

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Substitute for House Committee Substitute for Senate Bill No. 1363, Page 28,  
2 Section 67.1421, Line 4, by inserting after the word "district" the following:

3  
4 " , provided that if the proposed funding mechanism for the proposed district includes a sales  
5 tax, such ordinance shall be adopted by at least a two-thirds majority vote"; and

6  
7 Further amend said bill and section, Page 31, Line 100, by inserting at the end of said line the  
8 following:

9  
10 "Any ordinance or petition approved under this subsection that establishes a district for  
11 which the proposed funding mechanism for the proposed district includes a sales tax shall be by at  
12 least a two-thirds majority vote."; and

13  
14 Further amend said bill, Page 35, Section 67.1471, Line 24, by inserting after said section and line  
15 the following:

16  
17 "67.1521. 1. A district may levy by resolution one or more special assessments against real  
18 property within its boundaries, upon receipt of and in accordance with a petition signed by:

19 (1) Owners of real property collectively owning more than fifty percent by assessed value of  
20 real property within the boundaries of the district; and

21 (2) More than fifty percent per capita of the owners of all real property within the  
22 boundaries of the district.

23 2. The special assessment petition shall be in substantially the following form:

24 The \_\_\_\_\_ (insert name of district) Community Improvement District ("District" ) shall be  
25 authorized to levy special assessments against real property benefitted within the district for  
26 the purpose of providing revenue for \_\_\_\_\_ (insert general description of specific service  
27 and/or projects) in the district, such special assessments to be levied against each tract, lot or  
28 parcel of real property listed below within the district which receives special benefit as a  
29 result of such service and/or projects, the cost of which shall be allocated among this  
30 property by \_\_\_\_\_ (insert method of allocation, e.g., per square foot of property, per square  
31 foot on each square foot of improvement, or by abutting foot of property abutting streets,  
32 roads, highways, parks or other improvements, or any other reasonable method) in an

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1 amount not to exceed \_\_\_\_\_ dollars per (insert unit of measure). Such authorization to levy  
2 the special assessment shall expire on \_\_\_\_\_ (insert date). The tracts of land located in the  
3 district which will receive special benefit from this service and/or projects are: \_\_\_\_\_ (list  
4 of properties by common addresses and legal descriptions).

5 3. The method for allocating such special assessments set forth in the petition may be any  
6 reasonable method which results in imposing assessments upon real property benefitted in relation  
7 to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to  
8 provide such benefit.

9 4. By resolution of the board, the district may levy a special assessment rate lower than the  
10 rate ceiling set forth in the petition authorizing the special assessment and may increase such  
11 lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth  
12 in the petition without further approval of the real property owners; provided that a district imposing  
13 a special assessment pursuant to this section may not repeal or amend such special assessment or  
14 lower the rate of such special assessment if such repeal, amendment or lower rate will impair the  
15 district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations  
16 that it has issued.

17 5. Each special assessment which is due and owing shall constitute a perpetual lien against  
18 each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the  
19 same manner as any other special assessment lien as provided in section 88.861. Notwithstanding  
20 the provisions of this subsection and section 67.1541 to the contrary, the county collector may, upon  
21 certification by the district for collection, add each special assessment to the annual real estate tax  
22 bill for the property and collect the assessment in the same manner the collector uses for real estate  
23 taxes. Any special assessment remaining unpaid on the first day of January annually is delinquent  
24 and enforcement of collection of the delinquent bill by the county collector shall be governed by the  
25 laws concerning delinquent and back taxes. The lien may be foreclosed in the same manner as a tax  
26 upon real property by land tax sale under chapter 140 or, if applicable to that county, chapter 141.

27 6. A separate fund or account shall be created by the district for each special assessment  
28 levied and each fund or account shall be identifiable by a suitable title. The proceeds of such  
29 assessments shall be credited to such fund or account. Such fund or account shall be used solely to  
30 pay the costs incurred in undertaking the specified service or project.

31 7. Upon completion of the specified service or project or both, the balance remaining in the  
32 fund or account established for such specified service or project or both shall be returned or credited  
33 against the amount of the original assessment of each parcel of property pro rata based on the  
34 method of assessment of such special assessment.

35 8. Any funds in a fund or account created pursuant to this section which are not needed for  
36 current expenditures may be invested by the board in accordance with applicable laws relating to the  
37 investment of funds of the city in which the district is located.

1           9. The authority of the district to levy special assessments shall be independent of the  
2 limitations and authorities of the municipality in which it is located; specifically, the provisions of  
3 section 88.812 shall not apply to any district.

