

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 1,  
2 Section A, Line 8, by inserting after all of said section and line the following:

3  
4 "99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise,  
5 the following terms shall mean:

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

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

15 (3) "Conservation area", any improved area within the boundaries of a redevelopment area  
16 located within the territorial limits of a municipality in which fifty percent or more of the structures  
17 in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is  
18 detrimental to the public health, safety, morals, or welfare and may become a blighted area because  
19 of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of  
20 individual structures; presence of structures below minimum code standards; abandonment;  
21 excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light  
22 or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout;  
23 depreciation of physical maintenance; and lack of community planning. A conservation area shall  
24 meet at least three of the factors provided in this subdivision for projects approved on or after  
25 December 23, 1997;

26 (4) "Economic activity taxes", the total additional revenue from taxes which are imposed by  
27 a municipality and other taxing districts, and which are generated by economic activities within a  
28 redevelopment area over the amount of such taxes generated by economic activities within such  
29 redevelopment area in the calendar year prior to the adoption of the ordinance designating such a  
30 redevelopment area, while tax increment financing remains in effect, but excluding personal  
31 property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 hotels and motels, licenses, fees or special assessments. For redevelopment projects or  
2 redevelopment plans approved after December 23, 1997, if a retail establishment relocates within  
3 one year from one facility to another facility within the same county and the governing body of the  
4 municipality finds that the relocation is a direct beneficiary of tax increment financing, then for  
5 purposes of this definition, the economic activity taxes generated by the retail establishment shall  
6 equal the total additional revenues from economic activity taxes which are imposed by a  
7 municipality or other taxing district over the amount of economic activity taxes generated by the  
8 retail establishment in the calendar year prior to its relocation to the redevelopment area;

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

14 (a) Discourage commerce, industry or manufacturing from moving their operations to  
15 another state; or

16 (b) Result in increased employment in the municipality; or

17 (c) Result in preservation or enhancement of the tax base of the municipality;

18 (6) "Gambling establishment", an excursion gambling boat as defined in section 313.800  
19 and any related business facility including any real property improvements which are directly and  
20 solely related to such business facility, whose sole purpose is to provide goods or services to an  
21 excursion gambling boat and whose majority ownership interest is held by a person licensed to  
22 conduct gambling games on an excursion gambling boat or licensed to operate an excursion  
23 gambling boat as provided in sections 313.800 to 313.850. This subdivision shall be applicable  
24 only to a redevelopment area designated by ordinance adopted after December 23, 1997;

25 (7) "Greenfield area", any vacant, unimproved, or agricultural property that is located  
26 wholly outside the incorporated limits of a city, town, or village, or that is substantially surrounded  
27 by contiguous properties with agricultural zoning classifications or uses unless said property was  
28 annexed into the incorporated limits of a city, town, or village ten years prior to the adoption of the  
29 ordinance approving the redevelopment plan for such greenfield area;

30 (8) "Municipality", a city, village, or incorporated town or any county of this state. For  
31 redevelopment areas or projects approved on or after December 23, 1997, municipality applies only  
32 to cities, villages, incorporated towns or counties established for at least one year prior to such date;

33 (9) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of  
34 indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding  
35 obligations;

36 (10) "Ordinance", an ordinance enacted by the governing body of a city, town, or village or  
37 a county or an order of the governing body of a county whose governing body is not authorized to  
38 enact ordinances;

39 (11) "Payment in lieu of taxes", those estimated revenues from real property in the area  
40 selected for a redevelopment project, which revenues according to the redevelopment project or plan  
41 are to be used for a private use, which taxing districts would have received had a municipality not

1 adopted tax increment allocation financing, and which would result from levies made after the time  
 2 of the adoption of tax increment allocation financing during the time the current equalized value of  
 3 real property in the area selected for the redevelopment project exceeds the total initial equalized  
 4 value of real property in such area until the designation is terminated pursuant to subsection 2 of  
 5 section 99.850;

6 (12) "Previously commercial land", an area that for the previous forty years was  
 7 continuously assessed as utility, industrial, commercial, railroad, and all other real property and not  
 8 as residential property or agricultural or horticultural property as those subclasses are named under  
 9 article X, section 4(b) of the Constitution of Missouri;

10 (13) "Redevelopment area", an area designated by a municipality, in respect to which:

11 (a) The municipality has made a finding that there exist conditions which cause the area to  
 12 be classified as a blighted area, a conservation area, an economic development area, an enterprise  
 13 zone pursuant to sections 135.200 to 135.256, or a combination thereof~~[, which];~~

14 (b) Is located in:

15 a. Any county of the first classification with more than ninety-two thousand but fewer than  
 16 one hundred one thousand inhabitants;

17 b. Any county of the first classification with more than two hundred thousand but fewer  
 18 than two hundred sixty thousand inhabitants;

19 c. Any county of the first classification with more than two hundred sixty thousand but  
 20 fewer than three hundred thousand inhabitants;

21 d. Any county with a charter form of government and with more than six hundred thousand  
 22 but fewer than seven hundred thousand inhabitants;

23 e. Any county with a charter form of government and with more than two hundred thousand  
 24 but fewer than three hundred fifty thousand inhabitants;

25 f. Any county of the first classification with more than eighty-three thousand but fewer than  
 26 ninety-two thousand inhabitants and with a city of the fourth classification with more than four  
 27 thousand five hundred but fewer than five thousand inhabitants as the county seat;

28 g. Any county with a charter form of government and with more than three hundred  
 29 thousand but fewer than four hundred fifty thousand inhabitants;

30 h. A city not within a county; or

31 i. Any county with a charter form of government and with more than nine hundred fifty  
 32 thousand inhabitants;

33 (c) Is previously commercial land; and

34 (d) Whose area includes only those parcels of real property directly and substantially  
 35 benefitted by the proposed redevelopment project;

