

Dohrman

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Mr. Speaker: I am instructed by the Senate to inform the House of Representatives

that the Senate has taken up and passed

SCS HB 1553 entitled:

AN ACT

To repeal sections 50.660, 50.783, 67.281, 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 94.579, 162.481, 182.802, 190.335, 190.339, and 349.045, RSMo, and to enact in lieu thereof seventeen new sections relating to political subdivisions.

With SA 1, SA 2, SA 3, SA 4

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler
Secretary of the Senate

SENATE AMENDMENT NO. 1Offered by Lager of 12thAmend SCS/House Bill No. 1553, Page 25, Section 349.045, Line 53,

2 by inserting after all of said line the following:

3 "483.140. It shall be the special duty of every judge of a
 4 court of record to examine into and superintend the manner in
 5 which the rolls and records of the court are made up and kept; to
 6 prescribe orders that will procure uniformity, regularity and
 7 accuracy in the transaction of the business of the court; to
 8 require that the records and files be properly maintained and
 9 entries be made at the proper times as required by law or supreme
 10 court rule, and that the duties of the clerks be performed
 11 according to law and supreme court rule; and if any clerk fail to
 12 comply with the law, the court shall proceed against him as for a
 13 misdemeanor. The provisions of this section shall not be
 14 construed to permit the adoption of any local court rule that
 15 grants a judge the discretion to remove or direct the removal of
 16 any pleading, file, or communication from a court file or record
 17 without the agreement of all parties."; and

18 Further amend the title and enacting clause accordingly.

Offered 5/13/14
 Adopted 5/13/14

SENATE AMENDMENT NO. 2

Offered by Pearce of 21st

Amend SCS/House Bill No. 1553, Page 4, Section 67.281, Line 20,

by inserting after all of said line the following:

"72.401. 1. If a commission has been established pursuant to section 72.400 in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

3. The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions.

Offered 5/13/14
Adopted 5/13/14

1 Each of the appointing authorities described in subdivisions (1)
2 to (3) of this subsection shall appoint persons who shall be
3 residents of their respective locality so described. The
4 appointing authority making the appointments shall be:

5 (1) The chief elected officials of all municipalities
6 wholly within the county which have a population of more than
7 twenty thousand persons, who shall name two members to the
8 commission as prescribed in this subsection each of whom is a
9 resident of a municipality within the county of more than twenty
10 thousand persons;

11 (2) The chief elected officials of all municipalities
12 wholly within the county which have a population of twenty
13 thousand or less but more than ten thousand persons, who shall
14 name one member to the commission as prescribed in this
15 subsection who is a resident of a municipality within the county
16 with a population of twenty thousand or less but more than ten
17 thousand persons;

18 (3) The chief elected officials of all municipalities
19 wholly within the county which have a population of ten thousand
20 persons or less, who shall name one member to the commission as
21 prescribed in this subsection who is a resident of a municipality
22 within the county with a population of ten thousand persons or
23 less;

24 (4) An appointive body consisting of the director of the
25 county department of planning, the president of the municipal
26 league of the county, one additional person designated by the
27 county executive, and one additional person named by the board of
28 the municipal league of the county, which appointive body, acting
29 by a majority of all of its members, shall name three members of

1 the commission who are residents of the county; and

2 (5) The county executive of the county, who shall name four
3 members of the commission, three of whom shall be from the
4 unincorporated area of the county and one of whom shall be from
5 the incorporated area of the county. The seat of a commissioner
6 shall be automatically vacated when the commissioner changes his
7 or her residence so as to no longer conform to the terms of the
8 requirements of the commissioner's appointment. The commission
9 shall promptly notify the appointing authority of such change of
10 residence.

11 4. Upon the passage of an ordinance by the governing body
12 of the county establishing a boundary commission, the governing
13 body of the county shall, within ten days, send by United States
14 mail written notice of the passage of the ordinance to the chief
15 elected official of each municipality wholly or partly in the
16 county.