4           10. Notwithstanding any other provision of this section to the contrary, all property owned  
5 by an entity that is exempt from taxation under 26 U.S.C. Section 501(c), as amended, shall be  
6 exempt from any property tax or special assessment levied by a district.

7           67.2677. 1. For purposes of sections 67.2675 to 67.2714, the following terms mean:

8           (1) "Cable operator", as defined in 47 U.S.C. Section 522(5);

9           (2) "Cable system", as defined in 47 U.S.C. Section 522(7);

10          (3) "Franchise", an initial authorization, or renewal of an authorization, issued by a  
11 franchising entity, regardless of whether the authorization is designated as a franchise, permit,  
12 license, resolution, contract, certificate, agreement, or otherwise, that authorizes the provision of  
13 video service and any affiliated or subsidiary agreements related to such authorization;

14          (4) "Franchise area", the total geographic area authorized to be served by an incumbent  
15 cable operator in a political subdivision as of August 28, 2007, or, in the case of an incumbent local  
16 exchange carrier, as such term is defined in 47 U.S.C. Section 251(h), or affiliate thereof, the area  
17 within such political subdivision in which such carrier provides telephone exchange service;

18          (5) "Franchise entity", a political subdivision that was entitled to require franchises and  
19 impose fees on cable operators on the day before the effective date of sections 67.2675 to 67.2714,  
20 provided that only one political subdivision may be a franchise entity with regard to a geographic  
21 area;

22          (6) (a) "Gross revenues", limited to amounts billed to video service subscribers for the  
23 following:

24           a. Recurring charges for video service; and

25           b. Event-based charges for video service, including but not limited to pay-per-view and  
26 video-on-demand charges;

27          (b) "Gross revenues" do not include:

28           a. Discounts, refunds, and other price adjustments that reduce the amount of compensation  
29 received by an entity holding a video service authorization;

30           b. Uncollectibles;

31           c. Late payment fees;

32           d. Amounts billed to video service subscribers to recover taxes, fees, or surcharges imposed  
33 on video service subscribers or video service providers in connection with the provision of video  
34 services, including the video service provider fee authorized by this section;

35           e. Fees or other contributions for PEG or I-Net support;

36           f. Charges for services other than video service that are aggregated or bundled with amounts  
37 billed to video service subscribers, if the entity holding a video service authorization reasonably can  
38 identify such charges on books and records kept in the regular course of business or by other  
39 reasonable means;

1 g. Rental of set top boxes, modems, or other equipment used to provide or facilitate the  
2 provision of video service;

3 h. Service charges related to the provision of video service including, but not limited to,  
4 activation, installation, repair, and maintenance charges;

5 i. Administrative charges related to the provision of video service including, but not limited  
6 to, service order and service termination charges; or

7 j. A pro rata portion of all revenue derived from advertising, less refunds, rebates, or  
8 discounts;

9 (c) Except with respect to the exclusion of the video service provider fee, gross revenues  
10 shall be computed in accordance with generally accepted accounting principles;

11 (7) "Household", an apartment, a house, a mobile home, or any other structure or part of a  
12 structure intended for residential occupancy as separate living quarters;

13 (8) "Incumbent cable operator", the cable service provider serving cable subscribers in a  
14 particular franchise area on September 1, 2007;

15 (9) "Low-income household", a household with an average annual household income of less  
16 than thirty-five thousand dollars;

17 (10) "Person", an individual, partnership, association, organization, corporation, trust, or  
18 government entity;

19 (11) "Political subdivision", a city, town, village, county;

20 (12) "Public right-of-way", the area of real property in which a political subdivision has a  
21 dedicated or acquired right-of-way interest in the real property, including the area on, below, or  
22 above the present and future streets, alleys, avenues, roads, highways, parkways, or boulevards  
23 dedicated or acquired as right-of-way and utility easements dedicated for compatible uses. The term  
24 does not include the airwaves above a right-of-way with regard to wireless telecommunications or  
25 other nonwire telecommunications or broadcast service;

26 (13) "Video programming", programming provided by, or generally considered comparable  
27 to programming provided by, a television broadcast station, as set forth in 47 U.S.C. Section  
28 522(20);

29 (14) "Video service", the provision, by a video service provider, of video programming  
30 provided through wireline facilities located at least in part in the public right-of-way without regard  
31 to delivery technology, including internet protocol technology whether provided as part of a tier, on  
32 demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C.  
33 Section 522(6), but does not include any video programming provided by a commercial mobile  
34 service provider defined in 47 U.S.C. Section 332(d), or any video programming [~~provided solely as~~  
35 ~~part of and~~] accessed via a service that enables users to access content, information, electronic mail,  
36 or other services offered over the [~~public~~] internet, including streaming content;

