

FIRST REGULAR SESSION

# SENATE BILL NO. 364

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 28, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1816S.011

## AN ACT

To amend chapter 67, RSMo, by adding thereto twenty-one new sections relating to recreational systems of political subdivisions.

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

Section A. Chapter 67, RSMo, is amended by adding thereto twenty-one  
2 new sections, to be known as sections 67.4600, 67.4605, 67.4610, 67.4615,  
3 67.4620, 67.4625, 67.4630, 67.4635, 67.4640, 67.4645, 67.4650, 67.4655, 67.4660,  
4 67.4665, 67.4670, 67.4675, 67.4680, 67.4685, 67.4690, 67.4695, and 67.4700, to  
5 read as follows:

**67.4600. A parks, trails and greenways district may be created,  
2 incorporated and managed pursuant to sections 67.4600 to 67.4700 and  
3 once created may exercise the powers granted to such district pursuant  
4 to section 67.4615. A district shall include a county of the first  
5 classification with a charter form of government and having a  
6 population of less than nine hundred thousand inhabitants, according  
7 to the last decennial census. That district may also include any county  
8 within the same metropolitan statistical area as the county with a  
9 charter form of government. Any county satisfying the requirements  
10 of this section may be included in a district if the voters in such county  
11 vote, pursuant to sections 67.4620 and 67.4625, to be included in that  
12 district. Any recreation system or public parks system that exists  
13 within a district established pursuant to sections 67.4620 to 67.4700  
14 shall remain in existence with the same powers and responsibilities it  
15 had prior to the establishment of such a district. Nothing in sections  
16 67.4600 to 67.4700 shall be construed in any manner to limit or prohibit:**

17 **(1) Later establishment or cessation of any park or recreation**  
18 **system provided by law; or**

19           **(2) Any powers and responsibilities of any park or recreation**  
20 **system provided by state law.**

**67.4605. When a district authorized by 67.4600 is created, it shall**  
2 **be a body corporate and a political subdivision of this state, as that**  
3 **term is defined in section 67.750, and the district shall be known as**  
4 **"..... Parks, Trails and Greenways District". In that name, the**  
5 **district may sue and be sued, issue bonds, and levy and collect taxes or**  
6 **fees pursuant to the limitations of sections 67.4600 to 67.4700.**

**67.4610. Each district established shall be responsible for the**  
2 **planning, development, operation, and maintenance of a public system**  
3 **of interconnecting trails, open space, greenways and parks throughout**  
4 **the counties comprising each district except as otherwise specifically**  
5 **provided under sections 67.4600 to 67.4700. The powers and**  
6 **responsibilities of districts shall be supplemental to, but shall not be a**  
7 **substitute for, the powers and responsibilities of other parks and**  
8 **recreation systems located within the district or for the powers of other**  
9 **conservation and environmental regulatory agencies. Nothing in this**  
10 **section shall be interpreted to grant any district the authority to**  
11 **regulate water quality, watershed, or land use issues in the county or**  
12 **counties comprising the district.**

**67.4615. A parks, trails, and greenways district shall have the**  
2 **power to:**

3           **(1) Prepare or cause to be prepared and adopt a plan or plans for**  
4 **interconnecting systems of public parks, trails, open spaces, and**  
5 **greenways throughout the counties comprising each district;**

6           **(2) Develop, supervise, improve, maintain, and take custody of**  
7 **an interconnecting system of public parks, trails, open space,**  
8 **greenways, and recreational facilities owned, operated, managed, or**  
9 **maintained by the district;**

10          **(3) Issue bonds, notes, or other obligations in furtherance of any**  
11 **power or duty of a district and to refund those bonds, notes, or**  
12 **obligations, as provided in sections 67.4680 to 67.4690;**

13          **(4) Contract with public and private entities, including other**  
14 **parks and recreation agencies, or individuals both within and without**  
15 **the state and contract with the United States or any agency thereof in**  
16 **furtherance of any power or duty of a district;**

17          **(5) Lease, purchase, own, hold, control, contract, and sell any and**

18 all rights in land, buildings, improvements, and all other real or  
19 personal property that is a combination of both; provided that, real  
20 property within a county may only be purchased by a district if a  
21 majority of the board members from the county in which that real  
22 property is located consent to such purchase;

