

HOUSE _____ AMENDMENT NO. _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 726,
Page 7, Section 67.085, Line 22, by inserting after all of said section, the following:

“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
shoreline of the same body of water.

3. The petition shall set forth:

- (1) The name and address of each owner of real property located within the proposed
district [or who is a] and each registered voter [resident] within the proposed district;
- (2) A specific description of the proposed district boundaries including a map illustrating
such boundaries;
- (3) A general description of the purpose or purposes for which the district is being

1 formed; and

2 (4) The name of the proposed district.

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

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

17 67.1868. 1. Any owner of real property within the proposed district and any [legal]
18 registered voter [who is a resident] within the proposed district may join in or file a petition
19 supporting or answer opposing the creation of the district and seeking a judgment respecting these
20 same issues.

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

27 3. Any party having filed a petition or answer to a petition may appeal the circuit court's
28 order or judgment in the same manner as provided for other appeals. Any order either refusing to
29 incorporate the district or incorporating the district shall be a final judgment for purposes of
30 appeal.

31 67.1870. The costs of filing and defending the petition and all publication and incidental
32 costs incurred in obtaining circuit court certification of the petition for voter approval shall be
33 paid by the petitioners. If a district is organized [pursuant to] under sections 67.1860 to [67.1898]
34 67.1894, the petitioners may be reimbursed for such costs out of the revenues received by the
35 district.

36 67.1872. A district created [pursuant to] under sections 67.1860 to [67.1898] 67.1894

1 shall be governed by a board of directors consisting of five members to be elected as provided in
2 section 67.1874.

3 67.1874. 1. Within thirty days after the order declaring the district organized has become
4 final, the circuit clerk of the county in which the petition was filed shall give notice by causing
5 publication to be made once a week for two consecutive weeks in a newspaper of general
6 circulation in the county, the last publication of which shall be at least ten days before the day of
7 the meeting required by this section, to call a meeting of the owners of real property and registered
8 voters [resident] within the district at a day and hour specified in a public place in the county in
9 which the petition was filed for the purpose of electing a board of five directors, two to serve one
10 year, two to serve two years, and one to serve three years, to be composed of [residents] registered
11 voters of the district.

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

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

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

21 67.1878. A district may receive and use funds for the purposes of planning, designing,
22 constructing, reconstructing, maintaining and operating one or more projects relating to law
23 enforcement. Such funds may be derived from any funding method which is authorized by
24 sections 67.1860 to [67.1898] 67.1894 and from any other source, including but not limited to
25 funds from federal sources, the state of Missouri or an agency of the state, a political subdivision
26 of the state or private sources.

27 67.1880. 1. If approved by at least four-sevenths of the [qualified] registered voters
28 voting on the question in the district, the district may impose a property tax in an amount not to
29 exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district board
30 may levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered
31 tax rate to a level not exceeding the tax rate ceiling approved by the voters without new voter
32 approval. The property tax shall be uniform throughout the district.

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

34 Shall the Law Enforcement District impose a property tax upon all real and tangible
35 personal property within the district at a rate of not more than (insert amount) cents per
36 hundred dollars assessed valuation for the purpose of providing revenue for the development of a

project (or projects) in the district (insert general description of the project or projects, if necessary)?

☐ YES ☐ NO

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

If four-sevenths of the votes cast on the question by the registered voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales. If less than four-sevenths of the votes cast on the question by the registered voters voting thereon are in favor of the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the registered voters and such question is approved by the requisite four-sevenths of the registered voters voting on the question. In no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal submitted under this section.

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

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

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

- (1) To contract with the [local] county sheriff's department for the provision of services;
- (2) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;
- (3) To fix compensation of its employees and contractors;
- (4) To purchase any personal property necessary or convenient for its activities;
- (5) To collect and disburse funds for its activities; and
- (6) To exercise such other implied powers necessary or convenient for the district to

1 accomplish its purposes which are not inconsistent with its express powers.

2 67.1888. 1. The district may obtain such insurance as it deems appropriate, considering
3 its legal limits of liability, to protect itself, its officers and its employees from any potential
4 liability and may also obtain such other types of insurance as it deems necessary to protect against
5 loss of its real or personal property of any kind. The cost of this insurance shall be charged
6 against the project.