37 (15) "Video service authorization", the right of a video service provider or an incumbent  
38 cable operator that secures permission from the public service commission pursuant to sections  
39 67.2675 to 67.2714, to offer video service to subscribers in a political subdivision;

1 (16) "Video service network", wireline facilities, or any component thereof, located at least  
 2 in part in the public right-of-way that deliver video service, without regard to delivery technology,  
 3 including internet protocol technology or any successor technology. The term video service network  
 4 shall include cable systems;

5 (17) "Video service provider", any person that distributes video service through a video  
 6 service network pursuant to a video service authorization;

7 (18) "Video service provider fee", the fee imposed under section 67.2689.

8 2. [~~The repeal and reenactment of~~] This section shall [~~become~~] remain effective after  
 9 August 28, 2023."; and

10  
 11 Further amend said bill, Page 49, Section 105.145, Line 88, by inserting after said section and line  
 12 the following:

13  
 14 "137.067. Notwithstanding any provision of law to the contrary, any ballot measure seeking  
 15 approval to add, change, or modify a tax on real property shall express the effect of the proposed  
 16 change within the ballot language in terms of the change in real dollars owed per one hundred  
 17 thousand dollars of a property's market valuation.

18 137.073. 1. As used in this section, the following terms mean:

19 (1) "General reassessment", changes in value, entered in the assessor's books, of a  
 20 substantial portion of the parcels of real property within a county resulting wholly or partly from  
 21 reappraisal of value or other actions of the assessor or county equalization body or ordered by the  
 22 state tax commission or any court;

23 (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each  
 24 purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax  
 25 rate authorized by election, including bond interest and sinking fund;

26 (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the  
 27 provisions of this section or when a court has determined the tax rate; except that, other provisions  
 28 of law to the contrary notwithstanding, a school district may levy the operating levy for school  
 29 purposes required for the current year pursuant to subsection 2 of section 163.021, less all  
 30 adjustments required pursuant to Article X, Section 22 of the Missouri Constitution, if such tax rate  
 31 does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum  
 32 tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political  
 33 subdivision as provided in this section;

34 (4) "Tax revenue", when referring to the previous year, means the actual receipts from ad  
 35 valorem levies on all classes of property, including state-assessed property, in the immediately  
 36 preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected  
 37 in the fiscal year and plus an additional allowance for the revenue which would have been collected  
 38 from property which was annexed by such political subdivision but which was not previously used  
 39 in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any

1 receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these  
2 terms are defined in section 386.020, which were assessed by the assessor of a county or city in the  
3 previous year but are assessed by the state tax commission in the current year. All school districts  
4 and those counties levying sales taxes pursuant to chapter 67 shall include in the calculation of tax  
5 revenue an amount equivalent to that by which they reduced property tax levies as a result of sales  
6 tax pursuant to section 67.505 and section 164.013 or as excess home dock city or county fees as  
7 provided in ~~subsection 4 of~~ section 313.820 in the immediately preceding fiscal year but not  
8 including any amount calculated to adjust for prior years. For purposes of political subdivisions  
9 which were authorized to levy a tax in the prior year but which did not levy such tax or levied a  
10 reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by  
11 law, shall mean the revenues equal to the amount that would have been available if the voluntary  
12 rate reduction had not been made.

13 2. Whenever changes in assessed valuation are entered in the assessor's books for any  
14 personal property, in the aggregate, or for any subclass of real property as such subclasses are  
15 established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016,  
16 the county clerk in all counties and the assessor of St. Louis City shall notify each political  
17 subdivision wholly or partially within the county or St. Louis City of the change in valuation of each  
18 subclass of real property, individually, and personal property, in the aggregate, exclusive of new  
19 construction and improvements. All political subdivisions shall immediately revise the applicable  
20 rates of levy for each purpose for each subclass of real property, individually, and personal property,  
21 in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable  
22 property, exclusive of new construction and improvements, substantially the same amount of tax  
23 revenue as was produced in the previous year for each subclass of real property, individually, and  
24 personal property, in the aggregate, except that the rate shall not exceed the greater of the most  
25 recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2)  
26 of subsection 5 of this section. Any political subdivision that has received approval from voters for  
27 a tax increase after August 27, 2008, may levy a rate to collect substantially the same amount of tax  
28 revenue as the amount of revenue that would have been derived by applying the voter-approved  
29 increased tax rate ceiling to the total assessed valuation of the political subdivision as most recently  
30 certified by the city or county clerk on or before the date of the election in which such increase is  
31 approved, increased by the percentage increase in the consumer price index, as provided by law,  
32 except that the rate shall not exceed the greater of the most recent voter-approved rate or the most  
33 recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Such  
34 tax revenue shall not include any receipts from ad valorem levies on any real property which was  
35 assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a  
36 county or city in the current year in a different subclass of real property. Where the taxing authority  
37 is a school district for the purposes of revising the applicable rates of levy for each subclass of real  
38 property, the tax revenues from state-assessed railroad and utility property shall be apportioned and  
39 attributed to each subclass of real property based on the percentage of the total assessed valuation of

