



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed
Ses HCS AB 1035 entitled:

AN ACT

To repeal sections 67.463, 67.469, 137.073, and 137.720, RSMo, and to enact in lieu thereof four new sections relating to property taxes.

with Sa 1, 2, 3, 4, 5, 6, 7, 8, 9

EC- adopted.

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler
Secretary of the Senate

MAY 07 2013

SENATE AMENDMENT NO. 1

Offered by Krums of EM

Amend SCS/HCS/House Bill No. 1035, Page 1, Section Title, Line 3,

2 by striking the words "property taxes" and inserting in lieu
3 thereof the following: "funds collected by political
4 subdivisions"; and

5 Further amend said bill, page 15, section 137.720, line 57,
6 by inserting after all of said line the following:

7 "238.272. The state auditor [shall] may audit each district
8 not [less] more than once every three years[, and may audit more
9 frequently if the state auditor deems appropriate]. The costs of
10 this audit shall be paid by the district and shall not exceed
11 three percent of the gross revenues received by the
12 transportation district."; and

13 Further amend the title and enacting clause accordingly.

Offered 5/7/13
Adopted "

SENATE AMENDMENT NO. 2Offered by NIEVES of 26Amend SCS/House Bill No. 1035, Page 14, Section 137.073, Line 384,

2 by inserting immediately after said line the following:

3 "137.090. 1. All tangible personal property of whatever
 4 nature and character situate in a county other than the one in
 5 which the owner resides shall be assessed in the county where the
 6 owner resides; except that, houseboats, cabin cruisers, floating
 7 boat docks, and manufactured homes, as defined in section
 8 700.010, used for lodging shall be assessed in the county where
 9 they are located, and tangible personal property belonging to
 10 estates shall be assessed in the county in which the probate
 11 division of the circuit court has jurisdiction. Tangible
 12 personal property, other than motor vehicles as the term is
 13 defined in section 301.010, used exclusively in connection with
 14 farm operations of the owner and kept on the farmland, shall not
 15 be assessed by a city, town or village unless the farmland is
 16 totally within the boundaries of the city, town or village. No
 17 tangible personal property shall be simultaneously assessed in
 18 more than one county.

19 2. The assessed valuation of any tractor or trailer as
 20 defined in section 301.010 owned by an individual, partner, or
 21 member and used in interstate commerce must be apportioned to
 22 Missouri based on the ratio of miles traveled in this state to

Offered 5/7/13
 Adopted "

1 United States in interstate commerce during the preceding tax
2 year or on the basis of the most recent annual mileage figures
3 available."; and

4 Further amend the title and enacting clause accordingly.
5

1 paid by a party, other than the political subdivision, towards
2 any new construction or improvements on such real property
3 completed after January 1, 2008, and which are included in the
4 above-mentioned possessory interest, regardless of the year in
5 which such costs were incurred or whether such costs were
6 considered in any prior year. The assessor shall annually assess
7 all real property in the following manner: new assessed values
8 shall be determined as of January first of each odd-numbered year
9 and shall be entered in the assessor's books; those same assessed
10 values shall apply in the following even-numbered year, except
11 for new construction and property improvements which shall be
12 valued as though they had been completed as of January first of
13 the preceding odd-numbered year. The assessor may call at the
14 office, place of doing business, or residence of each person
15 required by this chapter to list property, and require the person
16 to make a correct statement of all taxable tangible personal
17 property owned by the person or under his or her care, charge or
18 management, taxable in the county. On or before January first of
19 each even-numbered year, the assessor shall prepare and submit a
20 two-year assessment maintenance plan to the county governing body
21 and the state tax commission for their respective approval or
22 modification. The county governing body shall approve and
23 forward such plan or its alternative to the plan to the state tax
24 commission by February first. If the county governing body fails
25 to forward the plan or its alternative to the plan to the state
26 tax commission by February first, the assessor's plan shall be
27 considered approved by the county governing body. If the state
28 tax commission fails to approve a plan and if the state tax
29 commission and the assessor and the governing body of the county

1 involved are unable to resolve the differences, in order to
2 receive state cost-share funds outlined in section 137.750, the
3 county or the assessor shall petition the administrative hearing
4 commission, by May first, to decide all matters in dispute
5 regarding the assessment maintenance plan. Upon agreement of the
6 parties, the matter may be stayed while the parties proceed with
7 mediation or arbitration upon terms agreed to by the parties.
8 The final decision of the administrative hearing commission shall
9 be subject to judicial review in the circuit court of the county
10 involved. In the event a valuation of subclass (1) real property
11 within any county with a charter form of government, or within a
12 city not within a county, is made by a computer,
13 computer-assisted method or a computer program, the burden of
14 proof, supported by clear, convincing and cogent evidence to
15 sustain such valuation, shall be on the assessor at any hearing
16 or appeal. In any such county, unless the assessor proves
17 otherwise, there shall be a presumption that the assessment was
18 made by a computer, computer-assisted method or a computer
19 program. Such evidence shall include, but shall not be limited
20 to, the following:

21 (1) The findings of the assessor based on an appraisal of
22 the property by generally accepted appraisal techniques; and

23 (2) The purchase prices from sales of at least three
24 comparable properties and the address or location thereof. As
25 used in this subdivision, the word "comparable" means that:

26 (a) Such sale was closed at a date relevant to the property
27 valuation; and

28 (b) Such properties are not more than one mile from the
29 site of the disputed property, except where no similar properties

1 exist within one mile of the disputed property, the nearest
2 comparable property shall be used. Such property shall be within
3 five hundred square feet in size of the disputed property, and
4 resemble the disputed property in age, floor plan, number of
5 rooms, and other relevant characteristics.

6 2. Assessors in each county of this state and the city of
7 St. Louis may send personal property assessment forms through the
8 mail.

9 3. The following items of personal property shall each
10 constitute separate subclasses of tangible personal property and
11 shall be assessed and valued for the purposes of taxation at the
12 following percentages of their true value in money:

13 (1) Grain and other agricultural crops in an unmanufactured
14 condition, one-half of one percent;

15 (2) Livestock, twelve percent;

16 (3) Farm machinery, twelve percent;

17 (4) Motor vehicles which are eligible for registration as
18 and are registered as historic motor vehicles pursuant to section
19 301.131 and aircraft which are at least twenty-five years old and
20 which are used solely for noncommercial purposes and are operated
21 less than fifty hours per year or aircraft that are home built
22 from a kit, five percent;

23 (5) Poultry, twelve percent; and

24 (6) Tools and equipment used for pollution control and
25 tools and equipment used in retooling for the purpose of
26 introducing new product lines or used for making improvements to
27 existing products by any company which is located in a state
28 enterprise zone and which is identified by any standard
29 industrial classification number cited in subdivision (6) of

1 section 135.200, twenty-five percent.

