

SECOND REGULAR SESSION

HOUSE BILL NO. 1625

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MUCKLER.

Read 1st time March 4, 2002, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4805L.011

AN ACT

To repeal sections 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 144.757, and 144.759, RSMo, and to enact in lieu thereof two new sections relating to local use taxes.

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

Section A. Sections 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 144.757, and
2 144.759, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as
3 sections 144.757 and 144.759, to read as follows:

144.757. 1. Any county or municipality, except municipalities within a county [of the
2 first classification] having a charter form of government with a population in excess of nine
3 hundred thousand may, by a majority vote of its governing body, impose a local use tax if a local
4 sales tax is imposed as defined in section 32.085, RSMo, at a rate equal to the rate of the local
5 sales tax in effect in such county or municipality; provided, however, that no ordinance or order
6 enacted pursuant to sections 144.757 to 144.761 shall be effective unless the governing body of
7 the county or municipality submits to the voters thereof at a municipal, county or state general,
8 primary or special election [prior to August 7, 1996, or after December 31, 1996,] a proposal to
9 authorize the governing body of the county or municipality to impose a local use tax pursuant
10 to sections 144.757 to 144.761. Municipalities within a county [of the first classification] having
11 a charter form of government with a population in excess of nine hundred thousand may, upon
12 voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this
13 section, impose a local use tax at the same rate as the local municipal sales tax with the revenues
14 from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890,
15 RSMo. The municipality shall within thirty days of the approval of the use tax imposed pursuant

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.

16 to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution
17 options permitted in subsection 4 of section 94.890, RSMo, for distribution of all municipal use
18 taxes.

19 2. (1) The ballot of submission, except for counties and municipalities described in
20 subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

21 Shall the (county or municipality's name) impose a local use tax at the same rate
22 as the total local sales tax rate, currently (insert percent), provided that if the local sales
23 tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or
24 raised by the same action? A use tax return shall not be required to be filed by persons whose
25 purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar
26 year.

27 ☐ YES ☐ NO

28 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
29 to the question, place an "X" in the box opposite "No".

30 (2) (a) The ballot of submission in a county [of the first classification] having a charter
31 form of government with a population in excess of nine hundred thousand shall contain
32 substantially the following language:

33 For the purposes of [preventing neighborhood decline, demolishing old deteriorating and
34 vacant buildings, rehabilitating historic structures, cleaning polluted sites, promoting
35 reinvestment in neighborhoods by creating the (name of county) Community Comeback
36 Program; and for the purposes of] **economic development and** enhancing local government
37 services[;], shall the county [governing body] be authorized to collect a local use tax equal to the
38 total of the existing county sales tax rate of (insert tax rate), provided that if the county sales tax
39 is repealed, reduced or raised by voter approval, the local use tax rate shall also be repealed,
40 reduced or raised by the same voter action? [The Community Comeback Program] **Fifty**
41 **percent of the revenue shall be used for economic development, including retention,**
42 **creation, and attraction of better paying jobs, and fifty percent shall be used for enhancing**
43 **local government services. The county** shall be required to [submit] **make available** to the
44 public [a] **an audited** comprehensive financial report detailing the management and use of
45 **economic development** funds each year.

46 A use tax is the equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers
47 and on certain taxable business transactions. A use tax return shall not be required to be filed
48 by persons whose purchases from out-of-state vendors do not in total exceed two thousand
49 dollars in any calendar year.

50 ☐ YES ☐ NO

51 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed

52 to the question, place an "X" in the box opposite "No".

53 (b) The ballot of submission in a municipality within a county [of the first classification]
54 having a charter form of government with a population in excess of nine hundred thousand shall
55 contain substantially the following language:

56 Shall the municipality be authorized to impose a local use tax at the same rate as the local
57 sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced
58 or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised
59 by the same action? A use tax return shall not be required to be filed by persons whose
60 purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar
61 year.

62 ☐ YES ☐ NO

63 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
64 to the question, place an "X" in the box opposite "No".

65 (3) The ballot of submission in any city not within a county shall contain substantially
66 the following language:

67 Shall the (city name) impose a local use tax at the same rate as the local sales
68 tax, currently at a rate of (insert percent) which includes the capital improvements sales tax
69 and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by
70 voter approval, the respective local use tax shall also be repealed, reduced or raised by the same
71 action? A use tax return shall not be required to be filed by persons whose purchases from
72 out-of- state vendors do not in total exceed two thousand dollars in any calendar year.

73 ☐ YES ☐ NO

74 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
75 to the question, place an "X" in the box opposite "No".

