

FIRST EXTRAORDINARY SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5
96TH GENERAL ASSEMBLY

0002L.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 99.805, 99.810, 99.835, 99.845, and 99.865, RSMo, and to enact in lieu thereof six new sections relating to tax changes for areas affected by natural disasters, with an emergency clause.

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

Section A. Sections 99.805, 99.810, 99.835, 99.845, and 99.865, RSMo, are repealed and
2 six new sections enacted in lieu thereof, to be known as sections 99.805, 99.810, 99.835, 99.845,
3 99.865, and 137.081, to read as follows:

99.805. As used in sections 99.800 to 99.865, unless the context clearly requires
2 otherwise, the following terms shall mean:

3 (1) "Blighted area", an area which, by reason of the predominance of defective or
4 inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,
5 improper subdivision or obsolete platting, or the existence of conditions which endanger life or
6 property by fire and other causes, or any combination of such factors, retards the provision of
7 housing accommodations or constitutes an economic or social liability or a menace to the public
8 health, safety, morals, or welfare in its present condition and use;

9 (2) "Collecting officer", the officer of the municipality responsible for receiving and
10 processing payments in lieu of taxes or economic activity taxes from taxpayers or the department
11 of revenue;

12 (3) "Conservation area", any improved area within the boundaries of a redevelopment
13 area located within the territorial limits of a municipality in which fifty percent or more of the
14 structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted

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.

15 area but is detrimental to the public health, safety, morals, or welfare and may become a blighted
16 area because of any one or more of the following factors: dilapidation; obsolescence;
17 deterioration; illegal use of individual structures; presence of structures below minimum code
18 standards; abandonment; excessive vacancies; overcrowding of structures and community
19 facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land
20 coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of
21 community planning. A conservation area shall meet at least three of the factors provided in this
22 subdivision for projects approved on or after December 23, 1997;

23 (4) **"Disaster area", a blighted area located within a municipality for which public**
24 **and individual assistance has been requested by the governor under Section 401 of the**
25 **Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 5121,**
26 **et seq., for an emergency proclaimed by the governor under section 44.100 due to a natural**
27 **disaster of major proportions and the blighted area has sustained severe damage as a result**
28 **of such natural disaster, as determined by the state emergency management agency,**
29 **provided that the municipality adopts an ordinance approving the redevelopment project**
30 **within one year after the occurrence of the natural disaster;**

31 (5) "Economic activity taxes", the total additional revenue from taxes which are imposed
32 by a municipality and other taxing districts, and which are generated by economic activities
33 within a redevelopment area over the amount of such taxes generated by economic activities
34 within such redevelopment area in the calendar year prior to the adoption of the ordinance
35 designating such a redevelopment area, while tax increment financing remains in effect, but
36 excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by
37 transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment
38 projects or redevelopment plans approved after December 23, 1997, if a retail establishment
39 relocates within one year from one facility to another facility within the same county and the
40 governing body of the municipality finds that the relocation is a direct beneficiary of tax
41 increment financing, then for purposes of this definition, the economic activity taxes generated
42 by the retail establishment shall equal the total additional revenues from economic activity taxes
43 which are imposed by a municipality or other taxing district over the amount of economic
44 activity taxes generated by the retail establishment in the calendar year prior to its relocation to
45 the redevelopment area;

46 [(5)] (6) "Economic development area", any area or portion of an area located within the
47 territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and
48 (3) of this section, and in which the governing body of the municipality finds that redevelopment
49 will not be solely used for development of commercial businesses which unfairly compete in the
50 local economy and is in the public interest because it will:

51 (a) Discourage commerce, industry or manufacturing from moving their operations to
52 another state; or
53 (b) Result in increased employment in the municipality; or
54 (c) Result in preservation or enhancement of the tax base of the municipality;
55 [(6)] (7) "Gambling establishment", an excursion gambling boat as defined in section
56 313.800 and any related business facility including any real property improvements which are
57 directly and solely related to such business facility, whose sole purpose is to provide goods or
58 services to an excursion gambling boat and whose majority ownership interest is held by a person
59 licensed to conduct gambling games on an excursion gambling boat or licensed to operate an
60 excursion gambling boat as provided in sections 313.800 to 313.850. This subdivision shall be
61 applicable only to a redevelopment area designated by ordinance adopted after December 23,
62 1997;
63 [(7)] (8) "Greenfield area", any vacant, unimproved, or agricultural property that is
64 located wholly outside the incorporated limits of a city, town, or village, or that is substantially
65 surrounded by contiguous properties with agricultural zoning classifications or uses unless said
66 property was annexed into the incorporated limits of a city, town, or village ten years prior to the
67 adoption of the ordinance approving the redevelopment plan for such greenfield area;
68 [(8)] (9) "Municipality", a city, village, or incorporated town or any county of this state.
69 For redevelopment areas or projects approved on or after December 23, 1997, "municipality"
70 applies only to cities, villages, incorporated towns or counties established for at least one year
71 prior to such date;
72 [(9)] (10) "Obligations", bonds, loans, debentures, notes, special certificates, or other
73 evidences of indebtedness issued by a municipality to carry out a redevelopment project or to
74 refund outstanding obligations;
75 [(10)] (11) "Ordinance", an ordinance enacted by the governing body of a city, town, or
76 village or a county or an order of the governing body of a county whose governing body is not
77 authorized to enact ordinances;
78 [(11)] (12) "Payment in lieu of taxes", those estimated revenues from real property in the
79 area selected for a redevelopment project, which revenues according to the redevelopment
80 project or plan are to be used for a private use, which taxing districts would have received had
81 a municipality not adopted tax increment allocation financing, and which would result from
82 levies made after the time of the adoption of tax increment allocation financing during the time
83 the current equalized value of real property in the area selected for the redevelopment project
84 exceeds the total initial equalized value of real property in such area until the designation is
85 terminated pursuant to subsection 2 of section 99.850;