1 the county that each subclass of real property represents in the current taxable year. As provided in  
2 Section 22 of Article X of the constitution, a political subdivision may also revise each levy to allow  
3 for inflationary assessment growth occurring within the political subdivision. The inflationary  
4 growth factor for any such subclass of real property or personal property shall be limited to the  
5 actual assessment growth in such subclass or class, exclusive of new construction and  
6 improvements, and exclusive of the assessed value on any real property which was assessed by the  
7 assessor of a county or city in the current year in a different subclass of real property, but not to  
8 exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a  
9 political subdivision from the various tax rates determined in this subsection be different than the  
10 tax revenue that would have been determined from a single tax rate as calculated pursuant to the  
11 method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall  
12 revise the tax rates of those subclasses of real property, individually, and/or personal property, in the  
13 aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such  
14 revision shall yield an amount equal to such difference and shall be apportioned among such  
15 subclasses of real property, individually, and/or personal property, in the aggregate, based on the  
16 relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction.  
17 Such revision in the tax rates of each class or subclass shall be made by computing the percentage of  
18 current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the  
19 total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction,  
20 multiplying the resulting percentages by the revenue difference between the single rate calculation  
21 and the calculations pursuant to this subsection and dividing by the respective adjusted current year  
22 assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon  
23 each class or subclass of property. The adjustment computed herein shall be multiplied by one  
24 hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial  
25 rate computed for each class or subclass of property. For school districts that levy separate tax rates  
26 on each subclass of real property and personal property in the aggregate, if voters approved a ballot  
27 before January 1, 2011, that presented separate stated tax rates to be applied to the different  
28 subclasses of real property and personal property in the aggregate, or increases the separate rates  
29 that may be levied on the different subclasses of real property and personal property in the aggregate  
30 by different amounts, the tax rate that shall be used for the single tax rate calculation shall be a  
31 blended rate, calculated in the manner provided under subdivision (1) of subsection 6 of this section.  
32 Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for  
33 personal property shall cause such levy to increase over the levy for personal property from the prior  
34 year.

35 3. (1) Where the taxing authority is a school district, it shall be required to revise the rates  
36 of levy to the extent necessary to produce from all taxable property, including state-assessed railroad  
37 and utility property, which shall be separately estimated in addition to other data required in  
38 complying with section 164.011, substantially the amount of tax revenue permitted in this section.  
39 In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's

1 reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the  
2 event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the  
3 estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that  
4 the estimates used result in receipt of excess revenues, which would have required a lower rate if the  
5 actual information had been known, the school district shall reduce the tax rate ceiling in the  
6 following year to compensate for the excess receipts, and the recalculated rate shall become the tax  
7 rate ceiling for purposes of this section.

8 (2) For any political subdivision which experiences a reduction in the amount of assessed  
9 valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to  
10 sections 138.430 to 138.433, or due to clerical errors or corrections in the calculation or recordation  
11 of any assessed valuation:

12 (a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes  
13 to compensate for the reduction in assessed value occurring after the political subdivision calculated  
14 the tax rate ceiling for the particular subclass of real property or for personal property, in the  
15 aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the  
16 next calculation of the tax rate for the particular subclass of real property or for personal property, in  
17 the aggregate, after the reduction in assessed valuation has been determined and shall be calculated  
18 in a manner that results in the revised tax rate ceiling being the same as it would have been had the  
19 corrected or finalized assessment been available at the time of the prior calculation;

20 (b) In addition, for up to three years following the determination of the reduction in assessed  
21 valuation as a result of circumstances defined in this subdivision, such political subdivision may  
22 levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in  
23 paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected  
24 or finalized assessment been available at the time of the prior calculation.

