

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 138

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR KRAUS.

Read 1st time January 14, 2013, and ordered printed.

Read 2nd time January 31, 2013, and referred to the Committee on Ways and Means.

Reported from the Committee February 14, 2013, with recommendation that the bill do pass.

Taken up for Perfection February 19, 2013. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 67.463 and 67.469, RSMo, and to enact in lieu thereof two new sections relating to neighborhood improvement district special assessments.

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

Section A. Sections 67.463 and 67.469, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 67.463 and 67.469, to  
3 read as follows:

67.463. 1. At the hearing to consider the proposed improvements and  
2 assessments, the governing body shall hear and pass upon all objections to the  
3 proposed improvements and proposed assessments, if any, and may amend the  
4 proposed improvements, and the plans and specifications therefor, or assessments  
5 as to any property, and thereupon by ordinance or resolution the governing body  
6 of the city or county shall order that the improvement be made and direct that  
7 financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

8 2. After construction of the improvement has been completed in  
9 accordance with the plans and specifications therefor, the governing body shall  
10 compute the final costs of the improvement and apportion the costs among the  
11 property benefitted by such improvement in such equitable manner as the  
12 governing body shall determine, charging each parcel of property with its  
13 proportionate share of the costs, and by resolution or ordinance, assess the final  
14 cost of the improvement or the amount of general obligation bonds issued or to  
15 be issued therefor as special assessments against the property described in the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 assessment roll.

17           3. After the passage or adoption of the ordinance or resolution assessing  
18 the special assessments, the city clerk or county clerk shall mail a notice to each  
19 property owner within the district which sets forth a description of each parcel  
20 of real property to be assessed which is owned by such owner, the special  
21 assessment assigned to such property, and a statement that the property owner  
22 may pay such assessment in full, together with interest accrued thereon from the  
23 effective date of such ordinance or resolution, on or before a specified date  
24 determined by the effective date of the ordinance or resolution, or may pay such  
25 assessment in annual installments as provided in subsection 4 of this section.

26           4. The special assessments shall be assessed upon the property included  
27 therein concurrent with general property taxes, and shall be payable in  
28 substantially equal annual installments for a duration stated in the ballot  
29 measure prescribed in subsection 2 of section 67.457 or in the petition prescribed  
30 in subsection 3 of section 67.457, and, if authorized, an assessment in each year  
31 thereafter levied and collected in the same manner with the proceeds thereof used  
32 solely for maintenance of the improvement, taking into account such assessments  
33 and interest thereon, as the governing body determines. The first installment  
34 shall be payable after the first collection of general property taxes following the  
35 adoption of the assessment ordinance or resolution unless such ordinance or  
36 resolution was adopted and certified too late to permit its collection at such time.  
37 All assessments shall bear interest at such rate as the governing body  
38 determines, not to exceed the rate permitted for bonds by section  
39 108.170. Interest on the assessment between the effective date of the ordinance  
40 or resolution assessing the assessment and the date the first installment is  
41 payable shall be added to the first installment. The interest for one year on all  
42 unpaid installments shall be added to each subsequent installment until paid. In  
43 the case of a special assessment by a city, all of the installments, together with  
44 the interest accrued or to accrue thereon, may be certified by the city clerk to the  
45 county clerk in one instrument at the same time. Such certification shall be good  
46 for all of the installments, and the interest thereon payable as special  
47 assessments.

48           5. Special assessments shall be collected and paid over to the city  
49 treasurer or county treasurer in the same manner as taxes of the city or county  
50 are collected and paid. In any **county with a charter form of government**  
51 **and with more than six hundred thousand but fewer than seven**

52 **hundred thousand inhabitants and any** county of the first classification with  
53 more than one hundred thirty-five thousand four hundred but fewer than one  
54 hundred thirty-five thousand five hundred inhabitants, the county collector may  
55 collect a fee as prescribed by section 52.260 for collection of assessments under  
56 this section.

67.469. A special assessment authorized under the provisions of sections  
2 67.453 to 67.475 shall be a lien, from the date of the assessment, on the property  
3 against which it is assessed on behalf of the city or county assessing the same to  
4 the same extent as a tax upon real property. The lien may be foreclosed in the  
5 same manner as a tax upon real property by land tax sale pursuant to chapter  
6 140 or [by judicial foreclosure proceeding], **if applicable to that county,**  
7 **chapter 141, or** at the option of the governing body, **by judicial foreclosure**  
8 **proceeding.** Upon the foreclosure of any such lien, whether by land tax sale or  
9 by judicial foreclosure proceeding, the entire remaining assessment may become  
10 due and payable and may be recoverable in such foreclosure proceeding at the  
11 option of the governing body.

Bill ✓

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