

**HOUSE AMENDMENT NO. \_\_\_\_**

**TO**

**HOUSE AMENDMENT NO. \_\_\_\_**

**Offered By**

---

AMEND House Amendment No. \_\_\_\_\_ to House Committee Substitute for Senate Bill No. 145, Page 2 , Line 31 by inserting after all of said Line the following:

“Further amend said Bill, Page 5, Section 67.319, Line 53 by inserting after all of said Section and Line the following:

“Section 67.1860. Sections 67.1860 to [67.1898] 67.1894 shall be known as the "Missouri Law Enforcement District Act".

67.1862. As used in sections 67.1860 to [67.1898] 67.1894, the following terms mean:

- (1) "Approval of the required majority" or "direct voter approval", a simple majority;
- (2) "Board", the board of directors of a district;
- (3) "District", a law enforcement district organized [pursuant to] under sections 67.1860 to [67.1898] 67.1894;

(4) "Registered voter", any voter registered within the boundaries of the district or proposed district.

67.1864. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to law enforcement or to assist in such activity.

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

3. A district may be created in any county of the first classification [without a charter form of government and a population of fifty thousand inhabitants or less].

67.1866. 1. Whenever the creation of a district is desired, ten percent of the registered voters within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located.

2. The proposed district area shall be contiguous and may contain any portion of one or more municipalities. Two areas may be considered contiguous if both are adjacent to the

1 shoreline of the same body of water.

2 3. The petition shall set forth:

3 (1) The name and address of each owner of real property located within the proposed  
4 district [or who is a] and each registered voter [resident] within the proposed district;

5 (2) A specific description of the proposed district boundaries including a map illustrating  
6 such boundaries;

7 (3) A general description of the purpose or purposes for which the district is being  
8 formed; and

9 (4) The name of the proposed district.

10 4. The circuit clerk of the county in which the petition is filed [pursuant to] under this  
11 section shall present the petition to the judge, who shall thereupon set the petition for hearing not  
12 less than thirty days nor more than forty days after the filing. The judge shall cause notice of the  
13 time and place of the hearing to be given, by publication on three separate days in one or more  
14 newspapers having a general circulation within the county, with the third and final publication to  
15 occur not less than twenty days prior to the date set for the hearing. The notice shall recite the  
16 information required [pursuant to] under subsection 3 of this section. The costs of printing and  
17 publication of the notice shall be paid as required [pursuant to] under section 67.1870.

18 5. In the event any owner of real property within the proposed district who is named in the  
19 petition or any registered voter does not join in the petition or file an entry of appearance and  
20 waiver of service of process in the case, a copy of the petition shall be served upon such owner or  
21 registered voter in the manner provided by supreme court rule for the service of petitions  
22 generally. Any objections to the petition shall be raised by answer within the time provided by  
23 supreme court rule for the filing of an answer to a petition.

24 67.1868. 1. Any owner of real property within the proposed district and any [legal]  
25 registered voter [who is a resident] within the proposed district may join in or file a petition  
26 supporting or answer opposing the creation of the district and seeking a judgment respecting these  
27 same issues.

28 2. The court shall hear the case without a jury. If the court determines the petition is  
29 defective or the proposed district or its plan of operation is unconstitutional, it shall enter its  
30 judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If  
31 the court determines the petition is not legally defective and the proposed district and plan of  
32 operation are not unconstitutional, the court shall [determine and declare] order the district  
33 organized and incorporated and shall approve the plan of operation stated in the petition.

34 3. Any party having filed a petition or answer to a petition may appeal the circuit court's  
35 order or judgment in the same manner as provided for other appeals. Any order either refusing to

1 incorporate the district or incorporating the district shall be a final judgment for purposes of  
2 appeal.

3 67.1870. The costs of filing and defending the petition and all publication and incidental  
4 costs incurred in obtaining circuit court certification of the petition for voter approval shall be  
5 paid by the petitioners. If a district is organized [pursuant to] under sections 67.1860 to [67.1898]  
6 67.1894, the petitioners may be reimbursed for such costs out of the revenues received by the  
7 district.

8 67.1872. A district created [pursuant to] under sections 67.1860 to [67.1898] 67.1894  
9 shall be governed by a board of directors consisting of five members to be elected as provided in  
10 section 67.1874.

