

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 570, Page 1,
2 Section A, Line 3, by inserting after all of said section and line the following:

3
4 "67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the
5 "Community Improvement District Act".

6 2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

7 (1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to
8 67.1571, a simple majority of those qualified voters voting in the election;

9 (2) "Assessed value", the assessed value of real property as reflected on the tax records of
10 the county clerk of the county in which the property is located, or the collector of revenue if the
11 property is located in a city not within a county, as of the last completed assessment;

12 (3) "Blighted area", an area which[:

13 ~~—— (a) By reason of the predominance of defective or inadequate street layout, insanitary or~~
14 ~~unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or~~
15 ~~the existence of conditions which endanger life or property by fire and other causes, or any~~
16 ~~combination of such factors, retards the provision of housing accommodations or constitutes an~~
17 ~~economic or social liability or a menace to the public health, safety, morals or welfare in its present~~
18 ~~condition and use; or~~

19 ~~—— (b) Has been declared blighted or found to be a blighted area pursuant to Missouri law~~
20 ~~including, but not limited to, chapter 353, sections 99.800 to 99.865, or sections 99.300 to 99.715] ,~~
21 ~~by reason of the predominance of defective or inadequate street layout, insanitary or unsafe~~
22 ~~conditions, deterioration of site improvements, or the existence of conditions which endanger life or~~
23 ~~property by fire and other causes, or any combination of such factors, retards the provision of~~
24 ~~housing accommodations or constitutes an economic or social liability or a menace to the public~~
25 ~~health, safety, or welfare in its present condition and use, and, for areas located in a city not within a~~
26 ~~county, which are located in a census tract that is defined as a low-income community under 26~~
27 ~~U.S.C. Section 45D(e) or is eligible to be designated as a qualified opportunity zone under 26~~
28 ~~U.S.C. Section 1400Z;~~

29 (4) "Board", if the district is a political subdivision, the board of directors of the district, or
30 if the district is a not-for-profit corporation, the board of directors of such corporation;

31 (5) "Director of revenue", the director of the department of revenue of the state of Missouri;

32 (6) "District", a community improvement district, established pursuant to sections 67.1401
33 to 67.1571;

34 (7) "Election authority", the election authority having jurisdiction over the area in which the
35 boundaries of the district are located pursuant to chapter 115;

36 (8) "Municipal clerk", the clerk of the municipality;

Action Taken _____ Date _____

(9) "Municipality", any city, village, incorporated town, or county of this state, or in any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) "Owner", for real property, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) "Per capita", one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with respect to a condominium created under sections 448.1-101 to 448.4-120, "per capita" means one head count applied to the applicable unit owners' association and not to each unit owner;

(13) "Petition", a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) "Qualified voters",

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board, registered voters and owners of real property which is not exempt from assessment or levy of taxes by the district and which is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, of the thirtieth day prior to the date of the applicable election; and

(15) "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to [its] qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the municipality in which the district is located, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales

1 tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed
2 to the sales tax, then the resolution is void.

3 2. The ballot shall be substantially in the following form:

4 Shall the _____ (insert name of district) Community Improvement District impose a
5 community improvement districtwide sales and use tax at the maximum rate of
6 _____ (insert amount) for a period of _____ (insert number) years from the date on
7 which such tax is first imposed for the purpose of providing revenue for _____
8 (insert general description of the purpose)?

9 ☐ YES ☐ NO

10 If you are in favor of the question, place an "X" in the box opposite "YES". If you are
11 opposed to the question, place an "X" in the box opposite "NO".

12 3. Within ten days after the qualified voters have approved the imposition of the sales and
13 use tax, the district shall, in accordance with section 32.087, notify the director of the department of
14 revenue. The sales and use tax authorized by this section shall become effective on the first day of
15 the second calendar quarter after the director of the department of revenue receives notice of the
16 adoption of such tax.

17 4. The director of the department of revenue shall collect any tax adopted pursuant to this
18 section pursuant to section 32.087.