25 4. (1) In order to implement the provisions of this section and Section 22 of Article X of the  
26 Constitution of Missouri, the term improvements shall apply to both real and personal property. In  
27 order to determine the value of new construction and improvements, each county assessor shall  
28 maintain a record of real property valuations in such a manner as to identify each year the increase  
29 in valuation for each political subdivision in the county as a result of new construction and  
30 improvements. The value of new construction and improvements shall include the additional  
31 assessed value of all improvements or additions to real property which were begun after and were  
32 not part of the prior year's assessment, except that the additional assessed value of all improvements  
33 or additions to real property which had been totally or partially exempt from ad valorem taxes  
34 pursuant to sections 99.800 to 99.865, sections 135.200 to 135.255, and section 353.110 shall be  
35 included in the value of new construction and improvements when the property becomes totally or  
36 partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in  
37 valuation of personal property for the current year over that of the previous year is the equivalent of  
38 the new construction and improvements factor for personal property. Notwithstanding any opt-out  
39 implemented pursuant to subsection 14 of section 137.115, the assessor shall certify the amount of



1 new construction and improvements and the amount of assessed value on any real property which  
2 was assessed by the assessor of a county or city in such previous year but is assessed by the assessor  
3 of a county or city in the current year in a different subclass of real property separately for each of  
4 the three subclasses of real property for each political subdivision to the county clerk in order that  
5 political subdivisions shall have this information for the purpose of calculating tax rates pursuant to  
6 this section and Section 22, Article X, Constitution of Missouri. In addition, the state tax  
7 commission shall certify each year to each county clerk the increase in the general price level as  
8 measured by the Consumer Price Index for All Urban Consumers for the United States, or its  
9 successor publications, as defined and officially reported by the United States Department of Labor,  
10 or its successor agency. The state tax commission shall certify the increase in such index on the  
11 latest twelve-month basis available on February first of each year over the immediately preceding  
12 prior twelve-month period in order that political subdivisions shall have this information available in  
13 setting their tax rates according to law and Section 22 of Article X of the Constitution of Missouri.  
14 For purposes of implementing the provisions of this section and Section 22 of Article X of the  
15 Missouri Constitution, the term "property" means all taxable property, including state-assessed  
16 property.

17 (2) Each political subdivision required to revise rates of levy pursuant to this section or  
18 Section 22 of Article X of the Constitution of Missouri shall calculate each tax rate it is authorized  
19 to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided  
20 in this section and Section 22 of Article X of the Constitution of Missouri, separately and without  
21 regard to annual tax rate reductions provided in section 67.505 and section 164.013. Each political  
22 subdivision shall set each tax rate it is authorized to levy using the calculation that produces the  
23 lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of  
24 Section 10(c) of Article X of the Constitution of Missouri, that the provisions of such section be  
25 applicable to tax rate revisions mandated pursuant to Section 22 of Article X of the Constitution of  
26 Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and  
27 other provisions not in conflict with Section 22 of Article X of the Constitution of Missouri. Annual  
28 tax rate reductions provided in section 67.505 and section 164.013 shall be applied to the tax rate as  
29 established pursuant to this section and Section 22 of Article X of the Constitution of Missouri,  
30 unless otherwise provided by law.

31 5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section  
32 shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall  
33 be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more  
34 than a simple majority pursuant to any provision of law or the constitution, the tax rate increase  
35 must receive approval by at least the majority required.

36 (2) When voters approve an increase in the tax rate, the amount of the increase shall be  
37 added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not  
38 exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for  
39 approval rather than describing the amount of increase in the question, the stated tax rate approved

1 shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling.  
 2 The increased tax rate ceiling as approved shall be adjusted such that when applied to the current  
 3 total assessed valuation of the political subdivision, excluding new construction and improvements  
 4 since the date of the election approving such increase, the revenue derived from the adjusted tax rate  
 5 ceiling is equal to the sum of: the amount of revenue which would have been derived by applying  
 6 the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision,  
 7 as most recently certified by the city or county clerk on or before the date of the election in which  
 8 such increase is approved, increased by the percentage increase in the consumer price index, as  
 9 provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the  
 10 political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax  
 11 rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed  
 12 in this section to yield the sum of: the amount of revenue that would be derived by applying such  
 13 voter-approved increased rate to the total assessed valuation, as most recently certified by the city or  
 14 county clerk on or before the date of the election in which such increase was approved, increased by  
 15 the percentage increase in the consumer price index, as provided by law, from the date of the  
 16 election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