2 4. The person listing the property shall enter a true and
3 correct statement of the property, in a printed blank prepared
4 for that purpose. The statement, after being filled out, shall
5 be signed and either affirmed or sworn to as provided in section
6 137.155. The list shall then be delivered to the assessor.

7 5. All subclasses of real property, as such subclasses are
8 established in section 4(b) of article X of the Missouri
9 Constitution and defined in section 137.016, shall be assessed at
10 the following percentages of true value:

- 11 (1) For real property in subclass (1), nineteen percent;
- 12 (2) For real property in subclass (2), twelve percent; and
- 13 (3) For real property in subclass (3), thirty-two percent.

14 6. Manufactured homes, as defined in section 700.010, which
15 are actually used as dwelling units shall be assessed at the same
16 percentage of true value as residential real property for the
17 purpose of taxation. The percentage of assessment of true value
18 for such manufactured homes shall be the same as for residential
19 real property. If the county collector cannot identify or find
20 the manufactured home when attempting to attach the manufactured
21 home for payment of taxes owed by the manufactured home owner,
22 the county collector may request the county commission to have
23 the manufactured home removed from the tax books, and such
24 request shall be granted within thirty days after the request is
25 made; however, the removal from the tax books does not remove the
26 tax lien on the manufactured home if it is later identified or
27 found. For purposes of this section, a manufactured home located
28 in a manufactured home rental park, rental community or on real
29 estate not owned by the manufactured home owner shall be

1 considered personal property. For purposes of this section, a
2 manufactured home located on real estate owned by the
3 manufactured home owner may be considered real property.

4 7. Each manufactured home assessed shall be considered a
5 parcel for the purpose of reimbursement pursuant to section
6 137.750, unless the manufactured home is real estate as defined
7 in subsection 7 of section 442.015 and assessed as a realty
8 improvement to the existing real estate parcel.

9 8. Any amount of tax due and owing based on the assessment
10 of a manufactured home shall be included on the personal property
11 tax statement of the manufactured home owner unless the
12 manufactured home is real estate as defined in subsection 7 of
13 section 442.015, in which case the amount of tax due and owing on
14 the assessment of the manufactured home as a realty improvement
15 to the existing real estate parcel shall be included on the real
16 property tax statement of the real estate owner.

17 9. The assessor of each county and each city not within a
18 county shall use the lowest trade-in value published in the
19 October issue of [the National Automobile Dealers' Association
20 Official Used Car Guide, or its successor publication, as the
21 recommended] a single nationally recognized guide of information
22 for determining the true value of motor vehicles described in
23 such publication. Such publication shall be approved by the
24 state tax commission in conjunction with the association
25 representing the majority of assessors of this state. The state
26 tax commission shall also approve four additional guides for
27 determining the true value of motor vehicles. If the owner of
28 the motor vehicle presents evidence that any of the four other
29 approved publications has a lower published trade-in value that

1 is applicable to the motor vehicle, the assessor shall use such
2 value in determining the true value of the motor vehicle. In the
3 absence of a listing for a particular motor vehicle in such
4 [publication] publications, the assessor shall use such
5 information or publications which in the assessor's judgment will
6 fairly estimate the true value in money of the motor vehicle.

7 10. Before the assessor may increase the assessed valuation
8 of any parcel of subclass (1) real property by more than fifteen
9 percent since the last assessment, excluding increases due to new
10 construction or improvements, the assessor shall conduct a
11 physical inspection of such property.

12 11. If a physical inspection is required, pursuant to
13 subsection 10 of this section, the assessor shall notify the
14 property owner of that fact in writing and shall provide the
15 owner clear written notice of the owner's rights relating to the
16 physical inspection. If a physical inspection is required, the
17 property owner may request that an interior inspection be
18 performed during the physical inspection. The owner shall have
19 no less than thirty days to notify the assessor of a request for
20 an interior physical inspection.

21 12. A physical inspection, as required by subsection 10 of
22 this section, shall include, but not be limited to, an on-site
23 personal observation and review of all exterior portions of the
24 land and any buildings and improvements to which the inspector
25 has or may reasonably and lawfully gain external access, and
26 shall include an observation and review of the interior of any
27 buildings or improvements on the property upon the timely request
28 of the owner pursuant to subsection 11 of this section. Mere
29 observation of the property via a drive-by inspection or the like

1 shall not be considered sufficient to constitute a physical
2 inspection as required by this section.

3 13. The provisions of subsections 11 and 12 of this section
4 shall only apply in any county with a charter form of government
5 with more than one million inhabitants.

6 14. A county or city collector may accept credit cards as
7 proper form of payment of outstanding property tax or license
8 due. No county or city collector may charge surcharge for
9 payment by credit card which exceeds the fee or surcharge charged
10 by the credit card bank, processor, or issuer for its service. A
11 county or city collector may accept payment by electronic
12 transfers of funds in payment of any tax or license and charge
13 the person making such payment a fee equal to the fee charged the
14 county by the bank, processor, or issuer of such electronic
15 payment.

16 15. Any county or city not within a county in this state
17 may, by an affirmative vote of the governing body of such county,
18 opt out of the provisions of this section and sections 137.073,
19 138.060, and 138.100 as enacted by house bill no. 1150 of the
20 ninety-first general assembly, second regular session and section
21 137.073 as modified by house committee substitute for senate
22 substitute for senate committee substitute for senate bill no.
23 960, ninety-second general assembly, second regular session, for
24 the next year of the general reassessment, prior to January first
25 of any year. No county or city not within a county shall
26 exercise this opt-out provision after implementing the provisions
27 of this section and sections 137.073, 138.060, and 138.100 as
28 enacted by house bill no. 1150 of the ninety-first general
29 assembly, second regular session and section 137.073 as modified

1 by house committee substitute for senate substitute for senate
2 committee substitute for senate bill no. 960, ninety-second
3 general assembly, second regular session, in a year of general
4 reassessment. For the purposes of applying the provisions of
5 this subsection, a political subdivision contained within two or
6 more counties where at least one of such counties has opted out
7 and at least one of such counties has not opted out shall
8 calculate a single tax rate as in effect prior to the enactment
9 of house bill no. 1150 of the ninety-first general assembly,
10 second regular session. A governing body of a city not within a
11 county or a county that has opted out under the provisions of
12 this subsection may choose to implement the provisions of this
13 section and sections 137.073, 138.060, and 138.100 as enacted by
14 house bill no. 1150 of the ninety-first general assembly, second
15 regular session, and section 137.073 as modified by house
16 committee substitute for senate substitute for senate committee
17 substitute for senate bill no. 960, ninety-second general
18 assembly, second regular session, for the next year of general
19 reassessment, by an affirmative vote of the governing body prior
20 to December thirty-first of any year.