76 (4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes
77 cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the
78 ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the
79 director of revenue receives notice of adoption of the local use tax on or before August 16, 1996.
80 If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast
81 on the proposal by the qualified voters voting thereon are in favor of the proposal, then the
82 ordinance or order and any amendments thereto shall be in effect on the first day of the calendar
83 quarter which begins at least forty-five days after the director of revenue receives notice of
84 adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are
85 opposed to the proposal, then the governing body of the county or municipality shall have no
86 power to impose the local use tax as herein authorized unless and until the governing body of the
87 county or municipality shall again have submitted another proposal to authorize the governing

88 body of the county or municipality to impose the local use tax [pursuant to sections 144.757 to
89 144.761] and such proposal is approved by a majority of the qualified voters voting thereon.

90 3. The local use tax may be imposed at the same rate as the local sales tax then currently
91 in effect in the county or municipality upon all transactions which are subject to the taxes
92 imposed pursuant to sections 144.600 to 144.745 within the county or municipality adopting
93 such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced
94 or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced
95 or raised by the same action repealing, reducing or raising the local sales tax.

96 4. For purposes of sections 144.757 to 144.761 [and sections 67.478 to 67.493, RSMo],
97 the use tax may be referred to or described as the equivalent of a sales tax on purchases made
98 from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a
99 description shall not change the classification, form or subject of the use tax or the manner in
100 which it is collected.

144.759. 1. All local use taxes collected by the director of revenue pursuant to sections
2 144.757 to 144.761 on behalf of any county or municipality, less one percent for cost of
3 collection, which shall be deposited in the state's general revenue fund after payment of
4 premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the
5 state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local
6 sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state
7 funds and shall not be commingled with any funds of the state. The director of revenue shall
8 keep accurate records of the amount of money in the trust fund which was collected in each
9 county or municipality imposing a local use tax, and the records shall be open to the inspection
10 of officers of the county or municipality and to the public. No later than the tenth day of each
11 month, the director of revenue shall distribute all moneys deposited in the trust fund during the
12 preceding month, except as provided in subsection 2 of this section, to the county or municipality
13 treasurer, or such other officer as may be designated by the county or municipality ordinance or
14 order, of each county or municipality imposing the tax authorized by sections 144.757 to
15 144.761, the sum due the county or municipality as certified by the director of revenue.

16 2. The director of revenue shall distribute all moneys which would be due any county
17 [of the first classification] having a charter form of government and having a population of nine
18 hundred thousand or more to the county treasurer or such other officer as may be designated by
19 county ordinance, who shall distribute such moneys as follows: the portion of the use tax
20 imposed by the county which equals one-half the rate of sales tax in effect for such county shall
21 be disbursed to the county [community comeback trust authorized pursuant to sections 67.478
22 to 67.493, RSMo] **treasurer for expenditure for economic development purposes, as defined**
23 **in this section, subject to any qualifications and regulations adopted by ordinance of the**

24 **county. Such ordinance shall require an audited comprehensive financial report detailing**
25 **the management and use of economic development funds each year, and require that the**
26 **county prepare an economic development strategy to guide expenditures of funds and**
27 **conduct an annual review of the strategy.** The treasurer or such other officer as may be
28 designated by county ordinance shall distribute one-third of the balance to the county and to each
29 city, town and village in group B according to section 66.620, RSMo, as modified by this
30 section, a portion of the **two-thirds** remainder of such balance equal to the percentage ratio that
31 the population of each such city, town or village bears to the total population of all such group
32 B cities, towns and villages. For the purposes of this subsection, population shall be determined
33 by the last federal decennial census or the latest census that determines the total population of
34 the county and all political subdivisions therein. For the purposes of this subsection, each city,
35 town or village in group A according to section 66.620, RSMo, but whose per capita sales tax
36 receipts during the preceding calendar year pursuant to sections 66.600 to 66.630, RSMo, were
37 less than the per capita countywide average of all sales tax receipts during the preceding calendar
38 year, shall be treated as a group B city, town or village until the per capita amount distributed to
39 such city, town or village equals the difference between the per capita sales tax receipts during
40 the preceding calendar year and the per capita countywide average of all sales tax receipts during
41 the preceding calendar year.

42 3. The director of revenue may authorize the state treasurer to make refunds from the
43 amounts in the trust fund and credited to any county or municipality for erroneous payments and
44 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
45 such counties or municipalities. If any county or municipality abolishes the tax, the county or
46 municipality shall notify the director of revenue of the action at least ninety days prior to the
47 effective date of the repeal, and the director of revenue may order retention in the trust fund, for
48 a period of one year, of two percent of the amount collected after receipt of such notice to cover
49 possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited
50 to the credit of such accounts. After one year has elapsed after the effective date of abolition of
51 the tax in such county or municipality, the director of revenue shall authorize the state treasurer
52 to remit the balance in the account to the county or municipality and close the account of that
53 county or municipality. The director of revenue shall notify each county or municipality of each
54 instance of any amount refunded or any check redeemed from receipts due the county or
55 municipality.

