of up to five legally authorized representatives of any of the owners of real property
16 located within the district **or of any business operating in the district.**

17 3. If the district is a political subdivision, the board shall be elected or appointed, as
18 provided in the petition.

19 4. If the board is to be elected, the procedure for election shall be as follows:

20 (1) The municipal clerk shall specify a date on which the election shall occur which date
21 shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the
22 fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

23 (2) The election shall be conducted in the same manner as provided for in section
24 67.1551, provided that the published notice of the election shall contain the information required
25 by section 67.1551 for published notices, except that it shall state that the purpose of the election
26 is for the election of directors, in lieu of the information related to taxes;

27 (3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than
28 the second Tuesday after the effective date of the ordinance establishing the district with the
29 municipal clerk a statement under oath that he or she possesses all of the qualifications set out
30 in this section for a director. Thereafter, such candidate shall have his or her name placed on the
31 ballot as a candidate for director;

32 (4) The director or directors to be elected shall be elected at large. The person receiving
33 the most votes shall be elected to the position having the longest term; the person receiving the
34 second highest votes shall be elected to the position having the next longest term and so forth.
35 For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for
36 a two-year term, one-half shall serve for a four-year term and if an odd number of directors are
37 elected, the director receiving the least number of votes shall serve for a two-year term, until
38 such director's successor is elected. For any district formed on or after August 28, 2003, for the
39 initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term
40 specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of
41 directors are elected, the director receiving the least number of votes shall serve for a two-year
42 term, until such director's successor is elected, **provided that if the terms of directors cannot**
43 **be divided in accordance with this section because such directors received the same**
44 **number of votes, the directors serving two-year and four-year terms shall be designated**
45 **by majority vote of directors at the first meeting thereof so that the terms of the directors**
46 **are in conformance with this subdivision;**

47 (5) Successor directors shall be elected in the same manner as the initial directors. The
48 date of the election of successor directors shall be specified by the municipal clerk which date
49 shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the
50 expiring director. Each successor director shall serve a term for the length specified prior to the
51 election by the district, which term shall be at least three years and not more than four years, and
52 shall continue until such director's successor is elected.

53

54 In the event of a vacancy on the board of directors, the remaining directors shall elect an interim
55 director to fill the vacancy for the unexpired term.

56 5. If the petition provides that the board is to be appointed by the municipality, such
57 appointments shall be made by the chief elected officer of the municipality with the consent of
58 the governing body of the municipality. For any district formed prior to August 28, 2003, of the
59 initial appointed directors, one-half of the directors shall be appointed to serve for a two-year
60 term and the remaining one-half shall be appointed to serve for a four-year term until such
61 director's successor is appointed; provided that, if there is an odd number of directors, the last
62 person appointed shall serve a two-year term. For any district formed on or after August 28,
63 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term,
64 and one-half shall be appointed to serve for the term specified by the district for successor
65 directors pursuant to this subsection, and if an odd number of directors are appointed, the last
66 person appointed shall serve for a two-year term; provided that each director shall serve until
67 such director's successor is appointed. Successor directors shall be appointed in the same manner
68 as the initial directors and shall serve for a term of years specified by the district prior to the
69 appointment, which term shall be at least three years and not more than four years.

70 6. If the petition states the names of the initial directors, those directors shall serve for
71 the terms specified in the petition and successor directors shall be determined either by the
72 above-listed election process or appointment process as provided in the petition.

73 7. Any director may be removed for cause by a two-thirds affirmative vote of the
74 directors of the board. Written notice of the proposed removal shall be given to all directors
75 prior to action thereon.

76 8. The board is authorized to act on behalf of the district, subject to approval of qualified
77 voters as required in this section; except that, all official acts of the board shall be by written
78 resolution approved by the board.

67.1461. 1. Each district shall have all the powers, except to the extent any such power
2 has been limited by the petition approved by the governing body of the municipality to establish
3 the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401
4 to 67.1571 including, but not limited to, the following:

5 (1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to
6 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

7 (2) To sue and be sued;

8 (3) To make and enter into contracts and other instruments, with public and private
9 entities, necessary or convenient to exercise its powers and carry out its duties pursuant to
10 sections 67.1401 to 67.1571;

11 (4) To accept grants, guarantees and donations of property, labor, services, or other
12 things of value from any public or private source;