86 [(12)] **(13)** "Redevelopment area", an area designated by a municipality, in respect to
87 which the municipality has made a finding that there exist conditions which cause the area to be
88 classified as a blighted area, a conservation area, an economic development area, an enterprise
89 zone pursuant to sections 135.200 to 135.256, or a combination thereof, which area includes only
90 those parcels of real property directly and substantially benefitted by the proposed redevelopment
91 project;

92 [(13)] **(14)** "Redevelopment plan", the comprehensive program of a municipality for
93 redevelopment intended by the payment of redevelopment costs to reduce or eliminate those
94 conditions, the existence of which qualified the redevelopment area as a blighted area,
95 conservation area, economic development area, or combination thereof, and to thereby enhance
96 the tax bases of the taxing districts which extend into the redevelopment area. Each
97 redevelopment plan shall conform to the requirements of section 99.810;

98 [(14)] **(15)** "Redevelopment project", any development project within a redevelopment
99 area in furtherance of the objectives of the redevelopment plan; any such redevelopment project
100 shall include a legal description of the area selected for the redevelopment project;

101 [(15)] **(16)** "Redevelopment project costs" include the sum total of all reasonable or
102 necessary costs incurred or estimated to be incurred, and any such costs incidental to a
103 redevelopment plan or redevelopment project, as applicable. Such costs include, but are not
104 limited to, the following:

105 (a) Costs of studies, surveys, plans, and specifications;

106 (b) Professional service costs, including, but not limited to, architectural, engineering,
107 legal, marketing, financial, planning or special services. Except the reasonable costs incurred
108 by the commission established in section 99.820 for the administration of sections 99.800 to
109 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be
110 included in the costs of a redevelopment plan or project;

111 (c) Property assembly costs, including, but not limited to, acquisition of land and other
112 property, real or personal, or rights or interests therein, demolition of buildings, and the clearing
113 and grading of land;

114 (d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings
115 and fixtures;

116 (e) Initial costs for an economic development area;

117 (f) Costs of construction of public works or improvements;

118 (g) Financing costs, including, but not limited to, all necessary and incidental expenses
119 related to the issuance of obligations, and which may include payment of interest on any
120 obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period

121 of construction of any redevelopment project for which such obligations are issued and for not
122 more than eighteen months thereafter, and including reasonable reserves related thereto;

123 (h) All or a portion of a taxing district's capital costs resulting from the redevelopment
124 project necessarily incurred or to be incurred in furtherance of the objectives of the
125 redevelopment plan and project, to the extent the municipality by written agreement accepts and
126 approves such costs;

127 (i) Relocation costs to the extent that a municipality determines that relocation costs shall
128 be paid or are required to be paid by federal or state law;

129 (j) Payments in lieu of taxes;

130 [(16)] (17) "Special allocation fund", the fund of a municipality or its commission which
131 contains at least two separate segregated accounts for each redevelopment plan, maintained by
132 the treasurer of the municipality or the treasurer of the commission into which payments in lieu
133 of taxes are deposited in one account, and economic activity taxes and other revenues are
134 deposited in the other account;

135 [(17)] (18) "Taxing districts", any political subdivision of this state having the power to
136 levy taxes;

137 [(18)] (19) "Taxing districts' capital costs", those costs of taxing districts for capital
138 improvements that are found by the municipal governing bodies to be necessary and to directly
139 result from the redevelopment project; and

140 [(19)] (20) "Vacant land", any parcel or combination of parcels of real property not used
141 for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general description of
2 the program to be undertaken to accomplish the objectives and shall include, but need not be
3 limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the
4 costs, evidence of the commitments to finance the project costs, the anticipated type and term
5 of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued,
6 the most recent equalized assessed valuation of the property within the redevelopment area
7 which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to
8 section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the
9 general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted
10 by a municipality without findings that:

11 (1) The redevelopment area on the whole is:

12 (a) A blighted area, a conservation area, or an economic development area, and has not
13 been subject to growth and development through investment by private enterprise and would not
14 reasonably be anticipated to be developed without the adoption of tax increment financing. Such
15 a finding shall include, but not be limited to, a detailed description of the factors that qualify the

16 redevelopment area or project pursuant to this subdivision and an affidavit, signed by the
17 developer or developers and submitted with the redevelopment plan, attesting that the provisions
18 of this subdivision have been met; **or**

19 **(b) Predominantly within a disaster area;**

20 (2) The redevelopment plan conforms to the comprehensive plan for the development
21 of the municipality as a whole;

22 (3) The estimated dates, which shall not be more than twenty-three years from the
23 adoption of the ordinance approving a redevelopment project within a redevelopment area, of
24 completion of any redevelopment project and retirement of obligations incurred to finance
25 redevelopment project costs have been stated, provided that no ordinance approving a
26 redevelopment project shall be adopted later than ten years from the adoption of the ordinance
27 approving the redevelopment plan under which such project is authorized and provided that no
28 property for a redevelopment project shall be acquired by eminent domain later than five years
29 from the adoption of the ordinance approving such redevelopment project;

30 (4) A plan has been developed for relocation assistance for businesses and residences;

31 (5) A cost-benefit analysis showing the economic impact of the plan on each taxing
32 district which is at least partially within the boundaries of the redevelopment area. The analysis
33 shall show the impact on the economy if the project is not built, and is built pursuant to the
34 redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact
35 study on every affected political subdivision, and sufficient information from the developer for
36 the commission established in section 99.820 to evaluate whether the project as proposed is
37 financially feasible; **provided that, in the case of a disaster area, such information regarding**
38 **financial feasibility may be provided by the municipality;**

39 (6) A finding that the plan does not include the initial development or redevelopment of
40 any gambling establishment, provided however, that this subdivision shall be applicable only to
41 a redevelopment plan adopted for a redevelopment area designated by ordinance after December
42 23, 1997.