11 67.1874. 1. Within thirty days after the order declaring the district organized has become  
12 final, the circuit clerk of the county in which the petition was filed shall give notice by causing  
13 publication to be made once a week for two consecutive weeks in a newspaper of general  
14 circulation in the county, the last publication of which shall be at least ten days before the day of  
15 the meeting required by this section, to call a meeting of the owners of real property and registered  
16 voters [resident] within the district at a day and hour specified in a public place in the county in  
17 which the petition was filed for the purpose of electing a board of five directors, two to serve one  
18 year, two to serve two years, and one to serve three years, to be composed of [residents] registered  
19 voters of the district.

20 2. The attendees, when assembled, shall organize by [the election of] electing a chairman  
21 and secretary of the meeting [who]. The secretary shall conduct the election.

22 3. Upon completion of the terms of the initial directors under subsection 1 of this section,  
23 each director shall serve for a term of three years and until such director's successor is duly elected  
24 and qualified. Successor directors shall be elected in the same manner as the initial directors at a  
25 meeting of the [residents] registered voters called by the board. [Each successor director shall  
26 serve a three-year term.] The remaining directors shall have the authority to elect an interim  
27 director to complete any unexpired term of a director caused by resignation or disqualification.

28 4. Directors shall be at least twenty-one years of age.

29 67.1878. A district may receive and use funds for the purposes of planning, designing,  
30 constructing, reconstructing, maintaining and operating one or more projects relating to law  
31 enforcement. Such funds may be derived from any funding method which is authorized by  
32 sections 67.1860 to [67.1898] 67.1894 and from any other source, including but not limited to  
33 funds from federal sources, the state of Missouri or an agency of the state, a political subdivision  
34 of the state or private sources.

35 67.1880. 1. If approved by at least four-sevenths of the [qualified] registered voters

1 voting on the question in the district, the district may impose a property tax in an amount not to  
2 exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district board  
3 may levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered  
4 tax rate to a level not exceeding the tax rate ceiling approved by the voters without new voter  
5 approval. The property tax shall be uniform throughout the district.

6 2. The ballot of submission shall be substantially in the following form:

7 Shall the ..... Law Enforcement District impose a property tax upon all real and tangible  
8 personal property within the district at a rate of not more than ..... (insert amount) cents per  
9 hundred dollars assessed valuation for the purpose of providing revenue for the development of a  
10 project (or projects) in the district (insert general description of the project or projects, if  
11 necessary)?

12 ☐ YES ☐ NO

13 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to  
14 the question, place an "X" in the box opposite "NO".  
15

16 If four-sevenths of the votes cast on the question by the registered voters voting thereon are in  
17 favor of the question, then the tax shall become effective on the first day of the second calendar  
18 quarter. If less than four-sevenths of the votes cast on the question by the registered voters voting  
19 thereon are in favor of the question, then the tax shall not become effective unless and until the  
20 question is resubmitted under this section to the registered voters and such question is approved  
21 by the requisite four-sevenths of the registered voters voting on the question. In no event shall a  
22 proposal under this section be submitted to the voters sooner than twelve months from the date of  
23 the last proposal submitted under this section.

24 3. The county collector of each county in which the district is partially or entirely located  
25 shall collect the property taxes and special benefit assessments made upon all real property and  
26 tangible personal property within that county and the district, in the same manner as other  
27 property taxes are collected.

28 4. Every county collector having collected or received district property taxes shall, on or  
29 before the fifteenth day of each month and after deducting his or her commissions, remit to the  
30 treasurer of that district the amount collected or received by him or her prior to the first day of the  
31 month. Upon receipt of such money, the district treasurer shall execute a receipt therefor, which  
32 he or she shall forward or deliver to the collector. The district treasurer shall deposit such sums  
33 into the district treasury, credited to the appropriate project or purpose. The collector and district  
34 treasurer shall make final settlement of the district account and commissions owing, not less than  
35 once each year, if necessary.

1           67.1886. In addition to all other powers granted by sections 67.1860 to [67.1898] 67.1894  
2 the district shall have the following general powers:

- 3           (1) To contract with the [local] county sheriff's department for the provision of services;  
4           (2) To sue and be sued in its own name, and to receive service of process, which shall be  
5 served upon the district secretary;  
6           (3) To fix compensation of its employees and contractors;  
7           (4) To purchase any personal property necessary or convenient for its activities;  
8           (5) To collect and disburse funds for its activities; and  
9           (6) To exercise such other implied powers necessary or convenient for the district to  
10 accomplish its purposes which are not inconsistent with its express powers.

11           67.1888. 1. The district may obtain such insurance as it deems appropriate, considering  
12 its legal limits of liability, to protect itself, its officers and its employees from any potential  
13 liability and may also obtain such other types of insurance as it deems necessary to protect against  
14 loss of its real or personal property of any kind. The cost of this insurance shall be charged  
15 against the project.