- 13 (5) To employ or contract for such managerial, engineering, legal, technical, clerical,
14 accounting, or other assistance as it deems advisable;
- 15 (6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real
16 property [within its boundaries], personal property, or any interest in such property;
- 17 (7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise
18 encumber or dispose of any real or personal property or any interest in such property;
- 19 (8) To levy and collect special assessments and taxes as provided in sections 67.1401
20 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from
21 taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to
22 subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of
23 sections 67.1401 to 67.1571;
- 24 (9) If the district is a political subdivision, to levy real property taxes and business
25 license taxes in the county seat of a county of the first classification containing a population of
26 at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such
27 assessments or taxes shall be levied on any property exempt from taxation pursuant to
28 subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2)
29 and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections
30 67.1401 to 67.1571;
- 31 (10) If the district is a political subdivision, to levy sales taxes pursuant to sections
32 67.1401 to 67.1571;
- 33 (11) To fix, charge, and collect fees, rents, and other charges for use of any of the
34 following:
- 35 (a) The district's real property, except for public rights-of-way for utilities;
- 36 (b) The district's personal property, except in a city not within a county; or
- 37 (c) Any of the district's interests in such real or personal property, except for public
38 rights-of-way for utilities;
- 39 (12) To borrow money from any public or private source and issue obligations and
40 provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;
- 41 (13) To loan money as provided in sections 67.1401 to 67.1571;
- 42 (14) To make expenditures, create reserve funds, and use its revenues as necessary to
43 carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;
- 44 (15) To enter into one or more agreements with the municipality for the purpose of
45 abating any public nuisance [within the boundaries of the district] including, but not limited to,
46 the stabilization, repair or maintenance or demolition and removal of buildings or structures,
47 provided that the municipality has declared the existence of a public nuisance;

- 48 (16) [Within its boundaries,] To provide assistance to or to construct, reconstruct, install,
49 repair, maintain, **operate**, and equip any of the following public improvements:
- 50 (a) Pedestrian or shopping malls and plazas;
 - 51 (b) Parks, lawns, trees, and any other landscape;
 - 52 (c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;
 - 53 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic
54 signs and signals, utilities, drainage, water, storm and sewer systems, and other site
55 improvements;
 - 56 (e) Parking lots, garages, or other facilities;
 - 57 (f) Lakes, dams, and waterways;
 - 58 (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees,
59 awnings, canopies, walls, and barriers;
 - 60 (h) Telephone and information booths, bus stop and other shelters, rest rooms, and
61 kiosks;
 - 62 (i) Paintings, murals, display cases, sculptures, and fountains;
 - 63 (j) Music, news, and child-care facilities; and
 - 64 (k) Any other useful, necessary, or desired improvement;
- 65 (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks,
66 parks, and other real property and improvements located within its boundaries for public use;
- 67 (18) [Within its boundaries and] With the municipality's consent, to prohibit or restrict
68 vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks,
69 and tunnels and to provide the means for access by emergency vehicles to or in such areas;
- 70 (19) [Within its boundaries,] To operate or to contract for the provision of music, news,
71 **educational**, child-care, or parking facilities, and buses, minibuses, or other modes of
72 transportation;
- 73 (20) Within its boundaries, to lease space for sidewalk cafe tables and chairs;
- 74 (21) [Within its boundaries,] To provide or contract for the provision of security
75 personnel, equipment, or facilities for the protection of property and persons **within the**
76 **boundaries of the district**;
- 77 (22) Within its boundaries, to provide or contract for cleaning, maintenance, and other
78 services to public and private property;
- 79 (23) To produce and promote any tourism, recreational or cultural activity or special
80 event [in] **benefiting** the district by, but not limited to, advertising, decoration of any public
81 place in the district, promotion of such activity and special events, and furnishing music in any
82 public place;

83 (24) To support business activity and economic development [in] **benefiting** the district
84 including, but not limited to, the promotion of business activity, development and retention, and
85 the recruitment of developers and businesses;

86 (25) To provide or support training programs for employees of businesses within the
87 district;

88 (26) To provide refuse collection and disposal services within the district;

89 (27) To contract for or conduct economic, planning, marketing or other studies;

90 (28) To repair, restore, or maintain any abandoned cemetery on public or private land
91 within the district; and

92 (29) To carry out any other powers set forth in sections 67.1401 to 67.1571.