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

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

16 67.1894. [1. The authority of the district to levy any property tax levied pursuant to
17 section 67.1880 may be terminated by a petition of the voters in the district in the manner
18 prescribed in this section.

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

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

26 (2) All of the owners of real estate in the district may file a petition with the board praying
27 that the district's authority to impose a property tax be terminated. The petition shall specifically
28 state that the district's authority to impose any property tax, whether or not such a tax is being
29 imposed at the time such petition is filed, shall be terminated. Such petition shall be in
30 substantially the form set forth for petitions in chapter 116. The petition shall describe the
31 property owned by the petitioners and shall be deemed to give assent of the petitioners to the
32 petition.

33 3. The secretary of the board shall cause notice of the filing of any petition filed pursuant
34 to this section to be given and published in the county in which the property is located, which
35 notice shall recite the filing of such petition, the number of petitioners and the prayer of the
36 petitioners; giving notice to all persons interested to appear at the office of the board at the time

1 named in the notice and show cause in writing, if any they have, why the petition should not be
2 granted. The board shall at the time and place mentioned, or at such time or times to which the
3 hearing may be adjourned, proceed to hear the petition and all objections thereto presented in
4 writing by any person showing cause why the petition should not be granted.

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

16 5. Any person aggrieved by any decision of the board made pursuant to the provisions of
17 this section may appeal that decision to the circuit court of the county in which the property is
18 located within thirty days of the decision by the board] Whenever the district board receives a
19 petition, signed by a number of registered voters of the district equal to at least ten percent of the
20 number of registered voters of the district, calling for an election to repeal the tax imposed under
21 section 67.1880, the board shall submit to the voters of the district a proposal to repeal the tax. If
22 a majority of the votes cast on the question by the registered voters voting thereon are in favor of
23 the repeal, the repeal shall become effective on December thirty-first of the calendar year in which
24 such repeal was approved. If a majority of the votes cast on the question by the qualified voters
25 voting thereon are opposed to the repeal, then the tax authorized in section 67.1880 shall remain
26 effective until the question is resubmitted under this section to the registered voters and the repeal
27 is approved by a majority of the registered voters voting on the question.”; and
28

29 Further amend said bill, Page 31, Section 643.079, Line 102, by inserting after all of said section
30 the following:

31 “[67.1890. 1. The boundaries of any district organized pursuant to sections
32 67.1860 to 67.1898 may be changed in the manner prescribed in this section; but
33 any change of boundaries of the district shall not impair or affect its organization
34 or its rights in or to property, or any of its rights or privileges whatsoever; nor shall
35 it affect or impair or discharge any contract, obligation, lien or charge for or upon
36 which it might be liable or chargeable had any change of boundaries not been
37 made.

38 2. The boundaries may be changed as follows:

1 (1) Twenty-five percent of the number of voters who voted in the most recent
2 gubernatorial election in the area to be annexed or deannexed may file with the
3 board a petition in writing praying that such real property be included within, or
4 removed from, the district. The petition shall describe the property to be included
5 in, or removed from, the district and shall describe the property owned by the
6 petitioners and shall be deemed to give assent of the petitioners to the inclusion in,
7 or removal from, the district of the property described in the petition. Such
8 petition shall be in substantially the form set forth for petitions in chapter 116;
9 provided that, in the event that there are more than twenty-five property owners or
10 taxpaying electors signing the petition, it shall be deemed sufficient description of
11 their property in the petition as required in this section to list the addresses of such
12 property; or

13 (2) All of the owners of any territory or tract of land near or adjacent to a district
14 in the case of annexation, or all of the owners of any territory or tract of land
15 within a district in the case of deannexation, who own all of the real estate in such
16 territory or tract of land may file a petition with the board praying that such real
17 property be included in, or removed from, the district. The petition shall describe
18 the property owned by the petitioners and shall be deemed to give assent of the
19 petitioners to the inclusion in, or removal from, the district of the property
20 described in the petition.

