

SECOND REGULAR SESSION

# SENATE BILL NO. 773

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Pre-filed December 5, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4106S.01I

## AN ACT

To repeal sections 67.453 and 67.1461, RSMo, and to enact in lieu thereof two new sections relating to powers of local area improvement districts.

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

Section A. Sections 67.453 and 67.1461, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 67.453 and 67.1461, to  
3 read as follows:

67.453. Sections 67.453 to 67.475 are known and may be cited as the  
2 "Neighborhood Improvement District Act", and the following words and terms, as  
3 used in sections 67.453 to 67.475 mean:

4 (1) "Acquire", the acquisition of property or interests in property by  
5 purchase, gift, condemnation or other lawful means and may include the  
6 acquisition of existing property and improvements already owned by the city or  
7 county;

8 (2) "Consultant", engineers, architects, planners, attorneys, financial  
9 advisors, accountants, investment bankers and other persons deemed competent  
10 to advise and assist the governing body of the city or county in planning and  
11 making improvements;

12 (3) "Cost", all costs incurred in connection with an improvement,  
13 including, but not limited to, costs incurred for the preparation of preliminary  
14 reports, the preparation of plans and specifications, the preparation and  
15 publication of notices of hearings, resolutions, ordinances and other proceedings,  
16 fees and expenses of consultants, interest accrued on borrowed money during the  
17 period of construction, underwriting costs and other costs incurred in connection  
18 with the issuance of bonds or notes, establishment of reasonably required reserve

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

19 funds for bonds or notes, the cost of land, materials, labor and other lawful  
20 expenses incurred in planning, acquiring and doing any improvement, reasonable  
21 construction contingencies, and work done or services performed by the city or  
22 county in the administration and supervision of the improvement;

23 (4) "Improve", to construct, reconstruct, maintain, restore, replace, renew,  
24 repair, install, equip, extend, or to otherwise perform any work which will provide  
25 a new public facility or enhance, extend or restore the value or utility of an  
26 existing public facility;

27 (5) "Improvement", any one or more public facilities or improvements  
28 which confer a benefit on property within a definable area and may include or  
29 consist of a reimprovement of a prior improvement. Improvements include, but  
30 are not limited to, the following activities:

31 (a) To acquire property or interests in property when necessary or  
32 desirable for any purpose authorized by sections 67.453 to 67.475;

33 (b) To open, widen, extend and otherwise to improve streets, paving and  
34 other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and  
35 structures, drainage works incidental thereto, and service connections from sewer,  
36 water, gas and other utility mains, conduits or pipes;

37 (c) To improve main and lateral storm water drains and sanitary sewer  
38 systems, and appurtenances thereto;

39 (d) To improve street lights and street lighting systems;

40 (e) To improve waterworks systems;

41 (f) **To improve telecommunications facilities, as defined in**  
42 **section 386.020;**

43 (g) To improve parks, playgrounds and recreational facilities;

44 [(g)] (h) To improve any street or other facility by landscaping, planting  
45 of trees, shrubs, and other plants;

46 [(h)] (i) To improve dikes, levees and other flood control works, gates, lift  
47 stations, bridges and streets appurtenant thereto;

48 [(i)] (j) To improve vehicle and pedestrian bridges, overpasses and  
49 tunnels;

50 [(j)] (k) To improve retaining walls and area walls on public ways or land  
51 abutting thereon;

52 [(k)] (l) To improve property for off-street parking facilities including  
53 construction and equipment of buildings thereon;

54 [(l)] (m) To acquire or improve any other public facilities or

55 improvements deemed necessary by the governing body of the city or county; and

56 ~~[(m)]~~ **(n)** To improve public safety;

57 (6) "Neighborhood improvement district", an area of a city or county with  
58 defined limits and boundaries which is created by vote or by petition under  
59 sections 67.453 to 67.475 and which is benefitted by an improvement and subject  
60 to special assessments against the real property therein for the cost of the  
61 improvement.

67.1461. 1. Each district shall have all the powers, except to the extent  
2 any such power has been limited by the petition approved by the governing body  
3 of the municipality to establish the district, necessary to carry out and effectuate  
4 the purposes and provisions of sections 67.1401 to 67.1571 including, but not  
5 limited to, the following:

6 (1) To adopt, amend, and repeal bylaws, not inconsistent with sections  
7 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections  
8 67.1401 to 67.1571;

9 (2) To sue and be sued;

10 (3) To make and enter into contracts and other instruments, with public  
11 and private entities, necessary or convenient to exercise its powers and carry out  
12 its duties pursuant to sections 67.1401 to 67.1571;

13 (4) To accept grants, guarantees and donations of property, labor, services,  
14 or other things of value from any public or private source;

15 (5) To employ or contract for such managerial, engineering, legal,  
16 technical, clerical, accounting, or other assistance as it deems advisable;

17 (6) To acquire by purchase, lease, gift, grant, bequest, devise, or  
18 otherwise, any real property within its boundaries, personal property, or any  
19 interest in such property;

20 (7) To sell, lease, exchange, transfer, assign, mortgage, pledge,  
21 hypothecate, or otherwise encumber or dispose of any real or personal property  
22 or any interest in such property;

23 (8) To levy and collect special assessments and taxes as provided in  
24 sections 67.1401 to 67.1571. However, no such assessments or taxes shall be  
25 levied on any property exempt from taxation pursuant to subdivision (5) of section  
26 137.100. Those exempt pursuant to subdivision (5) of section 137.100 may  
27 voluntarily participate in the provisions of sections 67.1401 to 67.1571;

28 (9) If the district is a political subdivision, to levy real property taxes and  
29 business license taxes in the county seat of a county of the first classification

