

SECOND REGULAR SESSION

HOUSE BILL NO. 2241

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

5329H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

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

Section A. Section 99.845, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 99.845, to read as follows:

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

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the

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

17 respective affected taxing districts in the manner required by law in the absence of the adoption
18 of tax increment allocation financing;

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

46 (b) Notwithstanding any provisions of this section to the contrary, for purposes of
47 determining the limitation on indebtedness of local government pursuant to Article VI, Section
48 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area
49 selected for redevelopment attributable to the increase above the total initial equalized assessed
50 valuation shall be included in the value of taxable tangible property as shown on the last
51 completed assessment for state or county purposes.

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

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

64 2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection
65 1 of this section, for redevelopment plans and projects adopted or redevelopment projects
66 approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total
67 additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing
68 districts, which are generated by economic activities within the area of the redevelopment project
69 over the amount of such taxes generated by economic activities within the area of the
70 redevelopment project in the calendar year prior to the adoption of the redevelopment project by
71 ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales
72 or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant
73 to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and
74 any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section
75 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local
76 political subdivision collecting officer to the treasurer or other designated financial officer of the
77 municipality, who shall deposit such funds in a separate segregated account within the special
78 allocation fund. Any provision of an agreement, contract or covenant entered into prior to July
79 12, 1990, between a municipality and any other political subdivision which provides for an
80 appropriation of other municipal revenues to the special allocation fund shall be and remain
81 enforceable.

82 3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection
83 1 of this section, for redevelopment plans and projects adopted or redevelopment projects
84 approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from
85 taxes, penalties and interest which are imposed by the municipality or other taxing districts, and
86 which are generated by economic activities within the area of the redevelopment project over the
87 amount of such taxes generated by economic activities within the area of the redevelopment

88 project in the calendar year prior to the adoption of the redevelopment project by ordinance,
89 while tax increment financing remains in effect, but excluding personal property taxes, taxes
90 imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels,
91 taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation
92 pursuant to section 94.660, taxes imposed on sales pursuant to subsection 2 of section 67.1712
93 for the purpose of operating and maintaining a metropolitan park and recreation district, licenses,
94 fees or special assessments other than payments in lieu of taxes and penalties and interest
95 thereon, any sales tax imposed by a county with a charter form of government and with more
96 than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose
97 of sports stadium improvement or levied by such county under section 238.410 for the purpose
98 of the county transit authority operating transportation facilities, or for redevelopment plans and
99 projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes
100 imposed on sales under and pursuant to section 67.700 or 650.399 for the purpose of emergency
101 communication systems, shall be allocated to, and paid by the local political subdivision
102 collecting officer to the treasurer or other designated financial officer of the municipality, who
103 shall deposit such funds in a separate segregated account within the special allocation fund.
104 Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such
105 taxing district's sales tax or use tax, other than the renewal of an expiring sales or use tax, any
106 additional revenues generated within an existing redevelopment project area that are directly
107 attributable to the newly voter-approved incremental increase in such taxing district's levy rate
108 shall not be considered economic activity taxes subject to deposit into a special allocation fund
109 without the consent of such taxing district.

110 4. Beginning January 1, 1998, for redevelopment plans and projects adopted or
111 redevelopment projects approved by ordinance and which have complied with subsections 4 to
112 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes
113 described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues,
114 as defined in subsection 8 of this section, estimated for the businesses within the project area and
115 identified by the municipality in the application required by subsection 10 of this section, over
116 and above the amount of such taxes reported by businesses within the project area as identified
117 by the municipality in their application prior to the approval of the redevelopment project by
118 ordinance, while tax increment financing remains in effect, may be available for appropriation
119 by the general assembly as provided in subsection 10 of this section to the department of
120 economic development supplemental tax increment financing fund, from the general revenue
121 fund, for distribution to the treasurer or other designated financial officer of the municipality
122 with approved plans or projects.

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

126 6. No transfer from the general revenue fund to the Missouri supplemental tax increment
127 financing fund shall be made unless an appropriation is made from the general revenue fund for
128 that purpose. No municipality shall commit any state revenues prior to an appropriation being
129 made for that project. For all redevelopment plans or projects adopted or approved after
130 December 23, 1997, appropriations from the new state revenues shall not be distributed from the
131 Missouri supplemental tax increment financing fund into the special allocation fund unless the
132 municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes
133 and fifty percent of economic activity taxes generated by the project shall be used for eligible
134 redevelopment project costs while tax increment financing remains in effect. This account shall
135 be separate from the account into which payments in lieu of taxes are deposited, and separate
136 from the account into which economic activity taxes are deposited.

