

HOUSE _____ AMENDMENT NO. _____

Offered By _____

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 0569,
Section 54.330, Page 2, Line 16, by inserting the following after all of said Line:

“67.5000. A parks, trails, and greenways district may be created, incorporated, and
managed pursuant to sections 67.5000 to 67.5038 and once created may exercise the powers given
to that district pursuant to section 67.5006. A district shall include a county with a charter form of
government and with more than six hundred thousand but fewer than seven hundred thousand
inhabitants. Any recreation system or public parks system that exists within a district established
pursuant to sections 67.5000 to 67.5038 shall remain in existence with the same powers and
responsibilities it had prior to the establishment of such district. Nothing in sections 67.5000 to
67.5038 shall be construed in any manner to limit or prohibit:

(1) Later establishment or cessation of any park or recreation system provided by law; or
(2) Any powers and responsibilities of any park or recreation system provided by state
law.

67.5002. When a district authorized by section 67.5000 is created, it shall be a body
corporate and a political subdivision of this state and the district shall be known as ".
Parks, Trails, and Greenways District". In that name, the district may sue and be sued, issue
bonds and levy and collect taxes or fees pursuant to the limitations of sections 67.5000 to
67.5038.

67.5004. Each district established pursuant to sections 67.5000 to 67.5033 shall be
responsible for the planning, development, operation, and maintenance of a public system of
interconnecting trails, open spaces, greenways, and parks throughout the county comprising such
district, except as otherwise specifically provided for by statute. The powers and responsibilities
of the district shall be supplemental to, but shall not be a substitute for, the powers and
responsibilities of other parks and recreation systems located within the district or for the powers
of other conservation and environmental regulatory agencies. Nothing in this section shall be

1 interpreted to give any district the authority to regulate water quality, watershed, or land use issues
2 in the county comprising the district.

3 67.5006. A parks, trails, and greenways district shall have the power to:

4 (1) Prepare or cause to be prepared and adopt a plan or plans for interconnecting systems
5 of public trails, open spaces, greenways, and parks throughout the county comprising the district;

6 (2) Develop, supervise, improve, maintain, and take custody of an interconnecting system
7 of public parks, trails, open spaces, greenways, and recreational facilities owned, operated,
8 managed, or maintained by that district;

9 (3) Issue bonds, notes, or other obligations in furtherance of any power or duty of a
10 district and to refund those bonds, notes, or obligations, as provided in sections 67.5032 to
11 67.5036;

12 (4) Contract with public and private entities, including other parks and recreation
13 agencies, or individuals both within and without the state and shall have the power to contract
14 with the United States or any agency thereof in furtherance of any power or duty of the district;

15 (5) Lease, purchase, own, hold, control, contract, and sell any and all rights in land,
16 buildings, improvements, and any and all other real, personal, or property that is a combination of
17 both; provided that, real property within a county may only be purchased by a district if a majority
18 of the board members consent to that purchase;

19 (6) Receive property, both real and personal, or money that has been granted, donated,
20 devised, or bequeathed to the district;

21 (7) Establish a separate district account into which all local sales taxes received from the
22 director of the department of revenue and other funds received by that district shall be deposited;

23 (8) Establish and collect reasonable charges for the use of the facilities of the district;

24 (9) Maintain an office and staff at any place or places in this state as the district may
25 designate and conduct its business and operations as is necessary to fulfill that district's duties,
26 pursuant to sections 67.5000 to 67.5038; and

27 (10) Appoint, when the district board determines it is appropriate, advisory committees to
28 assist the district board in the exercise of the power and duties vested in the district.

29 67.5008. A question, in substantially the following form, may be submitted to the voters
30 in each county authorized to establish a district:

31 "Shall there be organized in the County of, state of Missouri, a parks, trails, and

greenways district for the purposes of planning, developing, supervising, improving, maintaining,
and taking custody of an interconnecting system of public parks, trails, open spaces, greenways,
and recreational facilities within the boundaries of that district to be known as ". Parks,
Trails, and Greenways District", and further shall a local sales tax of one tenth of one cent be
levied and collected in County for the support of this parks, trails, and greenways district,
with forty-five percent of that revenue going to the district and fifty-five percent being returned to
. . . . County and the cities within the County for local park improvements?

☐ YES

☐ NO”

67.5010. If a majority of the votes cast by the qualified voters voting on the question
submitted pursuant to section 67.5008 voted YES, then that district shall be deemed created.
However, if a majority of the qualified voters cast NO votes, that district shall not be deemed
created unless and until another question of whether to authorize the creation of a district and
impose the one-tenth of one cent local sales tax is submitted to the qualified voters of that county
and that question is approved by a majority of the qualified voters voting thereon.