93 2. Each district which is located in a blighted area or which includes a blighted area shall
94 have the following additional powers:

95 (1) Within its blighted area, to contract with any private property owner to demolish and
96 remove, renovate, **construct**, reconstruct, or rehabilitate any building [or] , structure, **or other**
97 **private improvement owned or to be owned** by [such] a private property owner; and

98 (2) To expend its revenues or loan its revenues pursuant to a contract entered into
99 pursuant to this subsection, provided that the governing body of the municipality has determined
100 that the action to be taken pursuant to such contract is reasonably anticipated to remediate the
101 blighting conditions and will serve a public purpose.

102 3. Each district shall annually reimburse the municipality for the reasonable and actual
103 expenses incurred by the municipality to establish such district and review annual budgets and
104 reports of such district required to be submitted to the municipality; provided that, such annual
105 reimbursement shall not exceed one and one-half percent of the revenues collected by the district
106 in such year.

107 4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district
108 any sovereign right of municipalities to promote order, safety, health, morals, and general
109 welfare of the public, except those such police powers, if any, expressly delegated pursuant to
110 sections 67.1401 to 67.1571.

111 5. The governing body of the municipality establishing the district shall not decrease the
112 level of publicly funded services in the district existing prior to the creation of the district or
113 transfer the financial burden of providing the services to the district unless the services at the
114 same time are decreased throughout the municipality, nor shall the governing body discriminate
115 in the provision of the publicly funded services between areas included in such district and areas
116 not so included.

67.1521. 1. A district may levy by resolution one or more special assessments against
2 real property within its boundaries, upon receipt of and in accordance with a petition signed by:

3 (1) Owners of real property collectively owning more than fifty percent by assessed value
4 of real property within the boundaries of the district **which shall be subject to special**
5 **assessments**; and

6 (2) More than fifty percent per capita of the owners of all real property within the
7 boundaries of the district **which shall be subject to special assessments**.

8 2. The special assessment petition shall be in substantially the following form:

9 The (insert name of district)
10 Community Improvement District ("District") shall be authorized to levy special assessments
11 against real property benefited within the District for the purpose of providing revenue for
12 (insert general description of specific service and/or projects)
13 in the district, such special assessments to be levied against each tract, lot or parcel of real
14 property listed below within the district which receives special benefit as a result of such service
15 and/or projects, the cost of which shall be allocated among this property by
16 (insert method of allocation, e.g., per square foot of property, per square foot on each square foot
17 of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other
18 improvements, or any other reasonable method) in an amount not to exceed
19 dollars per (insert unit of measure). Such authorization to levy the special assessment shall
20 expire on (insert date). The tracts of land located in the district which will
21 receive special benefit from this service and/or projects are: (list of
22 properties by common addresses and legal descriptions).

23 3. The method for allocating such special assessments set forth in the petition may be
24 any reasonable method which results in imposing assessments upon real property benefited in
25 relation to the benefit conferred upon each respective tract, lot or parcel of real property and the
26 cost to provide such benefit.

27 4. By resolution of the board, the district may levy a special assessment rate lower than
28 the rate ceiling set forth in the petition authorizing the special assessment and may increase such
29 lowered special assessment rate to a level not exceeding the special assessment rate ceiling set
30 forth in the petition without further approval of the real property owners; provided that a district
31 imposing a special assessment pursuant to this section may not repeal or amend such special
32 assessment or lower the rate of such special assessment if such repeal, amendment or lower rate
33 will impair the district's ability to pay any liabilities that it has incurred, money that it has
34 borrowed or obligations that it has issued.

35 5. Each special assessment which is due and owing shall constitute a perpetual lien
36 against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed
37 in the same manner as any other special assessment lien as provided in section 88.861, RSMo.

38 6. A separate fund or account shall be created by the district for each special assessment
39 levied and each fund or account shall be identifiable by a suitable title. The proceeds of such
40 assessments shall be credited to such fund or account. Such fund or account shall be used solely
41 to pay the costs incurred in undertaking the specified service or project.

42 7. Upon completion of the specified service or project or both, the balance remaining in
43 the fund or account established for such specified service or project or both shall be returned or
44 credited against the amount of the original assessment of each parcel of property pro rata based
45 on the method of assessment of such special assessment.

46 8. Any funds in a fund or account created pursuant to this section which are not needed
47 for current expenditures may be invested by the board in accordance with applicable laws
48 relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812, RSMo, shall not apply to any district.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to public utilities. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district[, by mail-in ballot], **by any method specified in subsection 11 of this section**, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

14 2. The ballot shall be substantially in the following form:

15 Shall the (insert name of district)
16 Community Improvement District impose a community improvement districtwide sales and use
17 tax at the maximum rate of (insert amount) for a period of
18 (insert number) years from the date on which such tax is first imposed for the purpose of
19 providing revenue for (insert general description of the purpose)?