19 5. In each district in which a sales and use tax is imposed pursuant to this section, every
20 retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so
21 added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the
22 retailer until paid and shall be recoverable at law in the same manner as the purchase price.

23 6. In order to allow retailers to collect and report the sales and use tax authorized by this
24 section as well as all other sales and use taxes required by law in the simplest and most efficient
25 manner possible, a district may establish appropriate brackets to be used in the district imposing a
26 tax pursuant to this section in lieu of the brackets provided in section 144.285.

27 7. The penalties provided in sections 144.010 to 144.525 shall apply to violations of this
28 section.

29 8. All revenue received by the district from a sales and use tax imposed pursuant to this
30 section which is designated for a specific purpose shall be deposited into a special trust fund and
31 expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to
32 this section, all funds remaining in the special trust fund shall continue to be used solely for the
33 specific purpose designated in the resolution adopted by the qualified voters. Any funds in such
34 special trust fund which are not needed for current expenditures may be invested by the board of
35 directors pursuant to applicable laws relating to the investment of other district funds.

36 9. A district may repeal by resolution any sales and use tax imposed pursuant to this section
37 before the expiration date of such sales and use tax unless the repeal of such sales and use tax will
38 impair the district's ability to repay any liabilities the district has incurred, moneys the district has
39 borrowed or obligation the district has issued to finance any improvements or services rendered for
40 the district.

41 10. Notwithstanding the provisions of chapter 115, an election for a district sales and use tax
42 under this section shall be conducted in accordance with the provisions of this section.

43 99.320. As used in this law, the following terms mean:

44 (1) "Area of operation", in the case of a municipality, the area within the municipality
45 except that the area of operation of a municipality under this law shall not include any area which
46 lies within the territorial boundaries of another municipality unless a resolution has been adopted by
47 the governing body of the other municipality declaring a need therefor; and in the case of a county,
48 the area within the county, except that the area of operation in such case shall not include any area
49 which lies within the territorial boundaries of a municipality unless a resolution has been adopted by

1 the governing body of the municipality declaring a need therefor; and in the case of a regional
 2 authority, the area within the communities for which the regional authority is created, except that a
 3 regional authority shall not undertake a land clearance project within the territorial boundaries of
 4 any municipality unless a resolution has been adopted by the governing body of the municipality
 5 declaring that there is a need for the regional authority to undertake the land clearance project within
 6 such municipality; no authority shall operate in any area of operation in which another authority
 7 already established is undertaking or carrying out a land clearance project without the consent, by
 8 resolution, of the other authority;

9 (2) "Authority" or "land clearance for redevelopment authority", a public body corporate
 10 and politic created by or pursuant to section 99.330 or any other public body exercising the powers,
 11 rights and duties of such an authority;

12 (3) "Blighted area", an area which, ~~[by reason of the predominance of defective or~~
 13 ~~inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements,~~
 14 ~~improper subdivision or obsolete platting, or the existence of conditions which endanger life or~~
 15 ~~property by fire and other causes, or any combination of such factors, retards the provision of~~
 16 ~~housing accommodations or constitutes an economic or social liability or a menace to the public~~
 17 ~~health, safety, morals, or welfare in its present condition and use] , by reason of the predominance of~~
 18 defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site
 19 improvements, or the existence of conditions which endanger life or property by fire and other
 20 causes, or any combination of such factors, retards the provision of housing accommodations or
 21 constitutes an economic or social liability or a menace to the public health, safety, or welfare in its
 22 present condition and use, and, for areas located in a city not within a county, which are located in a
 23 census tract that is defined as a low-income community under 26 U.S.C. Section 45D(e) or is
 24 eligible to be designated as a qualified opportunity zone under 26 U.S.C. Section 1400Z;

25 (4) "Bond", any bonds, including refunding bonds, notes, interim certificates, debentures, or
 26 other obligations issued by an authority pursuant to this law;

27 (5) "Clerk", the clerk or other official of the municipality or county who is the custodian of
 28 the official records of the municipality or county;