21 16. The governing body of any city of the third
22 classification with more than twenty-six thousand three hundred
23 but fewer than twenty-six thousand seven hundred inhabitants
24 located in any county that has exercised its authority to opt out
25 under subsection 15 of this section may levy separate and
26 differing tax rates for real and personal property only if such
27 city bills and collects its own property taxes or satisfies the
28 entire cost of the billing and collection of such separate and
29 differing tax rates. Such separate and differing rates shall not

1 exceed such city's tax rate ceiling."; and

2 Further amend the title and enacting clause accordingly.

1 be filed within thirty days from the assignment of any appeal to
2 a hearing officer and need not allege or prove any cause for such
3 change and need not be verified. No more than one change of
4 hearing officer shall be allowed for each party in any appeal.

~~5 3. The commission may, in its discretion, reserve such~~
~~6 appeals as it deems fit to be heard and decided by the full~~
7 commission, a quorum thereof, or any commissioner, subject to the
8 provisions of section 138.240, and, in such case, the decision
9 shall be final, subject to judicial review in the manner provided
10 in subsection 4 of section 138.470.

11 4. The manner in which appeals shall be presented and the
12 conduct of hearings shall be made in accordance with rules
13 prescribed by the commission for determining the rights of the
14 parties; provided that, the commission, with the consent of all
15 the parties, may refer an appeal to mediation. The commission
16 shall promulgate regulations for mediation pursuant to this
17 section. No regulation or portion of a regulation promulgated
18 pursuant to the authority of this section shall become effective
19 unless it has been promulgated pursuant to the provisions of
20 chapter 536. There shall be no presumption that the assessor's
21 valuation is correct. A full and complete record shall be kept
22 of all proceedings. All testimony at any hearing shall be
23 recorded but need not be transcribed unless the matter is further
24 appealed.

25 5. Unless an appeal is voluntarily dismissed, a hearing
26 officer, after affording the parties reasonable opportunity for
27 fair hearing, shall issue a decision and order affirming,
28 modifying, or reversing the determination of the board of
29 equalization, and correcting any assessment which is unlawful,

1 unfair, improper, arbitrary, or capricious. The commission may,
2 prior to the decision being rendered, transfer to another hearing
3 officer the proceedings on an appeal determination before a
4 hearing officer. The complainant, respondent-assessor, or other
5 party shall be duly notified of a hearing officer's decision and
6 order, together with findings of fact and conclusions of law.

7 Appeals from decisions of hearing officers shall be made pursuant
8 to section 138.432.

9 6. All decisions issued pursuant to this section or section
10 138.432 by the commission or any of its duly assigned hearing
11 officers shall be issued no later than sixty days after the
12 hearing on the matter to be decided is held or the date on which
13 the last party involved in such matter files his or her brief,
14 whichever event later occurs."; and

15 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 5

Offered by Silvey of 17

Amend SCS/HCS/House Bio. 1035, Page 1, Section title, Line 3,

2 by striking the words "property taxes" and inserting in lieu
3 thereof the following: "funds collected by or assets of political
4 subdivisions"; and

5 Further amend said bill and page, section A, line 3 by
6 inserting immediately after said line the following:

7 "96.229. 1. Notwithstanding subsection 5 of section 96.150
8 regarding the lease of substantially all of a hospital where the
9 board of trustees is lessor, a city in which a hospital is
10 located that:

11 (1) Is organized and operated under this chapter;

12 (2) Has not accepted appropriated funds from the city
13 during the prior twenty years; and

14 (3) Is licensed by the department of health and senior
15 services for two hundred beds or more pursuant to sections
16 197.010 to 197.120,

17
18 shall not have authority to sell, lease, or otherwise transfer
19 all or substantially all of the property from a hospital
20 organized under this chapter, both real and personal, except in
21 accordance with this section.

22 2. Upon filing with the city clerk of a resolution adopted

Offered 5/7/13
Adopted "

1 by no less than two-thirds of the incumbent members of the board
2 of trustees to sell, lease, or otherwise transfer all or
3 substantially all of the hospital property, both real and
4 personal, for reasons specified in the resolution, the clerk
5 shall present the resolution to the city council. If a majority
6 of the incumbent members of the city council determine that sale,
7 lease, or other transfer of the hospital property is desirable,
8 the city council shall submit to the voters of the city the
9 question in substantially the following form:

10 "Shall the city council of _____, Missouri and the
11 board of trustees of _____ hospital be authorized to
12 sell (or lease or otherwise transfer) the property, real and
13 personal, of _____ hospital as approved by, and in
14 accordance with, the resolution of the board of trustees
15 authorizing such sale (or lease or transfer)?"

16
17 A majority of the votes cast on such question shall be required
18 in order to approve and authorize such sale, lease or other
19 transfer. If the question receives less than the required
20 majority, then the city council and the board of trustees shall
21 have no power to sell, lease or otherwise transfer the property,
22 real and personal, of the hospital unless and until the city
23 council has submitted another question to authorize such sale,
24 lease or transfer authorized under this section and such question
25 is approved by the required majority of the qualified voters
26 voting thereon. However, in no event shall a question under this
27 section be submitted to the voters sooner than twelve months
28 from the date of the last question under this section and after
29 the adoption of another resolution by no less than two-thirds of

1 the board of trustees and a subsequent vote by a majority of the
2 city council to again submit the question to the voters.

3 3. Upon passage of such question by the voters, the board
4 of trustees shall sell and dispose of such property, or lease or
5 transfer such property, in the manner proposed by the board of
6 trustees. The deed of the board of trustees, duly authorized by
7 the board of trustees and duly acknowledged and recorded, shall
8 be sufficient to convey to the purchaser all the rights, title,
9 interest, and estate in the hospital property.

10 4. No sale, lease, or other transfer of such hospital
11 property shall be authorized or effective unless such transaction
12 provides sufficient proceeds to be available to be applied to the
13 payment of all interest and principal of any outstanding valid
14 indebtedness incurred for purchase of the site or construction of
15 the hospital, or for any repairs, alterations, improvements, or
16 additions thereto, or for operation of the hospital.