20 ☐ YES ☐ NO

21

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

24 **3. Upon passage of the resolution described in subsection 1 of this section, in lieu**
25 **of the election referenced in subsection 1 of this section, if no registered voters reside within**
26 **the district, one hundred percent of the owners of real property in the district, according**
27 **to real estate records of the recorder of deeds where the district is located as of the date of**
28 **the submission of the petition to the board of directors of such district as described in this**
29 **subsection, may authorize a sales and use tax by unanimous petition. Such petition shall**
30 **include a request that the district imposes a sales tax, the maximum rate of the tax, and the**
31 **maximum duration that the tax is to be imposed. The signature block for each owner**
32 **signing the petition shall be in substantially the form set forth in subdivision (4) of**
33 **subsection 2 of section 67.1421 and shall contain the same information. Such petition shall**
34 **be submitted to the board of directors of the district who shall verify that the signatures**
35 **thereon represent one hundred percent of the owners of real property in the district. The**
36 **results of such verification shall be entered into the records of the district, and the date of**
37 **such entry shall be the equivalent of the date of the election held under subsection 1 of this**
38 **section.**

39 **4. Within ten days after the qualified voters have approved the imposition of the sales**
40 **and use tax, or within ten days after district verification as provided in subsection 3 of this**
41 **section,** the district shall, in accordance with section 32.087, RSMo, notify the director of the
42 department of revenue. The sales and use tax authorized by this section shall become effective
43 on the first day of the second calendar quarter after the director of the department of revenue
44 receives notice of the adoption of such tax.

45 **[4.] 5.** The director of the department of revenue shall collect any tax adopted pursuant
46 to this section pursuant to section 32.087, RSMo.

47 **[5.] 6.** In each district in which a sales and use tax is imposed pursuant to this section,
48 every retailer shall add such additional tax imposed by the district to such retailer's sale price,
49 and when so added such tax shall constitute a part of the purchase price, shall be a debt of the
50 purchaser to the retailer until paid and shall be recoverable at law in the same manner as the
51 purchase price.

52 **[6.] 7.** In order to allow retailers to collect and report the sales and use tax authorized by
53 this section as well as all other sales and use taxes required by law in the simplest and most
54 efficient manner possible, a district may establish appropriate brackets to be used in the district
55 imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285,
56 RSMo.

57 [7.] 8. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to
58 violations of this section.

59 [8.] 9. All revenue received by the district from a sales and use tax imposed pursuant to
60 this section which is designated for a specific purpose shall be deposited into a special trust fund
61 and expended solely for such purpose. Upon the expiration of any sales and use tax adopted
62 pursuant to this section, all funds remaining in the special trust fund shall continue to be used
63 solely for the specific purpose designated in the resolution adopted by the qualified voters. Any
64 funds in such special trust fund which are not needed for current expenditures may be invested
65 by the board of directors pursuant to applicable laws relating to the investment of other district
66 funds.

67 [9.] 10. A district may repeal by resolution any sales and use tax imposed pursuant to this
68 section before the expiration date of such sales and use tax unless the repeal of such sales and
69 use tax will impair the district's ability to repay any liabilities the district has incurred, moneys
70 the district has borrowed or obligation the district has issued to finance any improvements or
71 services rendered for the district.

72 [10.] 11. Notwithstanding the provisions of [chapter 115, RSMo, an election for a district
73 sales and use tax under this section shall be conducted in accordance with the provisions of this
74 section] **section 115.005, RSMo, the district may elect to proceed with the election under the**
75 **provisions of sections 115.001 to 115.646, RSMo, or sections 115.650 to 115.660, RSMo,**
76 **whether or not registered voters reside within the district.**

67.1551. 1. Notwithstanding the provisions of chapter 115, RSMo, an election for real
2 estate tax pursuant to sections 67.1401 to 67.1571 shall be conducted in accordance with the
3 provisions of this section.

4 2. After the board has passed a resolution for the levy of real property tax and a vote of
5 the qualified voters is required, the board shall provide written notice of such resolution to the
6 election authority. The board shall be entitled to rescind such resolution provided that written
7 notice of such rescission is delivered to the election authority prior to the time the election
8 authority mails the ballots to the qualified voters.

