

FIRST REGULAR SESSION

HOUSE BILL NO. 702

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FLOOK.

1383L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to municipal technology business facility projects.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.2050, to read as follows:

67.2050. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Facility", a location composed of real estate, buildings, fixtures, machinery, and equipment;

(2) "Municipality", any county, city, incorporated town, or village of the state;

(3) "NAICS", the 2007 edition of the North American Industry Classification System developed under the direction and guidance of the federal Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(4) "Technology business facility", a facility purchased, constructed, extended, or improved under this section and that is located in a portion of an underground mine that contains at least two million square feet of space, provided that such business facility is engaged in:

(a) Data processing, hosting, and related services (NAICS 518210); or

(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;

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

18 (5) "Technology business facility project" or "project", the purchase, construction,
19 extension, and improvement of technology business facilities, whether of the facility as a
20 whole or of any one or more of the facility's components of real estate, buildings, fixtures,
21 machinery, and equipment.

22 2. The governing body of any municipality may:

23 (1) Carry out technology business facility projects for economic development under
24 this section;

25 (2) Accept grants from the federal and state governments for technology business
26 facility project purposes, and may enter into such agreements as are not contrary to the
27 laws of this state and which may be required as a condition of grants by the federal
28 government or its agencies; and

29 (3) Receive gifts and donations from private sources to be used for technology
30 business facility project purposes.

31 3. The governing body of the municipality may enter into loan agreements, sell,
32 lease, or mortgage to private persons, partnerships, or corporations any one or more of the
33 components of a facility received, purchased, constructed, or extended by the municipality
34 for development of a technology business facility project. The loan agreement, installment
35 sale agreement, lease, or other such document shall contain such other terms as are agreed
36 upon between the municipality and the obligor, provided that such terms shall be
37 consistent with this section. When, in the judgment of the governing body of the
38 municipality, the technology business facility project will result in economic benefits to the
39 municipality, the governing body may lawfully enter into an agreement that includes
40 nominal monetary consideration to the municipality in exchange for the use of one or more
41 components of the facility.

42 4. Transactions involving the lease or rental of any components of a project under
43 this section shall be specifically exempted from the provisions of the local sales tax law as
44 defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525
45 and 144.600 to 144.761, RSMo, and from the computation of the tax levied, assessed, or
46 payable under the local sales tax law as defined in section 32.085, RSMo, section 238.235,
47 RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745, RSMo.

48 5. Leasehold interests granted and held under this section shall not be subject to
49 property taxes.

50 6. Any payments in lieu of taxes expected to be made by any lessee of the project
51 shall be applied in accordance with this section. The lessee may reimburse the municipality
52 for its actual costs of administering the plan. All amounts paid in excess of such actual
53 costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer

54 or other financial officer to each affected taxing entity in proportion to the current ad
55 valorem tax levy of each affected taxing entity.

56 7. The county assessor shall include the current assessed value of all property
57 within the affected taxing entities in the aggregate valuation of assessed property entered
58 upon the assessor's book and verified under section 137.245, RSMo, and such value shall
59 be used for the purpose of the debt limitation on local government under section 26(b),
60 article VI, Constitution of Missouri.

61 8. The governing body of any municipality may sell or otherwise dispose of the
62 property, buildings, or plants acquired under this section to private persons or
63 corporations for technology business facility project purposes upon approval by the
64 governing body. The terms and method of the sale or other disposal shall be established
65 by the governing body so as to reasonably protect the economic well-being of the
66 municipality and to promote the development of technology business facility projects. A
67 private person or corporation that initially transfers property to the municipality for the
68 purposes of a technology business facility project and does not charge a purchase price to
69 the municipality shall retain the right, upon request to the municipality, to have the
70 municipality retransfer the donated property to the person or corporation at no cost.

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