36 ~~[(13)]~~ (14) "Redevelopment plan", the comprehensive program of a municipality for  
 37 redevelopment intended by the payment of redevelopment costs to reduce or eliminate those  
 38 conditions, the existence of which qualified the redevelopment area as a blighted area, conservation  
 39 area, economic development area, or combination thereof, and to thereby enhance the tax bases of  
 40 the taxing districts which extend into the redevelopment area. Each redevelopment plan shall  
 41 conform to the requirements of section 99.810;

1           ~~[(14)]~~ (15) "Redevelopment project", any development project within a redevelopment area  
2 in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall  
3 include a legal description of the area selected for the redevelopment project;

4           ~~[(15)]~~ (16) "Redevelopment project costs" include the sum total of all reasonable or  
5 necessary costs incurred or estimated to be incurred, and any such costs incidental to a  
6 redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited  
7 to, the following:

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

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

14           (c) Property assembly costs, including, but not limited to:

15           a. Acquisition of land and other property, real or personal, or rights or interests therein;

16           b. Demolition of buildings; and

17           c. The clearing and grading of land;

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

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

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

22           (g) Financing costs, including, but not limited to, all necessary and incidental expenses  
23 related to the issuance of obligations, and which may include payment of interest on any obligations  
24 issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of  
25 any redevelopment project for which such obligations are issued and for not more than eighteen  
26 months thereafter, and including reasonable reserves related thereto;

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

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

33           (j) Payments in lieu of taxes;

34           ~~[(16)]~~ (17) "Special allocation fund", the fund of a municipality or its commission which  
35 contains at least two separate segregated accounts for each redevelopment plan, maintained by the  
36 treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes  
37 are deposited in one account, and economic activity taxes and other revenues are deposited in the  
38 other account;

39           ~~[(17)]~~ (18) "Special taxing district", a fire protection district or other political subdivision  
40 that levies a sales tax whose revenue is dedicated to a purpose within such district. "Special taxing  
41 district" shall include a municipality or county that levies a sales tax whose revenue is dedicated to a

1 purpose other than the municipality's or county's general revenue including, but not limited to,  
2 education and public safety;

3 (19) "Taxing districts", any political subdivision of this state having the power to levy taxes;  
4 [(18)] (20) "Taxing districts' capital costs", those costs of taxing districts for capital  
5 improvements that are found by the municipal governing bodies to be necessary and to directly  
6 result from the redevelopment project; and

7 [(19)] (21) "Vacant land", any parcel or combination of parcels of real property not used for  
8 industrial, commercial, or residential buildings.

9 99.820. 1. A municipality may:

10 (1) By ordinance introduced in the governing body of the municipality within fourteen to  
11 ninety days from the completion of the hearing required in section 99.825, approve redevelopment  
12 plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice  
13 and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved  
14 unless a redevelopment plan has been approved and a redevelopment area has been designated prior  
15 to or concurrently with the approval of such redevelopment project and the area selected for the  
16 redevelopment project shall include only those parcels of real property and improvements thereon  
17 directly and substantially benefitted by the proposed redevelopment project improvements;

18 (2) Make and enter into all contracts necessary or incidental to the implementation and  
19 furtherance of its redevelopment plan or project;

20 (3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by  
21 purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey,  
22 lease, mortgage, or dispose of land and other property, real or personal, or rights or interests therein,  
23 and grant or acquire licenses, easements and options with respect thereto, all in the manner and at  
24 such price the municipality or the commission determines is reasonably necessary to achieve the  
25 objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other  
26 property, acquired by the municipality, or agreement relating to the development of the property  
27 shall be made except upon the adoption of an ordinance by the governing body of the municipality.  
28 Each municipality or its commission shall establish written procedures relating to bids and proposals  
29 for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or  
30 other disposition of land or agreement relating to the development of property shall be made  
31 without making public disclosure of the terms of the disposition and all bids and proposals made in  
32 response to the municipality's request. Such procedures for obtaining such bids and proposals shall  
33 provide reasonable opportunity for any person to submit alternative proposals or bids;

34 (4) Within a redevelopment area, clear any area by demolition or removal of existing  
35 buildings and structures;

36 (5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or  
37 building;

38 (6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements  
39 essential to the preparation of the redevelopment area for use in accordance with a redevelopment  
40 plan;

41 (7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for

1 the use of any building or property owned or leased by it or any part thereof, or facility therein;

2 (8) Accept grants, guarantees, and donations of property, labor, or other things of value  
3 from a public or private source for use within a redevelopment area;

4 (9) Acquire and construct public facilities within a redevelopment area;

5 (10) Incur redevelopment costs and issue obligations;

6 (11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

7 (12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

8 (a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the  
9 redevelopment area which impose ad valorem taxes on a basis that is proportional to the current  
10 collections of revenue which each taxing district receives from real property in the redevelopment  
11 area;

12 (b) Surplus economic activity taxes shall be distributed to taxing districts in the  
13 redevelopment area which impose economic activity taxes, on a basis that is proportional to the  
14 amount of such economic activity taxes the taxing district would have received from the  
15 redevelopment area had tax increment financing not been adopted;

16 (c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes,  
17 deposited in the special allocation fund, shall be distributed on a basis that is proportional to the  
18 total receipt of such other revenues in such account in the year prior to disbursement;

19 (13) If any member of the governing body of the municipality, a member of a commission  
20 established pursuant to subsection 2 or 3 of this section, or an employee or consultant of the  
21 municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment  
22 project for a redevelopment area or proposed redevelopment area, owns or controls an interest,  
23 direct or indirect, in any property included in any redevelopment area, or proposed redevelopment  
24 area, which property is designated to be acquired or improved pursuant to a redevelopment project,  
25 he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose  
26 the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be  
27 acknowledged by the governing body of the municipality and entered upon the minutes books of the  
28 governing body of the municipality. If an individual holds such an interest, then that individual  
29 shall refrain from any further official involvement in regard to such redevelopment plan,  
30 redevelopment project or redevelopment area, from voting on any matter pertaining to such  
31 redevelopment plan, redevelopment project or redevelopment area, or communicating with other  
32 members concerning any matter pertaining to that redevelopment plan, redevelopment project or  
33 redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or  
34 indirect, in any property in a redevelopment area or proposed redevelopment area after either (a)  
35 such individual obtains knowledge of such plan or project, or (b) first public notice of such plan,  
36 project or area pursuant to section 99.830, whichever first occurs;

37 (14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other  
38 official in administering the redevelopment project. The charge for the clerk's or other official's  
39 costs shall be determined by the municipality based on a recommendation from the commission,  
40 created pursuant to this section.