9 3. Upon receipt of written notice of a district's resolution for the levy of a real property
10 tax the election authority shall:

11 (1) Specify a date upon which the election shall occur which date shall be a Tuesday, and
12 shall be not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date
13 of the board's passage of the resolution and shall not be on the same day as an election conducted
14 pursuant to the provisions of chapter 115, RSMo;

15 (2) Publish notice of the election in a newspaper of general circulation within the
16 municipality two times. The first publication date shall be more than sixty days prior to the date

17 of the election and the second publication date shall be not more than thirty days and not less
18 than ten days prior to the date of the election. The published notice shall include, but not be
19 limited to, the following information:

20 (a) The name and general boundaries of the district;

21 (b) The type of tax proposed, its rate, purpose and duration;

22 (c) The date the ballots for the election shall be mailed to qualified voters;

23 (d) The date of the election;

24 (e) Qualified voters will consist of:

25 a. Such persons who reside within the district and who are registered voters pursuant to
26 the records of the election authority as of the thirtieth day prior to the date of the election; or

27 b. If no such registered voters reside in the district, the owners of real property located
28 within the district [pursuant to the tax records of the county clerk, or the collector of revenue if
29 the district is located in a city not within a county] **per the real estate records of the recorder
30 of deeds where the district is located**, for real property as of the thirtieth day prior to the date
31 of the election;

32 (f) A statement that persons residing in the district shall register to vote with the election
33 authority on or before the thirtieth day prior to the date of the election in order to be a qualified
34 voter for purposes of the election;

35 (g) A statement that the ballot must be returned to the election authority's office in
36 person, or by depositing the ballot in the United States mail addressed to the election authority's
37 office and postmarked, not later than the date of the election; and

38 (h) A statement that any qualified voter that did not receive a ballot in the mail or lost
39 the ballot received in the mail may pick up a mail-in ballot at the election authority's office,
40 specifying the dates and time such ballot will be available and the location of the election
41 authority's office;

42 (3) The election authority shall mail to each qualified voter not more than fifteen days
43 and not less than ten days prior to the date of the election together with a notice containing
44 substantially the same information as the published notice and a return addressed envelope
45 directed to the election authority's office with a sworn affidavit on the reverse side of such
46 envelope for the qualified voter's signature. For purposes of mailing ballots to real property
47 owners only one ballot shall be mailed per capita at the address shown on the records of the
48 county clerk, or the collector of revenue if the district is located in a city not within a county.
49 Such affidavit shall be in substantially the following form:

50 FOR REGISTERED VOTERS:

51 I hereby declare under penalties of perjury that I reside in the (insert
52 name) Community Improvement District and I am a registered voter and qualified to vote in this
53 election.

54

55 Qualified Voter's Signature

56

57 Printed Name of Qualified Voter

58

59 FOR REAL PROPERTY OWNERS:

60 I hereby declare under penalty of perjury that I am the owner of real property in the
61 (insert name) Community Improvement District and qualified to vote in this
62 election, or authorized to affix my signature on behalf of the owner (named below) of real
63 property in the (insert name) Community Improvement District which is qualified
64 to vote in this election.

65 Signature

66

67 Print Name of Real Property Owner If Signer is Different from Owner: Name of Signer:

68

69 State Basis of Legal Authority to Sign:

70

71 All persons or entities having a fee ownership in the property shall sign the ballot. Additional
72 signature pages may be affixed to this ballot to accommodate all required signatures.

73 4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the
74 authorized signature.

75 5. Mail-in ballots shall be returned to the election authority's office in person, or by
76 depositing the ballot in the United States mail addressed to the election authority's office and
77 postmarked, no later than the date of the election. The election authority shall transmit all voted
78 ballots to a team of judges of not less than four, with an equal number from each of the two
79 major political parties. The judges shall be selected by the municipal clerk from lists compiled
80 by the election authority. Upon receipt of the voted ballots, the judges shall verify the
81 authenticity of the ballots, canvass the votes, and certify the results. Certification by the election
82 judges shall be final and shall be immediately transmitted to the election authority. Any
83 qualified voter who voted in such election may contest the result in the same manner as provided
84 in chapter 115, RSMo.

85 6. The results of the election shall be entered upon the records of the election authority
86 and a certified copy of the election results shall be filed with the municipal clerk, who shall cause
87 the same to be entered upon the records of the municipal clerk.

88 7. The district shall reimburse the election authority for the costs it incurs to conduct an
89 election under this section.

✓