56 4. Except as modified in sections 144.757 to 144.761, all provisions of sections 32.085
57 and 32.087, RSMo, applicable to the local sales tax, except for subsection 12 of section 32.087,
58 RSMo, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed pursuant
59 to sections 144.757 to 144.761, and the director of revenue shall perform all functions incident

60 to the administration, collection, enforcement, and operation of the tax.

61 **5. As used in this section, "economic development" means:**

62 **(1) Expenditures for infrastructure and sites for business development or for public**
63 **infrastructure projects;**

64 **(2) Purchase, assembly, clearance, demolition, environmental remediation,**
65 **planning, redesign, reconstruction, rehabilitation, construction, modification or expansion**
66 **of land, structures and facilities, public or private, either in connection with a reinvestment**
67 **project in areas with underused, derelict, economically challenged, or environmentally**
68 **troubled sites, or in connection with business attraction, retention, creation, or expansion;**

69 **(3) Expenditures related to business district activities such as facade improvements,**
70 **landscaping, street lighting, sidewalk construction, trash receptacles, park benches, and**
71 **other public improvements;**

72 **(4) Expenditures for the provision of workforce training and educational support**
73 **in connection with job creation, retention, attraction, and expansion;**

74 **(5) Development and operation of business incubator facilities, and related**
75 **entrepreneurship support programs;**

76 **(6) Capitalization or guarantee of small business loan or equity funds;**

77 **(7) Expenditures for business development activities including attraction, creation,**
78 **retention, and expansion; and**

79 **(8) Related administration expenses of economic and community development**
80 **programs, provided that such expenses shall not exceed five percent of annual revenues.**

2 [67.478. Sections 144.757 to 144.761, RSMo, and sections
3 67.478 to 67.493 shall be known and may be cited as the "Community
4 Comeback Act".]

2 [67.481. As used in sections 144.757 to 144.761, RSMo, and
3 sections 67.478 to 67.493, the following terms mean:

3 (1) "Community comeback plan" and "plan", a
4 comprehensive countywide plan adopted by the community
5 comeback trust board and the governing body of the county that
6 identifies potential areas for reinvestment, projects and strategies to
7 promote neighborhood reinvestment throughout the county, and that
8 clearly identifies on a map the priority comeback communities. The
9 plan shall be a five-year strategic and operating plan, complete with
10 goals, objectives, targets and mechanisms or methods of measuring
11 accomplishments, revised annually;

12 (2) "Community comeback program", "community comeback
13 trust" and "trust", a fund held in the treasury of the county which shall
14 be the repository for all taxes and other moneys raised pursuant to

sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, and authorized by the governing body of the county for the purposes of promoting neighborhood reinvestment;

(3) "Community comeback program board", "community comeback trust board" and "board", the entity established pursuant to sections 67.478 to 67.493 that is responsible for administering the comeback community trust;

(4) "Community comeback trust citizen advisory committee" and "advisory committee", an eleven-member committee established pursuant to sections 67.478 to 67.493 that is responsible for advising the community comeback fund board on the best methods of promoting neighborhood reinvestment;

(5) "Eligible expenses", costs qualified for funding through the community comeback trust which are:

(a) Incurred for the purchase, assembly, clearance, demolition and environmental remediation of land, structures and facilities, public or private, either as part of a neighborhood reinvestment project or to prepare sites for future use in areas with underutilized, derelict, economically challenged or environmentally troubled sites;

(b) Related to planning, redesign, clearance, reconstruction, structure rehabilitation, site remediation, construction, modification, expansion, remodeling, structural alteration, replacement or renovation of any structure in a priority comeback community;

(c) Expended for capital improvements or infrastructure improvements to facilitate economic development;

(d) Expended for residential redevelopment including, but not limited to, buyouts, land-assembly costs, infrastructure improvements and costs associated with preparing sites for housing construction; professional service expenses such as architectural, planning, engineering, design, marketing or other related expenses;

(e) Related to community improvement district or special business district expenses such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches and other public improvements;

(f) Expenses related to facilitating transit-oriented developments, home improvement and home buyer loan programs; and

(g) Expenses eligible for funding through the select neighborhood action program;

(6) "Neighborhood reinvestment project" and "project", the planning, development, redesign, clearance, reconstruction or rehabilitation or any combination thereof in order to improve those residential, commercial, industrial, public or other structures or

spaces and the infrastructure serving them as may be appropriate or necessary in the interest of the general welfare;

(7) "Petition", a petitioner's request for funding made to the community comeback trust;