17 5. Each of the appointing authorities described in
18 subdivisions (1) to (4) of subsection 3 of this section shall
19 meet within thirty days of the passage of the ordinance
20 establishing the commission to compile its list of appointees.
21 Each list shall be delivered to the county executive within
22 forty-one days of the passage of such ordinance. The county
23 executive shall appoint members within forty-five days of the
24 passage of the ordinance. If a list is not submitted by the time
25 specified, the county executive shall appoint the members using
26 the criteria of subsection 3 of this section before the sixtieth
27 day from the passage of the ordinance. At the first meeting of
28 the commission appointed after the effective date of the
29 ordinance, the commissioners shall choose by lot the length of

1 their terms. Three shall serve for one year, two for two years,
2 two for three years, two for four years, and two for five years.
3 All succeeding commissioners shall serve for five years. Terms
4 shall end on December thirty-first of the respective year. No
5 commissioner shall serve more than two consecutive full terms.
6 Full terms shall include any term longer than two years.

7 6. When a member's term expires, or if a member is for any
8 reason unable to complete his term, the respective appointing
9 authority shall appoint such member's successor. Each appointing
10 authority shall act to ensure that each appointee is secured
11 accurately and in a timely manner, when a member's term expires
12 or as soon as possible when a member is unable to complete his
13 term. A member whose term has expired shall continue to serve
14 until his successor is appointed and qualified.

15 7. The commission, its employees and subcontractors shall
16 be subject to the regulation of conflicts of interest as defined
17 in sections 105.450 to 105.498 and to the requirements for open
18 meetings and records under chapter 610.

19 8. Notwithstanding any provisions of law to the contrary,
20 any boundary adjustment approved by the residential property
21 owners and the governing bodies of the affected municipalities or
22 the county, if involved, and any voluntary annexation approved by
23 municipal ordinance provided that the municipality owns the area
24 to be annexed, that the area is contiguous with the municipality,
25 and that the area is utilized only for parks and recreation
26 purposes, shall not be subject to commission review. Such a
27 boundary adjustment or annexation is not prohibited by the
28 existence of an established unincorporated area.

29 9. Any annexation of property or defined areas of

1 properties approved by a majority of property owners residing
2 thereon and by ordinance of any municipality that is a service
3 provider for both the water and sanitary sewer within the
4 municipality shall be effective as provided in the annexation
5 ordinance and shall not be subject to commission review. Such
6 annexation shall not be prohibited by the existence of an
7 established unincorporated area."; and

8 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 3

Offered by LeVota of 11

Amend SCS/House Bill No. 1553, Page 4, Section 67.281, Line 20,

by inserting immediately after all of said line the following:

"82.300. 1. Any city with a population of [four] one hundred thousand or more inhabitants [which is located in more than one county] may enact all needful ordinances for preserving order, securing persons or property from violence, danger and destruction, protecting public and private property and for promoting the general interests and ensuring the good government of the city, and for the protection, regulation and orderly government of parks, public grounds and other public property of the city, both within and beyond the corporate limits of such city; and to prescribe and impose, enforce and collect fines, forfeitures and penalties for the breach of any provisions of such ordinances and to punish the violation of such ordinances by fine or imprisonment, or by both fine and imprisonment; but no fine shall exceed one thousand dollars nor imprisonment exceed twelve months for any such offense, except as provided in subsection 2 of this section.

2. Any city with a population of [four] one hundred thousand or more inhabitants [which is located in more than one county] which operates a publicly owned treatment works in

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1 accordance with an approved pretreatment program pursuant to the
2 federal Clean Water Act, 33 U.S.C. 1251, et seq. and chapter 644
3 may enact all necessary ordinances which require compliance by an
4 industrial user with any pretreatment standard or requirement.
5 Such ordinances may authorize injunctive relief or the imposition
6 of a fine of at least one thousand dollars but not more than five
7 thousand dollars per violation for noncompliance with such
8 pretreatment standards or requirements. For any continuing
9 violation, each day of the violation shall be considered a
10 separate offense.

11 3. Any city with a population of more than [four] one
12 hundred thousand inhabitants may enact all needful ordinances to
13 protect public and private property from illegal and unauthorized
14 dumping and littering, and to punish the violation of such
15 ordinances by a fine not to exceed one thousand dollars or by
16 imprisonment not to exceed twelve months for each offense, or by
17 both such fine and imprisonment.