16           2. The district may also require contractors performing construction or maintenance work  
17 on the project and companies providing operational and management services to obtain liability  
18 insurance having the district, its directors and employees as additional named insureds.

19           3. The district may self-insure if it is unable to obtain liability insurance coverage at a rate  
20 which is economically feasible to the district, considering its resources. However, the district  
21 shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds  
22 available to cover any anticipated judgments or settlements and still complete its project without  
23 interruption. [The district may self-insure if it is unable to obtain liability insurance coverage at a  
24 rate which is economically feasible to the district, considering its resources.]

25           67.1894. [1. The authority of the district to levy any property tax levied pursuant to  
26 section 67.1880 may be terminated by a petition of the voters in the district in the manner  
27 prescribed in this section.

28           2. The petition for termination of authority to tax may be changed as follows:

29           (1) Twenty-five percent of the number of voters who voted in the most recent  
30 gubernatorial election in the district may file with the board a petition in writing praying that the  
31 district's authority to impose a property tax be terminated. The petition shall specifically state that  
32 the district's authority to impose any property tax, whether or not such a tax is being imposed at  
33 the time such petition is filed, shall be terminated. Such petition shall be in substantially the form  
34 set forth for petitions in chapter 116; or

35           (2) All of the owners of real estate in the district may file a petition with the board praying

1 that the district's authority to impose a property tax be terminated. The petition shall specifically  
2 state that the district's authority to impose any property tax, whether or not such a tax is being  
3 imposed at the time such petition is filed, shall be terminated. Such petition shall be in  
4 substantially the form set forth for petitions in chapter 116. The petition shall describe the  
5 property owned by the petitioners and shall be deemed to give assent of the petitioners to the  
6 petition.

7 3. The secretary of the board shall cause notice of the filing of any petition filed pursuant  
8 to this section to be given and published in the county in which the property is located, which  
9 notice shall recite the filing of such petition, the number of petitioners and the prayer of the  
10 petitioners; giving notice to all persons interested to appear at the office of the board at the time  
11 named in the notice and show cause in writing, if any they have, why the petition should not be  
12 granted. The board shall at the time and place mentioned, or at such time or times to which the  
13 hearing may be adjourned, proceed to hear the petition and all objections thereto presented in  
14 writing by any person showing cause why the petition should not be granted.

15 4. If the board deems it for the best interest of the district, it shall grant the petition. If the  
16 petition is granted, the board shall make an order to that effect and file the petition with the circuit  
17 clerk. If the petition contains the signatures of all the owners of the property pursuant to the  
18 provisions of subdivision (2) of subsection 2 of this section, the authority to tax shall be  
19 terminated upon the order of the court. If the petition contains the signatures of twenty-five  
20 percent of the number of voters who voted in the most recent gubernatorial election in the district  
21 pursuant to subdivision (1) of subsection 2 of this section, the authority to tax shall be terminated  
22 subject to the election provided in section 67.1896. The circuit court having jurisdiction over the  
23 district shall proceed to make any such order terminating such taxation authority as is provided in  
24 the order of the board, unless the court shall find that such order of the board was not authorized  
25 by law or that such order of the board was not supported by competent and substantial evidence.

26 5. Any person aggrieved by any decision of the board made pursuant to the provisions of  
27 this section may appeal that decision to the circuit court of the county in which the property is  
28 located within thirty days of the decision by the board] Whenever the district board receives a  
29 petition, signed by a number of registered voters of the district equal to at least ten percent of the  
30 number of registered voters of the district, calling for an election to repeal the tax imposed under  
31 section 67.1880, the board shall submit to the voters of the district a proposal to repeal the tax. If  
32 a majority of the votes cast on the question by the registered voters voting thereon are in favor of  
33 the repeal, the repeal shall become effective on December thirty-first of the calendar year in which  
34 such repeal was approved. If a majority of the votes cast on the question by the qualified voters  
35 voting thereon are opposed to the repeal, then the tax authorized in section 67.1880 shall remain

1 effective until the question is resubmitted under this section to the registered voters and the repeal  
2 is approved by a majority of the registered voters voting on the question.”; and  
3

4 Further amend said bill, Section 1, Page 7, Line 54 by inserting after all of said Section and Line  
5 the following:  
6

7 “[67.1890. 1. The boundaries of any district organized pursuant to sections  
8 67.1860 to 67.1898 may be changed in the manner prescribed in this section; but  
9 any change of boundaries of the district shall not impair or affect its organization  
10 or its rights in or to property, or any of its rights or privileges whatsoever; nor shall  
11 it affect or impair or discharge any contract, obligation, lien or charge for or upon  
12 which it might be liable or chargeable had any change of boundaries not been  
13 made.