67.5012. The governing body of any county located within a district established pursuant
to sections 67.5000 to 67.5038 is authorized to impose by order, ordinance, or otherwise a one-
tenth of one cent local sales tax on all retail sales subject to taxation pursuant to sections 144.010
to 144.525 for the purpose of funding activities that are consistent with the powers and duties of a
district, as set forth in section 67.5006. The tax authorized by this section shall be in addition to
all other sales taxes allowed by law. The provisions of sections 32.085 and 32.087 shall apply to
each local sales tax approved pursuant to sections 67.5000 to 67.5038.

67.5014. The local sales tax authorized in section 67.5012 shall be collected and allocated
in the district as follows:

(1) Forty-five percent of the local sales taxes collected as described in section 67.5012
shall be deposited by the department of revenue in the parks, trails, and greenways district fund to
be administered by the board of directors of that district to pay costs associated with the planning,
development, supervision, improvement, maintenance, and custody of an interconnecting system
of public parks, trails, open space, greenways, and recreational facilities within the boundaries of
that district. Up to five percent of the amount deposited in that parks, trails, and greenways fund
shall be used for grants to local public agencies to be used for activities that are consistent with
the district's powers and duties as set forth in section 67.5006. Costs for office and project

administration may be up to, but shall not exceed, fifteen percent of the amount deposited in a district fund pursuant to this subdivision;

(2) Fifteen percent of the local sales taxes collected as described in section 67.5012 shall be distributed by the department of revenue to the county to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the boundaries of a district; and

(3) Forty percent of the local sales taxes collected as described in section 67.5012 shall be distributed by the department of revenue to each of the cities in that county, in proportion to each city's relative local sales tax contribution, to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the boundaries of a district.

67.5016. 1. Any county levying a local sales tax under the authority of sections 67.5000 to 67.5038 shall not administer or collect the tax locally, but shall utilize the services of the state department of revenue to administer, enforce, and collect the tax. The sales tax shall be administered, enforced, and collected in the same manner and by the same procedure as other local sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

2. Upon receipt of a certified copy of a resolution from the county authorizing the levy of a local sales tax, which resolution shall state the name of the district in which that county is included, the director of the department of revenue shall cause this tax to be collected at the same time and in the same manner provided for the collection of the state sales tax. All moneys derived from this local sales tax imposed under the authority of sections 67.5000 to 67.5038 and collected under the provisions of this section by the director of revenue shall be credited to a fund established for the district, which is hereby established in the state treasury, under the name of that district, as established. Any refund due on any local sales tax collected pursuant to section 67.5000 to 67.5038 shall be paid out of the sales tax refund fund and reimbursed by the director of revenue from the sales tax revenue collected under this section. All local sales tax revenue derived from the authority granted by sections 67.5000 to 67.5038 and collected from within any county, under this section, shall be remitted at least quarterly by the director of revenue to the district established by sections 67.5000 to 67.5038, the source county included in the district and

1 the cities in that county, in the percentages set forth in section 67.5014.

2 67.5018. 1. The treasurer of the board of each district created shall keep accurate
3 accounts of all receipts and disbursements. The receipts and disbursements of each district
4 created by sections 67.5000 to 67.5038 shall be audited yearly by a certified or licensed public
5 accountant and the report of the audit shall be approved by the board of each district created.
6 Upon board approval, the report shall be available for inspection.

7 2. The accounts of the district shall be open at any reasonable time for inspection by duly
8 authorized representatives of the county and cities included within the jurisdictional boundaries of
9 that district.

10 3. Annually, no later than one hundred twenty days after the close of each district's fiscal
11 year, the board of each district created by sections 67.5000 to 67.5038 shall cause to be prepared a
12 report on the operations and transactions conducted by that district during the preceding year. The
13 report shall be an open record and shall be submitted to the governing bodies of each city and
14 county within the jurisdictional boundaries of that district commencing the year following the year
15 in which the district is created. The board of each district shall take those actions as are
16 reasonably required to make this report readily available to the public.

17 67.5020. Notwithstanding the provisions of section 99.845 to the contrary, the revenues
18 from the local sales taxes imposed under the authority set forth in section 67.5012 shall not be
19 allocated to and paid by the state department of revenue to any special allocation fund established
20 by any municipality under sections 99.800 to 99.865.