18 4. Any city with a population of more than [four] one
19 hundred thousand inhabitants may enact all needful ordinances to
20 protect public and private property from nuisance and property
21 maintenance code violations, and to punish the violation of such
22 ordinances by a fine not to exceed one thousand dollars or by
23 imprisonment not to exceed twelve months for each offense, or by
24 both such fine and imprisonment."; and

25 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 4Offered by Schaefer of BooneAmend SCS/House Bill No. 1553, Page 15, Section 94.579, Line 158,

2 by inserting after all of said line the following:

3 "99.805. As used in sections 99.800 to 99.865, unless the
4 context clearly requires otherwise, the following terms shall
5 mean:

6 (1) "Blighted area", an area which, by reason of the
7 predominance of defective or inadequate street layout, unsanitary
8 or unsafe conditions, deterioration of site improvements,
9 improper subdivision or obsolete platting, or the existence of
10 conditions which endanger life or property by fire and other
11 causes, or any combination of such factors, retards the provision
12 of housing accommodations or constitutes an economic or social
13 liability or a menace to the public health, safety, morals, or
14 welfare in its present condition and use;

15 (2) "Collecting officer", the officer of the municipality
16 responsible for receiving and processing payments in lieu of
17 taxes or economic activity taxes from taxpayers or the department
18 of revenue;

19 (3) "Conservation area", any improved area within the
20 boundaries of a redevelopment area located within the territorial
21 limits of a municipality in which fifty percent or more of the
22 structures in the area have an age of thirty-five years or more.

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1 Such an area is not yet a blighted area but is detrimental to the
2 public health, safety, morals, or welfare and may become a
3 blighted area because of any one or more of the following
4 factors: dilapidation; obsolescence; deterioration; illegal use
5 of individual structures; presence of structures below minimum
6 code standards; abandonment; excessive vacancies; overcrowding of
7 structures and community facilities; lack of ventilation, light
8 or sanitary facilities; inadequate utilities; excessive land
9 coverage; deleterious land use or layout; depreciation of
10 physical maintenance; and lack of community planning. A
11 conservation area shall meet at least three of the factors
12 provided in this subdivision for projects approved on or after
13 December 23, 1997;

14 (4) "Economic activity taxes", the total additional revenue
15 from taxes which are imposed by a municipality and other taxing
16 districts, and which are generated by economic activities within
17 a redevelopment area over the amount of such taxes generated by
18 economic activities within such redevelopment area in the
19 calendar year prior to the adoption of the ordinance designating
20 such a redevelopment area, while tax increment financing remains
21 in effect, but excluding personal property taxes, taxes imposed
22 on sales or charges for sleeping rooms paid by transient guests
23 of hotels and motels, licenses, fees or special assessments. For
24 redevelopment projects or redevelopment plans approved after
25 December 23, 1997, if a retail establishment relocates within one
26 year from one facility to another facility within the same county
27 and the governing body of the municipality finds that the
28 relocation is a direct beneficiary of tax increment financing,
29 then for purposes of this definition, the economic activity taxes

1 generated by the retail establishment shall equal the total
2 additional revenues from economic activity taxes which are
3 imposed by a municipality or other taxing district over the
4 amount of economic activity taxes generated by the retail
5 establishment in the calendar year prior to its relocation to the
6 redevelopment area;

7 (5) "Economic development area", any area or portion of an
8 area located within the territorial limits of a municipality,
9 which does not meet the requirements of subdivisions (1) and (3)
10 of this section, and in which the governing body of the
11 municipality finds that redevelopment will not be solely used for
12 development of commercial businesses which unfairly compete in
13 the local economy and is in the public interest because it will:

14 (a) Discourage commerce, industry or manufacturing from
15 moving their operations to another state; or

16 (b) Result in increased employment in the municipality; or

17 (c) Result in preservation or enhancement of the tax base
18 of the municipality;

19 (6) "Gambling establishment", an excursion gambling boat as
20 defined in section 313.800 and any related business facility
21 including any real property improvements which are directly and
22 solely related to such business facility, whose sole purpose is
23 to provide goods or services to an excursion gambling boat and
24 whose majority ownership interest is held by a person licensed to
25 conduct gambling games on an excursion gambling boat or licensed
26 to operate an excursion gambling boat as provided in sections
27 313.800 to 313.850. This subdivision shall be applicable only to
28 a redevelopment area designated by ordinance adopted after
29 December 23, 1997;

1 (7) "Greenfield area", any vacant, unimproved, or
2 agricultural property that is located wholly outside the
3 incorporated limits of a city, town, or village, or that is
4 substantially surrounded by contiguous properties with
5 agricultural zoning classifications or uses unless said property
6 was annexed into the incorporated limits of a city, town, or
7 village ten years prior to the adoption of the ordinance
8 approving the redevelopment plan for such greenfield area;