17 5. Assets donated to the hospital pursuant to section
18 96.210 shall be used to provide health care services in the city
19 and in the geographic region previously served by the hospital,
20 except as otherwise prescribed by the terms of the deed, gift,
21 devise, or bequest."; and

22 Further amend said bill, page 15, section 137.720, line 57,
23 by inserting after all of said line the following:

24 "Section B. Because of the need to ensure local hospitals
25 can continue the purpose of providing the best care and treatment
26 of the sick, disabled, and infirm persons as decided on by the
27 people in the affected community, the enactment of 96.229 of this
28 act is deemed necessary for the immediate preservation of the
29 public health, welfare, peace and safety, and is hereby declared

1 to be an emergency act within the meaning of the constitution,
2 and the enactment of section 96.229 of this act shall be in full
3 force and effect upon its passage and approval."; and

4 Further amend the title and enacting clause accordingly.
5

SENATE AMENDMENT NO. 6

Offered by SCHEMATA of 15th

Amend SCS/HCS/House Bill No. 1035, Page 3, Section 67.469, Line 11,

2 by inserting after all of said line the following:

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

21 (1) That portion of taxes, penalties and interest levied
22 upon each taxable lot, block, tract, or parcel of real property

Offered 5/7/13
Adopted "

1 property in the area selected for the redevelopment project
2 attributable to any increase above the total initial equalized
3 assessed value of such properties shall be used in calculating
4 the general state school aid formula provided for in section

5 163.031 until such time as all redevelopment costs have been paid
6 as provided for in this section and section 99.850;

7 (b) Notwithstanding any provisions of this section to the
8 contrary, for purposes of determining the limitation on
9 indebtedness of local government pursuant to article VI, section
10 26(b) of the Missouri Constitution, the current equalized
11 assessed value of the property in an area selected for
12 redevelopment attributable to the increase above the total
13 initial equalized assessed valuation shall be included in the
14 value of taxable tangible property as shown on the last completed
15 assessment for state or county purposes;

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

23 (3) For purposes of this section, "levies upon taxable real
24 property in such redevelopment project by taxing districts" shall
25 not include the blind pension fund tax levied under the authority
26 of article III, section 38(b) of the Missouri Constitution, or
27 the merchants' and manufacturers' inventory replacement tax
28 levied under the authority of subsection 2 of section 6 of
29 article X of the Missouri Constitution, except in redevelopment

1 project areas in which tax increment financing has been adopted
2 by ordinance pursuant to a plan approved by vote of the governing
3 body of the municipality taken after August 13, 1982, and before
4 January 1, 1998.

5 2. In addition to the payments in lieu of taxes described
6 in subdivision (2) of subsection 1 of this section, for
7 redevelopment plans and projects adopted or redevelopment
8 projects approved by ordinance after July 12, 1990, and prior to
9 August 31, 1991, fifty percent of the total additional revenue
10 from taxes, penalties and interest imposed by the municipality,
11 or other taxing districts, which are generated by economic
12 activities within the area of the redevelopment project over the
13 amount of such taxes generated by economic activities within the
14 area of the redevelopment project in the calendar year prior to
15 the adoption of the redevelopment project by ordinance, while tax
16 increment financing remains in effect, but excluding taxes
17 imposed on sales or charges for sleeping rooms paid by transient
18 guests of hotels and motels, taxes levied pursuant to section
19 70.500, licenses, fees or special assessments other than payments
20 in lieu of taxes and any penalty and interest thereon, or,
21 effective January 1, 1998, taxes levied pursuant to section
22 94.660, for the purpose of public transportation, shall be
23 allocated to, and paid by the local political subdivision
24 collecting officer to the treasurer or other designated financial
25 officer of the municipality, who shall deposit such funds in a
26 separate segregated account within the special allocation fund.
27 Any provision of an agreement, contract or covenant entered into
28 prior to July 12, 1990, between a municipality and any other
29 political subdivision which provides for an appropriation of

1 other municipal revenues to the special allocation fund shall be
2 and remain enforceable.

3 3. In addition to the payments in lieu of taxes described
4 in subdivision (2) of subsection 1 of this section, for

5 redevelopment plans and projects adopted or redevelopment
6 projects approved by ordinance after August 31, 1991, fifty
7 percent of the total additional revenue from taxes, penalties and
8 interest which are imposed by the municipality or other taxing
9 districts, and which are generated by economic activities within
10 the area of the redevelopment project over the amount of such
11 taxes generated by economic activities within the area of the
12 redevelopment project in the calendar year prior to the adoption
13 of the redevelopment project by ordinance, while tax increment
14 financing remains in effect, but excluding personal property
15 taxes, taxes imposed on sales or charges for sleeping rooms paid
16 by transient guests of hotels and motels, taxes levied pursuant
17 to section 70.500, taxes levied for the purpose of public
18 transportation pursuant to section 94.660, taxes imposed on sales
19 pursuant to subsection 2 of section 67.1712 for the purpose of
20 operating and maintaining a metropolitan park and recreation
21 district, licenses, fees or special assessments other than
22 payments in lieu of taxes and penalties and interest thereon,
23 [or] any sales tax imposed by a county with a charter form of
24 government and with more than six hundred thousand but fewer than
25 seven hundred thousand inhabitants, for the purpose of sports
26 stadium improvement or levied by such county under section
27 238.410 for the purpose of the county transit authority operating
28 transportation facilities, or for redevelopment plans and
29 projects adopted or redevelopment projects approved by ordinance

1 after August 28, 2013, taxes imposed on sales pursuant to section
2 650.399 for the purpose of emergency communication systems, shall
3 be allocated to, and paid by the local political subdivision
4 collecting officer to the treasurer or other designated financial
5 officer of the municipality, who shall deposit such funds in a
6 separate segregated account within the special allocation fund.

7 4. Beginning January 1, 1998, for redevelopment plans and
8 projects adopted or redevelopment projects approved by ordinance
9 and which have complied with subsections 4 to 12 of this section,
10 in addition to the payments in lieu of taxes and economic
11 activity taxes described in subsections 1, 2 and 3 of this
12 section, up to fifty percent of the new state revenues, as
13 defined in subsection 8 of this section, estimated for the
14 businesses within the project area and identified by the
15 municipality in the application required by subsection 10 of this
16 section, over and above the amount of such taxes reported by
17 businesses within the project area as identified by the
18 municipality in their application prior to the approval of the
19 redevelopment project by ordinance, while tax increment financing
20 remains in effect, may be available for appropriation by the
21 general assembly as provided in subsection 10 of this section to
22 the department of economic development supplemental tax increment
23 financing fund, from the general revenue fund, for distribution
24 to the treasurer or other designated financial officer of the
25 municipality with approved plans or projects.

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

1 6. No transfer from the general revenue fund to the
2 Missouri supplemental tax increment financing fund shall be made
3 unless an appropriation is made from the general revenue fund for
4 that purpose. No municipality shall commit any state revenues
5 prior to an appropriation being made for that project. For all
6 redevelopment plans or projects adopted or approved after
7 December 23, 1997, appropriations from the new state revenues
8 shall not be distributed from the Missouri supplemental tax
9 increment financing fund into the special allocation fund unless
10 the municipality's redevelopment plan ensures that one hundred
11 percent of payments in lieu of taxes and fifty percent of
12 economic activity taxes generated by the project shall be used
13 for eligible redevelopment project costs while tax increment
14 financing remains in effect. This account shall be separate from
15 the account into which payments in lieu of taxes are deposited,
16 and separate from the account into which economic activity taxes
17 are deposited.