29 (6) "Community", any county or municipality except that such term shall not include any
 30 municipality containing less than seventy-five thousand inhabitants until the governing body thereof
 31 shall have submitted the proposition of accepting the provisions of this law to the qualified voters
 32 therein at an election called and held as provided by law for the incurring of indebtedness by such
 33 municipality, and a majority of the voters voting at the election shall have voted in favor of such
 34 proposition;

35 (7) "Federal government", the United States of America or any agency or instrumentality,
 36 corporate or otherwise, of the United States of America;

37 (8) "Governing body", the city council, common council, board of aldermen or other
 38 legislative body charged with governing the municipality or the county commission or other
 39 legislative body charged with governing the county;

40 (9) "Insanitary area", an area in which there is a predominance of buildings and
 41 improvements which, by reason of dilapidation, deterioration, age or obsolescence, inadequate
 42 provision for ventilation, light, air sanitation or open spaces, high density of population and
 43 overcrowding of buildings, overcrowding of land, or the existence of conditions which endanger life
 44 or property by fire and other causes, or any combination of such factors, is conducive to ill health,
 45 transmission of disease, infant mortality, juvenile delinquency and crime or constitutes an economic
 46 or social liability and is detrimental to the public health, safety, morals, or welfare;

47 (10) "Land clearance project", any work or undertaking:

48 (a) To acquire blighted, or insanitary areas or portions thereof, including lands, structures, or
 49 improvements the acquisition of which is necessary or incidental to the proper clearance,

1 development or redevelopment of the blighted or insanitary areas or to the prevention of the spread
2 or recurrence of substandard or insanitary conditions or conditions of blight;

3 (b) To clear any such areas by demolition or removal of existing buildings, structures,
4 streets, utilities or other improvements thereon and to install, construct or reconstruct streets,
5 utilities, and site improvements essential to the preparation of sites for uses in accordance with a
6 redevelopment plan;

7 (c) To sell, lease or otherwise make available land in such areas for residential, recreational,
8 commercial, industrial or other use or for public use or to retain such land for public use, in
9 accordance with a redevelopment plan;

10 (d) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses,
11 buildings, structures and other facilities;

12 (e) The term "land clearance project" may also include the preparation of a redevelopment
13 plan, the planning, survey and other work incident to a land clearance project and the preparation of
14 all plans and arrangements for carrying out a land clearance project and wherever the words "land
15 clearance project" are used in this law, they shall also mean and include the words "urban renewal
16 project" as defined in this section;

17 (11) "Mayor", the elected mayor of the city or the elected officer having the duties
18 customarily imposed upon the mayor of the city or the executive head of a county;

19 (12) "Municipality", any incorporated city, town or village in the state;

20 (13) "Obligee", any bondholders, agents or trustees for any bondholders, lessor demising to
21 the authority property used in connection with land clearance project, or any assignee or assignees
22 of the lessor's interest or any part thereof, and the federal government when it is a party to any
23 contract with the authority;

24 (14) "Person", any individual, firm, partnership, corporation, company, association, joint
25 stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar
26 representative thereof;

27 (15) "Public body", the state or any municipality, county, township, board, commission,
28 authority, district, or any other subdivision of the state;

29 (16) "Real property", all lands, including improvements and fixtures thereon, and property
30 of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and
31 right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage
32 or otherwise and the indebtedness secured by such liens;

33 (17) "Redeveloper", any person, partnership, or public or private corporation or agency
34 which enters or proposes to enter into a redevelopment or rehabilitation or renewal contract;

35 (18) "Redevelopment contract", a contract entered into between an authority and
36 redeveloper for the redevelopment, rehabilitation or renewal of an area in conformity with a
37 redevelopment plan or an urban renewal plan;

38 (19) "Redevelopment", the process of undertaking and carrying out a redevelopment plan or
39 urban renewal plan;

40 (20) "Redevelopment plan", a plan other than a preliminary or tentative plan for the
41 acquisition, clearance, reconstruction, rehabilitation, renewal or future use of a land clearance
42 project area, and shall be sufficiently complete to comply with subdivision (4) of section 99.430 and
43 shall be in compliance with a "workable program" for the city as a whole and wherever used in
44 sections 99.300 to 99.660 the words "redemption plan" shall also mean and include "urban
45 renewal plan" as defined in this section;