43 2. By the last day of February each year, each commission shall report to the director of
44 economic development the name, address, phone number and primary line of business of any
45 business which relocates to the district. The director of the department of economic development
46 shall compile and report the same to the governor, the speaker of the house and the president pro
47 tempore of the senate on the last day of April each year.

99.835. 1. Obligations secured by the special allocation fund set forth in sections 99.845
2 and 99.850 for the redevelopment area or redevelopment project may be issued by the
3 municipality pursuant to section 99.820 or by the tax increment financing commission to provide
4 for redevelopment costs. Such obligations, when so issued, shall be retired in the manner

5 provided in the ordinance or resolution authorizing the issuance of such obligations by the
6 receipts of payments in lieu of taxes as specified in section 99.855 and, subject to annual
7 appropriation, other tax revenue as specified in section 99.845. A municipality may, in the
8 ordinance or resolution, pledge all or any part of the funds in and to be deposited in the special
9 allocation fund created pursuant to sections 99.845 and 99.850 to the payment of the
10 redevelopment costs and obligations. Any pledge of funds in the special allocation fund may
11 provide for distribution to the taxing districts of moneys not required for payment of
12 redevelopment costs or obligations and such excess funds shall be deemed to be surplus funds,
13 except that any moneys allocated to the special allocation fund as provided in subsection 4 **or**
14 **13** of section 99.845, and which are not required for payment of redevelopment costs and
15 obligations, shall not be distributed to the taxing districts but shall be returned to the department
16 of economic development for credit to the general revenue fund. In the event a municipality only
17 pledges a portion of the funds in the special allocation fund for the payment of redevelopment
18 costs or obligations, any such funds remaining in the special allocation fund after complying with
19 the requirements of the pledge, including the retention of funds for the payment of future
20 redevelopment costs, if so required, shall also be deemed surplus funds. All surplus funds shall
21 be distributed annually to the taxing districts in the redevelopment area by being paid by the
22 municipal treasurer to the county collector who shall immediately thereafter make distribution
23 as provided in subdivision (12) of section 99.820.

24 2. Without limiting the provisions of subsection 1 of this section, the municipality may,
25 in addition to obligations secured by the special allocation fund, pledge any part or any
26 combination of net new revenues of any redevelopment project, or a mortgage on part or all of
27 the redevelopment project to secure its obligations or other redevelopment costs.

28 3. Obligations issued pursuant to sections 99.800 to 99.865 may be issued in one or more
29 series bearing interest at such rate or rates as the issuing body of the municipality shall determine
30 by ordinance or resolution. Such obligations shall bear such date or dates, mature at such time
31 or times not exceeding twenty-three years from their respective dates, when secured by the
32 special allocation fund, be in such denomination, carry such registration privileges, be executed
33 in such manner, be payable in such medium of payment at such place or places, contain such
34 covenants, terms and conditions, and be subject to redemption as such ordinance or resolution
35 shall provide. Obligations issued pursuant to sections 99.800 to 99.865 may be sold at public
36 or private sale at such price as shall be determined by the issuing body and shall state that
37 obligations issued pursuant to sections 99.800 to 99.865 are special obligations payable solely
38 from the special allocation fund or other funds specifically pledged. No referendum approval
39 of the electors shall be required as a condition to the issuance of obligations pursuant to sections
40 99.800 to 99.865.

41 4. The ordinance authorizing the issuance of obligations may provide that the obligations
42 shall contain a recital that they are issued pursuant to sections 99.800 to 99.865, which recital
43 shall be conclusive evidence of their validity and of the regularity of their issuance.

44 5. Neither the municipality, its duly authorized commission, the commissioners or the
45 officers of a municipality nor any person executing any obligation shall be personally liable for
46 such obligation by reason of the issuance thereof. The obligations issued pursuant to sections
47 99.800 to 99.865 shall not be a general obligation of the municipality, county, state of Missouri,
48 or any political subdivision thereof, nor in any event shall such obligation be payable out of any
49 funds or properties other than those specifically pledged as security therefor. The obligations
50 shall not constitute indebtedness within the meaning of any constitutional, statutory or charter
51 debt limitation or restriction.

