

FIRST REGULAR SESSION

HOUSE BILL NO. 651

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHAAF.

Read 1st time March 11, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1922L.011

AN ACT

To repeal section 67.457, RSMo, and to enact in lieu thereof one new section relating to neighborhood improvement district maintenance levies.

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

Section A. Section 67.457, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.457, to read as follows:

67.457. 1. To establish a neighborhood improvement district, the governing body of any city or county shall comply with either of the procedures described in subsection 2 or 3 of this section.

2. The governing body of any city or county proposing to create a neighborhood improvement district may by resolution submit the question of creating such district to all qualified voters residing within such district at a general or special election called for that purpose. Such resolution shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, and the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds **are** issued for the original improvement [are paid in full]. The governing body of the city or county may create a neighborhood improvement district when the question of creating such district has been approved by the vote of the percentage of electors within such district voting thereon that is equal to the percentage of voter approval required for the issuance of general obligation bonds of such city or county under article VI, section 26 of the constitution of this state. The notice of

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

17 election containing the question of creating a neighborhood improvement district shall contain
18 the project name for the proposed improvement, the general nature of the proposed improvement,
19 the estimated cost of such improvement, the boundaries of the proposed neighborhood
20 improvement district to be assessed, the proposed method or methods of assessment of real
21 property within the district, including any provision for the annual assessment of maintenance
22 costs of the improvement in each year after the bonds **are** issued for the original improvement
23 [are paid in full], and a statement that the final cost of such improvement assessed against real
24 property within the district and the amount of general obligation bonds issued therefor shall not
25 exceed the estimated cost of such improvement, as stated in such notice, by more than
26 twenty-five percent. The ballot upon which the question of creating a neighborhood
27 improvement district is submitted to the qualified voters residing within the proposed district
28 shall contain a question in substantially the following form:

29 Shall (name of city or county) be authorized to create a neighborhood
30 improvement district proposed for the (project name for the proposed improvement) and
31 incur indebtedness and issue general obligation bonds to pay for all or part of the cost of public
32 improvements within such district, the cost of all indebtedness so incurred to be assessed by the
33 governing body of the (city or county) on the real property benefited by such
34 improvements for a period of years, and, if included in the resolution, an assessment in each
35 year thereafter with the proceeds thereof used solely for maintenance of the improvement?

36 3. As an alternative to the procedure described in subsection 2 of this section, the
37 governing body of a city or county may create a neighborhood improvement district when a
38 proper petition has been signed by the owners of record of at least two-thirds by area of all real
39 property located within such proposed district. The petition, in order to become effective, shall
40 be filed with the city clerk or county clerk. A proper petition for the creation of a neighborhood
41 improvement district shall set forth the project name for the proposed improvement, the general
42 nature of the proposed improvement, the estimated cost of such improvement, the boundaries
43 of the proposed neighborhood improvement district to be assessed, the proposed method or
44 methods of assessment of real property within the district, including any provision for the annual
45 assessment of maintenance costs of the improvement in each year after the bonds **are** issued for
46 the original improvement [are paid in full], a notice that the names of the signers may not be
47 withdrawn later than seven days after the petition is filed with the city clerk or county clerk, and
48 a notice that the final cost of such improvement assessed against real property within the district
49 and the amount of general obligation bonds issued therefor shall not exceed the estimated cost
50 of such improvement, as stated in such petition, by more than twenty-five percent.

51 4. Upon receiving the requisite voter approval at an election or upon the filing of a
52 proper petition with the city clerk or county clerk, the governing body may by resolution or

53 ordinance determine the advisability of the improvement and may order that the district be
54 established and that preliminary plans and specifications for the improvement be made. Such
55 resolution or ordinance shall state and make findings as to the project name for the proposed
56 improvement, the nature of the improvement, the estimated cost of such improvement, the
57 boundaries of the neighborhood improvement district to be assessed, the proposed method or
58 methods of assessment of real property within the district, including any provision for the annual
59 assessment of maintenance costs of the improvement in each year after the bonds **are** issued for
60 the original improvement [are paid in full], and shall also state that the final cost of such
61 improvement assessed against the real property within the neighborhood improvement district
62 and the amount of general obligation bonds issued therefor shall not, without a new election or
63 petition, exceed the estimated cost of such improvement by more than twenty-five percent.

64 5. The boundaries of the proposed district shall be described by metes and bounds,
65 streets or other sufficiently specific description. The area of the neighborhood improvement
66 district finally determined by the governing body of the city or county to be assessed may be less
67 than, but shall not exceed, the total area comprising such district.

68 6. In any neighborhood improvement district organized prior to August 28, 1994, an
69 assessment may be levied and collected after the original period approved for assessment of
70 property within the district has expired, with the proceeds thereof used solely for maintenance
71 of the improvement, if the residents of the neighborhood improvement district either vote to
72 assess real property within the district for the maintenance costs in the manner prescribed in
73 subsection 2 of this section or if the owners of two-thirds of the area of all real property located
74 within the district sign a petition for such purpose in the same manner as prescribed in subsection
75 3 of this section.