46 (21) "Urban renewal plan", a plan as it exists from time to time, for an urban renewal
47 project, which plan shall conform to the general plan for the municipality as a whole; and shall be
48 sufficiently complete to indicate such land acquisition, demolition and removal of structures,
49 redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of

the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the relationship of the plan to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; an urban renewal plan shall be prepared and approved pursuant to the same procedure as provided with respect to a redevelopment plan;

(22) "Urban renewal project", any surveys, plans, undertakings and activities for the elimination and for the prevention of the spread or development of insanitary, blighted, deteriorated or deteriorating areas and may involve any work or undertaking for such purpose constituting a land clearance project or any rehabilitation or conservation work, or any combination of such undertaking or work in accordance with an urban renewal project; for this purpose, "rehabilitation or conservation work" may include:

(a) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;

(b) Acquisition of real property and demolition, removal or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate uneconomic, obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(c) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses, buildings, structures and other facilities;

(d) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and

(e) The disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of the project; but such disposition shall be in the manner prescribed in this law for the disposition of property in a land clearance project area;

(23) "Workable program", an official plan of action, as it exists from time to time, for effectively dealing with the problem in insanitary, blighted, deteriorated or deteriorating areas within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life, for utilizing appropriate private and public resources to eliminate and prevent the development or spread of insanitary, blighted, deteriorated or deteriorating areas, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, insanitary, deteriorated and deteriorating areas, or to undertake such of the aforesaid activities or other feasible community activities as may be suitably employed to achieve the objectives of such a program."; and

Further amend said bill, Pages 8-9, Section 99.846, Lines 1-11, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 11, Section 99.848, Line 47, by inserting after all of said section and line the following:

"99.918. As used in sections 99.915 to 99.980, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Authority", the downtown economic stimulus authority for a municipality, created pursuant to section 99.921;

(2) "Baseline year", the calendar year prior to the adoption of an ordinance by the municipality approving a development project; provided, however, if economic activity taxes or state sales tax revenues, from businesses other than any out-of-state business or businesses locating in the development project area, decrease in the development project area in the year following the

year in which the ordinance approving a development project is approved by a municipality, the baseline year may, at the option of the municipality approving the development project, be the year following the year of the adoption of the ordinance approving the development project. When a development project area is located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster of major proportions that occurred after May 1, 2003, but prior to May 10, 2003, and the development project area is a central business district that sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency, the baseline year may, at the option of the municipality approving the development project, be the calendar year in which the natural disaster occurred or the year following the year in which the natural disaster occurred, provided that the municipality adopts an ordinance approving the development project within one year after the occurrence of the natural disaster;

(3) "Blighted area", an area which, ~~by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use~~ , by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, or welfare in its present condition and use, and, for areas located in a city not within a county, which are located in a census tract that is defined as a low-income community under 26 U.S.C. Section 45D(e) or is eligible to be designated as a qualified opportunity zone under 26 U.S.C. Section 1400Z;

(4) "Central business district", the area at or near the historic core that is locally known as the "downtown" of a municipality that has a median household income of sixty-two thousand dollars or less, according to the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. In addition, at least fifty percent of existing buildings in this area will have been built in excess of thirty-five years prior or vacant lots that had prior structures built in excess of thirty-five years prior to the adoption of the ordinance approving the redevelopment plan. The historical land use emphasis of a central business district prior to redevelopment will have been a mixed use of business, commercial, financial, transportation, government, and multifamily residential uses;

(5) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes, economic activity taxes other than economic activity taxes which are local sales taxes, and other local taxes other than local sales taxes, and, for local sales taxes and state taxes, the director of revenue;

(6) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more, and such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning;

(7) "Development area", an area designated by a municipality in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area or a conservation area, which area shall have the following characteristics:

(a) It includes only those parcels of real property directly and substantially benefitted by the proposed development plan;