 99.845. 1. A municipality, either at the time a redevelopment project is approved or, in
2 the event a municipality has undertaken acts establishing a redevelopment plan and
3 redevelopment project and has designated a redevelopment area after the passage and approval
4 of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with
5 the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by
6 passing an ordinance providing that after the total equalized assessed valuation of the taxable real
7 property in a redevelopment project exceeds the certified total initial equalized assessed
8 valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and
9 payments in lieu of taxes, if any, arising from the levies upon taxable real property in such
10 redevelopment project by taxing districts and tax rates determined in the manner provided in
11 subsection 2 of section 99.855 each year after the effective date of the ordinance until
12 redevelopment costs have been paid shall be divided as follows:

13 (1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract,
14 or parcel of real property which is attributable to the initial equalized assessed value of each such
15 taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment
16 project shall be allocated to and, when collected, shall be paid by the county collector to the
17 respective affected taxing districts in the manner required by law in the absence of the adoption
18 of tax increment allocation financing;

19 (2) (a) Payments in lieu of taxes attributable to the increase in the current equalized
20 assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected
21 for the redevelopment project and any applicable penalty and interest over and above the initial
22 equalized assessed value of each such unit of property in the area selected for the redevelopment
23 project shall be allocated to and, when collected, shall be paid to the municipal treasurer who
24 shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation
25 Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred

26 in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien
27 against the real estate of the redevelopment project from which they are derived and shall be
28 collected in the same manner as the real property tax, including the assessment of penalties and
29 interest where applicable. The municipality may, in the ordinance, pledge the funds in the
30 special allocation fund for the payment of such costs and obligations and provide for the
31 collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner
32 as a special assessment lien as provided in section 88.861. No part of the current equalized
33 assessed valuation of each lot, block, tract, or parcel of property in the area selected for the
34 redevelopment project attributable to any increase above the total initial equalized assessed value
35 of such properties shall be used in calculating the general state school aid formula provided for
36 in section 163.031 until such time as all redevelopment costs have been paid as provided for in
37 this section and section 99.850;

38 (b) Notwithstanding any provisions of this section to the contrary, for purposes of
39 determining the limitation on indebtedness of local government pursuant to article VI, section
40 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area
41 selected for redevelopment attributable to the increase above the total initial equalized assessed
42 valuation shall be included in the value of taxable tangible property as shown on the last
43 completed assessment for state or county purposes;

44 (c) The county assessor shall include the current assessed value of all property within
45 the taxing district in the aggregate valuation of assessed property entered upon the assessor's
46 book and verified pursuant to section 137.245, and such value shall be utilized for the purpose
47 of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri
48 Constitution;

49 (3) For purposes of this section, "levies upon taxable real property in such redevelopment
50 project by taxing districts" shall not include the blind pension fund tax levied under the authority
51 of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers'
52 inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of
53 the Missouri Constitution, except in redevelopment project areas in which tax increment
54 financing has been adopted by ordinance pursuant to a plan approved by vote of the governing
55 body of the municipality taken after August 13, 1982, and before January 1, 1998.

56 2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection
57 1 of this section, for redevelopment plans and projects adopted or redevelopment projects
58 approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total
59 additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing
60 districts, which are generated by economic activities within the area of the redevelopment project
61 over the amount of such taxes generated by economic activities within the area of the

62 redevelopment project in the calendar year prior to the adoption of the redevelopment project by
63 ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales
64 or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant
65 to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and
66 any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section
67 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local
68 political subdivision collecting officer to the treasurer or other designated financial officer of the
69 municipality, who shall deposit such funds in a separate segregated account within the special
70 allocation fund. Any provision of an agreement, contract or covenant entered into prior to July
71 12, 1990, between a municipality and any other political subdivision which provides for an
72 appropriation of other municipal revenues to the special allocation fund shall be and remain
73 enforceable.

74 3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection
75 1 of this section, for redevelopment plans and projects adopted or redevelopment projects
76 approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from
77 taxes, penalties and interest which are imposed by the municipality or other taxing districts, and
78 which are generated by economic activities within the area of the redevelopment project over the
79 amount of such taxes generated by economic activities within the area of the redevelopment
80 project in the calendar year prior to the adoption of the redevelopment project by ordinance,
81 while tax increment financing remains in effect, but excluding personal property taxes, taxes
82 imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels,
83 taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation
84 pursuant to section 94.660, licenses, fees or special assessments other than payments in lieu of
85 taxes and penalties and interest thereon, or any sales tax imposed by a county with a charter form
86 of government and with more than six hundred thousand but fewer than seven hundred thousand
87 inhabitants, for the purpose of sports stadium improvement, shall be allocated to, and paid by the
88 local political subdivision collecting officer to the treasurer or other designated financial officer
89 of the municipality, who shall deposit such funds in a separate segregated account within the
90 special allocation fund.

91 4. Beginning January 1, 1998, for redevelopment plans and projects adopted or
92 redevelopment projects approved by ordinance and which have complied with subsections 4 to
93 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes
94 described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues,
95 as defined in subsection 8 of this section, estimated for the businesses within the project area and
96 identified by the municipality in the application required by subsection 10 of this section, over
97 and above the amount of such taxes reported by businesses within the project area as identified

98 by the municipality in their application prior to the approval of the redevelopment project by
99 ordinance, while tax increment financing remains in effect, may be available for appropriation
100 by the general assembly as provided in subsection 10 of this section to the department of
101 economic development supplemental tax increment financing fund, from the general revenue
102 fund, for distribution to the treasurer or other designated financial officer of the municipality
103 with approved plans or projects.

104 5. The treasurer or other designated financial officer of the municipality with approved
105 plans or projects shall deposit such funds in a separate segregated account within the special
106 allocation fund established pursuant to section 99.805.