23 (6) Receive property, both real and personal, or money that has  
24 been granted, donated, devised, or bequeathed to the district;

25 (7) Establish a separate district account into which all local sales  
26 taxes received from the director of the department of revenue and  
27 other funds received by the district shall be deposited;

28 (8) Establish and collect reasonable charges for the use of the  
29 facilities of a district;

30 (9) Maintain an office and staff at any place or places in this  
31 state as a district may designate and conduct its business and  
32 operations as is necessary to fulfill the district's duties; and

33 (10) Appoint, when a district board determines it is appropriate,  
34 advisory committees to assist a district board in the exercise of the  
35 powers and duties vested in the district.

67.4620. A question, in substantially the following form, may be  
2 submitted to the voters in each county authorized to establish a  
3 district:

4 Shall there be organized in the County of  
5 ..... , state of Missouri, a parks, trails,  
6 and greenways district for the purposes of planning,  
7 developing, supervising, improving, maintaining, and  
8 taking custody of an interconnecting system of public  
9 parks, trails, open space, greenways, and recreational  
10 facilities within the boundaries of the district, and shall  
11 ..... County join .....  
12 (insert all counties within proposed district) Counties,  
13 provided each approves the formation of this district in  
14 their respective county, to form one district to be known  
15 as "..... Parks, Trails, and Greenways  
16 District", and shall a local sales tax of one tenth of one cent  
17 be levied and collected in County for the support of the  
18 parks, trails, and greenways district, with forty-five  
19 percent of that revenue going to the district and fifty-five

20 percent being returned to ..... County and the cities  
21 within the County for local park improvements?

22  YES  NO

67.4625. In the event that a district is proposed to include more  
2 than one county, and a majority of the votes cast by the qualified voters  
3 voting on a question submitted in a county proposed for inclusion in a  
4 district vote in favor of such proposition, then that district shall be  
5 deemed created and shall include the counties in which a majority of  
6 the voters voting in that county voted in favor of the proposition;  
7 provided that, no district proposed to include more than one county  
8 shall be created unless and until the voters of a county with a charter  
9 form of government and having a population of less than nine hundred  
10 thousand inhabitants has approved such question. If a majority of the  
11 qualified voters in a one county district vote in opposition to the  
12 creation of a district, such district shall not be deemed created unless  
13 and until another question of whether to authorize the creation of the  
14 district and impose the one-tenth of one cent local sales tax is  
15 submitted to the qualified voters of that county and that question is  
16 approved by a majority of the qualified voters voting  
17 thereon. However, in a district proposed to include more than one  
18 county, if a majority of the qualified voters voting in a county proposed  
19 for inclusion vote in opposition, such county shall not be included in  
20 that district. After a district has been created, counties eligible for  
21 inclusion in the district which are not already included in such district,  
22 may join that district if the question is submitted to the voters of such  
23 county and the question is approved in the manner provided under  
24 sections 67.4600 to 67.4690.

67.4630. The governing body of any county located within a  
2 district shall be authorized to impose by order, ordinance or otherwise  
3 a one-tenth of one cent local sales tax on all retail sales subject to  
4 taxation pursuant to sections 144.010 to 144.525, for the purpose of  
5 funding activities that are consistent with the powers and duties of a  
6 district. The tax authorized under this section shall be in addition to  
7 all other sales taxes allowed by law. The provisions of sections 32.085  
8 and 32.087, shall apply to each local sales tax approved pursuant to  
9 sections 67.4600 to 67.4700.

67.4635. The local sales tax authorized in section 67.4630 shall be  
2 collected and allocated in each district as follows:

3 (1) Forty-five percent of the local sales taxes collected from each  
4 county as described in section 67.4635 shall be deposited by the  
5 department in the district fund to be administered by the board of  
6 directors of such district to pay costs associated with the planning,  
7 development, supervision, improvement, maintenance, and custody of  
8 an interconnecting system of trails and recreational facilities within  
9 the boundaries of such district. No more than five percent of the  
10 amount deposited shall be used for grants to local public agencies to be  
11 used for activities that are consistent with the district's powers and  
12 duties. Office and project administration costs may be up to, but not  
13 exceed, fifteen percent of the amount deposited in a district fund;

14 (2) Fifteen percent of the local sales taxes collected from each  
15 county shall be distributed by the department of revenue to the source  
16 county for planning, development, supervision, improvement,  
17 maintenance, and custody of public parks, trails, open space,  
18 greenways, and recreational facilities within the boundaries of the  
19 district; and

20 (3) Forty percent of the local sales taxes collected from each  
21 county shall be distributed by the department of revenue to each of the  
22 cities in such county, in proportion to each city's relative local sales tax  
23 contribution, to be used for planning, development, supervision,  
24 improvement, maintenance, and custody of public parks, trails, and  
25 recreational facilities within the boundaries of the district.