(b) It can be renovated through one or more development projects;

(c) It is located in the central business district;

(d) It has generally suffered from declining population or property taxes for the twenty-year period immediately preceding the area's designation as a development area or has structures in the area fifty percent or more of which have an age of thirty-five years or more;

(e) It is contiguous, provided, however that a development area may include up to three noncontiguous areas selected for development projects, provided that each noncontiguous area meets the requirements of paragraphs (a) to (g) herein;

(f) The development area shall not exceed ten percent of the entire area of the municipality; and

(g) The development area shall not include any property that is located within the one hundred year flood plain, as designated by the Federal Emergency Management Agency flood delineation maps, unless such property is protected by a structure that is inspected and certified by the United States Army Corps of Engineers. This subdivision shall not apply to property within the one hundred year flood plain if the buildings on the property have been or will be flood proofed in accordance with the Federal Emergency Management Agency's standards for flood proofing and the property is located in a home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants. Only those buildings certified as being flood proofed in accordance with the Federal Emergency Management Agency's standards for flood proofing by the authority shall be eligible for the state sales tax increment and the state income tax increment. Subject to the limitation set forth in this subdivision, the development area can be enlarged or modified as provided in section 99.951;

(8) "Development plan", the comprehensive program of a municipality to reduce or eliminate those conditions which qualified a development area as a blighted area or a conservation area, and to thereby enhance the tax bases of the taxing districts which extend into the development area through the reimbursement, payment, or other financing of development project costs in accordance with sections 99.915 to 99.980 and through the exercise of the powers set forth in sections 99.915 to 99.980. The development plan shall conform to the requirements of section 99.942;

(9) "Development project", any development project within a development area which constitutes a major initiative in furtherance of the objectives of the development plan, and any such development project shall include a legal description of the area selected for such development project;

(10) "Development project area", the area located within a development area selected for a development project;

(11) "Development project costs" include such costs to the development plan or a development project, as applicable, which are expended on public property, buildings, or rights-of-ways for public purposes to provide infrastructure to support a development project. Such costs shall only be allowed as an initial expense which, to be recoverable, must be included in the costs of a development plan or development project, except in circumstances of plan amendments approved by the Missouri development finance board and the department of economic development. Such infrastructure costs include, but are not limited to, the following:

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

(b) Professional service costs, including, but not limited to, architectural,

1 engineering, legal, marketing, financial, planning, or special services;

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

5 (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public
6 buildings and fixtures;

7 (e) Costs of construction of public works or improvements;

8 (f) Financing costs, including, but not limited to, all necessary expenses related to
9 the issuance of obligations issued to finance all or any portion of the infrastructure costs of one or
10 more development projects, and which may include capitalized interest on any such obligations and
11 reasonable reserves related to any such obligations;

12 (g) All or a portion of a taxing district's capital costs resulting from any development
13 project necessarily incurred or to be incurred in furtherance of the objectives of the development
14 plan, to the extent the municipality by written agreement accepts and approves such infrastructure
15 costs;

16 (h) Payments to taxing districts on a pro rata basis to partially reimburse taxes
17 diverted by approval of a development project;

18 (i) State government costs, including, but not limited to, the reasonable costs
19 incurred by the department of economic development, the department of revenue and the office of
20 administration in evaluating an application for and administering state supplemental downtown
21 development financing for a development project; and

22 (j) Endowment of positions at an institution of higher education which has a
23 designation as a Carnegie Research I University including any campus of such university system,
24 subject to the provisions of section 99.958. In addition, economic activity taxes and payment in lieu
25 of taxes may be expended on or used to reimburse any reasonable or necessary costs incurred or
26 estimated to be incurred in furtherance of a development plan or a development project;