(8) "Petitioner", the governing body of any municipality, the governing body of the county, any land clearance for redevelopment authority within the county organized pursuant to chapter 99, RSMo, or any not-for-profit economic development organization with a governing board not less than two-thirds of the members of which are appointed by the chief elected official of the county or by one or more organizations with governing boards appointed by the chief elected official;

(9) "Priority comeback community", an area in a county which encompasses an entire United States census block group and has a median household income below the median household income for such entire county;

(10) "Priority comeback project", a funding proposal submitted to a community comeback trust by a petitioner whose area is substantially within a priority comeback community;

(11) "Proposal", a petitioner's funding request for the eligible expenses of a neighborhood reinvestment project submitted to a trust by a petitioner;

(12) "Select neighborhood action program" and "SNAP", a grant program, administered and funded pursuant to subsection 5 of section 67.490;

(13) "Select neighborhood action program applicant" and "SNAP applicant", a neighborhood organization or not-for-profit organization whose mission is consistent with the community comeback plan. The organization shall have a municipal sponsor or a county sponsor if the area is unincorporated. The organization shall have been in existence for at least six months and meet at least once a year in order to be eligible for a SNAP grant;

(14) "SNAP grant", an endowment of money by the board to a SNAP applicant pursuant to subsection 5 of section 67.490.]

[67.484. 1. A community comeback trust may be created, incorporated and managed pursuant to this section by any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants according to the last decennial census, and may exercise the powers given to such trust pursuant to sections 67.478 to 67.493. A trust may sue and be sued, issue general revenue bonds and receive county use tax revenue pursuant to the limitations of this section. A trust shall have as its

primary duties the prevention of neighborhood decline, the demolition of old deteriorating and vacant buildings, rehabilitating historic structures, the cleaning of polluted sites and the promotion of neighborhood reinvestment where such investment is essential to reverse or stabilize a stagnant or declining pattern in household income, assessed values, occupancies and related characteristics.

2. The governing body of the county is hereby authorized to impose by ordinance a local use tax pursuant to sections 144.757 to 144.761, RSMo, for the purpose of funding the creation, operation and maintenance of a community comeback trust, as well as to provide revenue to the county and municipalities authorized to receive moneys generated by said tax pursuant to section 144.759, RSMo. The governing body of the county enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The question shall be submitted to the voters in the county pursuant to section 144.757, RSMo.

3. (1) The community comeback trust board shall be composed of seven members as provided in this subsection. No member shall be an elected official, employee or contractor of the county or any municipality within the county or of any organization representing the county or any municipality within the county. Board members shall be citizens of the United States and shall reside within the county. No two members of the board shall be residents of the same county council district of such county. No member shall receive compensation for performance of board duties. No member shall be financially interested directly or indirectly in any contract entered into by the trust or by any petitioner. In the event that any property owned by a board member or the immediate family member of such board member is located in a priority comeback community, the member shall disclose such information to the board and abstain from any formal or informal actions regarding any project in that neighborhood.

(2) The chief elected official of any municipality wholly within the county and any member of the governing body of the county shall nominate individuals to serve on the board by providing a list of nominees to the county executive who shall appoint the members. Of the total members, at least four shall be residents of municipalities within the county and at least one shall have each of the following professions: a professional architect or engineer; an urban planner or design professional; a developer or builder; and an accountant or an attorney.

52 (3) The seat of a member shall be automatically vacated when
53 the member changes his or her residence so as to no longer conform
54 to the terms of the requirements of the member's appointment. The
55 board shall promptly notify the county executive of such a change of
56 residence, the pending expiration of any member's term, any
57 member's need to vacate his or her seat or any vacancy on the board.
58 A member whose term has expired shall continue to serve until the
59 successor is appointed and qualified.

60 (4) Upon the passage of an ordinance by the governing body
61 of the county establishing the community comeback trust, the
62 governing body of the county shall, within ten days, send by United
63 States mail written notice of the passage of the ordinance to the chief
64 elected officials of each municipality wholly in the county.

65 (5) Each of the nominating authorities described in
66 subdivision (2) of this subsection shall, within forty-five days of the
67 passage of the ordinance establishing the board or within fourteen
68 days of being notified of a board vacancy by the county executive,
69 submit its list of nominees to the county executive. The county
70 executive shall appoint members within sixty days of the passage of
71 the ordinance or within thirty days of being notified by the board of
72 a vacancy on the board. If a list of nominees is not submitted by the
73 time specified, the county executive shall appoint the members using
74 the criteria set forth in this section. (6) At the first meeting of the
75 board appointed after the effective date of the ordinance, the members
76 shall choose by lot the length of their terms. Three shall serve for one
77 year, two for two years, and two for three years. All succeeding
78 members shall serve terms of three years. Terms shall end on
79 December thirty-first of the respective year. No member shall serve
80 more than two consecutive full terms. Full terms shall include any
81 term longer than two years.