107 6. No transfer from the general revenue fund to the Missouri supplemental tax increment
108 financing fund shall be made unless an appropriation is made from the general revenue fund for
109 that purpose. No municipality shall commit any state revenues prior to an appropriation being
110 made for that project. For all redevelopment plans or projects adopted or approved after
111 December 23, 1997, appropriations from the new state revenues shall not be distributed from the
112 Missouri supplemental tax increment financing fund into the special allocation fund unless the
113 municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes
114 and fifty percent of economic activity taxes generated by the project shall be used for eligible
115 redevelopment project costs while tax increment financing remains in effect. This account shall
116 be separate from the account into which payments in lieu of taxes are deposited, and separate
117 from the account into which economic activity taxes are deposited.

118 7. In order for the redevelopment plan or project to be eligible to receive the revenue
119 described in subsection 4 of this section, the municipality shall comply with the requirements of
120 subsection 10 of this section prior to the time the project or plan is adopted or approved by
121 ordinance. The director of the department of economic development and the commissioner of
122 the office of administration may waive the requirement that the municipality's application be
123 submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or
124 project's approval by ordinance.

125 8. For purposes of this section, "new state revenues" means:

126 (1) The incremental increase in the general revenue portion of state sales tax revenues
127 received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated,
128 taxes deposited to the school district trust fund in accordance with section 144.701, sales and use
129 taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by
130 law. In no event shall the incremental increase include any amounts attributable to retail sales
131 unless the municipality or authority has proven to the Missouri development finance board and
132 the department of economic development and such entities have made a finding that the sales
133 tax increment attributable to retail sales is from new sources which did not exist in the state

during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

- 170 (c) The estimate of the incremental increase in the general revenue portion of state sales
171 tax revenue or the estimate for the state income tax withheld by the employer on behalf of new
172 employees expected to fill new jobs created within the redevelopment area after redevelopment;
- 173 (d) The official statement of any bond issue pursuant to this subsection after December
174 23, 1997;
- 175 (e) An affidavit that is signed by the developer or developers attesting that the provisions
176 of subdivision (1) of **subsection 1 of** section 99.810 have been met and specifying that the
177 redevelopment area would not be reasonably anticipated to be developed without the
178 appropriation of the new state revenues;
- 179 (f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal
180 impact on the state of Missouri; and
- 181 (g) The statement of election between the use of the incremental increase of the general
182 revenue portion of the state sales tax revenues or the state income tax withheld by employers on
183 behalf of new employees who fill new jobs created in the redevelopment area;
- 184 (h) The name, street and mailing address, and phone number of the mayor or chief
185 executive officer of the municipality;
- 186 (i) The street address of the development site;
- 187 (j) The three-digit North American Industry Classification System number or numbers
188 characterizing the development project;
- 189 (k) The estimated development project costs;
- 190 (l) The anticipated sources of funds to pay such development project costs;
- 191 (m) Evidence of the commitments to finance such development project costs;
- 192 (n) The anticipated type and term of the sources of funds to pay such development
193 project costs;
- 194 (o) The anticipated type and terms of the obligations to be issued;
- 195 (p) The most recent equalized assessed valuation of the property within the development
196 project area;
- 197 (q) An estimate as to the equalized assessed valuation after the development project area
198 is developed in accordance with a development plan;
- 199 (r) The general land uses to apply in the development area;
- 200 (s) The total number of individuals employed in the development area, broken down by
201 full-time, part-time, and temporary positions;
- 202 (t) The total number of full-time equivalent positions in the development area;
- 203 (u) The current gross wages, state income tax withholdings, and federal income tax
204 withholdings for individuals employed in the development area;

- 205 (v) The total number of individuals employed in this state by the corporate parent of any
206 business benefitting from public expenditures in the development area, and all subsidiaries
207 thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time,
208 and temporary positions;
- 209 (w) The number of new jobs to be created by any business benefitting from public
210 expenditures in the development area, broken down by full-time, part-time, and temporary
211 positions;
- 212 (x) The average hourly wage to be paid to all current and new employees at the project
213 site, broken down by full-time, part-time, and temporary positions;
- 214 (y) For project sites located in a metropolitan statistical area, as defined by the federal
215 Office of Management and Budget, the average hourly wage paid to nonmanagerial employees
216 in this state for the industries involved at the project, as established by the United States Bureau
217 of Labor Statistics;
- 218 (z) For project sites located outside of metropolitan statistical areas, the average weekly
219 wage paid to nonmanagerial employees in the county for industries involved at the project, as
220 established by the United States Department of Commerce;
- 221 (aa) A list of other community and economic benefits to result from the project;
- 222 (bb) A list of all development subsidies that any business benefitting from public
223 expenditures in the development area has previously received for the project, and the name of
224 any other granting body from which such subsidies are sought;
- 225 (cc) A list of all other public investments made or to be made by this state or units of
226 local government to support infrastructure or other needs generated by the project for which the
227 funding pursuant to this section is being sought;
- 228 (dd) A statement as to whether the development project may reduce employment at any
229 other site, within or without the state, resulting from automation, merger, acquisition, corporate
230 restructuring, relocation, or other business activity;
- 231 (ee) A statement as to whether or not the project involves the relocation of work from
232 another address and if so, the number of jobs to be relocated and the address from which they
233 are to be relocated;
- 234 (ff) A list of competing businesses in the county containing the development area and
235 in each contiguous county;
- 236 (gg) A market study for the development area;
- 237 (hh) A certification by the chief officer of the applicant as to the accuracy of the
238 development plan;
- 239 (2) The methodologies used in the application for determining the base year and
240 determining the estimate of the incremental increase in the general revenue portion of the state

sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

15. Beginning January 1, 2012, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 15 to 23 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2, and 3 of this section, up to fifty percent of the state disaster recovery revenues, as defined in subsection 19 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 21 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 21 of this section to the department of economic development supplemental disaster recovery fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

16. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established under section 99.805.