27 (12) "Economic activity taxes", the total additional revenue from taxes which are imposed
28 by the municipality and other taxing districts, and which are generated by economic activities within
29 each development project area, which are not related to the relocation of any out-of-state business
30 into the development project area, which exceed the amount of such taxes generated by economic
31 activities within such development project area in the baseline year plus, in development project
32 areas where the baseline year is the year following the year in which the development project is
33 approved by the municipality pursuant to subdivision (2) of this section, the total revenue from taxes
34 which are imposed by the municipality and other taxing districts which is generated by economic
35 activities within the development project area resulting from the relocation of an out-of-state
36 business or out-of-state businesses to the development project area pursuant to section 99.919; but
37 excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by
38 transient guests of hotels and motels, licenses, fees, or special assessments. If a retail establishment
39 relocates within one year from one facility to another facility within the same county and the
40 municipality or authority finds that the retail establishment is a direct beneficiary of development
41 financing, then for purposes of this definition, the economic activity taxes generated by the retail
42 establishment shall equal the total additional revenues from taxes which are imposed by the
43 municipality and other taxing districts which are generated by the economic activities within the
44 development project area which exceed the amount of taxes which are imposed by the municipality
45 and other taxing districts which are generated by economic activities within the development project
46 area generated by the retail establishment in the baseline year;

47 (13) "Gambling establishment", an excursion gambling boat as defined in section 313.800
48 and any related business facility including any real property improvements which are directly and
49 solely related to such business facility, whose sole purpose is to provide goods or services to an

excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850;

(14) "Major initiative", a development project within a central business district that:

(a) Promotes tourism, cultural activities, arts, entertainment, education, research, arenas, multipurpose facilities, libraries, ports, mass transit, museums, or conventions, the estimated cost of which is in excess of the amount set forth below for the municipality, as applicable; or

(b) Promotes business location or expansion, the estimated cost of which is in excess of the amount set forth below for the municipality, and is estimated to create at least as many new jobs as set forth below within three years of such location or expansion:

| Population of Municipality | Estimated Project |
|----------------------------|------------------------------|
| Cost New Jobs | Created |
| 300,000 or more | \$10,000,000 at least 100 |
| 100,000 to 299,999 | \$5,000,000 at least 50 |
| 50,001 to 99,999 | \$1,000,000 at least 10 |
| 50,000 or less | \$500,000 at least 5; |

(15) "Municipality", any city, village, incorporated town, or any county of this state established on or prior to January 1, 2001, or a census-designated place in any county designated by the county for purposes of sections 99.915 to 99.1060;

(16) "New job", any job defined as a new job pursuant to subdivision (11) of section 100.710;

(17) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality or authority, or other public entity authorized to issue such obligations pursuant to sections 99.915 to 99.980 to carry out a development project or to refund outstanding obligations;

(18) "Ordinance", an ordinance enacted by the governing body of any municipality or an order of the governing body of such a municipal entity whose governing body is not authorized to enact ordinances;

(19) "Other net new revenues", the amount of state sales tax increment or state income tax increment or the combination of the amount of each such increment as determined under section 99.960;

(20) "Out-of-state business", a business entity or operation that has been located outside of the state of Missouri prior to the time it relocates to a development project area;

(21) "Payment in lieu of taxes", those revenues from real property in each development project area, which taxing districts would have received had the municipality not adopted a development plan and the municipality not adopted development financing, and which would result from levies made after the time of the adoption of development financing during the time the current equalized value of real property in such development project area exceeds the total equalized value of real property in such development project area during the baseline year until development financing for such development project area expires or is terminated pursuant to sections 99.915 to 99.980;

(22) "Special allocation fund", the fund of the municipality or its authority required to be established pursuant to section 99.957 which special allocation fund shall contain at least four separate segregated accounts into which payments in lieu of taxes are deposited in one account, economic activity taxes are deposited in a second account, other net new revenues are deposited in a

1 third account, and other revenues, if any, received by the authority or the municipality for the
 2 purpose of implementing a development plan or a development project are deposited in a fourth
 3 account;

4 (23) "State income tax increment", up to fifty percent of the estimate of the income tax due
 5 the state for salaries or wages paid to new employees in new jobs at a business located in the
 6 development project area and created by the development project. The estimate shall be a
 7 percentage of the gross payroll which percentage shall be based upon an analysis by the department
 8 of revenue of the practical tax rate on gross payroll as a factor in overall taxable income;