9 (8) "Municipality", a city, village, or incorporated town
10 or any county of this state. For redevelopment areas or projects
11 approved on or after December 23, 1997, "municipality" applies
12 only to cities, villages, incorporated towns or counties
13 established for at least one year prior to such date;

14 (9) "Obligations", bonds, loans, debentures, notes, special
15 certificates, or other evidences of indebtedness issued by a
16 municipality to carry out a redevelopment project or to refund
17 outstanding obligations;

18 (10) "Ordinance", an ordinance enacted by the governing
19 body of a city, town, or village or a county or an order of the
20 governing body of a county whose governing body is not authorized
21 to enact ordinances;

22 (11) "Payment in lieu of taxes", those estimated revenues
23 from real property in the area selected for a redevelopment
24 project, which revenues according to the redevelopment project or
25 plan are to be used for a private use, which taxing districts
26 would have received had a municipality not adopted tax increment
27 allocation financing, and which would result from levies made
28 after the time of the adoption of tax increment allocation
29 financing during the time the current equalized value of real

1 property in the area selected for the redevelopment project
2 exceeds the total initial equalized value of real property in
3 such area until the designation is terminated pursuant to
4 subsection 2 of section 99.850;

5 (12) "Redevelopment area", an area designated by a
6 municipality, in respect to which the municipality has made a
7 finding that there exist conditions which cause the area to be
8 classified as a blighted area, a conservation area, an economic
9 development area, an enterprise zone pursuant to sections 135.200
10 to 135.256, or a combination thereof, which area includes only
11 those parcels of real property directly and substantially
12 benefitted by the proposed redevelopment project;

13 (13) "Redevelopment plan", the comprehensive program of a
14 municipality for redevelopment intended by the payment of
15 redevelopment costs to reduce or eliminate those conditions, the
16 existence of which qualified the redevelopment area as a blighted
17 area, conservation area, economic development area, or
18 combination thereof, and to thereby enhance the tax bases of the
19 taxing districts which extend into the redevelopment area. Each
20 redevelopment plan shall conform to the requirements of section
21 99.810;

22 (14) "Redevelopment project", any development project
23 within a redevelopment area in furtherance of the objectives of
24 the redevelopment plan; any such redevelopment project shall
25 include a legal description of the area selected for the
26 redevelopment project;

27 (15) "Redevelopment project costs" include the sum total of
28 all reasonable or necessary costs incurred or estimated to be
29 incurred, and any such costs incidental to a redevelopment plan

1 or redevelopment project, as applicable. Such costs include, but
2 are not limited to, the following:

3 (a) Costs of studies, surveys, plans, and specifications;

4 (b) Professional service costs, including, but not limited
5 to, architectural, engineering, legal, marketing, financial,
6 planning or special services. Except the reasonable costs
7 incurred by the commission established in section 99.820 for the
8 administration of sections 99.800 to 99.865, such costs shall be
9 allowed only as an initial expense which, to be recoverable,
10 shall be included in the costs of a redevelopment plan or
11 project;

12 (c) Property assembly costs, including, but not limited
13 to[,];

14 a. Acquisition of land and other property, real or
15 personal, or rights or interests therein[,]; and

16 b. Demolition of buildings, and the clearing and grading of
17 land;

18 (d) Costs of rehabilitation, reconstruction, or repair or
19 remodeling of existing buildings and fixtures;

20 (e) Initial costs for an economic development area;

21 (f) Costs of construction of public works or improvements;

22 (g) Financing costs, including, but not limited to, all
23 necessary and incidental expenses related to the issuance of
24 obligations, and which may include payment of interest on any
25 obligations issued pursuant to sections 99.800 to 99.865 accruing
26 during the estimated period of construction of any redevelopment
27 project for which such obligations are issued and for not more
28 than eighteen months thereafter, and including reasonable
29 reserves related thereto;

1 (h) All or a portion of a taxing district's capital costs
2 resulting from the redevelopment project necessarily incurred or
3 to be incurred in furtherance of the objectives of the
4 redevelopment plan and project, to the extent the municipality by
5 written agreement accepts and approves such costs;

6 (i) Relocation costs to the extent that a municipality
7 determines that relocation costs shall be paid or are required to
8 be paid by federal or state law;

9 (j) Payments in lieu of taxes;

10 (16) "Special allocation fund", the fund of a municipality
11 or its commission which contains at least two separate segregated
12 accounts for each redevelopment plan, maintained by the treasurer
13 of the municipality or the treasurer of the commission into which
14 payments in lieu of taxes are deposited in one account, and
15 economic activity taxes and other revenues are deposited in the
16 other account;

17 (17) "Taxing districts", any political subdivision of this
18 state having the power to levy taxes;

19 (18) "Taxing districts' capital costs", those costs of
20 taxing districts for capital improvements that are found by the
21 municipal governing bodies to be necessary and to directly result
22 from the redevelopment project; and

23 (19) "Vacant land", any parcel or combination of parcels of
24 real property not used for industrial, commercial, or residential
25 buildings.