17. No transfer from the general revenue fund to the Missouri supplemental disaster recovery fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects

adopted or approved after January 1, 2011, appropriations from the state disaster recovery revenues shall not be distributed from the Missouri supplemental disaster recovery fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

18. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 15 of this section, the municipality shall comply with the requirements of subsection 21 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

19. For purposes of this section, "state disaster recovery revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received under section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law; and

(2) The state income tax withheld on behalf of employees by the employer under section 143.221 at businesses located within the project area as identified by the municipality.

20. Subsection 15 of this section shall apply only to redevelopment areas predominantly within disaster areas.

21. The initial appropriation of up to fifty percent of the state disaster recovery revenues authorized under subsections 15 and 16 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the state disaster recovery revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

- 347 (a) The tax increment financing district or redevelopment area, including the
348 businesses identified within the redevelopment area;
- 349 (b) The base year of state sales tax revenues and the base year of state income tax
350 withheld on behalf of existing employees, reported by existing businesses within the project
351 area prior to approval of the redevelopment project;
- 352 (c) The estimate of the incremental increase in the general revenue portion of state
353 sales tax revenue and the estimate for the incremental increase in the state income tax
354 withheld by employers on behalf of employees filling jobs created within the redevelopment
355 area after redevelopment;
- 356 (d) The cost-benefit analysis required by section 99.810 includes a study of the fiscal
357 impact on the state of Missouri; and
- 358 (e) The name, street and mailing address, and phone number of the mayor or chief
359 executive officer of the municipality;
- 360 (f) The three-digit North American Industry Classification System number or
361 numbers characterizing the redevelopment project;
- 362 (g) The estimated redevelopment project costs;
- 363 (h) The anticipated sources of funds to pay such redevelopment project costs;
- 364 (i) Evidence of the commitments to finance such redevelopment project costs;
- 365 (j) The anticipated type and term of the sources of funds to pay such redevelopment
366 project costs;
- 367 (k) The anticipated type and terms of the obligations to be issued;
- 368 (l) The most recent equalized assessed valuation of the property within the
369 redevelopment project area;
- 370 (m) An estimate as to the equalized assessed valuation after the redevelopment
371 project area is developed in accordance with a redevelopment plan;
- 372 (n) The general land uses to apply in the redevelopment area;
- 373 (o) The total number of individuals employed in the redevelopment area, broken
374 down by full-time, part-time, and temporary positions;
- 375 (p) The total number of full-time equivalent positions in the redevelopment area;
- 376 (q) The current gross wages, state income tax withholdings, and federal income tax
377 withholdings for individuals employed in the redevelopment area;
- 378 (r) A list of other community and economic benefits to result from the
379 redevelopment project;
- 380 (s) A list of all other public investments made or to be made by the federal
381 government, this state or units of local government to support infrastructure or other needs

382 generated by the redevelopment project for which the funding under this section is being
383 sought;

384 (t) A statement as to whether the redevelopment project may reduce employment
385 at any other site, within or without the state, resulting from automation, merger,
386 acquisition, corporate restructuring, relocation, or other business activity;

387 (u) A statement as to whether or not the redevelopment project involves the
388 relocation of work from another address and if so, the number of jobs to be relocated and
389 the address from which they are to be relocated;

390 (v) A market study for the redevelopment area;

391 (w) A certification by the chief officer of the applicant as to the accuracy of the
392 redevelopment plan;

393 (2) The methodologies used in the application for determining the base year and
394 determining the estimate of the incremental increase in the general revenue portion of the
395 state sales tax revenues and the state income tax withheld by employers on behalf of
396 employees filling jobs within the redevelopment area shall be approved by the director of
397 the department of economic development or his or her designee and the commissioner of
398 the office of administration or his or her designee. Upon approval of the application, the
399 director of the department of economic development or his or her designee and the
400 commissioner of the office of administration or his or her designee shall issue a certificate
401 of approval, which shall provide for a maximum amount of state disaster recovery
402 revenues available to the municipality for the duration of the redevelopment plans and
403 projects as determined in accordance with subdivision (4) of this subsection. The
404 department of economic development may request the appropriation following application
405 approval;

406 (3) The appropriation shall be both a portion of the estimate of the incremental
407 increase in the general revenue portion of state sales tax revenues in the redevelopment
408 area and a portion of the estimate of the state income tax withheld by the employer on
409 behalf of employees filling jobs within the redevelopment area as indicated in the
410 municipality's application, approved by the director of the department of economic
411 development or his or her designee and the commissioner of the office of administration
412 or his or her designee;

413 (4) Redevelopment plans and projects receiving state disaster recovery revenues
414 shall have a duration of up to fifteen years, unless prior approval for a longer term is given
415 by the director of the department of economic development or his or her designee and the
416 commissioner of the office of administration or his or her designee; except that, in no case
417 shall the duration exceed twenty-three years.