9 (24) "State sales tax increment", up to one-half of the incremental increase in the state sales
 10 tax revenue in the development project area. In no event shall the incremental increase include any
 11 amounts attributable to retail sales unless the Missouri development finance board and the
 12 department of economic development are satisfied based on information provided by the
 13 municipality or authority, and such entities have made a finding that a substantial portion of all but a
 14 de minimus portion of the sales tax increment attributable to retail sales is from new sources which
 15 did not exist in the state during the baseline year. The incremental increase for an existing facility
 16 shall be the amount by which the state sales tax revenue generated at the facility exceeds the state
 17 sales tax revenue generated at the facility in the baseline year. The incremental increase in
 18 development project areas where the baseline year is the year following the year in which the
 19 development project is approved by the municipality pursuant to subdivision (2) of this section shall
 20 be the state sales tax revenue generated by out-of-state businesses relocating into a development
 21 project area. The incremental increase for a Missouri facility which relocates to a development
 22 project area shall be the amount by which the state sales tax revenue of the facility exceeds the state
 23 sales tax revenue for the facility in the calendar year prior to relocation;

24 (25) "State sales tax revenues", the general revenue portion of state sales tax revenues
 25 received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes
 26 deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on
 27 motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law;

28 (26) "Taxing district's capital costs", those costs of taxing districts for capital improvements
 29 that are found by the municipal governing bodies to be necessary and to directly result from a
 30 development project; and

31 (27) "Taxing districts", any political subdivision of this state having the power to levy taxes.
 32 99.1082. As used in sections 99.1080 to 99.1092, unless the context clearly requires
 33 otherwise, the following terms shall mean:

34 (1) "Baseline year", the calendar year prior to the adoption of an ordinance by the
 35 municipality approving a redevelopment project; provided, however, if local sales tax revenues or
 36 state sales tax revenues, from businesses other than any out-of-state business or businesses locating
 37 in the redevelopment project area, decrease in the redevelopment project area in the year following
 38 the year in which the ordinance approving a redevelopment project is approved by a municipality,
 39 the baseline year may, at the option of the municipality approving the redevelopment project, be the
 40 year following the year of the adoption of the ordinance approving the redevelopment project.
 41 When a redevelopment project area is located within a county for which public and individual
 42 assistance has been requested by the governor under Section 401 of the Robert T. Stafford Disaster
 43 Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the
 44 governor under section 44.100 due to a natural disaster of major proportions and the redevelopment
 45 project area is a central business district that sustained severe damage as a result of such natural
 46 disaster, as determined by the state emergency management agency, the baseline year may, at the
 47 option of the municipality approving the redevelopment project, be the calendar year in which the
 48 natural disaster occurred or the year following the year in which the natural disaster occurred,
 49 provided that the municipality adopts an ordinance approving the redevelopment project within one

1 year after the occurrence of the natural disaster;

2 (2) "Blighted area", an area which, ~~[by reason of the predominance of defective or~~
 3 ~~inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,~~
 4 ~~improper subdivision or obsolete platting, or the existence of conditions which endanger life or~~
 5 ~~property by fire and other causes, or any combination of such factors, retards the provision of~~
 6 ~~housing accommodations or constitutes an economic or social liability or a menace to the public~~
 7 ~~health, safety, morals, or welfare in its present condition and use]~~ , by reason of the predominance of
 8 defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site
 9 improvements, or the existence of conditions which endanger life or property by fire and other
 10 causes, or any combination of such factors, retards the provision of housing accommodations or
 11 constitutes an economic or social liability or a menace to the public health, safety, or welfare in its
 12 present condition and use, and, for areas located in a city not within a county, which are located in a
 13 census tract that is defined as a low-income community under 26 U.S.C. Section 45D(e) or is
 14 eligible to be designated as a qualified opportunity zone under 26 U.S.C. Section 1400Z;