18 7. In order for the redevelopment plan or project to be
19 eligible to receive the revenue described in subsection 4 of this
20 section, the municipality shall comply with the requirements of
21 subsection 10 of this section prior to the time the project or
22 plan is adopted or approved by ordinance. The director of the
23 department of economic development and the commissioner of the
24 office of administration may waive the requirement that the
25 municipality's application be submitted prior to the
26 redevelopment plan's or project's adoption or the redevelopment
27 plan's or project's approval by ordinance.

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

1 (1) The incremental increase in the general revenue portion
2 of state sales tax revenues received pursuant to section 144.020,
3 excluding sales taxes that are constitutionally dedicated, taxes
4 deposited to the school district trust fund in accordance with
5 section 144.701, sales and use taxes on motor vehicles, trailers,
6 boats and outboard motors and future sales taxes earmarked by
7 law. In no event shall the incremental increase include any
8 amounts attributable to retail sales unless the municipality or
9 authority has proven to the Missouri development finance board
10 and the department of economic development and such entities have
11 made a finding that the sales tax increment attributable to
12 retail sales is from new sources which did not exist in the state
13 during the baseline year. The incremental increase in the
14 general revenue portion of state sales tax revenues for an
15 existing or relocated facility shall be the amount that current
16 state sales tax revenue exceeds the state sales tax revenue in
17 the base year as stated in the redevelopment plan as provided in
18 subsection 10 of this section; or

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

27 9. Subsection 4 of this section shall apply only to
28 blighted areas located in enterprise zones, pursuant to sections
29 135.200 to 135.256, blighted areas located in federal empowerment

1 zones, or to blighted areas located in central business districts
2 or urban core areas of cities which districts or urban core areas
3 at the time of approval of the project by ordinance, provided
4 that the enterprise zones, federal empowerment zones or blighted
5 areas contained one or more buildings at least fifty years old;
6 and

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

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

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

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

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

1 redevelopment area;

2 (b) The base year of state sales tax revenues or the base
3 year of state income tax withheld on behalf of existing
4 employees, reported by existing businesses within the project

5 area prior to approval of the redevelopment project;

6 (c) The estimate of the incremental increase in the general
7 revenue portion of state sales tax revenue or the estimate for
8 the state income tax withheld by the employer on behalf of new
9 employees expected to fill new jobs created within the
10 redevelopment area after redevelopment;

11 (d) The official statement of any bond issue pursuant to
12 this subsection after December 23, 1997;

13 (e) An affidavit that is signed by the developer or
14 developers attesting that the provisions of subdivision (1) of
15 subsection 1 of section 99.810 have been met and specifying that
16 the redevelopment area would not be reasonably anticipated to be
17 developed without the appropriation of the new state revenues;

18 (f) The cost-benefit analysis required by section 99.810
19 includes a study of the fiscal impact on the state of Missouri;
20 and

21 (g) The statement of election between the use of the
22 incremental increase of the general revenue portion of the state
23 sales tax revenues or the state income tax withheld by employers
24 on behalf of new employees who fill new jobs created in the
25 redevelopment area;

26 (h) The name, street and mailing address, and phone number
27 of the mayor or chief executive officer of the municipality;

28 (i) The street address of the development site;

29 (j) The three-digit North American Industry Classification

1 System number or numbers characterizing the development project;

2 (k) The estimated development project costs;

3 (l) The anticipated sources of funds to pay such
4 development project costs;

5 (m) Evidence of the commitments to finance such development
6 project costs;

7 (n) The anticipated type and term of the sources of funds
8 to pay such development project costs;

9 (o) The anticipated type and terms of the obligations to be
10 issued;

11 (p) The most recent equalized assessed valuation of the
12 property within the development project area;

13 (q) An estimate as to the equalized assessed valuation
14 after the development project area is developed in accordance
15 with a development plan;

16 (r) The general land uses to apply in the development area;

17 (s) The total number of individuals employed in the
18 development area, broken down by full-time, part-time, and
19 temporary positions;

20 (t) The total number of full-time equivalent positions in
21 the development area;

22 (u) The current gross wages, state income tax withholdings,
23 and federal income tax withholdings for individuals employed in
24 the development area;

25 (v) The total number of individuals employed in this state
26 by the corporate parent of any business benefitting from public
27 expenditures in the development area, and all subsidiaries
28 thereof, as of December thirty-first of the prior fiscal year,
29 broken down by full-time, part-time, and temporary positions;

1 (w) The number of new jobs to be created by any business
2 benefitting from public expenditures in the development area,
3 broken down by full-time, part-time, and temporary positions;

4 (x) The average hourly wage to be paid to all current and
5 new employees at the project site, broken down by full-time,
6 part-time, and temporary positions;

7 (y) For project sites located in a metropolitan statistical
8 area, as defined by the federal Office of Management and Budget,
9 the average hourly wage paid to nonmanagerial employees in this
10 state for the industries involved at the project, as established
11 by the United States Bureau of Labor Statistics;

12 (z) For project sites located outside of metropolitan
13 statistical areas, the average weekly wage paid to nonmanagerial
14 employees in the county for industries involved at the project,
15 as established by the United States Department of Commerce;

16 (aa) A list of other community and economic benefits to
17 result from the project;

18 (bb) A list of all development subsidies that any business
19 benefitting from public expenditures in the development area has
20 previously received for the project, and the name of any other
21 granting body from which such subsidies are sought;

22 (cc) A list of all other public investments made or to be
23 made by this state or units of local government to support
24 infrastructure or other needs generated by the project for which
25 the funding pursuant to this section is being sought;

26 (dd) A statement as to whether the development project may
27 reduce employment at any other site, within or without the state,
28 resulting from automation, merger, acquisition, corporate
29 restructuring, relocation, or other business activity;

1 (ee) A statement as to whether or not the project involves
2 the relocation of work from another address and if so, the number
3 of jobs to be relocated and the address from which they are to be
4 relocated;

5 (ff) A list of competing businesses in the county
6 containing the development area and in each contiguous county;

7 (gg) A market study for the development area;

8 (hh) A certification by the chief officer of the applicant
9 as to the accuracy of the development plan;

10 (2) The methodologies used in the application for
11 determining the base year and determining the estimate of the
12 incremental increase in the general revenue portion of the state
13 sales tax revenues or the state income tax withheld by employers
14 on behalf of new employees who fill new jobs created in the
15 redevelopment area shall be approved by the director of the
16 department of economic development or his or her designee and the
17 commissioner of the office of administration or his or her
18 designee. Upon approval of the application, the director of the
19 department of economic development or his or her designee and the
20 commissioner of the office of administration or his or her
21 designee shall issue a certificate of approval. The department
22 of economic development may request the appropriation following
23 application approval;