137 7. In order for the redevelopment plan or project to be eligible to receive the revenue
138 described in subsection 4 of this section, the municipality shall comply with the requirements of
139 subsection 10 of this section prior to the time the project or plan is adopted or approved by
140 ordinance. The director of the department of economic development and the commissioner of
141 the office of administration may waive the requirement that the municipality's application be
142 submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or
143 project's approval by ordinance.

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

145 (1) The incremental increase in the general revenue portion of state sales tax revenues
146 received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated,
147 taxes deposited to the school district trust fund in accordance with section 144.701, sales and use
148 taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by
149 law. In no event shall the incremental increase include any amounts attributable to retail sales
150 unless the municipality or authority has proven to the Missouri development finance board and
151 the department of economic development and such entities have made a finding that the sales
152 tax increment attributable to retail sales is from new sources which did not exist in the state
153 during the baseline year. The incremental increase in the general revenue portion of state sales
154 tax revenues for an existing or relocated facility shall be the amount that current state sales tax
155 revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan
156 as provided in subsection 10 of this section; or

157 (2) The state income tax withheld on behalf of new employees by the employer pursuant
158 to section 143.221 at the business located within the project as identified by the municipality.

159 The state income tax withholding allowed by this section shall be the municipality's estimate of
160 the amount of state income tax withheld by the employer within the redevelopment area for new
161 employees who fill new jobs directly created by the tax increment financing project.

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

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

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

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

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

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

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

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

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

- 193 (b) The base year of state sales tax revenues or the base year of state income tax withheld
194 on behalf of existing employees, reported by existing businesses within the project area prior to
195 approval of the redevelopment project;
- 196 (c) The estimate of the incremental increase in the general revenue portion of state sales
197 tax revenue or the estimate for the state income tax withheld by the employer on behalf of new
198 employees expected to fill new jobs created within the redevelopment area after redevelopment;
- 199 (d) The official statement of any bond issue pursuant to this subsection after December
200 23, 1997;
- 201 (e) An affidavit that is signed by the developer or developers attesting that the provisions
202 of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the
203 redevelopment area would not be reasonably anticipated to be developed without the
204 appropriation of the new state revenues;
- 205 (f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal
206 impact on the state of Missouri;
- 207 (g) The statement of election between the use of the incremental increase of the general
208 revenue portion of the state sales tax revenues or the state income tax withheld by employers on
209 behalf of new employees who fill new jobs created in the redevelopment area;
- 210 (h) The name, street and mailing address, and phone number of the mayor or chief
211 executive officer of the municipality;
- 212 (i) The street address of the development site;
- 213 (j) The three-digit North American Industry Classification System number or numbers
214 characterizing the development project;
- 215 (k) The estimated development project costs;
- 216 (l) The anticipated sources of funds to pay such development project costs;
- 217 (m) Evidence of the commitments to finance such development project costs;
- 218 (n) The anticipated type and term of the sources of funds to pay such development
219 project costs;
- 220 (o) The anticipated type and terms of the obligations to be issued;
- 221 (p) The most recent equalized assessed valuation of the property within the development
222 project area;
- 223 (q) An estimate as to the equalized assessed valuation after the development project area
224 is developed in accordance with a development plan;
- 225 (r) The general land uses to apply in the development area;
- 226 (s) The total number of individuals employed in the development area, broken down by
227 full-time, part-time, and temporary positions;
- 228 (t) The total number of full-time equivalent positions in the development area;

- 229 (u) The current gross wages, state income tax withholdings, and federal income tax
230 withholdings for individuals employed in the development area;
- 231 (v) The total number of individuals employed in this state by the corporate parent of any
232 business benefitting from public expenditures in the development area, and all subsidiaries
233 thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time,
234 and temporary positions;
- 235 (w) The number of new jobs to be created by any business benefitting from public
236 expenditures in the development area, broken down by full-time, part-time, and temporary
237 positions;
- 238 (x) The average hourly wage to be paid to all current and new employees at the project
239 site, broken down by full-time, part-time, and temporary positions;
- 240 (y) For project sites located in a metropolitan statistical area, as defined by the federal
241 Office of Management and Budget, the average hourly wage paid to nonmanagerial employees
242 in this state for the industries involved at the project, as established by the United States Bureau
243 of Labor Statistics;
- 244 (z) For project sites located outside of metropolitan statistical areas, the average weekly
245 wage paid to nonmanagerial employees in the county for industries involved at the project, as
246 established by the United States Department of Commerce;
- 247 (aa) A list of other community and economic benefits to result from the project;
- 248 (bb) A list of all development subsidies that any business benefitting from public
249 expenditures in the development area has previously received for the project, and the name of
250 any other granting body from which such subsidies are sought;
- 251 (cc) A list of all other public investments made or to be made by this state or units of
252 local government to support infrastructure or other needs generated by the project for which the
253 funding pursuant to this section is being sought;
- 254 (dd) A statement as to whether the development project may reduce employment at any
255 other site, within or without the state, resulting from automation, merger, acquisition, corporate
256 restructuring, relocation, or other business activity;
- 257 (ee) A statement as to whether or not the project involves the relocation of work from
258 another address and if so, the number of jobs to be relocated and the address from which they
259 are to be relocated;
- 260 (ff) A list of competing businesses in the county containing the development area and
261 in each contiguous county;
- 262 (gg) A market study for the development area;
- 263 (hh) A certification by the chief officer of the applicant as to the accuracy of the
264 development plan;