21 3. The secretary of the board shall cause notice of the filing of any petition filed
22 pursuant to this section to be given and published in the county in which the
23 property is located, which notice shall recite the filing of such petition, the number
24 of petitioners, a general description of the boundaries of the area proposed to be
25 included or removed and the prayer of the petitioners; giving notice to all persons
26 interested to appear at the office of the board at the time named in the notice and
27 show cause in writing, if any they have, why the petition should not be granted.
28 The board shall at the time and place mentioned, or at such time or times to which
29 the hearing may be adjourned, proceed to hear the petition and all objections
30 thereto presented in writing by any person showing cause why the petition should
31 not be granted. The failure of any person interested to show cause in writing why
32 such petition shall not be granted shall be deemed as an assent on his or her part to
33 the inclusion of such lands in, or removal of such lands from, the district as prayed
34 for in the petition.

35 4. If the board deems it for the best interest of the district, it shall grant the
36 petition, but if the board determines in the case of annexation that some portion of
37 the property mentioned in the petition cannot as a practical matter be served by the
38 district, or if it deems in the case of annexation that it is in the best interest of the
39 district that some portion of the property in the petition not be included in the
40 district, or if in the case of deannexation it deems that it is impracticable for any
41 portion of the property to be deannexed from the district, then the board shall grant
42 the petition in part only. If the petition is granted, the board shall make an order to
43 that effect and file the petition with the circuit clerk. Upon the order of the court
44 having jurisdiction over the district, the property shall be included in, or removed
45 from, the district. If the petition contains the signatures of all the owners of the
46 property pursuant to the provisions of subdivision (2) of subsection 2 of this
47 section, the property shall be included in, or removed from, the district upon the

1 order of the court. If the petition contains the signatures of twenty-five percent of
2 the number of voters who voted in the most recent gubernatorial election in the
3 area to be annexed or deannexed pursuant to subdivision (1) of subsection 2 of this
4 section, the property shall be included in, or removed from, the district subject to
5 the election provided in section 67.1892. The circuit court having jurisdiction over
6 the district shall proceed to make any such order including such additional property
7 within the district, or removing such property from the district, as is provided in
8 the order of the board, unless the court shall find that such order of the board was
9 not authorized by law or that such order of the board was not supported by
10 competent and substantial evidence.

11 5. Any person aggrieved by any decision of the board made pursuant to the
12 provisions of this section may appeal that decision to the circuit court of the county
13 in which the property is located within thirty days of the decision by the board.]
14

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

25 2. The question shall be submitted in substantially the following form:
26 Shall the boundaries of the Law Enforcement District be (extended to
27 include/retracted to remove) the following described property? (Describe property)
28 ☐ YES ☐ NO

29 3. If a majority of the voters voting on the proposition vote in favor of the
30 extension or retraction of the boundaries of the district, then the court shall enter its
31 further order declaring the decree of extension or retraction of the boundaries to be
32 final and conclusive. In the event, however, that the court finds that a majority of
33 the voters voting thereon voted against the proposition to extend or retract the
34 boundaries of the district, then the court shall enter its further order declaring the
35 decree of extension or retraction of boundaries to be void and of no effect.]
36

37 [67.1896. 1. If the petition filed pursuant to section 67.1894 contained fewer than
38 all of the signatures required pursuant to subdivision (2) of subsection 2 of section
39 67.1894, the termination of taxation authority shall not become final and
40 conclusive until it has been submitted to an election of the voters residing within
41 the district and until it has been assented to by at least four-sevenths of the voters
42 in the district voting on the question. The decree shall also provide for the holding
43 of the election to vote on the proposition, and shall fix the date for holding the
44 election.

45 2. The question shall be submitted in substantially the following form:
46 Shall the authority of the Law Enforcement District to adopt property
47 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 dissolving the district, and the decree shall contain a proviso that the district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities previously incurred, or necessary to the winding up of the district. If the court shall find that a majority of the voters of the district voting thereon shall not have voted favorably on the proposition to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the district shall continue to operate in the same manner as though the petition asking for such dissolution has not been filed.

3. The dissolution of a district shall not invalidate or affect any right accruing to such district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed upon such district or person; and whenever the circuit court shall, pursuant to this section, dissolve a district, the court shall appoint some competent person to act as trustee for the district so dissolved and such trustee

1 before entering upon the discharge of his or her duties shall take and subscribe an
2 oath that he or she will faithfully discharge the duties of the office, and shall give
3 bond with sufficient security, to be approved by the court to the use of such
4 dissolved district, for the faithful discharge of his or her duties, and shall proceed
5 to liquidate the district under orders of the court, including the levying of any taxes
6 provided for in sections 67.1860 to 67.1898.]”; and
7

8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.