24 (3) The appropriation shall be either a portion of the
25 estimate of the incremental increase in the general revenue
26 portion of state sales tax revenues in the redevelopment area or
27 a portion of the estimate of the state income tax withheld by the
28 employer on behalf of new employees who fill new jobs created in
29 the redevelopment area as indicated in the municipality's

1 application, approved by the director of the department of
2 economic development or his or her designee and the commissioner
3 of the office of administration or his or her designee. At no
4 time shall the annual amount of the new state revenues approved
5 for disbursements from the Missouri supplemental tax increment
6 financing fund exceed thirty-two million dollars;

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

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

24 12. There is hereby established within the state treasury a
25 special fund to be known as the "Missouri Supplemental Tax
26 Increment Financing Fund", to be administered by the department
27 of economic development. The department shall annually
28 distribute from the Missouri supplemental tax increment financing
29 fund the amount of the new state revenues as appropriated as

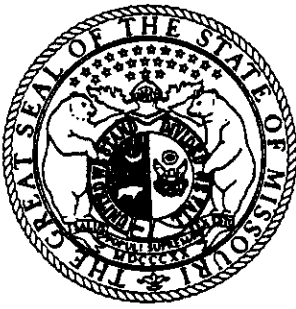
1 provided in the provisions of subsections 4 and 5 of this section
2 if and only if the conditions of subsection 10 of this section
3 are met. The fund shall also consist of any gifts,
4 contributions, grants or bequests received from federal, private
5 or other sources. Moneys in the Missouri supplemental tax
6 increment financing fund shall be disbursed per project pursuant
7 to state appropriations.

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

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

1 revenues."; and

2 Further amend the title and enacting clause accordingly.



MISSOURI SENATE

DIVISION OF RESEARCH

State Capitol, Room B-9, Jefferson City, MO 65101

TEL. (573) 522-7910 FAX (573) 751-4778

H:\13BILL1000\1299S08.01M

TO: Senator Parson

FROM: Chris Hogerty, Research Analyst

DATE: May 7, 2013

Re: SA to SS/SCS/HCS/HB 404 & 614 - Workers' compensation.

Per your request, please find attached a Senate Amendment to SS/SCS/HCS/HB 404 & 614 relating to workers' compensation.

This amendment allows employers to ensure their employer liability under a policy of insurance or a self-insurance plan.

Please contact me if I may be of further assistance.

SENATE AMENDMENT NO. 7Offered by Wasson of 20Amend SCS/MCS/House Bill No. 1035, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

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

7 2. The governing body of any city or county proposing to
8 create a neighborhood improvement district may by resolution
9 submit the question of creating such district to all qualified
10 voters residing within such district at a general or special
11 election called for that purpose. Such resolution shall set
12 forth the project name for the proposed improvement, the general
13 nature of the proposed improvement, the estimated cost of such
14 improvement, the boundaries of the proposed neighborhood
15 improvement district to be assessed, and the proposed method or
16 methods of assessment of real property within the district,
17 including any provision for the annual assessment of maintenance
18 costs of the improvement in each year during the term of the
19 bonds issued for the original improvement and after such bonds
20 are paid in full. The governing body of the city or county may
21 create a neighborhood improvement district when the question of
22 creating such district has been approved by the vote of the

Offered 5/7/13
Adopted

1 percentage of electors within such district voting thereon that
2 is equal to the percentage of voter approval required for the
3 issuance of general obligation bonds of such city or county under
4 article VI, section 26 of the constitution of this state. The
5 notice of election containing the question of creating a
6 neighborhood improvement district shall contain the project name
7 for the proposed improvement, the general nature of the proposed
8 improvement, the estimated cost of such improvement, the
9 boundaries of the proposed neighborhood improvement district to
10 be assessed, the proposed method or methods of assessment of real
11 property within the district, including any provision for the
12 annual assessment of maintenance costs of the improvement in each
13 year after the bonds issued for the original improvement are paid
14 in full, and a statement that the final cost of such improvement
15 assessed against real property within the district and the amount
16 of general obligation bonds issued therefor shall not exceed the
17 estimated cost of such improvement, as stated in such notice, by
18 more than twenty-five percent, and that the annual assessment for
19 maintenance costs of the improvements shall not exceed the
20 estimated annual maintenance cost, as stated in such notice, by
21 more than twenty-five percent. The ballot upon which the
22 question of creating a neighborhood improvement district is
23 submitted to the qualified voters residing within the proposed
24 district shall contain a question in substantially the following
25 form:

26 Shall (name of city or
27 county) be authorized to create a neighborhood improvement
28 district proposed for the
29 (project name for the proposed improvement) and incur

1 indebtedness and issue general obligation bonds to pay for all or
2 part of the cost of public improvements within such district, the
3 cost of all indebtedness so incurred to be assessed by the
4 governing body of the (city or
5 county) on the real property benefitted by such improvements for
6 a period of years, and, if included in the
7 resolution, an assessment in each year thereafter with the
8 proceeds thereof used solely for maintenance of the improvement?

9 3. As an alternative to the procedure described in
10 subsection 2 of this section, the governing body of a city or
11 county may create a neighborhood improvement district when a
12 proper petition has been signed by the owners of record of at
13 least two-thirds by area of all real property located within such
14 proposed district. Each owner of record of real property located
15 in the proposed district is allowed one signature. Any person,
16 corporation, or limited liability partnership owning more than
17 one parcel of land located in such proposed district shall be
18 allowed only one signature on such petition. The petition, in
19 order to become effective, shall be filed with the city clerk or
20 county clerk. A proper petition for the creation of a
21 neighborhood improvement district shall set forth the project
22 name for the proposed improvement, the general nature of the
23 proposed improvement, the estimated cost of such improvement, the
24 boundaries of the proposed neighborhood improvement district to
25 be assessed, the proposed method or methods of assessment of real
26 property within the district, including any provision for the
27 annual assessment of maintenance costs of the improvement in each
28 year during the term of the bonds issued for the original
29 improvement and after such bonds are paid in full, a notice that

1 the names of the signers may not be withdrawn later than seven
2 days after the petition is filed with the city clerk or county
3 clerk, and a notice that the final cost of such improvement
4 assessed against real property within the district and the amount
5 of general obligation bonds issued therefor shall not exceed the
6 estimated cost of such improvement, as stated in such petition,
7 by more than twenty-five percent, and that the annual assessment
8 for maintenance costs of the improvements shall not exceed the
9 estimated annual maintenance cost, as stated in such petition, by
10 more than twenty-five percent.