82 4. The board, its employees and subcontractors shall be
83 subject to the regulation of conflicts of interest as defined in sections
84 105.450 to 105.498, RSMo, and to the requirements for open
85 meetings and records pursuant to chapter 610, RSMo. The board
86 shall enact and adopt all rules, regulations and procedures that are
87 reasonably necessary to achieve the objectives of sections 67.478 to
88 67.493, and not inconsistent therewith, no sooner than twenty-seven
89 calendar days after notifying all municipalities and the county of the
90 proposed rule, regulation or procedure enactment or change. Notice
91 may be given by ordinary mail, by electronic mail or by publishing in
92 at least one newspaper of general circulation qualified to publish legal
93 notices. No new or amended rule, regulation or procedure shall apply
94 retroactively to any proposal pending before the trust without the

95 agreement of the petitioner. The board shall have the exclusive
96 control of the expenditures of all money collected to the credit of the
97 trust, subject to annual appropriations by the governing body of the
98 county. The county government shall provide the trust staff. No
99 more than five percent of the trust's annual budget shall be used for
100 the trust's annual administrative expenses.

101 5. The trust is authorized to issue bonds, notes or other
102 obligations for any proposal, and to refund such bonds, notes or
103 obligations, as provided in subsection 3 of this section; and to receive
104 and liquidate property, both real and personal, or money which has
105 been granted, donated, devised or bequeathed to the district. The trust
106 shall not have any power of eminent domain.

107 6. (1) Bonds issued pursuant to this section shall be issued
108 pursuant to a resolution adopted by five-sevenths of the board which
109 shall set out the estimated cost to the trust of the proposed
110 improvements, and shall further set out the amount of the bonds to be
111 issued, their purpose or purposes, their date or dates, denomination or
112 denominations, rate or rates of interest, time or times of payment,
113 both of principal and of interest, place or places of payment and all
114 other details in connection with such bonds. Any such bonds may be
115 subject to such provision for redemption prior to maturity, with or
116 without premium, and at such times and upon such conditions as may
117 be provided by the resolution.

118 (2) Notwithstanding the provisions of section 108.170,
119 RSMo, such bonds shall bear interest at rate or rates determined by
120 the trust, shall mature within a period not exceeding twenty years and
121 may be sold at public or private sale for not less than ninety-five
122 percent of the principal amount of such bonds. Bonds issued by the
123 trust shall possess all of the qualities of negotiable instruments
124 pursuant to the laws of this state.

125 (3) Such bonds may be payable to the bearer, may be
126 registered or coupon bonds, and, if payable to bearer, may contain
127 such registration provisions as to either principal and interest, or
128 principal only, as may be provided in the resolution authorizing such
129 bonds, which resolution may also provide for the exchange of
130 registered and coupon bonds. Such bonds and any coupons attached
131 thereto shall be signed in such manner and by such officers of the
132 district as may be provided by the resolution authorizing the bonds.
133 The trust may provide for the replacement of any bond which has
134 become mutilated, destroyed or lost.

135 (4) Bonds issued by the trust shall be payable as to principal,
136 interest and redemption premium, if any, out of all or any part of the
137 trust fund, including revenues derived from use taxes. Neither the

board members nor any person executing the bonds shall be personally liable on such bonds by reason of the issuance of such bonds. Bonds issued pursuant to this section shall not constitute a debt, liability or obligation of this state, or any political subdivision of this state, nor shall any such obligations be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and assets held by the trust. The issuance of bonds pursuant to this section shall not directly, indirectly or contingently obligate this state or any political subdivision of this state to levy any form of taxation for such bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the trust shall not be obligated to pay such bond nor interest on such bond except from the revenues received by the trust or assets of the trust lawfully pledged for such trust, and that neither the faith or credit nor the taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions as the trust may provide in the resolution authorizing the issuance of such bonds.

(5) The trust may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities or land to be acquired, leased or subleased by the trust, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the accrued interest on such bonds to the date of such refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The board shall provide for the payment of interest and principal of such refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.

(6) In the event that any of the members or officers of the trust whose names appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the delivery of such bonds, such signatures shall remain valid and sufficient for all purposes, the same as if such board members or officers had remained in office until such delivery.

(7) The trust is hereby declared to be performing a public function and bonds of the trust are declared to be issued for an essential public and governmental purpose, and, accordingly, interest

on such bonds and income from such bonds shall be exempt from income taxation by this state. All purchases in excess of ten thousand dollars shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board of the trust shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo.]