41 2. Prior to adoption of an ordinance approving the designation of a redevelopment area or

1 approving a redevelopment plan or redevelopment project, the municipality shall create a  
 2 commission [~~of nine persons if the municipality is a county or a city not within a county and not a~~  
 3 ~~first class county with a charter form of government with a population in excess of nine hundred~~  
 4 ~~thousand, and eleven persons if the municipality is not a county and not in a first class county with a~~  
 5 ~~charter form of government having a population of more than nine hundred thousand, and twelve~~  
 6 ~~persons if the municipality is located in or is a first class county with a charter form of government~~  
 7 ~~having a population of more than nine hundred thousand, to be appointed] as follows:~~

8 (1) ~~[H] For all municipalities, nine members as follows:~~

9 (a) Two members shall be appointed by the school boards whose districts are included  
 10 within the redevelopment plan or redevelopment area. Such members shall be appointed in any  
 11 manner agreed upon by the affected districts;

12 ~~[(2) In all municipalities]~~ (b) One member shall be appointed, in any manner agreed upon  
 13 by the affected districts, to represent all special taxing districts or other districts levying ad valorem  
 14 taxes within the area selected for a redevelopment project or the redevelopment area, excluding  
 15 representatives of the governing body of the municipality; and

16 ~~[(3) In all municipalities]~~ (c) Six members shall be appointed by the chief elected officer of  
 17 the municipality, with the consent of the majority of the governing body of the municipality. If the  
 18 municipality is a city, village, or incorporated town located in a county, then no more than four  
 19 members shall be appointed by the chief elected officer of such city, village, or incorporated town,  
 20 and the remainder shall be appointed by the chief elected officer of the county; and

21 ~~[(4)]~~ (2) In ~~[all municipalities which are]~~ addition to the members under subdivision (1) of  
 22 this subsection, any municipality that is not [counties] a county and not in a [first class] county with  
 23 a charter form of government having a population in excess of nine hundred thousand[;] shall have  
 24 two additional members [shall be] appointed by the county of such municipality in the same manner  
 25 as members are appointed in paragraph (c) of subdivision [(3)] (1) of this subsection; or

26 ~~[(5)]~~ (3) In addition to the members under subdivision (1) of this subsection, a municipality  
 27 ~~[which] that~~ is a county with a charter form of government having a population in excess of nine  
 28 hundred thousand[;] shall have three additional members [shall be] appointed by the cities in the  
 29 county which have tax increment financing districts in a manner in which the cities shall agree; or

30 ~~[(6)]~~ (4) In addition to the members under subdivision (1) of this subsection, a municipality  
 31 ~~[which] that~~ is located in ~~[the first class] a~~ county with a charter form of government having a  
 32 population in excess of nine hundred thousand[;] shall have three additional members [shall be]  
 33 appointed by the county of such municipality in the same manner as members are appointed in  
 34 paragraph (c) of subdivision [(3)] (1) of this subsection[;]

35 ~~——(7)].~~

36  
 37 At the option of the members appointed by the municipality, the members who are appointed by the  
 38 school boards and other taxing districts may serve on the commission for a term to coincide with the  
 39 length of time a redevelopment project, redevelopment plan or designation of a redevelopment area  
 40 is considered for approval by the commission, or for a definite term pursuant to this subdivision. If  
 41 the members representing school districts and other taxing districts are appointed for a term

1 coinciding with the length of time a redevelopment project, plan or area is approved, such term shall  
2 terminate upon final approval of the project, plan or designation of the area by the governing body  
3 of the municipality. Thereafter the commission shall consist of the six members appointed by the  
4 municipality, except that members representing school boards and other taxing districts shall be  
5 appointed as provided in this section prior to any amendments to any redevelopment plans,  
6 redevelopment projects or designation of a redevelopment area. If any school district or other  
7 taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of  
8 written notice of a proposed redevelopment plan, redevelopment project or designation of a  
9 redevelopment area, the remaining members may proceed to exercise the power of the commission.  
10 Of the members first appointed by the municipality, two shall be designated to serve for terms of  
11 two years, two shall be designated to serve for a term of three years and two shall be designated to  
12 serve for a term of four years from the date of such initial appointments. Thereafter, the members  
13 appointed by the municipality shall serve for a term of four years, except that all vacancies shall be  
14 filled for unexpired terms in the same manner as were the original appointments. Members  
15 appointed by the county executive or presiding commissioner prior to August 28, 2008, shall  
16 continue their service on the commission established in subsection 3 of this section without further  
17 appointment unless the county executive or presiding commissioner appoints a new member or  
18 members.

19 3. Beginning August 28, 2008:

20 (1) In lieu of a commission created under subsection 2 of this section, any city, town, or  
21 village in a county with a charter form of government and with more than one million inhabitants,  
22 in a county with a charter form of government and with more than two hundred fifty thousand but  
23 fewer than three hundred fifty thousand inhabitants, or in a county of the first classification with  
24 more than one hundred eighty-five thousand but fewer than two hundred thousand inhabitants shall,  
25 prior to adoption of an ordinance approving the designation of a redevelopment area or approving a  
26 redevelopment plan or redevelopment project, create a commission consisting of twelve persons to  
27 be appointed as follows:

28 (a) Six members appointed either by the county executive or presiding commissioner;  
29 notwithstanding any provision of law to the contrary, no approval by the county's governing body  
30 shall be required;

31 (b) Three members appointed by the cities, towns, or villages in the county which have tax  
32 increment financing districts in a manner in which the chief elected officials of such cities, towns, or  
33 villages agree;

34 (c) Two members appointed by the school boards whose districts are included in the county  
35 in a manner in which the school boards agree; and

36 (d) One member to represent all other districts levying ad valorem taxes in the proposed  
37 redevelopment area in a manner in which all such districts agree.