14 2. The boundaries may be changed as follows:

15 (1) Twenty-five percent of the number of voters who voted in the most recent  
16 gubernatorial election in the area to be annexed or deannexed may file with the  
17 board a petition in writing praying that such real property be included within, or  
18 removed from, the district. The petition shall describe the property to be included  
19 in, or removed from, the district and shall describe the property owned by the  
20 petitioners and shall be deemed to give assent of the petitioners to the inclusion in,  
21 or removal from, the district of the property described in the petition. Such  
22 petition shall be in substantially the form set forth for petitions in chapter 116;  
23 provided that, in the event that there are more than twenty-five property owners or  
24 taxpaying electors signing the petition, it shall be deemed sufficient description of  
25 their property in the petition as required in this section to list the addresses of such  
26 property; or

27 (2) All of the owners of any territory or tract of land near or adjacent to a district  
28 in the case of annexation, or all of the owners of any territory or tract of land  
29 within a district in the case of deannexation, who own all of the real estate in such  
30 territory or tract of land may file a petition with the board praying that such real  
31 property be included in, or removed from, the district. The petition shall describe  
32 the property owned by the petitioners and shall be deemed to give assent of the  
33 petitioners to the inclusion in, or removal from, the district of the property  
34 described in the petition.

35 3. The secretary of the board shall cause notice of the filing of any petition filed

1 pursuant to this section to be given and published in the county in which the  
2 property is located, which notice shall recite the filing of such petition, the number  
3 of petitioners, a general description of the boundaries of the area proposed to be  
4 included or removed and the prayer of the petitioners; giving notice to all persons  
5 interested to appear at the office of the board at the time named in the notice and  
6 show cause in writing, if any they have, why the petition should not be granted.

7 The board shall at the time and place mentioned, or at such time or times to which  
8 the hearing may be adjourned, proceed to hear the petition and all objections  
9 thereto presented in writing by any person showing cause why the petition should  
10 not be granted. The failure of any person interested to show cause in writing why  
11 such petition shall not be granted shall be deemed as an assent on his or her part to  
12 the inclusion of such lands in, or removal of such lands from, the district as prayed  
13 for in the petition.

14 4. If the board deems it for the best interest of the district, it shall grant the  
15 petition, but if the board determines in the case of annexation that some portion of  
16 the property mentioned in the petition cannot as a practical matter be served by the  
17 district, or if it deems in the case of annexation that it is in the best interest of the  
18 district that some portion of the property in the petition not be included in the  
19 district, or if in the case of deannexation it deems that it is impracticable for any  
20 portion of the property to be deannexed from the district, then the board shall grant  
21 the petition in part only. If the petition is granted, the board shall make an order to  
22 that effect and file the petition with the circuit clerk. Upon the order of the court  
23 having jurisdiction over the district, the property shall be included in, or removed  
24 from, the district. If the petition contains the signatures of all the owners of the  
25 property pursuant to the provisions of subdivision (2) of subsection 2 of this  
26 section, the property shall be included in, or removed from, the district upon the  
27 order of the court. If the petition contains the signatures of twenty-five percent of  
28 the number of voters who voted in the most recent gubernatorial election in the  
29 area to be annexed or deannexed pursuant to subdivision (1) of subsection 2 of this  
30 section, the property shall be included in, or removed from, the district subject to  
31 the election provided in section 67.1892. The circuit court having jurisdiction over  
32 the district shall proceed to make any such order including such additional property  
33 within the district, or removing such property from the district, as is provided in  
34 the order of the board, unless the court shall find that such order of the board was  
35 not authorized by law or that such order of the board was not supported by



1 competent and substantial evidence.

2 5. Any person aggrieved by any decision of the board made pursuant to the  
3 provisions of this section may appeal that decision to the circuit court of the county  
4 in which the property is located within thirty days of the decision by the board.]

5  
6 [67.1892. 1. If the petition to add or remove any territory or tract of land to the  
7 district contained fewer than all of the signatures required pursuant to subdivision  
8 (2) of subsection 2 of section 67.1890, the decree of extension or retraction of  
9 boundaries shall not become final and conclusive until it has been submitted to an  
10 election of the voters residing within the boundaries described in such decree and  
11 until it has been assented to by a majority vote of the voters in the newly included  
12 area, or the area to be removed, voting on the question. The decree shall also  
13 provide for the holding of the election to vote on the proposition of extending or  
14 retracting the boundaries of the district, and shall fix the date for holding the  
15 election.