17 (3) The provisions of subdivision (2) of this subsection notwithstanding, if prior to the  
 18 expiration of a temporary levy increase, voters approve a subsequent levy increase, the new tax rate  
 19 ceiling shall remain in effect only until such time as the temporary levy expires under the terms  
 20 originally approved by a vote of the people, at which time the tax rate ceiling shall be decreased by  
 21 the amount of the temporary levy increase. If, prior to the expiration of a temporary levy increase,  
 22 voters of a political subdivision are asked to approve an additional, permanent increase to the  
 23 political subdivision's tax rate ceiling, voters shall be submitted ballot language that clearly indicates  
 24 that if the permanent levy increase is approved, the temporary levy shall be made permanent.

25 (4) The governing body of any political subdivision may levy a tax rate lower than its tax  
 26 rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not  
 27 exceeding the tax rate ceiling without voter approval in the manner provided under subdivision ~~[(4)]~~  
 28 (5) of this subsection. Nothing in this section shall be construed as prohibiting a political  
 29 subdivision from voluntarily levying a tax rate lower than that which is required under the  
 30 provisions of this section or from seeking voter approval of a reduction to such political  
 31 subdivision's tax rate ceiling.

32 ~~[(4)]~~ (5) In a year of general reassessment, a governing body whose tax rate is lower than its  
 33 tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if  
 34 its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing  
 35 body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a  
 36 public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior  
 37 to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any  
 38 political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction  
 39 required by law resulting from sales tax collections. The provisions of this subdivision shall not

1 apply to any political subdivision which has received voter approval for an increase to its tax rate  
2 ceiling subsequent to setting its most recent tax rate.

3 (6) (a) As used in this subdivision, the following terms mean:

4 a. "Current tax rate ceiling", the tax rate ceiling in effect before the voters approve a higher  
5 tax rate;

6 b. "Increased tax rate ceiling", the new tax rate ceiling in effect after the voters approve a  
7 higher tax rate.

8 (b) Notwithstanding any other provision of law to the contrary, when the required majority  
9 of voters in a political subdivision passes an increase in the political subdivision's tax rate, the  
10 political subdivision shall use the current tax rate ceiling and the increase approved by the voters in  
11 establishing the rates of levy for the tax year immediately following the election.

12 (c) If the assessed valuation of real property in such political subdivision is reduced in such  
13 tax year immediately following the election, such political subdivision may raise its rates of levy so  
14 that the revenue received from its local real property tax rates equals the amount the political  
15 subdivision would have received from the increased rates of levy had there been no reduction in the  
16 assessed valuation of real property in the political subdivision.

17 (d) Using the increased tax rate ceiling shall be revenue neutral as required in Article X,  
18 Section 22 of the Constitution of Missouri.

19 6. (1) For the purposes of calculating state aid for public schools pursuant to section  
20 163.031, each taxing authority which is a school district shall determine its proposed tax rate as a  
21 blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first  
22 determining the total tax revenue of the property within the jurisdiction of the taxing authority,  
23 which amount shall be equal to the sum of the products of multiplying the assessed valuation of  
24 each class and subclass of property by the corresponding tax rate for such class or subclass, then  
25 dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then  
26 multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school  
27 district, such blended rate shall also be used by such school district for calculating revenue from  
28 state-assessed railroad and utility property as defined in chapter 151 and for apportioning the tax  
29 rate by purpose.

30 (2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the  
31 county commission in the county or counties where the tax rate applies of its tax rate ceiling and its  
32 proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the  
33 nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-  
34 hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round  
35 up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-  
36 hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a  
37 fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent.  
38 Any taxing authority levying a property tax rate shall provide data, in such form as shall be  
39 prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All

1 forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not  
2 be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the  
3 calculation of rates pursuant to this section which do not currently exist in rule form or that have  
4 been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for  
5 debt service shall provide data, in such form as shall be prescribed by the state auditor by rule,  
6 substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for  
7 annual debt service requirements will be prima facie valid if, after making the payment for which  
8 the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following  
9 year's payments. The county clerk shall keep on file and available for public inspection all such  
10 information for a period of three years. The clerk shall, within three days of receipt, forward a copy  
11 of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data  
12 to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such  
13 information and return to the county clerk his or her findings as to compliance of the tax rate ceiling  
14 with this section and as to compliance of any proposed tax rate for debt service with Missouri law.  
15 If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri  
16 law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may  
17 request a taxing authority to submit documentation supporting such taxing authority's proposed tax  
18 rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing  
19 authority and shall file a copy of the findings with the information received from the taxing  
20 authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk  
21 of the state auditor's findings and any request for supporting documentation to accept or reject in  
22 writing the rate change certified by the state auditor and to submit all requested information to the  
23 state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted  
24 to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate  
25 change certified by the state auditor and the state auditor does not receive supporting information  
26 which justifies the taxing authority's original or any subsequent proposed tax rate, then the state  
27 auditor shall refer the perceived violations of such taxing authority to the attorney general's office  
28 and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from  
29 levying a violative tax rate.