38  
39 No city, town, or village subject to this subsection shall create or maintain a commission under  
40 subsection 2 of this section, except as necessary to complete a public hearing for which notice under  
41 section 99.830 has been provided prior to August 28, 2008, and to vote or make recommendations

1 relating to redevelopment plans, redevelopment projects, or designation of redevelopment areas, or  
2 amendments thereto that were the subject of such public hearing;

3 (2) Members appointed to the commission created under this subsection, except those six  
4 members appointed by either the county executive or presiding commissioner, shall serve on the  
5 commission for a term to coincide with the length of time a redevelopment project, redevelopment  
6 plan, or designation of a redevelopment area is considered for approval by the commission. The six  
7 members appointed by either the county executive or the presiding commissioner shall serve on all  
8 such commissions until replaced. The city, town, or village that creates a commission under this  
9 subsection shall send notice thereof by certified mail to the county executive or presiding  
10 commissioner, to the school districts whose boundaries include any portion of the proposed  
11 redevelopment area, and to the other taxing districts whose boundaries include any portion of the  
12 proposed redevelopment area. The city, town, or village that creates the commission shall also be  
13 solely responsible for notifying all other cities, towns, and villages in the county that have tax  
14 increment financing districts and shall exercise all administrative functions of the commission. The  
15 school districts receiving notice from the city, town, or village shall be solely responsible for  
16 notifying the other school districts within the county of the formation of the commission. If the  
17 county, school board, or other taxing district fails to appoint members to the commission within  
18 thirty days after the city, town, or village sends the written notice, as provided herein, that it has  
19 convened such a commission or within thirty days of the expiration of any such member's term, the  
20 remaining duly appointed members of the commission may exercise the full powers of the  
21 commission.

22 4. (1) Any commission created under this section, subject to approval of the governing  
23 body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except  
24 final approval of plans, projects and designation of redevelopment areas. The commission shall  
25 hold public hearings and provide notice pursuant to sections 99.825 and 99.830.

26 (2) Any commission created under subsection 2 of this section shall vote on all proposed  
27 redevelopment plans, redevelopment projects and designations of redevelopment areas, and  
28 amendments thereto, within thirty days following completion of the hearing on any such plan,  
29 project or designation and shall make recommendations to the governing body within ninety days of  
30 the hearing referred to in section 99.825 concerning the adoption of or amendment to  
31 redevelopment plans and redevelopment projects and the designation of redevelopment areas. The  
32 requirements of subsection 2 of this section and this subsection shall not apply to redevelopment  
33 projects upon which the required hearings have been duly held prior to August 31, 1991.

34 (3) Any commission created under subsection 3 of this section shall, within fifteen days of  
35 the receipt of a redevelopment plan meeting the minimum requirements of section 99.810, as  
36 determined by counsel to the city, town, or village creating the commission and a request by the  
37 applicable city, town, or village for a public hearing, fix a time and place for the public hearing  
38 referred to in section 99.825. The public hearing shall be held no later than seventy-five days from  
39 the commission's receipt of such redevelopment plan and request for public hearing. The  
40 commission shall vote and make recommendations to the governing body of the city, town, or  
41 village requesting the public hearing on all proposed redevelopment plans, redevelopment projects,

1 and designations of redevelopment areas, and amendments thereto within thirty days following the  
 2 completion of the public hearing. A recommendation of approval shall only be deemed to occur if a  
 3 majority of the commissioners voting on such plan, project, designation, or amendment thereto vote  
 4 for approval. A tied vote shall be considered a recommendation in opposition. If the commission  
 5 fails to vote in favor for a recommendation for approval within thirty days following the completion  
 6 of the public hearing referred to in section 99.825 concerning the proposed redevelopment plan,  
 7 redevelopment project, or designation of redevelopment area, or amendments thereto, such plan,  
 8 project, designation, or amendment thereto shall be deemed rejected by the commission.

9 5. Beginning August 28, 2018:

10 (1) All redevelopment plans, before final approval of the project, shall obtain an opinion  
 11 from the department of economic development as to whether the redevelopment plan is financially  
 12 feasible without economic activity taxes and payments in lieu of taxes;

13 (2) The department shall assume that the redevelopment plan is financially feasible without  
 14 economic activity taxes and payments in lieu of taxes, and the burden shall be on the proponents of  
 15 the redevelopment plan to show otherwise;

16 (3) No redevelopment plan that the department of economic development determines is  
 17 feasible without economic activity taxes and payments in lieu of taxes shall be implemented; and

18 (4) The department of economic development may promulgate rules to implement the  
 19 provisions of this subsection. Any rule or portion of a rule, as that term is defined in section  
 20 536.010, that is created under the authority delegated in this section shall become effective only if it  
 21 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
 22 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the  
 23 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
 24 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any  
 25 rule proposed or adopted after August 28, 2018, shall be invalid and void.

26 6. It shall be the policy of the state that each redevelopment plan or project of a  
 27 municipality be carried out with full transparency to the public. The records of the tax increment  
 28 financing commission including, but not limited to, commission votes and actions, meeting minutes,  
 29 summaries of witness testimony, data, and reports submitted to the commission shall be retained by  
 30 the governing body of the municipality that created the commission and shall be made available to  
 31 the public in accordance with chapter 610.