16 2. The question shall be submitted in substantially the following form:

17 Shall the boundaries of the ..... Law Enforcement District be (extended to  
18 include/retracted to remove) the following described property? (Describe property)

19 ☐ YES ☐ NO

20 3. If a majority of the voters voting on the proposition vote in favor of the  
21 extension or retraction of the boundaries of the district, then the court shall enter its  
22 further order declaring the decree of extension or retraction of the boundaries to be  
23 final and conclusive. In the event, however, that the court finds that a majority of  
24 the voters voting thereon voted against the proposition to extend or retract the  
25 boundaries of the district, then the court shall enter its further order declaring the  
26 decree of extension or retraction of boundaries to be void and of no effect.]

27  
28 [67.1896. 1. If the petition filed pursuant to section 67.1894 contained fewer than  
29 all of the signatures required pursuant to subdivision (2) of subsection 2 of section  
30 67.1894, the termination of taxation authority shall not become final and  
31 conclusive until it has been submitted to an election of the voters residing within  
32 the district and until it has been assented to by at least four-sevenths of the voters  
33 in the district voting on the question. The decree shall also provide for the holding  
34 of the election to vote on the proposition, and shall fix the date for holding the  
35 election.

2. The question shall be submitted in substantially the following form:

Shall the authority of the ..... Law Enforcement District to adopt property taxes be terminated?

☐ YES ☐ NO

3. If four-sevenths of the voters voting on the proposition vote in favor of such termination, then the court shall enter its further order declaring the termination of such authority, and all such taxes that are being assessed in the current calendar year pursuant to such authority, to be final and conclusive. In the event, however, that the court finds that less than four-sevenths of the voters voting thereon voted against the proposition to terminate such authority, then the court shall enter its further order declaring the decree of termination of such district's taxing authority to be void and of no effect.]

[67.1898. 1. Whenever a petition signed by not less than ten percent of the registered voters in any district organized pursuant to sections 67.1860 to 67.1898 is filed with the circuit court having jurisdiction over the district, setting forth all the relevant facts pertaining to the district, and alleging that the further operation of the district is not in the best interests of the inhabitants of the district, and that the district should, in the interest of the public welfare and safety, be dissolved, the circuit court shall have authority, after hearing evidence submitted on such question, to order a submission of the question, after having caused publication of notice of a hearing on such petition in the same manner as the notice required in section 67.1874, in substantially the following form:

Shall ..... (Insert the name of the law enforcement district) Law Enforcement District be dissolved?

☐ YES ☐ NO

2. If the court shall find that it is to the best interest of the inhabitants of the district that such district be dissolved, it shall make an order reciting such finding and providing for the submission of the proposition to dissolve such district to a vote of the voters of the district, setting forth such further details in its order as may be necessary to an orderly conduct of such election. Such election shall be held at the municipal election. Returns of the election shall be certified to the court.

If the court finds that a majority of the voters voting thereon shall have voted in favor of the proposition to dissolve the district, the court shall make a final order

1 dissolving the district, and the decree shall contain a proviso that the district shall  
2 continue in full force for the purpose of paying all outstanding and lawful  
3 obligations and disposing of property of the district; but no additional costs or  
4 obligations shall be created except such as are necessary to pay such costs,  
5 obligations and liabilities previously incurred, or necessary to the winding up of the  
6 district. If the court shall find that a majority of the voters of the district voting  
7 thereon shall not have voted favorably on the proposition to dissolve such district,  
8 then the court shall make a final order declaring such result dismissing the petition  
9 praying for the dissolution of said district; and the district shall continue to operate  
10 in the same manner as though the petition asking for such dissolution has not been  
11 filed.

12 3. The dissolution of a district shall not invalidate or affect any right accruing to  
13 such district, or to any person, or invalidate or affect any contract or indebtedness  
14 entered into or imposed upon such district or person; and whenever the circuit  
15 court shall, pursuant to this section, dissolve a district, the court shall appoint some  
16 competent person to act as trustee for the district so dissolved and such trustee  
17 before entering upon the discharge of his or her duties shall take and subscribe an  
18 oath that he or she will faithfully discharge the duties of the office, and shall give  
19 bond with sufficient security, to be approved by the court to the use of such  
20 dissolved district, for the faithful discharge of his or her duties, and shall proceed  
21 to liquidate the district under orders of the court, including the levying of any taxes  
22 provided for in sections 67.1860 to 67.1898.]”; and”; and  
23

24 Further amend said bill by amending the title, enacting clause, and intersectional references  
25 accordingly.  
26  
27