

FIRST REGULAR SESSION

# SENATE BILL NO. 258

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR STEELMAN.

Read 1st time January 15, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1023S.011

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## AN ACT

To repeal section 238.230, RSMo, and to enact in lieu thereof one new section relating to transportation development districts.

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

Section A. Section 238.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 238.230, to read as follows:

238.230. 1. If approved by:

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

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

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

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

Shall the ..... Transportation Development District be authorized to levy special assessments against property benefited within the district 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), said special assessments to be levied ratably against each tract, lot or parcel of property within the district which is benefited by such project in proportion to the (insert method of allocating special assessments), in an amount not to exceed \$ ..... per annum

per (insert unit of measurement)?

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

The ..... Transportation Development District shall be authorized to levy special assessments against property benefited within the district 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), said special assessments to be levied pro rata against each tract, lot or parcel or property within the district which is benefited by such project in proportion to the (insert method of allocating special assessments), in an amount not to exceed \$..... per annum per (insert unit of measurement).

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

**5. Annual payments and total assessments may be apportioned in any reasonable manner among parcels of benefited real property within the district. Special assessments shall constitute a lien against each parcel assessed by a district to the same extent, and shall be enforced in the same manner, as a lien for general real estate taxes. A default in the payment of one annual special assessment payment shall not accelerate the due date of subsequent annual special assessment payments.**

**6. No suit to set aside or contest special assessments made pursuant to this section may be brought more than ninety days after the initial notice of such assessment is given to the owners of record of affected parcels of real property.**

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