67.4640. 1. Any county levying a local sales tax under the  
2 provisions of sections 67.4600 to 67.4690 shall be prohibited from  
3 administering or collecting the tax locally, but shall utilize the services  
4 of the department of revenue to administer, enforce, and collect such  
5 tax. The sales tax shall be administered, enforced and collected in the  
6 same manner and by the same procedure as other local sales  
7 taxes. Except as modified in this section, all provisions of sections  
8 32.085 and 32.087 shall apply to the tax imposed pursuant to this  
9 section.

10 2. Upon receipt of a certified copy of a resolution from a county  
11 authorizing the levy of the tax authorized under sections 67.4600 to  
12 67.4690 stating the name of the district in which such county is

13 included, the director of the department shall cause the tax to be  
14 collected. All moneys derived from the sales tax imposed under the  
15 provisions of sections 67.4600 to 67.4690 shall be credited to a fund  
16 hereby established for each district in the state treasury. Any refund  
17 due on any local sales tax collected pursuant to sections 67.4600 to  
18 67.4700 shall be paid out of the sales tax refund fund and reimbursed  
19 by the director of revenue from the sales tax revenue collected under  
20 this section. All local sales tax revenue derived from the tax authorized  
21 under sections 67.4600 to 67.4690 shall be remitted at least quarterly by  
22 the director of revenue to each district, the source counties included  
23 in each district, and the cities in each of those counties as provided  
24 under section 67.4635.

67.4645. Notwithstanding the provisions of section 99.845 to the  
2 contrary, the revenues from the local sales taxes imposed under the  
3 provisions of section 67.4600 to 67.4700 shall not be allocated to or paid  
4 by the department to any special allocation fund established by any  
5 municipality under sections 99.800 to 99.865.

67.4650. 1. When a district is created pursuant to sections  
2 67.4600 to 67.4690, the presiding commissioner or county executive of  
3 the county shall appoint one member of the district's board of directors  
4 chosen from the residents of such county. The mayor of the largest city  
5 in such county shall appoint two persons from the residents of such  
6 city, and the mayors of the next five most populous cities in the county  
7 shall, on a rotating basis and in accordance with section 67.4665,  
8 appoint four persons from the residents of those respective cities to  
9 serve on the board. If a district includes more than one county, the  
10 presiding commissioner or county executive of each other county  
11 included in such district shall appoint two members of the board to be  
12 chosen from the residents of such counties. In addition, each other  
13 county that has or attains a population of two hundred thousand  
14 inhabitants shall have one additional board member for every  
15 additional one hundred thousand inhabitants, as the population of that  
16 county is determined by the latest decennial census. One of the board  
17 members from each other county included in the district shall be from  
18 the largest city in that county.

19 2. Any new county entering a district shall appoint the  
20 appropriate number of new board members, as soon as practicable after

21 the date on which the qualified voters of such county approve the  
22 county's inclusion in a district; provided that the appointment shall be  
23 made on or before the date of the second board of directors' meeting  
24 following voter approval.

67.4655. Any county that is a member of a district, and is also a  
2 county with a charter form of government having a population of less  
3 than nine hundred thousand inhabitants, according to the last  
4 decennial census, and the mayors of the second through sixth most  
5 populous cities in such county, also as determined by the most recent  
6 decennial census, shall appoint the board members from the residents  
7 of those cities by December fifteenth of each year. Representation on  
8 the board from such cities shall be on a rotating basis.

9 (1) The second most populous city shall have one member on the  
10 board who shall serve for a term of one year.

11 (2) The third most populous city shall be represented by one  
12 member on the board, who shall serve for a term of two years.