21 67.5022. 1. When a district is created pursuant to sections 67.5000 to 67.5038, the district
22 shall be governed by a board of directors. The presiding commissioner or elected county
23 executive of the county with a charter form of government and with more than six hundred
24 thousand but fewer than seven hundred thousand inhabitants shall appoint one member of the
25 district's board of directors chosen from the residents of that county. The mayor of the largest city
26 in that county shall appoint two persons from the residents of that city in that county, and the
27 mayors of the next five most populous cities in the county shall, on a rotating basis and in
28 accordance with subsection 2 of this section, appoint four persons from the residents of those
29 respective cities in that county to serve on the board.

30 2. The mayors of the second through sixth most populous cities in that county, as
31 determined by the most recent decennial census, shall appoint the board members from the

1 residents of those cities in the county by December 15 of each year. Representation on the board
2 from these second through sixth most populous cities shall be on a rotating basis, as follows. In
3 the initial year:

4 (1) The second most populous city shall be represented on the board, and that member
5 shall serve for a term of one year;

6 (2) The third most populous city shall be represented on the board, and that member shall
7 serve for a term of two years;

8 (3) The fourth most populous city shall be represented on the board, and that member
9 shall serve for a term of three years;

10 (4) The fifth most populous city shall be represented on the board, and that member shall
11 serve for a term of four years; and

12 (5) The sixth most populous city shall not be represented on the board.

13 In the second year, the sixth most populous city shall be represented on the board, and the member
14 shall serve for a term of four years. In that second year, the second most populous city shall have
15 no representation on the board. Membership on the board shall rotate in this manner every year
16 thereafter, with each of the second through sixth most populous cities not being represented on the
17 board, in this alternating basis, one of every succeeding four years.

18 3. The board members appointed to a district shall hold office for four-year terms;
19 provided that, initial terms of the representative of the second through the sixth most populous
20 cities in the county shall be of the staggered lengths as set forth in subsection 2 of this section. On
21 the expiration of the initial terms of appointment and on the expiration of any subsequent term,
22 the resulting vacancies shall be filled by the chief elected official of each of the represented cities
23 and the county. All vacancies on the board shall be filled in the same manner for the duration of
24 the term being filled. Board members shall serve until their successors are named and the
25 successors have commenced their terms as board members. Board members shall be eligible for
26 reappointment.

27 4. The chief elected official of each city or county that has membership on the board of a
28 district may replace a board member representing that elected official's city or county at any time,
29 in that elected official's sole discretion. Upon this removal, the chief elected official shall appoint
30 another individual to represent that city or county on the board of directors of the district.

31 67.5024. Promptly after their appointment, the initial board members of a district created

1 pursuant to sections 67.5000 to 67.5038 shall hold an organizational meeting at which they shall
2 elect a president, secretary, treasurer, and any other officers from among their number as they may
3 deem necessary. The members shall make and adopt bylaws, rules, and regulations for their
4 guidance, as may be expedient and not inconsistent with sections 67.5000 to 67.5038.

5 67.5026. Board members shall be citizens of the United States and shall reside within the
6 county or city, as the case may be, from which they are appointed. No board member shall receive
7 compensation for performance of duties as a board member. No board member shall be
8 financially interested directly or indirectly in any contract entered into pursuant to sections
9 67.5000 to 67.5038.

10 67.5028. When a public highway, street, or road extends into or through a public trail,
11 trail area, greenway, or park area of a district, or when a public highway, street, or road forms all
12 or part of a suitable connection between two or more public trails, trail areas, or park areas within
13 a district, and it is advisable by the board to make alterations in the route or width of the highway
14 or to grade, drain, pave, or otherwise improve the highway, the board may enter into agreements,
15 consistent with the purposes of that district, with the public authorities in control of the portion of
16 the highway, street, or road that lies within any, or forms any part of, a connecting link to and
17 between any, public trail, trail area, or park area of a district. Any agreement with any such public
18 authority shall follow the procedure authorized by law for dealing with that authority, and any
19 agreement shall provide for the payment by the board of an agreed-upon portion of the costs of
20 that agreement. This section shall not alter the legal status of that highway, street, or road in any
21 way.

22 67.5030. No district created pursuant to sections 67.5000 to 67.5038 shall be authorized
23 to exercise the power of eminent domain.