32 99.843. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, no new  
 33 tax increment financing project shall be authorized in any greenfield area, as such term is defined in  
 34 section 99.805~~], that is located within a city not within a county or any county subject to the~~  
 35 ~~authority of the East-West Gateway Council of Governments. Municipalities not subject to the~~  
 36 ~~authority of the East-West Gateway Council of Governments may authorize tax increment finance~~  
 37 ~~projects in greenfield areas].~~

38 99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the  
 39 event a municipality has undertaken acts establishing a redevelopment plan and redevelopment  
 40 project and has designated a redevelopment area after the passage and approval of sections 99.800  
 41 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of

1 sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance  
2 providing that after the total equalized assessed valuation of the taxable real property in a  
3 redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable  
4 real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if  
5 any, arising from the levies upon taxable real property in such redevelopment project by taxing  
6 districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year  
7 after the effective date of the ordinance until redevelopment costs have been paid shall be divided as  
8 follows:

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

15 (2) (a) Payments in lieu of taxes attributable to the increase in the current equalized  
16 assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for  
17 the redevelopment project and any applicable penalty and interest over and above the initial  
18 equalized assessed value of each such unit of property in the area selected for the redevelopment  
19 project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall  
20 deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the  
21 municipality for the purpose of paying redevelopment costs and obligations incurred in the payment  
22 thereof. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in  
23 such taxing district's levy rate for ad valorem tax on real property, any additional revenues generated  
24 within an existing redevelopment project area that are directly attributable to the newly voter-  
25 approved incremental increase in such taxing district's levy rate shall not be considered payments in  
26 lieu of taxes subject to deposit into a special allocation fund without the consent of such taxing  
27 district. Revenues will be considered directly attributable to the newly voter-approved incremental  
28 increase to the extent that they are generated from the difference between the taxing district's actual  
29 levy rate currently imposed and the maximum voter-approved levy rate at the time that the  
30 redevelopment project was adopted. Payments in lieu of taxes which are due and owing shall  
31 constitute a lien against the real estate of the redevelopment project from which they are derived and  
32 shall be collected in the same manner as the real property tax, including the assessment of penalties  
33 and interest where applicable. The municipality may, in the ordinance, pledge the funds in the  
34 special allocation fund for the payment of such costs and obligations and provide for the collection  
35 of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special  
36 assessment lien as provided in section 88.861. No part of the current equalized assessed valuation  
37 of each lot, block, tract, or parcel of property in the area selected for the redevelopment project  
38 attributable to any increase above the total initial equalized assessed value of such properties shall  
39 be used in calculating the general state school aid formula provided for in section 163.031 until such  
40 time as all redevelopment costs have been paid as provided for in this section and section 99.850[-];

41 (b) Notwithstanding any provisions of this section to the contrary, for purposes of

1 determining the limitation on indebtedness of local government pursuant to Article VI, Section  
2 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area  
3 selected for redevelopment attributable to the increase above the total initial equalized assessed  
4 valuation shall be included in the value of taxable tangible property as shown on the last completed  
5 assessment for state or county purposes[-];

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

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

17 (4) The board or body that oversees a special taxing district, as that term is defined under  
18 section 99.805, may elect to have the property or sales taxes levied by such district excluded from a  
19 tax increment allocation financing project or plan by passing a resolution by two-thirds majority  
20 prior to the time the project or plan is adopted or approved by ordinance. At least ten days prior to  
21 the vote on the resolution, the board shall post notice of and hold a public hearing. If the resolution  
22 passes, the board shall notify the director of revenue and county collector. If the resolution passes,  
23 subdivisions (1) and (2) of this subsection shall not apply to any tax levied by the special taxing  
24 district, and all revenue from such tax shall be allocated to the district and shall not be allocated to  
25 redevelopment costs and obligations; and

26 (5) A school board of a school district may elect to have the portion of property tax revenue  
27 allocated to the school district by a county or municipality excluded from a tax increment allocation  
28 financing project or plan by passing a resolution by two-thirds majority prior to the time the project  
29 or plan is adopted or approved by ordinance. At least ten days prior to the vote on the resolution,  
30 the board shall post notice of and hold a public hearing. If the resolution passes, the board shall  
31 notify the director of revenue and county collector. If the resolution passes, subdivision (2) of this  
32 subsection shall not apply to the percentage of property tax revenue equal to the average percentage  
33 of property tax revenue allocated to the school district over the preceding five years, and such  
34 percentage of revenue attributable to the increase in the current equalized assessed valuation of each  
35 taxable lot, block, tract, or parcel of real property within the redevelopment project area shall be  
36 allocated to the school district and shall not be allocated to redevelopment costs and obligations.

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

1 amount of such taxes generated by economic activities within the area of the redevelopment project  
2 in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax  
3 increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping  
4 rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500,  
5 licenses, fees or special assessments other than payments in lieu of taxes and any penalty and  
6 interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the  
7 purpose of public transportation, shall be allocated to, and paid by the local political subdivision  
8 collecting officer to the treasurer or other designated financial officer of the municipality, who shall  
9 deposit such funds in a separate segregated account within the special allocation fund. Any  
10 provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a  
11 municipality and any other political subdivision which provides for an appropriation of other  
12 municipal revenues to the special allocation fund shall be and remain enforceable.

13 3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of  
14 this section, for redevelopment plans and projects adopted or redevelopment projects approved by  
15 ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties  
16 and interest which are imposed by the municipality or other taxing districts, and which are  
17 generated by economic activities within the area of the redevelopment project over the amount of  
18 such taxes generated by economic activities within the area of the redevelopment project in the  
19 calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment  
20 financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges  
21 for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section  
22 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, taxes  
23 imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and  
24 maintaining a metropolitan park and recreation district, licenses, fees or special assessments other  
25 than payments in lieu of taxes and penalties and interest thereon, any sales tax imposed by a county  
26 with a charter form of government and with more than six hundred thousand but fewer than seven  
27 hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such  
28 county under section 238.410 for the purpose of the county transit authority operating transportation  
29 facilities, or for redevelopment plans and projects adopted or redevelopment projects approved by  
30 ordinance after August 28, 2013, taxes imposed on sales under and pursuant to section 67.700 or  
31 650.399 for the purpose of emergency communication systems, shall be allocated to, and paid by the  
32 local political subdivision collecting officer to the treasurer or other designated financial officer of  
33 the municipality, who shall deposit such funds in a separate segregated account within the special  
34 allocation fund. Beginning August 28, 2014, if the voters in a taxing district vote to approve an  
35 increase in such taxing district's sales tax or use tax, other than the renewal of an expiring sales or  
36 use tax, any additional revenues generated within an existing redevelopment project area that are  
37 directly attributable to the newly voter-approved incremental increase in such taxing district's levy  
38 rate shall not be considered economic activity taxes subject to deposit into a special allocation fund  
39 without the consent of such taxing district.