30 containing a population of at least two hundred thousand, as provided in sections  
31 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any  
32 property exempt from taxation pursuant to subdivisions (2) and (5) of section  
33 137.100. Those exempt pursuant to subdivisions (2) and (5) of section 137.100  
34 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

35 (10) If the district is a political subdivision, to levy sales taxes pursuant  
36 to sections 67.1401 to 67.1571;

37 (11) To fix, charge, and collect fees, rents, and other charges for use of any  
38 of the following:

39 (a) The district's real property, except for public rights-of-way for utilities;

40 (b) The district's personal property, except in a city not within a county;

41 or

42 (c) Any of the district's interests in such real or personal property, except  
43 for public rights-of-way for utilities;

44 (12) To borrow money from any public or private source and issue  
45 obligations and provide security for the repayment of the same as provided in  
46 sections 67.1401 to 67.1571;

47 (13) To loan money as provided in sections 67.1401 to 67.1571;

48 (14) To make expenditures, create reserve funds, and use its revenues as  
49 necessary to carry out its powers or duties and the provisions and purposes of  
50 sections 67.1401 to 67.1571;

51 (15) To enter into one or more agreements with the municipality for the  
52 purpose of abating any public nuisance within the boundaries of the district  
53 including, but not limited to, the stabilization, repair or maintenance or  
54 demolition and removal of buildings or structures, provided that the municipality  
55 has declared the existence of a public nuisance;

56 (16) Within its boundaries, to provide assistance to or to construct,  
57 reconstruct, install, repair, maintain, and equip any of the following public  
58 improvements:

59 (a) Pedestrian or shopping malls and plazas;

60 (b) Parks, lawns, trees, and any other landscape;

61 (c) Convention centers, arenas, aquariums, aviaries, and meeting  
62 facilities;

63 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and  
64 underpasses, traffic signs and signals, utilities, **telecommunications facilities**  
65 **as defined in section 386.020**, drainage, water, storm and sewer systems, and

- 66 other site improvements;
- 67 (e) Parking lots, garages, or other facilities;
- 68 (f) Lakes, dams, and waterways;
- 69 (g) Streetscape, lighting, benches or other seating furniture, trash  
70 receptacles, marquees, awnings, canopies, walls, and barriers;
- 71 (h) Telephone and information booths, bus stop and other shelters, rest  
72 rooms, and kiosks;
- 73 (i) Paintings, murals, display cases, sculptures, and fountains;
- 74 (j) Music, news, and child-care facilities; and
- 75 (k) Any other useful, necessary, or desired improvement;
- 76 (17) To dedicate to the municipality, with the municipality's consent,  
77 streets, sidewalks, parks, and other real property and improvements located  
78 within its boundaries for public use;
- 79 (18) Within its boundaries and with the municipality's consent, to prohibit  
80 or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls,  
81 bridges, ramps, sidewalks, and tunnels and to provide the means for access by  
82 emergency vehicles to or in such areas;
- 83 (19) Within its boundaries, to operate or to contract for the provision of  
84 music, news, child-care, or parking facilities, and buses, minibuses, or other  
85 modes of transportation;
- 86 (20) Within its boundaries, to lease space for sidewalk cafe tables and  
87 chairs;
- 88 (21) Within its boundaries, to provide or contract for the provision of  
89 security personnel, equipment, or facilities for the protection of property and  
90 persons;
- 91 (22) Within its boundaries, to provide or contract for cleaning,  
92 maintenance, and other services to public and private property;
- 93 (23) To produce and promote any tourism, recreational or cultural activity  
94 or special event in the district by, but not limited to, advertising, decoration of  
95 any public place in the district, promotion of such activity and special events, and  
96 furnishing music in any public place;
- 97 (24) To support business activity and economic development in the district  
98 including, but not limited to, the promotion of business activity, development and  
99 retention, and the recruitment of developers and businesses;
- 100 (25) To provide or support training programs for employees of businesses  
101 within the district;

- 102           (26) To provide refuse collection and disposal services within the district;  
103           (27) To contract for or conduct economic, planning, marketing or other  
104 studies;  
105           (28) To repair, restore, or maintain any abandoned cemetery on public or  
106 private land within the district; and  
107           (29) To carry out any other powers set forth in sections 67.1401 to  
108 67.1571.

109           2. Each district which is located in a blighted area or which includes a  
110 blighted area shall have the following additional powers:

111           (1) Within its blighted area, to contract with any private property owner  
112 to demolish and remove, renovate, reconstruct, or rehabilitate any building or  
113 structure owned by such private property owner; and

114           (2) To expend its revenues or loan its revenues pursuant to a contract  
115 entered into pursuant to this subsection, provided that the governing body of the  
116 municipality has determined that the action to be taken pursuant to such  
117 contract is reasonably anticipated to remediate the blighting conditions and will  
118 serve a public purpose.

119           3. Each district shall annually reimburse the municipality for the  
120 reasonable and actual expenses incurred by the municipality to establish such  
121 district and review annual budgets and reports of such district required to be  
122 submitted to the municipality; provided that, such annual reimbursement shall  
123 not exceed one and one-half percent of the revenues collected by the district in  
124 such year.

125           4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate  
126 to any district any sovereign right of municipalities to promote order, safety,  
127 health, morals, and general welfare of the public, except those such police powers,  
128 if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

129           5. The governing body of the municipality establishing the district shall  
130 not decrease the level of publicly funded services in the district existing prior to  
131 the creation of the district or transfer the financial burden of providing the  
132 services to the district unless the services at the same time are decreased  
133 throughout the municipality, nor shall the governing body discriminate in the  
134 provision of the publicly funded services between areas included in such district  
135 and areas not so included.