26 99.825. 1. Prior to the adoption of an ordinance proposing
27 the designation of a redevelopment area, or approving a
28 redevelopment plan or redevelopment project, the commission shall
29 fix a time and place for a public hearing as required in

1 subsection 4 of section 99.820 and notify each taxing district
2 located wholly or partially within the boundaries of the proposed
3 redevelopment area, plan or project. At the public hearing any
4 interested person or affected taxing district may file with the
5 commission written objections to, or comments on, and may be
6 heard orally in respect to, any issues embodied in the notice.
7 The commission shall hear and consider all protests, objections,
8 comments and other evidence presented at the hearing. The
9 hearing may be continued to another date without further notice
10 other than a motion to be entered upon the minutes fixing the
11 time and place of the subsequent hearing; provided, if the
12 commission is created under subsection 3 of section 99.820, the
13 hearing shall not be continued for more than thirty days beyond
14 the date on which it is originally opened unless such longer
15 period is requested by the chief elected official of the
16 municipality creating the commission and approved by a majority
17 of the commission. Prior to the conclusion of the hearing,
18 changes may be made in the redevelopment plan, redevelopment
19 project, or redevelopment area, provided that each affected
20 taxing district is given written notice of such changes at least
21 seven days prior to the conclusion of the hearing. After the
22 public hearing but prior to the adoption of an ordinance
23 approving a redevelopment plan or redevelopment project, or
24 designating a redevelopment area, changes may be made to the
25 redevelopment plan, redevelopment projects or redevelopment areas
26 without a further hearing, if such changes do not enlarge the
27 exterior boundaries of the redevelopment area or areas, and do
28 not substantially affect the general land uses established in the
29 redevelopment plan or substantially change the nature of the

1 redevelopment projects, provided that notice of such changes
2 shall be given by mail to each affected taxing district and by
3 publication in a newspaper of general circulation in the area of
4 the proposed redevelopment not less than ten days prior to the
5 adoption of the changes by ordinance. After the adoption of an
6 ordinance approving a redevelopment plan or redevelopment
7 project, or designating a redevelopment area, no ordinance shall
8 be adopted altering the exterior boundaries, affecting the
9 general land uses established pursuant to the redevelopment plan
10 or changing the nature of the redevelopment project without
11 complying with the procedures provided in this section pertaining
12 to the initial approval of a redevelopment plan or redevelopment
13 project and designation of a redevelopment area. Hearings with
14 regard to a redevelopment project, redevelopment area, or
15 redevelopment plan may be held simultaneously.

16 2. [Effective January 1, 2008,] If, after concluding the
17 hearing required under this section, the commission makes a
18 recommendation under section 99.820 in opposition to a proposed
19 redevelopment plan, redevelopment project, or designation of a
20 redevelopment area, or any amendments thereto, a municipality
21 desiring to approve such project, plan, designation, or
22 amendments shall do so only upon a two-thirds majority vote of
23 the governing body of such municipality. For plans, projects,
24 designations, or amendments approved by a municipality over the
25 recommendation in opposition by the commission formed under
26 subsection 3 of section 99.820 or a commission located in any
27 county of the first classification with more than one hundred
28 fifty thousand but fewer than two hundred thousand inhabitants,
29 the economic activity taxes and payments in lieu of taxes

1 generated by such plan, project, designation, or amendment shall
2 not exceed the costs associated with those contained in
3 subparagraph b of paragraph (c) of subdivision (15) of section
4 99.805 per redevelopment project.

5 3. Tax incremental financing projects within an economic
6 development area shall apply to and fund only the following
7 infrastructure projects: highways, roads, streets, bridges,
8 sewers, traffic control systems and devices, water distribution
9 and supply systems, curbing, sidewalks and any other similar
10 public improvements, but in no case shall it include buildings.";
11 and

12 Further amend the title and enacting clause accordingly.