40 4. Beginning January 1, 1998, for redevelopment plans and projects adopted or  
41 redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of

1 this section, in addition to the payments in lieu of taxes and economic activity taxes described in  
2 subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in  
3 subsection 8 of this section, estimated for the businesses within the project area and identified by the  
4 municipality in the application required by subsection 10 of this section, over and above the amount  
5 of such taxes reported by businesses within the project area as identified by the municipality in their  
6 application prior to the approval of the redevelopment project by ordinance, while tax increment  
7 financing remains in effect, may be available for appropriation by the general assembly as provided  
8 in subsection 10 of this section to the department of economic development supplemental tax  
9 increment financing fund, from the general revenue fund, for distribution to the treasurer or other  
10 designated financial officer of the municipality with approved plans or projects.

11 5. The treasurer or other designated financial officer of the municipality with approved  
12 plans or projects shall deposit such funds in a separate segregated account within the special  
13 allocation fund established ~~[pursuant to section]~~ under sections 99.805 to 99.865.

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

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

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

33 (1) The incremental increase in the general revenue portion of state sales tax revenues  
34 received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes  
35 deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on  
36 motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no  
37 event shall the incremental increase include any amounts attributable to retail sales unless the  
38 municipality or authority has proven to the Missouri development finance board and the department  
39 of economic development and such entities have made a finding that the sales tax increment  
40 attributable to retail sales is from new sources which did not exist in the state during the baseline  
41 year. The incremental increase in the general revenue portion of state sales tax revenues for an

1 existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state  
2 sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10  
3 of this section; or

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

9 9. Subsection 4 of this section shall apply only to the following:

10 (1) Blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256,  
11 blighted areas located in federal empowerment zones, or to blighted areas located in central business  
12 districts or urban core areas of cities which districts or urban core areas at the time of approval of  
13 the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted  
14 areas contained one or more buildings at least fifty years old; and

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

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

21 (2) Blighted areas consisting solely of the site of a former automobile manufacturing plant  
22 located in any county with a charter form of government and with more than nine hundred fifty  
23 thousand inhabitants. For the purposes of this section, "former automobile manufacturing plant"  
24 means a redevelopment area containing a minimum of one hundred acres, and such redevelopment  
25 area was previously used primarily for the manufacture of automobiles but ceased such  
26 manufacturing after the 2007 calendar year; or

27 (3) Blighted areas consisting solely of the site of a former insurance company national  
28 service center containing a minimum of one hundred acres located in any county with a charter form  
29 of government and with more than nine hundred fifty thousand inhabitants.

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

33 (1) The director of the department of economic development or his or her designee and the  
34 commissioner of the office of administration or his or her designee have approved a tax increment  
35 financing application made by the municipality for the appropriation of the new state revenues. The  
36 municipality shall include in the application the following items in addition to the items in section  
37 99.810:

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

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

1 approval of the redevelopment project;

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

5 (d) The official statement of any bond issue pursuant to this subsection after December 23,  
6 1997;

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

11 (f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact  
12 on the state of Missouri;

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

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

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

19 (j) The three-digit North American Industry Classification System number or numbers  
20 characterizing the development project;

21 (k) The estimated development project costs;

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

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

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

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

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

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

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

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

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

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

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

41 (w) The number of new jobs to be created by any business benefitting from public

1 expenditures in the development area, broken down by full-time, part-time, and temporary  
2 positions;

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

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

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

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

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

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

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

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

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

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

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

30 (2) The methodologies used in the application for determining the base year and  
31 determining the estimate of the incremental increase in the general revenue portion of the state sales  
32 tax revenues or the state income tax withheld by employers on behalf of new employees who fill  
33 new jobs created in the redevelopment area shall be approved by the director of the department of  
34 economic development or his or her designee and the commissioner of the office of administration  
35 or his or her designee. Upon approval of the application, the director of the department of economic  
36 development or his or her designee and the commissioner of the office of administration or his or  
37 her designee shall issue a certificate of approval. The department of economic development may  
38 request the appropriation following application approval;

39 (3) The appropriation shall be either a portion of the estimate of the incremental increase in  
40 the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the  
41 estimate of the state income tax withheld by the employer on behalf of new employees who fill new

1 jobs created in the redevelopment area as indicated in the municipality's application, approved by  
2 the director of the department of economic development or his or her designee and the  
3 commissioner of the office of administration or his or her designee. At no time shall the annual  
4 amount of the new state revenues approved for disbursements from the Missouri supplemental tax  
5 increment financing fund exceed thirty-two million dollars; provided, however, that such thirty-two  
6 million dollar cap shall not apply to redevelopment plans or projects initially listed by name in the  
7 applicable appropriations bill after August 28, 2015, which involve either:

8 (a) A former automobile manufacturing plant; or

9 (b) The retention of a federal employer employing over two thousand geospatial intelligence  
10 jobs.

