

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 0813, Page 2, Lines 6-34, by deleting all of said Lines and inserting in lieu thereof the following:

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

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

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

(3) It contains the following information:

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

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

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

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

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

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

7 (h) The total assessed value of all real property within the proposed district;

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

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

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

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

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

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

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

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

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

22 (4) The signature block for each real property owner signing the petition shall be in
23 substantially the following form and contain the following information: Name of owner:
24 Owner's telephone number and mailing address:
25 . If signer is different from owner: Name of signer:
26 State basis of legal authority to sign: Signer's telephone number and
27 mailing address: If the owner is an individual, state if owner is single or married: ...
28 If owner is not an individual, state
29 what type of entity: Map and parcel number and assessed value of each tract of real
30 property within the proposed district owned:
31 By executing this petition, the undersigned represents and warrants that he or she is

1 authorized to execute this petition on behalf of the property owner named immediately above. . . .
2 Signature of person signing for owner
3 Date STATE OF MISSOURI)
4) ss. COUNTY OF)

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

7 WITNESS my hand and official seal this day of (month), (year).
8 Notary Public My Commission Expires:

9 (5) Alternatively, the governing body of any municipality or county may file a petition to
10 initiate the process to establish a district containing the information required in 67.1421.2(3);
11 provided that the only funding methods for the services and improvements will be a sales tax or
12 real property tax .

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

20 4. After the close of the public hearing required pursuant to subsection 1 of this section,
21 the governing body of the municipality may adopt an ordinance approving the petition and
22 establishing a district as set forth in the petition and may determine, if requested in the petition,
23 whether the district, or any legally described portion thereof, constitutes a blighted area. If the
24 petition was filed by the governing body of a municipality, after the close of the public hearing
25 required pursuant to subsection 1 of this section, the petition may be approved by the governing
26 body and an election shall be called pursuant to Section 67.1422.

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

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

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

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

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

67.1422. 1. Notwithstanding Sections 67.1531, 67.1545 and 67.1551, if the petition was filed pursuant to subsection 2(5) of section 67.1421, by a governing body of any municipality, the governing body may adopt an ordinance approving the petition and submit a ballot to the qualified voters of the district; the question shall be in substantially the following form:

Shall the community improvement district, to be known as the “.....Community Improvement District” approved by the(insert governing body) be established for the purpose of (here summarize the proposed improvements and services) and be authorized to impose a community improvement district-wide sales and use tax at the maximum rate of(insert amount) for a period of(insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for(insert general description of purpose)?

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"; or

Shall the community improvement district, to be known as the “.....Community Improvement District” approved by the (insert governing body) be established for the purpose of (here summarize the proposed improvements and services) and be authorized to impose a real property tax upon (all real property) within the district at a rate of not more than(insert amount) dollars per hundred dollars assessed valuation for a period of(insert number) years

1 from the date on which such tax is first imposed for the purpose of providing revenue for
2(insert general description of purpose) in the district?

3 YES NO

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

6 2. Within ten days after the qualified voters have approved the imposition of the sales and
7 use tax, the district shall, in accordance with section 32.087, notify the director of the department
8 of revenue. The sales and use tax authorized by this section shall become effective on the first day
9 of the second calendar quarter after the director of the department of revenue receives notice of
10 the adoption of such tax.

11 3. The director of the department of revenue shall collect any tax adopted pursuant to this
12 section pursuant to section 32.087.

13 4. In each district in which a sales and use tax is imposed pursuant to this section, every
14 retailer shall add such additional tax imposed by the district to such retailer's sale price, and when
15 so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to
16 the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

17 5. In order to allow retailers to collect and report the sales and use tax authorized by this
18 section as well as all other sales and use taxes required by law in the simplest and most efficient
19 manner possible, a district may establish appropriate brackets to be used in the district imposing a
20 tax pursuant to this section in lieu of the brackets provided in section 144.285.

21 6. The penalties provided in sections 144.010 to 144.525 shall apply to violations of this
22 section.

23 7. All revenue received by the district from a sales and use tax imposed pursuant to this
24 section which is designated for a specific purpose shall be deposited into a special trust fund and
25 expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant
26 to this section, all funds remaining in the special trust fund shall continue to be used solely for the
27 specific purpose designated in the resolution adopted by the qualified voters. Any funds in such
28 special trust fund which are not needed for current expenditures may be invested by the board of
29 directors pursuant to applicable laws relating to the investment of other district funds.

30 8. A district may by resolution repeal or lower the rate of any sales and use tax imposed
31 pursuant to this section before the expiration date of such sales and use tax unless the repeal or
32 lower rate of such sales and use tax will impair the district's ability to repay any liabilities the

1 district has incurred, moneys the district has borrowed or obligation the district has issued to
2 finance any improvements or services rendered for the district.

3 9. A district levying a real property tax pursuant to this section may repeal or amend such
4 real property tax or lower the tax rate of such tax if such repeal, amendment or lower rate will not
5 impair the district's ability to repay any liabilities which it has incurred, money which it has
6 borrowed or obligations that it has issued to finance any improvements or services rendered
7 within the district.

8 10. An election conducted under this section may be conducted in accordance with the
9 provisions of chapter 115, or by mail-in ballot.

10 67.1561. No lawsuit to set aside a district established, or a special assessment or a tax
11 levied under sections 67.1401 to 67.1571 or to otherwise question the validity of the proceedings
12 related thereto shall be brought after the expiration of ninety days from the effective date of the
13 ordinance establishing such district in question or the election establishing such district in
14 question or the effective date of the resolution levying such special assessment or tax in question
15 or the effective date of a merger of two districts under section 67.1485.”; and

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