13 (3) The fourth most populous city shall be represented by one  
14 member on the board, who shall serve for a term of three years.

15 (4) The fifth most populous city shall be represented by one  
16 member on the board, who shall serve for a term of four years.

17 (5) The sixth most populous city shall not be represented on the  
18 board.

19 In the second year, the sixth most populous city shall be represented  
20 on the board, and the member shall serve for a term of four years. In  
21 the second year, the second most populous city shall have no  
22 representation on the board. Membership on the board shall rotate in  
23 such manner every year thereafter, with each of the second through  
24 sixth most populous cities not being represented on the board, in this  
25 alternating basis, one of every succeeding four years.

67.4660. 1. The board members appointed to a district shall hold  
2 office for four-year terms; provided that, initial terms of the  
3 representative of the second through the sixth most populous cities in  
4 the county with a charter form of government having a population of  
5 less than nine hundred thousand inhabitants shall be of staggered  
6 lengths as set forth in section 67.4665. On the expiration of the initial  
7 terms of appointment and on the expiration of any subsequent term, the  
8 resulting vacancies shall be filled by the chief elected official of each

9 of the represented cities and counties. All vacancies on the board shall  
10 be filled in the same manner and duration of the term being  
11 filled. Board members shall serve until their successors are named and  
12 the successors have commenced their terms as board members. Board  
13 members shall be eligible for reappointment.

14 2. The chief elected official of each city or county that has  
15 membership on the board of a district may replace a board member  
16 representing such official's city or county at any time, in such elected  
17 official's sole discretion. Upon removal, the chief elected official shall  
18 appoint another individual to represent such city or county.

67.4665. Promptly after their appointment, the initial board  
2 members of a district shall hold an organizational meeting and shall  
3 elect a president, secretary, and treasurer and any other officers from  
4 among their number as they may deem necessary. The members shall  
5 make and adopt bylaws, rules, and regulations for their guidance, as  
6 may be expedient and not inconsistent with sections 67.4600 to 67.4700.

67.4670. Board members shall be citizens of the United States and  
2 shall reside within the county or city, as the case may be, from which  
3 they are appointed. No board member shall receive compensation for  
4 performance of duties as a board member. No board member shall be  
5 financially interested directly or indirectly in any contract entered into  
6 pursuant to sections 67.4600 to 67.4700.

67.4675. When a public highway, street or road extends into or  
2 through a public trail, trail area, greenway or park area of a district,  
3 or when a public highway, street or road forms all or part of a suitable  
4 connection between two or more public trails, trail areas, or park areas  
5 within a district, and it is advisable by the board to make alterations  
6 in the route or width of the highway or to grade, drain, pave, or  
7 otherwise improve the highway, the board may enter into agreements,  
8 consistent with the purposes of such district, with the public  
9 authorities in control of the portion of such highway, street, or road  
10 that lies within any, or forms any part of, a connecting link to and  
11 between any public trail, trail area, or park area of a district. Any  
12 agreement with such a public authority shall follow the procedure  
13 authorized by law for dealing with such authority, and any agreement  
14 shall provide for the payment by the board of an agreed-upon portion  
15 of the costs of such agreement. This section shall not alter the legal

16 status of such highway, street, or road in any way.

67.4680. No district created under sections 67.4600 to 67.4700  
2 shall exercise the power of eminent domain.

67.4685. 1. Bonds of a district authorized by sections 67.4600 to  
2 67.4700 shall be issued pursuant to a resolution adopted by the board  
3 of directors of such district, which shall set out the estimated cost to  
4 the district of proposed improvements, and shall further set out the  
5 amount of bonds to be issued, their purpose or purposes, their date or  
6 dates, denomination or denominations, rate or rates of interest, time or  
7 times of payment, both of principal and of interest, place or places of  
8 payment and all other details in connection with such bonds. Such  
9 bonds may be subject to provisions for redemption prior to maturity,  
10 with or without premium, and at the times and upon the conditions as  
11 may be provided by the resolution.

2. Notwithstanding provisions of section 108.170 to the contrary,  
13 bonds authorized under this section shall bear interest at a rate or  
14 rates determined by the issuing district and shall mature within a  
15 period not exceeding twenty years and may be sold at public or private  
16 sale for not less than ninety-five percent of the principal amount of the  
17 bonds to be issued. Bonds issued by a district shall possess all of the  
18 qualities of negotiable instruments pursuant to the laws of this state.

