

SECOND REGULAR SESSION

# HOUSE BILL NO. 2155

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MOLENDORP.

5080L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 67.1461, RSMo, and to enact in lieu thereof one new section relating to community improvement districts.

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

Section A. Section 67.1461, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.1461, to read as follows:

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

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

(2) To sue and be sued;

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

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

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;

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.

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, 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 property, device, structure, or equipment necessary for the acquisition,**  
65 **installation, equipping, and improvement of any real or personal property used for the**  
66 **purpose of creating a solar photovoltaic project or a solar thermal energy project, whether**  
67 **such real or personal property is publicly or privately owned; and**
- 68 (l) Any other useful, necessary, or desired improvement;
- 69 (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks,  
70 parks, and other real property and improvements located within its boundaries for public use;
- 71 (18) Within its boundaries and with the municipality's consent, to prohibit or restrict  
72 vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks,  
73 and tunnels and to provide the means for access by emergency vehicles to or in such areas;
- 74 (19) Within its boundaries, to operate or to contract for the provision of music, news,  
75 child-care, or parking facilities, and buses, minibuses, or other modes of transportation;
- 76 (20) Within its boundaries, to lease space for sidewalk café tables and chairs;
- 77 (21) Within its boundaries, to provide or contract for the provision of security personnel,  
78 equipment, or facilities for the protection of property and persons;
- 79 (22) Within its boundaries, to provide or contract for cleaning, maintenance, and other  
80 services to public and private property, **including, but not limited to, real or personal**  
81 **property installed as part of a special energy improvement project;**
- 82 (23) To produce and promote any tourism, recreational or cultural activity or special  
83 event in the district by, but not limited to, advertising, decoration of any public place in the  
84 district, promotion of such activity and special events, and furnishing music in any public place;
- 85 (24) To support business activity and economic development in the district including,  
86 but not limited to, the promotion of business activity, development and retention, and the  
87 recruitment of developers and businesses;

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

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

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

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

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

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

97           (1) Within its blighted area, to contract with any private property owner to demolish and  
98 remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private  
99 property owner; and

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

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

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

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

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