418 **22. There is hereby established within the state treasury a special fund to be known**
419 **as the "Missouri Supplemental Disaster Recovery Fund", to be administered by the**
420 **department of economic development. The department of economic development shall**
421 **create a separate subaccount of the Missouri supplemental disaster recovery fund for each**
422 **redevelopment project approved under subsections 15 to 21 of this section, into which the**
423 **state disaster recovery revenues attributable to each such redevelopment project shall be**
424 **deposited at least annually. The department shall annually distribute to each municipality**
425 **from the corresponding subaccount of the Missouri supplemental disaster recovery fund**
426 **the amount of the state disaster recovery revenues as appropriated to each municipality**
427 **as provided in the provisions of subsections 15 and 16 of this section if and only if such**
428 **municipality has met the conditions of subsection 21 of this section. The fund shall also**
429 **consist of any gifts, contributions, grants or bequests received from federal, private or**
430 **other sources. Moneys in the Missouri supplemental disaster recovery fund shall be**
431 **disbursed per project pursuant to state appropriations. Any moneys remaining in the**
432 **Missouri supplemental disaster recovery fund at the end of any fiscal year shall not lapse**
433 **to the general revenue fund, as provided for in section 33.080, but shall remain in the**
434 **Missouri supplemental disaster recovery fund.**

435 **23. Notwithstanding anything to the contrary in subsections 15 to 22 of this section,**
436 **the department of economic development may request an appropriation for any given fiscal**
437 **year from the general fund to a particular subaccount of the Missouri supplemental**
438 **disaster recovery fund in excess of the amount of state disaster recovery revenues estimated**
439 **to be generated within the applicable redevelopment project in the calendar year**
440 **immediately preceding such fiscal year, so long as the total amount of appropriations to**
441 **such subaccount of the Missouri supplemental disaster recovery fund does not exceed the**
442 **maximum amount provided for in the certificate of approval issued pursuant to subsection**
443 **19 of this section.**

444 **24. Redevelopment project costs may include, at the prerogative of the state, the**
445 **portion of salaries and expenses of the department of economic development and the**
446 **department of revenue reasonably allocable to each redevelopment project approved for**
447 **disbursements from the Missouri supplemental disaster recovery fund for the ongoing**
448 **administrative functions associated with such redevelopment project. Such amounts shall**
449 **be recovered from state disaster recovery revenues deposited into the Missouri**
450 **supplemental disaster recovery fund created under this section.**

99.865. 1. Each year the governing body of the municipality, or its designee, shall
2 prepare a report concerning the status of each redevelopment plan and redevelopment project,

3 and shall submit a copy of such report to the director of the department of economic
4 development. The report shall include the following:

- 5 (1) The amount and source of revenue in the special allocation fund;
- 6 (2) The amount and purpose of expenditures from the special allocation fund;
- 7 (3) The amount of any pledge of revenues, including principal and interest on any
8 outstanding bonded indebtedness;
- 9 (4) The original assessed value of the redevelopment project;
- 10 (5) The assessed valuation added to the redevelopment project;
- 11 (6) Payments made in lieu of taxes received and expended;
- 12 (7) The economic activity taxes generated within the redevelopment area in the calendar
13 year prior to the approval of the redevelopment plan, to include **the following:**

14 **(a) For redevelopment plans and redevelopment projects adopted or redevelopment**
15 **projects approved by ordinance and which have complied with subsections 4 to 12 of**
16 **section 99.845, a separate entry for the state sales tax revenue base for the redevelopment area**
17 **or the state income tax withheld by employers on behalf of existing employees in the**
18 **redemption area prior to the redevelopment plan; or**

19 **(b) For redevelopment plans and redevelopment projects adopted or redevelopment**
20 **projects approved by ordinance and which have complied with subsections 15 to 23 of**
21 **section 99.845, a separate entry for the state sales tax revenue base for the redevelopment**
22 **area and the state income tax withheld by employers on behalf of existing employees in the**
23 **redemption area prior to the redevelopment plan;**

- 24 (8) The economic activity taxes generated within the redevelopment area after the
25 approval of the redevelopment plan, to include **the following:**

26 **(a) For redevelopment plans and redevelopment projects adopted or redevelopment**
27 **projects approved by ordinance and which have complied with subsections 4 to 12 of**
28 **section 99.845, a separate entry for the increase in state sales tax revenues for the redevelopment**
29 **area or the increase in state income tax withheld by employers on behalf of new employees who**
30 **fill new jobs created in the redevelopment area; or**

31 **(b) For redevelopment plans and redevelopment projects adopted or redevelopment**
32 **projects approved by ordinance and which have complied with subsections 15 to 23 of**
33 **section 99.845, a separate entry for the increase in state sales tax revenues for the**
34 **redemption area and the increase in state income tax withheld by employers on behalf**
35 **of employees filling jobs within the redevelopment area;**

- 36 (9) Reports on contracts made incident to the implementation and furtherance of a
37 redevelopment plan or project;

38 (10) A copy of any redevelopment plan, which shall include the required findings and
39 cost-benefit analysis pursuant to subdivisions (1) to (6) of section 99.810;

40 (11) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired
41 or remodeled;

42 (12) The number of parcels acquired by or through initiation of eminent domain
43 proceedings; and

44 (13) Any additional information the municipality deems necessary.

45 2. Data contained in the report mandated pursuant to the provisions of subsection 1 of
46 this section and any information regarding amounts disbursed to municipalities pursuant to the
47 provisions of section 99.845 shall be deemed a public record, as defined in section 610.010. An
48 annual statement showing the payments made in lieu of taxes received and expended in that year,
49 the status of the redevelopment plan and projects therein, amount of outstanding bonded
50 indebtedness and any additional information the municipality deems necessary shall be published
51 in a newspaper of general circulation in the municipality.

52 3. Five years after the establishment of a redevelopment plan and every five years
53 thereafter the governing body shall hold a public hearing regarding those redevelopment plans
54 and projects created pursuant to sections 99.800 to 99.865. The purpose of the hearing shall be
55 to determine if the redevelopment project is making satisfactory progress under the proposed
56 time schedule contained within the approved plans for completion of such projects.
57 Notice of such public hearing shall be given in a newspaper of general circulation in the area
58 served by the commission once each week for four weeks immediately prior to the hearing.

