

FIRST REGULAR SESSION

HOUSE BILL NO. 1416

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SEITZ.

2603H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 67.1471 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 67.1471 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first regular session, and to enact in lieu thereof three new sections relating to community improvement districts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 67.1471 as enacted by house bill no. 1606, one hundred first
2 general assembly, second regular session, and section 67.1471 as enacted by senate bills nos.
3 153 & 97, one hundred first general assembly, first regular session, are repealed and three
4 new sections enacted in lieu thereof, to be known as sections 67.1463, 67.1471, and 67.1473,
5 to read as follows:

**67.1463. 1. The district shall provide notice to the governing body of the
2 municipality in which such district is located of a hearing or meeting, whether open or
3 closed.**

**4 2. Except as otherwise provided in subsection 4 of this section, such notice shall
5 be provided to the governing body of the municipality in which such district is located at
6 least ten calendar days before such hearing or meeting.**

**7 3. Except as otherwise provided in subsection 4 of this section, the district shall
8 submit to the governing body of the municipality in which such district is located the
9 complete agenda of a hearing or meeting for which notice is required under this section
10 at least three days before the beginning of such hearing or meeting.**

**11 4. If a district calls an emergency hearing or meeting for which the district is
12 unable to meet the notice requirements of subsection 2 of this section or the agenda**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 **submission requirements of subsection 3 of this section, the district shall provide such**
14 **notice and submit such agenda to the governing body of the municipality in which such**
15 **district is located without delay before the hearing or meeting.**

67.1471. 1. The fiscal year for the district shall be the same as the fiscal year of the
2 municipality.

3 2. No earlier than one hundred eighty days and no later than ninety days prior to the
4 first day of each fiscal year, the board shall submit to the Missouri department of revenue, the
5 state auditor, and the governing body of the city a proposed annual budget, setting forth
6 expected expenditures, revenues, and rates of assessments and taxes, if any, for such fiscal
7 year. The governing body may review and comment to the board on this proposed budget,
8 but if such comments are given, the governing body of the municipality shall provide such
9 written comments to the board no later than sixty days prior to the first day of the relevant
10 fiscal year; such comments shall not constitute requirements but shall only be
11 recommendations.

12 3. The board shall hold an annual meeting and adopt an annual budget no later than
13 thirty days prior to the first day of each fiscal year.

14 4. **(1)** Within one hundred twenty days after the end of each fiscal year, the district
15 shall submit a report to the municipal clerk, the Missouri department of revenue, the state
16 auditor, and the Missouri department of economic development.

17 **(2)** The report shall:

18 **(a)** State the services provided, revenues collected, and expenditures made by the
19 district during such fiscal year;

20 **(b)** State the dates the district adopted its annual budget, submitted its proposed
21 annual budget to the municipality, and submitted its annual report to the municipal clerk;
22 ~~and~~

23 **(c)** Include copies of written resolutions approved by the board during the fiscal year;

24 **(d) List the dates and location of each meeting of the board during such**
25 **reporting period; and**

26 **(e) Include an affidavit signed by a board member under penalty of perjury that**
27 **such submitted report is true and accurate to the best of the member's knowledge,**
28 **information, and belief.**

29 **(3)** The municipal clerk shall retain this report as part of the official records of the
30 municipality and shall also cause this report to be spread upon the records of the governing
31 body.

32 5. **(1)** The state auditor may audit a district in the same manner as the auditor may
33 audit any agency of the state.

34 **(2) (a) The state auditor shall calculate a compliance grade indicating the**
 35 **reporting compliance of each district and the percentage of reporting compliance for all**
 36 **districts.**

37 **(b) Such grade shall be posted on the state auditor's website no later than thirty**
 38 **days after the reporting deadline required under this section.**

39 **(c) A district's failure to submit such report on time shall result in a compliance**
 40 **grade of zero for such district. No district shall be granted any opportunity for**
 41 **amendment or adjustment of such zero grade after such grade is calculated and posted.**

42 **(3) The state auditor shall not create a letter or other notice of acknowledgment**
 43 **of receipt of such report that does not include the compliance grade for a district as**
 44 **described in subdivision (2) of this subsection.**

2 ~~[67.1471. 1. The fiscal year for the district shall be the same as the~~
 3 ~~fiscal year of the municipality.~~

4 ~~2. No earlier than one hundred eighty days and no later than ninety~~
 5 ~~days prior to the first day of each fiscal year, the board shall submit to the~~
 6 ~~governing body of the city a proposed annual budget, setting forth expected~~
 7 ~~expenditures, revenues, and rates of assessments and taxes, if any, for such~~
 8 ~~fiscal year. The governing body may review and comment to the board on this~~
 9 ~~proposed budget, but if such comments are given, the governing body of the~~
 10 ~~municipality shall provide such written comments to the board no later than~~
 11 ~~sixty days prior to the first day of the relevant fiscal year; such comments shall~~
 12 ~~not constitute requirements but shall only be recommendations.~~

13 ~~3. The board shall hold an annual meeting and adopt an annual budget~~
 14 ~~no later than thirty days prior to the first day of each fiscal year.~~

15 ~~4. Within one hundred twenty days after the end of each fiscal year,~~
 16 ~~the district shall submit a report to the municipal clerk and the Missouri~~
 17 ~~department of economic development. The report shall state the services~~
 18 ~~provided, revenues collected, and expenditures made by the district during~~
 19 ~~such fiscal year; state the dates the district adopted its annual budget,~~
 20 ~~submitted its proposed annual budget to the municipality, and submitted its~~
 21 ~~annual report to the municipal clerk; and include copies of written resolutions~~
 22 ~~approved by the board during the fiscal year. The municipal clerk shall retain~~
 23 ~~this report as part of the official records of the municipality and shall also~~
 24 ~~cause this report to be spread upon the records of the governing body.~~

25 ~~5. The state auditor may audit a district in the same manner as the~~
~~auditor may audit any agency of the state.]~~

2 **67.1473. 1. A district that fails to provide notice of the annual meeting or that**
 3 **fails to achieve a compliance grade of at least eighty percent as required under section**
 4 **67.1471 may, after notice of a hearing and a vote by the governing body of the**
 5 **municipality in which such district is located:**

6 **(1) Have the district board dissolved in part or in full and new board members**
 7 **elected as provided in section 67.1451; or**

7 **(2) Be terminated as provided in section 67.1481.**

8 **2. A district that is terminated under subsection 1 of this section shall:**

9 **(1) Immediately cease levying and collecting any tax imposed for the benefit of**
10 **the district;**

11 **(2) Use moneys remaining in the district's community improvement district**
12 **municipal fund to satisfy all indebtedness of the district; and**

13 **(3) After indebtedness is satisfied as described in subdivision (2) of this**
14 **subsection, return all remaining moneys to any entity taxed by the district at the time of**
15 **such termination in proportion to the amounts collected from such entities.**

16 **3. The governing body of a municipality in which a terminated district under**
17 **subsection 1 of this section is located shall not be obligated or liable for any of the**
18 **terminated district's remaining indebtedness, inaction, failure of fiduciary**
19 **responsibility, fraudulent activity, or other encumbrance of such terminated district.**

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