[67.487. 1. Within fourteen days of the first meeting of the first board appointed following the effective date of the ordinance, the board shall notify by mail the chief elected officials of all municipalities wholly within the county, the chief elected official of the county and all the members of the governing body of the county of the requirement to conduct a planning process and adopt a community comeback plan.

2. The board shall solicit full citizen, county and municipal involvement in developing the plan. The board shall conduct public hearings throughout the county to seek input regarding the plan, and may convene meetings with the appropriate staff of the county and municipalities in order to seek input and to coordinate the logistics of producing the plan. A copy of the plan shall be sent to the chief elected official of every municipality wholly within the county, the chief elected official of the county and each member of the governing body of the county.

3. The board and the governing body of the county shall annually revise and adopt a plan.

4. Each plan shall include a map of the county, as well as a text enumerating the efforts expected each year in the various subregions of the county. Each plan shall address the factors that are causing or are likely to cause one or more of the following:

- (1) Assessed values below the county average;
- (2) Median household incomes below the county median;
- (3) An unemployment rate above the county average;
- (4) A reduction in the number of jobs with an emphasis upon those jobs paying average or above-average salaries;
- (5) Failure to keep pace with the average growth rate in home values in the metropolitan area or county; and
- (6) A high vacancy rate among residential, commercial and industrial properties.

5. Each plan shall include an analysis of the condition of the housing stock in the various subregions of the county, a market analysis of the home-buying market with a focus on the impediments

35 to attracting home buyers to those subregions and an analysis of the
36 physical infrastructure needs that prevent economic growth.

37 6. The board may consider the following factors when
38 determining the appropriate areas and strategies for investment:

39 (1) Buildings that are unsafe or unhealthy for occupancy due
40 to code violations, dilapidation, defective design, faulty utilities or
41 any other negative conditions;

42 (2) Factors that prevent or substantially hinder the
43 economically viable use of buildings or lots, such as substandard
44 design, inadequate size, lack of parking or any other conditions;

45 (3) Incompatible uses that prevent economic development;

46 (4) Subdivided lots of irregular form and shape and
47 inadequate size for proper usefulness that have multiple ownership;

48 (5) Depreciated or stagnant property values, including
49 properties that contain hazardous wastes;

50 (6) Abnormally high business vacancies, abnormally low
51 lease rates, high turnover rates, abandoned buildings, or excessive
52 vacant lots within an area developed for urban use and served by
53 utilities;

54 (7) The existence of conditions that are not conducive to
55 public safety; and

56 (8) The lack of necessary commercial facilities normally
57 found in neighborhoods.

58 7. Each plan shall outline specific strategies to address the
59 problems facing the various subregions and neighborhoods within the
60 county. The plan shall also discuss the partnerships that can be made
61 with federal, state and local governments, as well as businesses, labor
62 organizations, nonprofit groups, religious and other groups and
63 citizens to help implement the plan. These strategies shall include
64 estimated costs and time lines for completion.

65 8. The board shall produce an annual report focusing on the
66 accomplishments of the trust relative to the goals set forth in the plan,
67 the goals for the next year and the challenges facing the trust. The
68 annual report shall be given to the chief elected officials of all the
69 municipalities wholly within the county, the chief elected official of
70 the county, the members of the governing board of the county and the
71 public libraries within the county, and shall be posted on the county
72 Internet web site.

73 9. Every year, the board shall commission an independent
74 financial audit, the report of which shall be distributed in the same
75 manner as the annual report pursuant to subsection 8 of this section.

76 10. Every five years, the board shall commission an
77 independent management audit. The management audit shall include

78 a comprehensive analysis of development trends, factors and practices
79 along with specific recommendations to improve the trust's ability to
80 achieve its mission. The management audit shall be reviewed by the
81 advisory committee which may offer constructive advice on
82 enhancing practices in order to achieve the goals of the program. The
83 management audit shall be distributed in the same manner as the
84 annual report pursuant to subsection 8 of this section. The board is
85 authorized to take any necessary and proper steps to address the
86 issues and recommendations contained within the management audit.

87 11. (1) The board shall establish an eleven-member advisory
88 committee that shall meet four times each year and shall advise
89 petitioners, staff and the board. The advisory committee members
90 shall be appointed by the county executive. At least six of the
91 advisory committee's members shall be nominated by the municipal
92 league within the county and at least three shall be nominated by the
93 members of the governing body of the county. No advisory
94 committee member shall receive compensation for performance of
95 duties as a committee member.