59 4. The director of the department of economic development shall submit a report to the
60 state auditor, the speaker of the house of representatives, and the president pro tem of the senate
61 no later than February first of each year. The report shall contain a summary of all information
62 received by the director pursuant to this section.

63 5. For the purpose of coordinating all tax increment financing projects using new state
64 revenues **or state disaster recovery revenues**, the director of the department of economic
65 development may promulgate rules and regulations to ensure compliance with this section. Such
66 rules and regulations may include methods for enumerating all of the municipalities which have
67 established commissions pursuant to section 99.820. No rule or portion of a rule promulgated
68 under the authority of sections 99.800 to 99.865 shall become effective unless it has been
69 promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior
70 to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall
71 be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997,
72 if such rule complied with the provisions of chapter 536. The provisions of this section and
73 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant

74 to chapter 536, including the ability to review, to delay the effective date, or to disapprove and
75 annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant
76 of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall
77 be invalid and void.

78 6. The department of economic development shall provide information and technical
79 assistance, as requested by any municipality, on the requirements of sections 99.800 to 99.865.
80 Such information and technical assistance shall be provided in the form of a manual, written in
81 an easy-to-follow manner, and through consultations with departmental staff.

82 7. Any municipality which fails to comply with the reporting requirements provided in
83 this section shall be prohibited from implementing any new tax increment finance project for a
84 period of no less than five years from such municipality's failure to comply.

85 8. Based upon the information provided in the reports required under the provisions of
86 this section, the state auditor shall make available for public inspection on the auditor's website,
87 a searchable electronic database of such municipal tax increment finance reports. All
88 information contained within such database shall be maintained for a period of no less than ten
89 years from initial posting.

137.081. 1. As used in this section, the following terms mean:

2 (1) "Certificate of occupancy", the certificate, permit, or equivalent document
3 issued by the county that permits the commercial use or occupancy of a building or
4 structure used for commercial purposes;

5 (2) "Commercial real property", any real property assessed as utility, industrial,
6 commercial, railroad and other real property by the assessor for property tax purposes
7 under section 137.016;

8 (3) "Commercial real property improvement", any buildings, structures, fixtures,
9 and similar edifice as described in subdivision (3) of section 137.010 which are on and a
10 part of commercial real property;

11 (4) "Natural disaster", any disaster due to natural causes such as tornado, fire,
12 flood, or earthquake;

13 (5) "County", any county or city not within a county.

14 2. If a property owner makes an application under this section, any commercial
15 real property improvement destroyed by a natural disaster shall be removed on a pro rata
16 basis from the tax book for the current year if such property improvement is unusable due
17 to such destruction. If such application is made before the first day of July, the county
18 assessor shall carry out the duties of subsections 2 and 3 of this section. If such application
19 is made on or after July first, the county board of equalization shall carry out the duties
20 of subsections 2 and 3 of this section. In counties that are not of the first classification, if

21 the destruction occurs after the adjournment of the county board of equalization, the
22 county commission shall perform such duties.

23 3. Upon issuance of a certificate of occupancy for the improvement to a property
24 removed from the tax book under subsection 2 of this section by the county, the property
25 shall be assessed and taxed on such assessed valuation as of the first day of the month for
26 the proportionate part of the remaining year at the tax rates established for that year in
27 all taxing jurisdictions located in the county adopting this section. If the property is
28 located within a county that does not issue a certificate of occupancy, upon the
29 determination of the assessor that the improvement is suitable for use or occupancy for
30 commercial purposes, the property shall be assessed and taxed on such assessed valuation
31 as of the first day of the month for the proportionate part of the remaining year at the tax
32 rates established for that year in all taxing jurisdictions located in the county adopting this
33 section.

34 4. Any person claiming destroyed property shall provide a list of such destroyed
35 property to the county assessor. The assessor shall make available a supply of appropriate
36 forms on which the claim shall be made. The assessor may verify all such destroyed
37 property listed to ensure that the person made a correct statement. Any person who
38 completes such a list and, with intent to defraud, includes property on the list that was not
39 destroyed by a natural disaster shall be assessed double the value of any property
40 fraudulently listed, in addition to any other penalties provided by law. The list shall be
41 filed by the assessor, after the assessor has provided a copy of the list to the county
42 collector and the board of equalization or county commission, in the office of the county
43 clerk who, after entering the filing thereof, shall preserve and safely keep it.

44 5. Any political subdivision may recover all loss of revenue resulting from the
45 provisions of this section by adjusting the rate of taxation, to the extent previously
46 authorized by the voters of such political subdivision, for the tax year immediately
47 following the year of such destruction in an amount not to exceed the loss of revenue
48 caused by this section.

49 6. For any tax year, including 2011, this section shall become effective immediately
50 upon the adoption of this section by the governing body of such county and shall apply to
51 such tax year and shall remain effective until the end of the tax year in which the governing
52 body of such county votes to repeal the provisions of this section. Any improvement that
53 was removed from the tax book under the provisions of this section prior to the time of
54 repeal by the governing body of such county shall be assessed and taxed at such time as the
55 requirements of subsection 3 of this section have been satisfied.

Section B. Because immediate action is necessary to provide tax relief as the result of
2 the recent natural disasters in this state, this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and this act shall be in full force and effect
5 upon its passage and approval.

✓