11 4. Upon receiving the requisite voter approval at an
12 election or upon the filing of a proper petition with the city
13 clerk or county clerk, the governing body may by resolution or
14 ordinance determine the advisability of the improvement and may
15 order that the district be established and that preliminary plans
16 and specifications for the improvement be made. Such resolution
17 or ordinance shall state and make findings as to the project name
18 for the proposed improvement, the nature of the improvement, the
19 estimated cost of such improvement, the boundaries of the
20 neighborhood improvement district to be assessed, the proposed
21 method or methods of assessment of real property within the
22 district, including any provision for the annual assessment of
23 maintenance costs of the improvement in each year after the bonds
24 issued for the original improvement are paid in full, and shall
25 also state that the final cost of such improvement assessed
26 against the real property within the neighborhood improvement
27 district and the amount of general obligation bonds issued
28 therefor shall not, without a new election or petition, exceed
29 the estimated cost of such improvement by more than twenty-five

1 (1) Each owner of record of real property located within
2 the neighborhood improvement district at the time of recording,
3 who shall be identified in the document as grantors and indexed
4 by the recorder pursuant to section 59.440;

5 (2) The governing body establishing the neighborhood
6 improvement district and the title of any official or agency
7 responsible for collecting or enforcing any assessments, who
8 shall be identified in the document as grantees and so indexed by
9 the recorder pursuant to section 59.440;

10 (3) The legal description of the property within the
11 neighborhood improvement district which may either be the metes
12 and bounds description authorized in subsection 5 of this section
13 or the legal description of each lot or parcel within the
14 neighborhood improvement district; and

15 (4) The identifying number of the resolution or ordinance
16 creating the neighborhood improvement district, or a copy of such
17 resolution or ordinance."; and

18 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 8

Offered by Le Vota of 11

Amend SCS/HCS Bill No. 1035, Page 3, Section 07.469 Line 11,

2 by inserting after all of said line the following:

3 "71.011. 1. Except as provided in subsection 2 of this

4 section, property of a municipality which abuts another

5 municipality may be concurrently detached from one municipality

6 and annexed by the other municipality by the enactment by the

7 governing bodies of each municipality of an ordinance describing

8 by metes and bounds the property, declaring the property so

9 described to be concurrently detached and annexed, and stating

10 the reasons for and the purposes to be accomplished by the

11 detachment and annexation. One certified copy of each ordinance

12 shall be filed with the county clerk, with the county assessor,

13 with the county recorder of deeds, and with the clerk of the

14 circuit court of the county in which the property is located,

15 whereupon the concurrent detachment and annexation shall be

16 complete and final. Thereafter all courts of this state shall

17 take notice of the limits of both municipalities as changed by

18 the ordinances. No declaratory judgment or election shall be

19 required for any concurrent detachment and annexation permitted

20 by this section if there are no residents living in the area or

21 if there are residents in the area and they be notified of the

Offered 5/7/13
Adopted "

1 annexation and do not object within sixty days.

2 2. In a county of the first classification with a charter
3 form of government containing all or a portion of a city with a
4 population of at least three hundred thousand inhabitants[,]:

5 (1) Unimproved property of a municipality which overlaps
6 another municipality may be concurrently detached from one
7 municipality and annexed by the other municipality by the
8 enactment by the governing body of the receiving municipality of
9 an ordinance describing by metes and bounds the property,
10 declaring the property so described to be detached and annexed,
11 and stating the reasons for and the purposes to be accomplished
12 by the detachment and annexation. A copy of said ordinance shall
13 be mailed to the city clerk of the contributing municipality,
14 which shall have thirty days from receipt of said notice to pass
15 an ordinance disapproving the change of boundary. If such
16 ordinance is not passed within thirty days, the change shall be
17 effective and one certified copy of the ordinance shall be filed
18 with the county clerk, with the county assessor, with the county
19 recorder of deeds, and with the clerk of the circuit court of the
20 county in which the property is located, whereupon the concurrent
21 detachment and annexation shall be complete and final.

22 Thereafter all courts of this state shall take notice of the
23 limits of both municipalities as changed by the ordinances. No
24 declaratory judgment or election shall be required for any
25 concurrent detachment and annexation permitted by this section if
26 the landowners in the area are notified and do not object within
27 sixty days; or

28 (2) An island of unincorporated area within a municipality,
29 which is contiguous to more than one municipality or contiguous

1 to the Missouri River and the Blue River, may be annexed by an
2 abutting municipality by the enactment by the governing body of
3 the municipality of an ordinance describing the metes and bounds
4 of the property, declaring the property so described to be
5 annexed, and stating the reasons for and the purposes to be
6 accomplished by the annexation. All recording shall be
7 accomplished in the same manner as set out in subdivision (1) of
8 this subsection and shall be effective unless the governing body
9 of the county passes an ordinance within thirty days disapproving
10 the annexation. No declaratory judgment or election shall be
11 required for any annexation permitted by this subdivision. Any
12 annexation permitted by this subdivision shall exclude any
13 property within the unincorporated area when such property has
14 been owned by the same family for at least sixty consecutive
15 years and consists of ten acres or more. The line of ownership
16 from the original settler or buyer may be through children,
17 grandchildren, siblings, nephews, or nieces, including through
18 marriage or adoption."; and

19 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 9

Offered by [Signature] of 24th

Amend SCS/HCS/House Bill No. 1035, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "33.080. 1. All fees, funds and moneys from whatsoever
4 source received by any department, board, bureau, commission,
5 institution, official or agency of the state government by virtue
6 of any law or rule or regulation made in accordance with any law,
7 excluding all funds received and disbursed by the state on behalf
8 of counties and cities, towns and villages shall, by the official
9 authorized to receive same, and at stated intervals of not more
10 than thirty days, be placed in the state treasury to the credit
11 of the particular purpose or fund for which collected, and shall
12 be subject to appropriation by the general assembly for the
13 particular purpose or fund for which collected during the
14 biennium in which collected and appropriated. The unexpended
15 balance remaining in all such funds (except such unexpended
16 balance as may remain in any fund authorized, collected and
17 expended by virtue of the provisions of the constitution of this
18 state) shall at the end of the biennium and after all warrants on
19 same have been discharged and the appropriation thereof has
20 lapsed, be transferred and placed to the credit of the [ordinary]
21 general revenue fund of the state by the state treasurer. Any
22 official or any person who shall willfully fail to comply with

Offered 5/7/13
Adopted "

1 3. Notwithstanding any provision of law to the contrary
2 concerning the department of revenue information fund established
3 in section 32.067, two million dollars of such fund shall be
4 transferred and placed to the credit of the general revenue fund
5 of the state on July 1, 2013.

6 33.295. 1. There is hereby established the "Rebuild
7 Damaged Infrastructure Program" to provide funding for the
8 reconstruction, replacement, or renovation of, or repair to, any
9 infrastructure damaged by a presidentially declared natural
10 disaster, including, but not limited to, the physical components
11 of interrelated systems providing essential commodities and
12 services to the public which includes transportation,
13 communication, sewage, water, and electric systems as well as
14 public elementary and secondary school buildings.