3. Bonds may be payable to bearer, may be registered or coupon  
20 bonds and if payable to bearer, may contain any registration provisions  
21 as to either principal and interest, or principal only, as may be  
22 provided in the resolution authorizing such bonds, which may also  
23 provide for the exchange of registered and coupon bonds. Bonds and  
24 any coupons attached thereto shall be signed by the officers of the  
25 district as may be provided by the resolution authorizing the bonds. A  
26 district may provide for the replacement of any bond that has become  
27 mutilated, destroyed, or lost.

4. Bonds issued by a district shall be payable as to principal,  
29 interest, and redemption premium, if any, out of all or any part of the  
30 issuing district's parks, trails, and greenways fund, including revenues  
31 derived from local sales taxes and any other monies held by such  
32 district. Neither the board members nor any person executing the  
33 bonds shall be personally liable on those bonds by reason of the  
34 issuance of such bonds. Bonds issued pursuant to sections 67.4695 and

35 67.4700 shall not constitute a debt, liability or obligation of this state,  
36 or any political subdivision of this state, nor shall any such obligations  
37 be a pledge of the faith and credit of this state, but shall be payable  
38 solely from the revenues and assets held by the issuing district. The  
39 issuance of bonds pursuant to section 67.4695 to 67.4700 shall not  
40 directly, indirectly, or contingently obligate this state or any political  
41 subdivision of this state, other than the district issuing the bonds, to  
42 levy any form of taxation for such bonds or to make any appropriation  
43 for their payment. Each obligation or bond issued pursuant to section  
44 67.4695 and 67.4700 shall contain, on its face, a statement that the  
45 issuing district shall not be obligated to pay such bond nor the interest  
46 on such bonds, except from the revenues received by the issuing  
47 district or assets of such district lawfully pledged for such district, and  
48 that neither the good faith and credit nor the taxing power of this state  
49 or of any political subdivision of this state, other than the issuing  
50 district, is pledged to the payment of the principal of, or the interest,  
51 on such obligation or bond. The proceeds from bonds shall be  
52 disbursed in the manner and pursuant to the restrictions the district  
53 may provide in the resolution authorizing the issuance of those bonds.

67.4690. 1. A district may issue negotiable refunding bonds for  
2 the purpose of refunding, extending, or unifying the whole or any part  
3 of any bonds of a district then outstanding, or any bonds, notes or other  
4 obligations issued by any other public agency, public body or political  
5 subdivision in connection with any facilities to be acquired, leased or  
6 subleased by that district, which refunding bonds shall not exceed the  
7 amount necessary to refund the principal of the outstanding bonds to  
8 be refunded and the accrued interest on those bonds to the date of that  
9 refunding, together with any redemption premium, amounts necessary  
10 to establish reserve and escrow funds and all costs and expenses  
11 incurred in connection with the refunding. The board shall provide for  
12 the payment of interest and principal of any refunding bonds in the  
13 same manner as was provided for the payment of interest and principal  
14 of the bonds refunded.

15 2. In the event that any of the board members or officers of a  
16 district whose signatures appear on any bonds or coupons shall cease  
17 to be on the board or cease to be an officer before the delivery of those  
18 bonds, those signatures shall remain valid and sufficient for all

19 purposes, the same as if that board members or officers had remained  
20 in office until the delivery of those bonds.

67.4695. Each district is hereby declared to be performing a  
2 public function and bonds of a district are declared to be issued for an  
3 essential public and governmental purpose and, accordingly, interest  
4 on those bonds and income from those bonds shall be exempt from  
5 income taxation by this state.

67.4700. All purchases by a district in excess of ten thousand  
2 dollars used in the construction or maintenance of any public  
3 recreational facility, trail, park, or greenway in that district shall be  
4 made pursuant to the lowest and best bid standard as provided in  
5 section 34.040, or pursuant to the lowest and best proposal standard as  
6 provided in section 34.042. The board of any district shall have the  
7 same discretion, powers, and duties as granted to the commissioner of  
8 administration by sections 34.040 and 34.042.

✓

Bill

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