24 67.5032. 1. Bonds of a district authorized by sections 67.5000 to 67.5038 shall be issued
25 pursuant to a resolution adopted by the board of directors of that district, which resolution shall
26 set out the estimated cost to that district of the proposed improvements, and shall further set out
27 the amount of bonds to be issued, their purpose or purposes, their date or dates, denomination or
28 denominations, rate or rates of interest, time or times of payment, both of principal and of interest,
29 place or places of payment, and all other details in connection with those bonds. These bonds
30 may be subject to provision for redemption prior to maturity, with or without premium, and at the
31 times and upon the conditions as may be provided by the resolution.

1 2. Notwithstanding the provisions of section 108.170, these bonds shall bear interest at
2 rate or rates determined by the issuing district and shall mature within a period not exceeding
3 twenty years and may be sold at public or private sale for not less than ninety-five percent of the
4 principal amount of the bonds to be issued. Bonds issued by a district shall possess all of the
5 qualities of negotiable instruments pursuant to the laws of this state.

6 3. These bonds may be payable to bearer, may be registered or coupon bonds and, if
7 payable to bearer, may contain any registration provisions as to either principal and interest, or
8 principal only, as may be provided in the resolution authorizing those bonds, which resolution
9 may also provide for the exchange of registered and coupon bonds. These bonds and any coupons
10 attached thereto shall be signed in the manner and by the officers of the district as may be
11 provided by the resolution authorizing the bonds. A district may provide for the replacement of
12 any bond that has become mutilated, destroyed, or lost.

13 4. Bonds issued by a district shall be payable as to principal, interest and redemption
14 premium, if any, out of all or any part of the issuing district's parks, trails, and greenways fund,
15 including revenues derived from local sales taxes and any other monies held by that district.
16 Neither the board members nor any person executing the bonds shall be personally liable on those
17 bonds by reason of the issuance of those bonds. Bonds issued pursuant to this section or section
18 67.5034 shall not constitute a debt, liability or obligation of this state, or any political subdivision
19 of this state, nor shall any of these obligations be a pledge of the faith and credit of this state, but
20 shall be payable solely from the revenues and assets held by the issuing district. The issuance of
21 bonds pursuant to this section or section 67.5034 shall not directly, indirectly or contingently
22 obligate this state or any political subdivision of this state, other than the district issuing the
23 bonds, to levy any form of taxation for those bonds or to make any appropriation for their
24 payment. Each obligation or bond issued pursuant to this section or section 67.5034 shall contain,
25 on its face, a statement to the effect that the issuing district shall not be obligated to pay those
26 bonds nor the interest on those bonds, except from the revenues received by the issuing district or
27 assets of that district lawfully pledged for that district, and that neither the good faith and credit
28 nor the taxing power of this state or of any political subdivision of this state, other than the issuing
29 district, is pledged to the payment of the principal of or the interest on that obligation or bond.
30 The proceeds of these bonds shall be disbursed in the manner and pursuant to the restrictions the
31 district may provide in the resolution authorizing the issuance of those bonds.

1 67.5034. 1. A district may issue negotiable refunding bonds for the purpose of refunding,
2 extending or unifying the whole or any part of any bonds of a district then outstanding, or any
3 bonds, notes or other obligations issued by any other public agency, public body or political
4 subdivision in connection with any facilities to be acquired, leased or subleased by that district,
5 which refunding bonds shall not exceed the amount necessary to refund the principal of the
6 outstanding bonds to be refunded and the accrued interest on those bonds to the date of that
7 refunding, together with any redemption premium, amounts necessary to establish reserve and
8 escrow funds and all costs and expenses incurred in connection with the refunding. The board
9 shall provide for the payment of interest and principal of any refunding bonds in the same manner
10 as was provided for the payment of interest and principal of the bonds refunded.

11 2. In the event that any of the board members or officers of a district whose signatures
12 appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the
13 delivery of those bonds, those signatures shall remain valid and sufficient for all purposes, the
14 same as if that board member or officer had remained in office until the delivery of those bonds.

15 67.5036. Each district is hereby declared to be performing a public function and bonds of
16 a district are declared to be issued for an essential public and governmental purpose and,
17 accordingly, interest on those bonds and income from those bonds shall be exempt from income
18 taxation by this state.

19 67.5038. All purchases by a district in excess of ten thousand dollars used in the
20 construction or maintenance of any public recreational facility, trail, park, or greenway in that
21 district shall be made pursuant to the lowest and best bid standard as provided in section 34.040 or
22 pursuant to the lowest and best proposal standard as provided in section 34.042. The board of any
23 district shall have the same discretion, powers and duties as granted to the commissioner of
24 administration by sections 34.040 and 34.042.”; and

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