11  
12 At no time shall the annual amount of the new state revenues for disbursements from the Missouri  
13 supplemental tax increment financing fund for redevelopment plans and projects eligible under the  
14 provisions of paragraph (a) of this subdivision exceed four million dollars in the aggregate. At no  
15 time shall the annual amount of the new state revenues for disbursements from the Missouri  
16 supplemental tax increment financing fund for redevelopment plans and projects eligible under the  
17 provisions of paragraph (b) of this subdivision exceed twelve million dollars in the aggregate. To  
18 the extent a redevelopment plan or project independently meets the eligibility criteria set forth in  
19 both paragraphs (a) and (b) of this subdivision, then at no such time shall the annual amount of new  
20 state revenues for disbursements from the Missouri supplemental tax increment financing fund for  
21 such eligible redevelopment plan or project exceed twelve million dollars in the aggregate;

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

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

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

41 13. Redevelopment project costs may include, at the prerogative of the state, the portion of

1 salaries and expenses of the department of economic development and the department of revenue  
 2 reasonably allocable to each redevelopment project approved for disbursements from the Missouri  
 3 supplemental tax increment financing fund for the ongoing administrative functions associated with  
 4 such redevelopment project. Such amounts shall be recovered from new state revenues deposited  
 5 into the Missouri supplemental tax increment financing fund created under this section.

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

14 15. Notwithstanding any other provision of the law to the contrary, the adoption of any tax  
 15 increment financing authorized under sections 99.800 to 99.865 shall not supersede, alter, or reduce  
 16 in any way a property tax levied under section 205.971."; and

17  
 18 Further amend said bill, Page 43, Section 221.520, Line 46, by inserting after all of said section and  
 19 line the following:

20  
 21 "238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

22 (1) "Board", the board of directors of a district;

23 (2) "Commission", the Missouri highways and transportation commission;

24 (3) "District", a transportation development district organized under sections 238.200 to  
 25 238.275;

26 (4) "Greenfield area", any vacant, unimproved, or agricultural property that is located  
 27 wholly outside the incorporated limits of a city, town, or village, or that is substantially surrounded  
 28 by contiguous properties with agricultural zoning classifications or uses unless said property was  
 29 annexed into the incorporated limits of a city, town, or village ten years prior to the filing of a  
 30 petition requesting the creation of a district;

31 (5) "Local transportation authority", a county, city, town, village, county highway  
 32 commission, special road district, interstate compact agency, or any local public authority or  
 33 political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or  
 34 river port, airport, railroad, light rail or other transit improvement or service;

35 ~~(5)~~ (6) "Previously commercial land", an area that for the previous forty years was  
 36 continuously assessed as utility, industrial, commercial, railroad, and all other real property and not  
 37 as residential property or agricultural or horticultural property as those subclasses are named under  
 38 article X, section 4(b) of the Constitution of Missouri;

39 (7) "Project" includes any bridge, street, road, highway, access road, interchange,  
 40 intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter,  
 41 rest area, dock, wharf, lake or river port, airport, railroad, light rail, or public mass transportation

1 system and any similar or related improvement or infrastructure. In the case of a district located in  
 2 a home rule city with more than four hundred thousand inhabitants and located in more than one  
 3 county, whose district boundaries are contained solely within that portion of such a home rule city  
 4 that is contained within a county with a charter form of government and with more than six hundred  
 5 thousand but fewer than seven hundred thousand inhabitants, the term project shall also include the  
 6 operation of a street car or other rail-based or fixed guideway public mass transportation system,  
 7 and the revenue of such district may be used to pay for the design, construction, ownership and  
 8 operation of such a street car or other rail-based or fixed guideway public mass transportation  
 9 system, but not the operation of a bus system located within such district, by such district or such  
 10 municipality, or by a local transportation authority having jurisdiction within such municipality;

11 ~~[(6)]~~ (8) "Public mass transportation system", a transportation system owned or operated by  
 12 a governmental or quasi-governmental entity, employing motor buses, rails, or any other means of  
 13 conveyance, by whatsoever type of power, operated for public use in the conveyance of persons,  
 14 mainly providing local transportation service within a municipality or a single metropolitan  
 15 statistical area.

16 2. For the purposes of Sections 11(c), 16 and 22 of Article X of the Constitution of  
 17 Missouri, section 137.073, and as used in sections 238.200 to 238.275, the following terms shall  
 18 have the meanings given:

19 (1) "Approval of the required majority" or "direct voter approval", a simple majority;

20 (2) "Qualified electors", "qualified voters" or "voters":

21 (a) Within a proposed or established district, except for a district proposed under subsection  
 22 1 of section 238.207, any persons residing therein who have registered to vote pursuant to chapter  
 23 115; or

24 (b) Within a district proposed or established under subsection 1 or 5 of section 238.207  
 25 which has no persons residing therein who have registered to vote pursuant to chapter 115, the  
 26 owners of record of all real property located in the district, who shall receive one vote per acre,  
 27 provided that if a registered voter subsequent to the creation of the district becomes a resident  
 28 within the district and obtains ownership of property within the district, such registered voter must  
 29 elect whether to vote as an owner of real property or as a registered voter, which election once made  
 30 cannot thereafter be changed;

31 (3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115.

32 238.206. Any developer seeking to create a district shall complete a cost-benefit analysis  
 33 and have such analysis approved by a majority vote of the commission. Such analysis shall include  
 34 a but-for test examining whether the proposed developments would occur but for the establishment  
 35 of the district. The commission shall not approve any analysis it deems failed the but-for test.

36 238.207. 1. Whenever the creation of a district is desired, not less than fifty registered  
 37 voters from each county partially or totally within the proposed district may file a petition  
 38 requesting the creation of a district. However, if no persons eligible to be registered voters reside  
 39 within the district, the owners of record of all of the real property, except public streets, located  
 40 within the proposed district may file a petition requesting the creation of a district. The petition  
 41 shall be filed in the circuit court of any county partially or totally within the proposed district.

1           2. Alternatively, the governing body of any local transportation authority within any county  
2 in which a proposed project may be located may file a petition in the circuit court of that county,  
3 requesting the creation of a district.