96 (2) At least one of the advisory committee members shall be
97 a university professor well-versed in regional development issues. At
98 least two of the advisory committee members shall be municipal
99 officials from communities that have undertaken redevelopment
100 programs as part of larger planning efforts. At least one of the
101 advisory committee members shall be an attorney with experience in
102 redevelopment activities. At least two of the advisory committee
103 members shall be residents of priority comeback communities who
104 have been active in advocating effective redevelopment policies. At
105 least one of the advisory committee members shall be a private
106 professional familiar with the factors influencing business location
107 decisions. At least one of the advisory committee members shall be
108 an individual familiar with education and training practices and
109 workforce needs, with an understanding of how labor availability
110 impacts business location decisions. At least one of the advisory
111 committee members shall be a planner from the private sector
112 knowledgeable in the area of strategic planning and the principles of
113 multiyear rolling plans.

114 (3) The advisory committee shall promptly notify the county
115 executive of the pending expiration of any member's term or any
116 vacancy on the advisory committee. A member whose term has
117 expired shall continue to serve until his or her successor is appointed
118 and qualified.

119 (4) The board shall establish the advisory committee by
120 resolution at the board's first meeting. The board shall, within ten

121 days of the passage of the resolution establishing the advisory
122 committee, send by United States mail written notice of the passage
123 of the resolution to the county's municipal league and the members of
124 the governing body of the county. The municipal league and the
125 members of the governing board of the county shall, within forty-five
126 days of the passage of the resolution establishing the advisory
127 committee or within fourteen days of being notified of a vacancy by
128 the county executive, submit its list of nominees to the county
129 executive. The county executive shall appoint members within sixty
130 days of the passage of the resolution or within thirty days of being
131 notified by the committee of a vacancy on the advisory committee.
132 If a list of nominees is not submitted by the time specified, the county
133 executive shall appoint the members using the criteria set forth in this
134 section before the sixtieth day from the passage of the resolution or
135 before the thirtieth day from being notified of a vacancy on the
136 existing advisory committee.

137 (5) At the advisory committee's first meeting, the members
138 shall choose by lot the length of their terms. Two shall serve for one
139 year, three for two years, three for three years and three for four years.
140 All succeeding committee members shall serve for four years. Terms
141 shall end on December thirty-first of the respective year.

142 (6) The committee members shall be subject to the regulation
143 of conflicts of interest as defined in sections 105.450 to 105.498,
144 RSMo, and to the requirements for open meetings and records
145 pursuant to chapter 610, RSMo.]
146

[67.490. 1. The board shall in a timely manner adopt rules
2 setting forth basic guidelines for acceptance and evaluation of
3 petitions, including a common understandable format, as well as
4 appropriate supporting material, maps, plans and data. The board
5 shall begin to accept petitions one month after the adoption of the
6 plan by the governing body of the county pursuant to section 67.487.
7 The board shall review all petitions submitted by any petitioner.
8 Review shall begin no later than thirty days after submission of the
9 petition to the commission. In order to qualify as a proposal, a
10 petition shall address the criteria set forth in subsection 4 of this
11 section. For the purposes of this subsection, the term "pending"
12 means any proposal submitted to the board which has not yet been
13 approved by the board.

14 2. When practical, a petition shall be initially submitted to the
15 advisory committee for constructive review and comment in a manner
16 likely to result in a proposal that addresses a strategy outlined in the
17 plan.

18 3. The board shall hold a public hearing concerning the
19 petition, which may be on the same day as a scheduled meeting of the
20 board.

21 4. (1) In reviewing any petition for funding, the board shall
22 first determine if funds are sought for eligible expenses for a
23 neighborhood reinvestment project. If the petition seeks such funds,
24 the board shall certify such petition as a proposal subject to further
25 review unless the board finds that the petition seeks funds for
26 expenses that do not qualify as eligible expenses, or seeks funds for
27 an endeavor other than a neighborhood reinvestment project. If the
28 board finds that funds are sought for ineligible expenses or for an
29 ineligible endeavor, the board need not take any further action and
30 shall notify the petitioner in writing of all deficiencies that prevent the
31 petition from being a proposal. If the board determines that there is
32 a minor error or discrepancy in a petition, the board, with the
33 petitioner's concurrence, may make such changes to the petition as are
34 necessary to rectify the error that prevents the petition from being
35 certified as a proposal subject to further review. Within six months
36 of certification of a petition as a proposal, the board shall issue a
37 finding approving or disapproving such proposal. In disapproving
38 any proposal, the board shall issue a document indicating the reasons
39 that the proposal was disapproved.