30 (3) In the event that the taxing authority incorrectly completes the forms created and  
31 promulgated under subdivision (2) of this subsection, or makes a clerical error, the taxing authority  
32 may submit amended forms with an explanation for the needed changes. If such amended forms are  
33 filed under regulations prescribed by the state auditor, the state auditor shall take into consideration  
34 such amended forms for the purposes of this subsection.

35 7. No tax rate shall be extended on the tax rolls by the county clerk unless the political  
36 subdivision has complied with the foregoing provisions of this section.

37 8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with  
38 the provisions of this section, the taxpayer may make a formal complaint with the prosecuting  
39 attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the

1 filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an  
2 action as representative of a class of all taxpayers within a taxing authority if the class is so  
3 numerous that joinder of all members is impracticable, if there are questions of law or fact common  
4 to the class, if the claims or defenses of the representative parties are typical of the claims or  
5 defenses of the class, and if the representative parties will fairly and adequately protect the interests  
6 of the class. In any class action maintained pursuant to this section, the court may direct to the  
7 members of the class a notice to be published at least once each week for four consecutive weeks in  
8 a newspaper of general circulation published in the county where the civil action is commenced and  
9 in other counties within the jurisdiction of a taxing authority. The notice shall advise each member  
10 that the court will exclude him or her from the class if he or she so requests by a specified date, that  
11 the judgment, whether favorable or not, will include all members who do not request exclusion, and  
12 that any member who does not request exclusion may, if he or she desires, enter an appearance. In  
13 any class action brought pursuant to this section, the court, in addition to the relief requested, shall  
14 assess against the taxing authority found to be in violation of this section the reasonable costs of  
15 bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be  
16 awarded any attorney or association of attorneys who receive public funds from any source for their  
17 services. Any action brought pursuant to this section shall be set for hearing as soon as practicable  
18 after the cause is at issue.

19 9. If in any action, including a class action, the court issues an order requiring a taxing  
20 authority to revise the tax rates as provided in this section or enjoins a taxing authority from the  
21 collection of a tax because of its failure to revise the rate of levy as provided in this section, any  
22 taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her  
23 taxes in part, whether or not the taxes are paid under protest as provided in section 139.031 or  
24 otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced  
25 by the original levy and the amount produced by the revised levy. The township or county collector  
26 of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The  
27 taxing authority refusing to revise the rate of levy as provided in this section shall make available to  
28 the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall  
29 receive any interest on any money erroneously paid by him or her pursuant to this subsection.  
30 Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority  
31 to refund any tax erroneously paid prior to or during the third tax year preceding the current tax  
32 year.

33 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
34 under the authority delegated in this section shall become effective only if it complies with and is  
35 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
36 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to  
37 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
38 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
39 August 28, 2004, shall be invalid and void."; and

1  
2 Further amend said bill, Page 58, Section 238.222, Line 39, by inserting after said section and line  
3 the following:

4  
5 "238.225. 1. Before construction or funding of any project the district shall submit the  
6 proposed project to the commission for its prior approval, and approval of such project shall be by at  
7 least a two-thirds majority vote if the funding mechanism of the project includes a sales tax. If the  
8 commission by minute finds that the project will improve or is a necessary or desirable extension of  
9 the state highways and transportation system, the commission may preliminarily approve the project  
10 subject to the district providing plans and specifications for the proposed project and making any  
11 revisions in the plans and specifications required by the commission and the district and commission  
12 entering into a mutually satisfactory agreement regarding development and future maintenance of  
13 the project. After such preliminary approval, the district may impose and collect such taxes and  
14 assessments as may be included in the commission's preliminary approval. After the commission  
15 approves the final construction plans and specifications, the district shall obtain prior commission  
16 approval of any modification of such plans or specifications.