15 2. There is hereby created in the state treasury the
16 "Rebuild Damaged Infrastructure Fund", which shall consist of
17 money appropriated or collected under this section. Any amount
18 to be transferred to the fund on July 1, 2013, pursuant to
19 subsection 2 of section 33.080 and subsection 2 of section
20 360.045, in excess of fifteen million dollars shall instead be
21 transferred to the state general revenue fund. The state
22 treasurer shall be custodian of the fund and may approve
23 disbursements from the fund in accordance with sections 30.170
24 and 30.180. Upon appropriation, money in the fund shall be used
25 solely for the purposes of this section. Any moneys remaining in
26 the fund at the end of the biennium shall revert to the credit of
27 the general revenue fund. The state treasurer shall invest
28 moneys in the fund in the same manner as other funds are
29 invested. Any interest and moneys earned on such investments

1 shall be credited to the fund.

2 3. The provisions of this section shall expire on June 30,
3 2014."; and

4 Further amend said bill, page 15, section 137.720, line 57
5 by inserting after all of said line the following:

6 "360.045. 1. The authority shall have the following powers
7 together with all powers incidental thereto or necessary for the
8 performance thereof:

9 (1) To have perpetual succession as a body politic and
10 corporate;

11 (2) To adopt bylaws for the regulation of its affairs and
12 the conduct of its business;

13 (3) To sue and be sued and to prosecute and defend, at law
14 or in equity, in any court having jurisdiction of the subject
15 matter and of the parties;

16 (4) To have and to use a corporate seal and to alter the
17 same at pleasure;

18 (5) To maintain an office at such place or places in the
19 state of Missouri as it may designate;

20 (6) To determine the location and construction of any
21 facility to be financed under the provisions of sections 360.010
22 to 360.140, and to construct, reconstruct, repair, alter,
23 improve, extend, maintain, lease, and regulate the same; and to
24 designate a participating health institution or a participating
25 educational institution, as the case may be, as its agent to
26 determine the location and construction of a facility undertaken
27 by such participating health institution or participating
28 educational institution, as the case may be, under the provisions
29 of sections 360.010 to 360.140, to construct, reconstruct,

1 of its corporate purposes and to refund the same, all as provided
2 in sections 360.010 to 360.140;

3 (9) To transfer assets of the authority to the rebuild
4 damaged infrastructure fund created in section 33.295;

5 (10) To fix and revise from time to time and make and
6 collect rates, rents, fees, and charges for the use of and
7 services furnished or to be furnished by any facility or
8 facilities or any portion thereof and to contract with any
9 person, firm, or corporation or other body, public or private, in
10 respect thereof; except that the authority shall have no
11 jurisdiction over rates, rents, fees, and charges established by
12 a participating educational institution for its students or
13 established by a participating health institution for its
14 patients other than to require that such rates, rents, fees, and
15 charges by such an institution be sufficient to discharge the
16 institution's obligations to the authority;

17 [(10)] (11) To establish rules and regulations for review
18 by or on behalf of the authority of the retention or employment
19 by a participating health institution or by a participating
20 educational institution, as the case may be, of consulting
21 engineers, architects, attorneys, accountants, construction and
22 finance experts, superintendents, managers, and such other
23 employees and agents as shall be determined to be necessary in
24 connection with any such facility or facilities and for review by
25 or on behalf of the authority of all reports, studies, or other
26 material prepared in connection with any bond issue of the
27 authority for any such facility or facilities. The costs
28 incurred or to be incurred by a participating health institution
29 or by a participating educational institution in connection with

1 the review shall be deemed, where appropriate, an expense of
2 constructing the facility or facilities or, where appropriate,
3 shall be deemed an annual expense of operation and maintenance of
4 the facility or facilities;

5 [(11)] (12) To receive and accept from any public agency
6 loans or grants for or in aid of the construction of a facility
7 or facilities, or any portion thereof, or for equipping the same
8 and to receive and accept grants, gifts, or other contributions
9 from any source;

10 [(12)] (13) To mortgage or pledge all or any portion of any
11 facility or facilities, including any other health or educational
12 facility or facilities conveyed to the authority for such purpose
13 and the site or sites thereof, whether then owned or thereafter
14 acquired, for the benefit of the holders of the bonds of the
15 authority issued to finance such facility or facilities or any
16 portion thereof or issued to refund or refinance outstanding
17 indebtedness of a private health institution or a private
18 institution of higher education as permitted by sections 360.010
19 to 360.140;

20 [(13)] (14) To make loans to any participating health
21 institution or participating educational institution, as the case
22 may be, for the cost of any facility or facilities in accordance
23 with an agreement between the authority and such participating
24 health institution or participating educational institution, as
25 the case may be; except that no such loan shall exceed the total
26 cost of such facility or facilities as determined by the
27 participating health institution or participating educational
28 institution, as the case may be, and approved by the authority;

29 [(14)] (15) To make loans to a participating health

1 institution or participating educational institution, as the case
2 may be, to refund outstanding obligations, mortgages, or advances
3 issued, made, or given by the institution for the cost of its
4 facility or facilities, including the power to issue bonds and
5 make loans to a participating health institution or participating
6 educational institution, as the case may be, to refinance
7 indebtedness incurred for facilities undertaken and completed
8 prior to or after September 28, 1975, whenever the authority
9 finds that the financing is in the public interest, alleviates a
10 financial hardship upon the participating health institution or
11 participating educational institution, as the case may be, and
12 results in a lesser cost of patient care or cost of education and
13 a saving to third parties, including state or federal
14 governments, and to others who must pay for the care or
15 education;

16 [(15)] (16) To inspect any and all facilities assisted by
17 the authority in any way to enforce the prohibition against
18 sectarian or religious use at any time; and

19 [(16)] (17) To do all things necessary and convenient to
20 carry out the purposes of sections 360.010 to 360.140.

21 2. Notwithstanding any provision of law to the contrary,
22 including section 360.115, the authority shall transfer four
23 million dollars of the assets of the authority to the rebuild
24 damaged infrastructure fund created in section 33.295 on July 1,
25 2013.

26 Section B. Because of the necessity to provide funding for
27 the reconstruction, replacement, or renovation of, or repair to,
28 any infrastructure damaged by a presidentially declared natural
29 disaster, the enactment of section 33.295 and the repeal and

1 reenactment of sections 33.080 and 360.045 of this act is deemed
2 necessary for the immediate preservation of the public health,
3 welfare, peace and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and the
5 enactment of section 33.295 and the repeal and reenactment of
6 sections 33.080 and 360.045 of this act of this act shall be in
7 full force and effect upon its passage and approval."; and
8 further amend the title and enacting clause accordingly.