4           3. The proposed district area:

5           (1) Shall not be within a greenfield area;

6           (2) Shall be previously commercial land;

7           (3) Shall only be located in:

8           (a) Any county of the first classification with more than ninety-two thousand but fewer than  
9 one hundred one thousand inhabitants;

10          (b) Any county of the first classification with more than two hundred thousand but fewer  
11 than two hundred sixty thousand inhabitants;

12          (c) Any county of the first classification with more than two hundred sixty thousand but  
13 fewer than three hundred thousand inhabitants;

14          (d) Any county with a charter form of government and with more than six hundred  
15 thousand but fewer than seven hundred thousand inhabitants;

16          (e) Any county with a charter form of government and with more than two hundred  
17 thousand but fewer than three hundred fifty thousand inhabitants;

18          (f) Any county of the first classification with more than eighty-three thousand but fewer  
19 than ninety-two thousand inhabitants and with a city of the fourth classification with more than four  
20 thousand five hundred but fewer than five thousand inhabitants as the county seat;

21          (g) Any county with a charter form of government and with more than three hundred  
22 thousand but fewer than four hundred fifty thousand inhabitants;

23          (h) A city not within a county; or

24          (i) Any county with a charter form of government and with more than nine hundred fifty  
25 thousand inhabitants;

26          (4) May contain all or any portion of one or more municipalities and counties; and

27          (5) Shall be contiguous [~~and may contain all or any portion of one or more municipalities~~  
28 ~~and counties; provided:~~

29 ~~——(1)]. Property separated only by public streets, easements, or rights-of-way shall be~~  
30 ~~considered contiguous[;~~

31 ~~——(2)]. However:~~

32          (a) In the case of a district formed pursuant to a petition filed by the owners of record of all  
33 of the real property located within the proposed district, the proposed district area need not contain  
34 contiguous properties if:

35          [(a)] a. The petition provides that the only funding method for project costs will be a sales  
36 tax;

37          [(b)] b. The court finds that all of the real property located within the proposed district will  
38 benefit by the projects to be undertaken by the district; and

39          [(c)] c. Each parcel within the district is within five miles of every other parcel; and

40          [(3)] (b) In the case of a district created pursuant to subsection 5 of this section, property  
41 separated only by public streets, easements, or rights-of-way or connected by a single public street,

1 easement, or right-of-way shall be considered contiguous.

2 4. The petition shall set forth:

3 (1) The name, voting residence and county of residence of each individual petitioner, or, if  
4 no persons eligible to be registered voters reside within the proposed district, the name and address  
5 of each owner of record of real property located within the proposed district, or shall recite that the  
6 petitioner is the governing body of a local transportation authority acting in its official capacity;

7 (2) The name and address of each respondent. Respondents must include the commission  
8 and each affected local transportation authority within the proposed district, except a petitioning  
9 local transportation authority;

10 (3) A specific description of the proposed district boundaries including a map illustrating  
11 such boundaries;

12 (4) A general description of each project proposed to be undertaken by that district,  
13 including a description of the approximate location of each project;

14 (5) The estimated project costs and the anticipated revenues to be collected from the project;

15 (6) The name of the proposed district;

16 (7) The number of members of the board of directors of the proposed district, which shall  
17 be not less than five or more than fifteen;

18 (8) A statement that the terms of office of initial board members shall be staggered in  
19 approximately equal numbers to expire in one, two or three years;

20 (9) If the petition was filed by registered voters or by a governing body, a request that the  
21 question be submitted to the qualified voters within the limits of the proposed district whether they  
22 will establish a transportation development district to develop a specified project or projects;

23 (10) A proposal for funding the district initially, pursuant to the authority granted in  
24 sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the  
25 qualified voters within the limits of the proposed district; provided, however, the funding method of  
26 special assessments may also be approved as provided in subsection 1 of section 238.230;

27 (11) A statement that the proposed district shall not be an undue burden on any owner of  
28 property within the district and is not unjust or unreasonable; and

29 (12) Details of the budgeted expenditures, including estimated expenditures for real  
30 physical improvements, estimated land acquisition expenses, estimated expenses for professional  
31 services and estimated interest charges.

32 5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if  
33 two or more local transportation authorities have adopted resolutions calling for the joint  
34 establishment of a district, the governing body of any one such local transportation authority may  
35 file a petition in the circuit court of any county in which the proposed project is located requesting  
36 the creation of a district; or, if not less than fifty registered voters from each of two or more counties  
37 sign a petition calling for the joint establishment of a district for the purpose of developing a project  
38 that lies in whole or in part within those same counties, the petition may be filed in the circuit court  
39 of any of those counties in which not less than fifty registered voters have signed the petition.

40 (2) The proposed district area shall be contiguous and may contain all or any portion of one  
41 or more municipalities and counties. Property separated only by public streets, easements, or rights-

1 of-way or connected by a single public street, easement, or right-of-way shall be considered  
2 contiguous.

3 (3) The petition shall set forth:

4 (a) That the petitioner is the governing body of a local transportation authority acting in its  
5 official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty  
6 registered voters in each of two or more counties, it shall set forth the name, voting residence, and  
7 county of residence of each individual petitioner;

8 (b) The name of each local transportation authority within the proposed district. The  
9 resolution of the governing body of each local transportation authority calling for the joint  
10 establishment of the district shall be attached to the petition;

11 (c) The name and address of each respondent. Respondents must include the commission  
12 and each affected local transportation authority within the proposed district, except a petitioning  
13 local transportation authority;

14 (d) A specific description of the proposed district boundaries including a map illustrating  
15 such boundaries;

16 (e) A general description of each project proposed to be undertaken by the district,  
17 including a description of the approximate location of each project;

18 (f) The name of the proposed district;

19 (g) The number of members of the board of directors of the proposed district;

20 (h) A request that the question be submitted to the qualified voters within the limits of the  
21 proposed district whether they will establish a transportation development district to develop the  
22 projects described in the petition;

23 (i) A proposal for funding the district initially, pursuant to the authority granted in sections  
24 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted  
25 to the qualified voters residing within the limits of the proposed district; provided, however, the  
26 funding method of special assessments may also be approved as provided in subsection 1 of section  
27 238.230; and

28 (j) A statement that the proposed district shall not be an undue burden on any owner of  
29 property within the district and is not unjust or unreasonable."; and  
30

31 Further amend said bill by amending the title, enacting clause, and intersectional references  
32 accordingly.

33