40 (2) If the board determines that a proposal is a priority
41 comeback project consistent with the strategies and priorities set forth
42 in the community comeback plan and that the project is well-planned,
43 realistic, creative, resourceful, benefits the local community and is
44 cost-effective, then the board shall award funding. If the board
45 determines that a proposal is a priority comeback project, but is
46 inconsistent with the strategies and priorities in the community
47 comeback plan, the board may award funding if it finds that the
48 project is well-planned, realistic, creative, resourceful, benefits the
49 local community, is cost-effective and addresses the reinvestment
50 needs of neighborhoods by one or more of the following:

51 (a) Reducing or removing impediments to attracting home
52 buyers;

53 (b) Providing the necessary physical infrastructure needed to
54 promote significant job growth;

55 (c) Reducing or removing any such factor or factors that
56 constitute an economic or social liability or a menace to the public
57 health, safety, morals, or welfare in its present condition and use.

58 (3) If the board determines that a proposal, which is not a
59 priority comeback project, is consistent with the strategies and
60 priorities set forth in the community comeback plan and is

61 well-planned, realistic, creative, resourceful, benefits the local
62 community and is cost-effective, the board may award funding if the
63 board adds such proposal to the plan. If the board determines that a
64 proposal, which is not a priority comeback project, is inconsistent
65 with the strategies and priorities in the community comeback plan,
66 the board may award funding if it finds that the project is
67 well-planned, realistic, creative, resourceful, benefits the local
68 community, is cost-effective and addresses the reinvestment needs of
69 neighborhoods by one or more of the following:

70 (a) Reducing or removing impediments to attracting home
71 buyers;

72 (b) Providing the necessary physical infrastructure needed to
73 promote significant job growth;

74 (c) Reducing or removing any such factor or factors that
75 constitute an economic or social liability or a menace to the public
76 health, safety, morals or welfare in its present condition and use.

77 (4) The board, the advisory committee and the staff of both
78 may advise petitioners on issues related to petitions or proposals. The
79 board may meet informally, subject to the requirements of chapter
80 610, RSMo, with representatives of potential petitioners with regard
81 to future petitions and plans.

82 5. The board shall establish a select neighborhood action
83 program. SNAP applicants shall provide a ten-percent cash or in-kind
84 match to be eligible for a SNAP grant. Project categories eligible for
85 SNAP grant funding shall be:

86 (1) Neighborhood beautification projects which enhance the
87 appearance of the overall neighborhood. Such projects include, but
88 are not limited to, tree and flower plantings, cleanups, entranceway
89 landscaping, community gardens, public art and neighborhood
90 identification signs/banners;

91 (2) Neighborhood organization or capacity projects which
92 create or increase membership in a neighborhood organization
93 promoting community betterment. Such projects include, but are not
94 limited to, neighborhood newsletters, neighborhood marketing
95 brochures, neighborhood meetings and special events, and technology
96 such as web site development;

97 (3) Neighborhood-school partnership projects which benefit
98 a school and the adjacent neighborhood. Involvement of both the
99 school and the neighborhood in planning, implementation and
100 maintenance must be substantiated. Partnership projects include, but
101 are not limited to, youth and community programs that promote
102 safety, culture or the environment and that are beneficial to both the
103 school and the neighborhood;

(4) Capital purchase projects which include the acquisition of equipment or property. Such projects include, but are not limited to, land acquisition, playground equipment, bicycle racks and major supplies;

(5) Neighborhood improvement projects which benefit the local infrastructure in a neighborhood, and include construction of sidewalks or installation of streetlights.

6. Project categories ineligible for SNAP grant funding shall be:

(1) Projects accomplished in more than twelve months;

(2) Projects that duplicate existing private or public programs;

(3) Projects that require ongoing services, or requests to support continual operating budgets; and

(4) Projects that conflict with the community comeback plan.

7. When making SNAP grant funding decisions, the board shall consider the level of neighborhood participation including the percentage of residents who are involved in planning and implementing the idea, the diversity of parties involved or that will benefit, and the amount of neighborhood opposition; the community benefit of the project, including the number of people who will benefit from the project and the overall quality of the project.]

[67.493. Of the funds available to the trust, a minimum of five percent of the funds, not to exceed an unallocated balance of five hundred thousand dollars rolled over from the previous fiscal year, shall be set aside annually for the SNAP grant program. Of the remaining funds seventy- five percent calculated on a rolling three-year average shall be set aside for priority comeback projects. The balance of the funds shall be used to indirectly or directly benefit priority comeback communities or residents of those areas by utilizing such funds to:

(1) Promote job preparation and job creation in areas easily accessed by residents of priority comeback communities;

(2) Improve neighborhoods adjacent to priority comeback communities that are unlikely to be improved without such funding; and

(3) Abate through low-interest home improvement loan programs or similar mechanisms the functional or marketable obsolescence of any owner- occupied residential structure over twenty-five years old which is located within a census block group below one hundred ten percent of the median income level for the metropolitan statistical area for this state; provided that, there is a

21 significant threat of economic decline within the area without
22 intervention by the trust.]