265 (2) The methodologies used in the application for determining the base year and
266 determining the estimate of the incremental increase in the general revenue portion of the state
267 sales tax revenues or the state income tax withheld by employers on behalf of new employees
268 who fill new jobs created in the redevelopment area shall be approved by the director of the
269 department of economic development or his or her designee and the commissioner of the office
270 of administration or his or her designee. Upon approval of the application, the director of the
271 department of economic development or his or her designee and the commissioner of the office
272 of administration or his or her designee shall issue a certificate of approval. The department of
273 economic development may request the appropriation following application approval;

274 (3) The appropriation shall be either a portion of the estimate of the incremental increase
275 in the general revenue portion of state sales tax revenues in the redevelopment area or a portion
276 of the estimate of the state income tax withheld by the employer on behalf of new employees
277 who fill new jobs created in the redevelopment area as indicated in the municipality's application,
278 approved by the director of the department of economic development or his or her designee and
279 the commissioner of the office of administration or his or her designee. At no time shall the
280 annual amount of the new state revenues approved for disbursements from the Missouri
281 supplemental tax increment financing fund **for redevelopment projects approved prior to**
282 **August 28, 2018**, exceed thirty-two million dollars; provided, however, that such thirty-two
283 million dollar cap **shall not include annual amounts for any single plan, or any project**
284 **within such a single plan, estimated to create in excess of fifteen thousand new jobs with**
285 **an average annual wage of more than seventy-five thousand dollars and** shall not apply to
286 redevelopment plans or projects initially listed by name in the applicable appropriations bill after
287 August 28, 2015, which involve either:

288 (a) A former automobile manufacturing plant; ~~or~~

289 (b) The retention of a federal employer employing over two thousand geospatial
290 intelligence jobs; **or**

291 (c) **A health information technology employer employing over seven thousand**
292 **employees in the state.**

293

294 At no time shall the annual amount of the new state revenues for disbursements from the
295 Missouri supplemental tax increment financing fund for redevelopment plans and projects
296 eligible under the provisions of paragraph (a) of this subdivision exceed four million dollars in
297 the aggregate. At no time shall the annual amount of the new state revenues for disbursements
298 from the Missouri supplemental tax increment financing fund for redevelopment plans and
299 projects eligible under the provisions of paragraph (b) of this subdivision exceed twelve million
300 dollars in the aggregate. To the extent a redevelopment plan or project independently meets the

301 eligibility criteria set forth in both paragraphs (a) and (b) of this subdivision, then at no such time
302 shall the annual amount of new state revenues for disbursements from the Missouri supplemental
303 tax increment financing fund for such eligible redevelopment plan or project exceed twelve
304 million dollars in the aggregate;

305 **(4) At no time shall the annual amount of the new state revenues approved for**
306 **disbursements from the Missouri supplemental tax increment financing fund for**
307 **redevelopment plans or projects approved on or after August 28, 2018, and before August**
308 **28, 2028, be increased by or exceed ten million dollars. Any individual redevelopment plan**
309 **or project approved prior to August 28, 2018, which is expanded with buildings of new**
310 **construction, shall not be increased by more than three million dollars annually in excess**
311 **of the originally approved maximum annual projected amount. At no time shall the annual**
312 **amount of the new state revenues approved for disbursements from the Missouri**
313 **supplemental tax increment financing fund for redevelopment plans or projects approved**
314 **on or after August 28, 2028, exceed twenty million dollars; provided, however, that such**
315 **ceilings shall not apply to redevelopment plans or projects exempted from such ceilings**
316 **under subdivision (3) of this subsection. For all redevelopment plans or projects initially**
317 **approved on or after August 28, 2018, at no time shall a single redevelopment plan, or**
318 **project within such redevelopment plan, receive an appropriation under this section that**
319 **exceeds three million dollars annually;**

320 **(5) For redevelopment plans or projects approved prior to August 28, 2018, which**
321 **are expanded with buildings of new construction, and for all redevelopment plans or**
322 **projects approved on or after August 28, 2018, at no time shall a single redevelopment plan**
323 **or project receive an appropriation under this section that exceeds three million dollars**
324 **annually;**

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

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

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

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

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

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

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