17 2. If the proposed project is not intended to be merged into the state highways and  
18 transportation system under the commission's jurisdiction, the district shall also submit the proposed  
19 project and proposed plans and specifications to the local transportation authority that will become  
20 the owner of the project for its prior approval which shall be by at least a two-thirds majority vote if  
21 the funding mechanism of the project includes a sales tax.

22 3. In those instances where a local transportation authority is required to approve a project  
23 and the commission determines that it has no direct interest in that project, the commission may  
24 decline to consider the project. Approval of the project shall then vest exclusively with the local  
25 transportation authority subject to the district making any revisions in the plans and specifications  
26 required by the local transportation authority and the district and the local transportation authority  
27 entering into a mutually satisfactory agreement regarding development and future maintenance of  
28 the project. After the local transportation authority approves the final construction plans and  
29 specifications, by a two-thirds vote if the proposed project is to be funded by a sales tax, the district  
30 shall obtain prior approval of the local transportation authority before modifying such plans or  
31 specifications.

32 4. Notwithstanding any provision of this section to the contrary, this section shall not apply  
33 to any district whose project is a public mass transportation system.

34 5. Notwithstanding any provision of this section to the contrary, nothing in this section shall  
35 affect a vote of the people pursuant to the provisions of section 238.230.

36 238.230. 1. If approved by:

37 (1) A majority of the qualified voters voting on the question in the district; or

38 (2) The owners of record of all of the real property located within the district who shall  
39 indicate their approval by signing a special assessment petition;

1  
2 the district may make one or more special assessments for those project improvements which  
3 specially benefit the properties within the district. Improvements which may confer special benefits  
4 within a district include but are not limited to improvements which are intended primarily to serve  
5 traffic originating or ending within the district, to reduce local traffic congestion or circuity of  
6 travel, or to improve the safety of motorists or pedestrians within the district.

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

8 Shall the \_\_\_\_\_ Transportation Development District be authorized to levy special  
9 assessments against property benefitted within the district for the purpose of providing  
10 revenue for the development of a project (or projects) in the district (insert general  
11 description of the project or projects, if necessary), said special assessments to be levied  
12 ratably against each tract, lot or parcel of property within the district which is benefitted by  
13 such project in proportion to the (insert method of allocating special assessments), in an  
14 amount not to exceed \$ \_\_\_\_\_ per annum per (insert unit of measurement)?

15 3. The special assessment petition shall be substantially in the following form:

16 The \_\_\_\_\_ Transportation Development District shall be authorized to levy special  
17 assessments against property benefitted within the district for the purpose of providing  
18 revenue for the development of a project (or projects) in the district (insert general  
19 description of the project or projects, if necessary), said special assessments to be levied pro  
20 rata against each tract, lot or parcel or property within the district which is benefitted by such  
21 project in proportion to the (insert method of allocating special assessments), in an amount  
22 not to exceed \$ \_\_\_\_\_ per annum per (insert unit of measurement).

23 4. If a proposal for making a special assessment fails, the district board of directors may,  
24 with the prior approval of the commission or the local transportation authority which will assume  
25 ownership of the completed project, delete from the project any portion which was to be funded by  
26 special assessment and which is not otherwise required for project integrity.

27 5. A district may establish different classes or subclasses of real property within the district  
28 for purposes of levying differing rates of special assessments. The levy rate for special assessments  
29 may vary for each class or subclass of real property based on the level of benefit derived by each  
30 class or subclass from projects funded by the district.

31 6. Notwithstanding any other provision of this section to the contrary, all property owned by  
32 an entity that is exempt from taxation under 26 U.S.C. Section 501(c), as amended, shall be exempt  
33 from any special assessment levied by a district under this section.

34 238.232. 1. If approved by at least four-sevenths of the qualified voters voting on the  
35 question in the district, the district may impose a property tax in an amount not to exceed the annual  
36 rate of ten cents on the hundred dollars assessed valuation. The district board may levy a property  
37 tax rate lower than its approved tax rate ceiling and may increase that lowered tax rate to a level not

1 exceeding the tax rate ceiling without voter approval. The property tax shall be uniform throughout  
2 the district.

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

Shall the \_\_\_\_\_ Transportation Development District impose a property tax upon all real and tangible personal property within the district at a rate of not more than \_\_\_\_\_ (insert amount) cents per 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".

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

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

15 5. Notwithstanding any other provision of this section to the contrary, all property owned by  
16 an entity that is exempt from taxation under 26 U.S.C. Section 501(c), as amended, shall be exempt  
17 from any property tax levied by a district under this section."; and

18  
19 Further amend said bill by amending the title, enacting clause, and intersectional references  
20 accordingly.