15 (3) "Central business district", the area at or near the historic core that is locally known as
 16 the "downtown" of a municipality that has a median household income of sixty-two thousand dollars
 17 or less, according to the United States Census Bureau's American Community Survey, based on the
 18 most recent of five-year period estimate data in which the final year of the estimate ends in either
 19 zero or five. In addition, at least fifty percent of existing buildings in this area will have been built
 20 in excess of thirty-five years prior or vacant lots that had prior structures built in excess of thirty-
 21 five years prior to the adoption of the ordinance approving the redevelopment plan. The historical
 22 land use emphasis of a central business district prior to redevelopment will have been a mixed use of
 23 business, commercial, financial, transportation, government, and multifamily residential uses;

24 (4) "Conservation area", any improved area within the boundaries of a redevelopment area
 25 located within the territorial limits of a municipality in which fifty percent or more of the structures
 26 in the area have an age of thirty-five years or more, and such an area is not yet a blighted area but is
 27 detrimental to the public health, safety, morals, or welfare and may become a blighted area because
 28 of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of
 29 individual structures; presence of structures below minimum code standards; abandonment;
 30 excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light
 31 or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout;
 32 depreciation of physical maintenance; and lack of community planning;

33 (5) "Gambling establishment", an excursion gambling boat as defined in section 313.800
 34 and any related business facility including any real property improvements which are directly and
 35 solely related to such business facility, whose sole purpose is to provide goods or services to an
 36 excursion gambling boat and whose majority ownership interest is held by a person licensed to
 37 conduct gambling games on an excursion gambling boat or licensed to operate an excursion
 38 gambling boat as provided in sections 313.800 to 313.850;

39 (6) "Local sales tax increment", at least fifty percent of the local sales tax revenue from
 40 taxes that are imposed by a municipality and its county, and that are generated by economic
 41 activities within a redevelopment area over the amount of such taxes generated by economic
 42 activities within such a redevelopment area in the calendar year prior to the adoption of the
 43 ordinance designating such a redevelopment area while financing under sections 99.1080 to 99.1092
 44 remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for
 45 sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments;
 46 provided however, the governing body of any county may, by resolution, exclude any portion of any
 47 countywide sales tax of such county. For redevelopment projects or redevelopment plans approved
 48 after August 28, 2005, if a retail establishment relocates within one year from one facility within the
 49 same county and the governing body of the municipality finds that the retail establishment is a direct

beneficiary of tax increment financing, then for the purposes of this subdivision, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes that are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(7) "Local sales tax revenue", city sales tax revenues received under sections 94.500 to 94.550 and county sales tax revenues received under sections 67.500 to 67.594;

(8) "Major initiative", a development project within a central business district which promotes tourism, cultural activities, arts, entertainment, education, research, arenas, multipurpose facilities, libraries, ports, mass transit, museums, economic development, or conventions for the municipality, and where the capital investment within the redevelopment project area is:

(a) At least five million dollars for a project area within a city having a population of one hundred thousand to one hundred ninety-nine thousand nine hundred and ninety-nine inhabitants;

(b) At least one million dollars for a project area within a city having a population of fifty thousand to ninety-nine thousand nine hundred and ninety-nine inhabitants;

(c) At least five hundred thousand dollars for a project area within a city having a population of ten thousand to forty-nine thousand nine hundred and ninety-nine inhabitants; or

(d) At least two hundred fifty thousand dollars for a project area within a city having a population of one to nine thousand nine hundred and ninety-nine inhabitants;

(9) "Municipality", any city or county of this state having fewer than two hundred thousand inhabitants;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality or authority, or other public entity authorized to issue such obligations under sections 99.1080 to 99.1092 to carry out a redevelopment project or to refund outstanding obligations;

(11) "Ordinance", an ordinance enacted by the governing body of any municipality;

(12) "Redevelopment area", an area designated by a municipality in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area or a conservation area, which area shall have the following characteristics:

(a) It can be renovated through one or more redevelopment projects;

(b) It is located in the central business district;

(c) The redevelopment area shall not exceed ten percent of the entire geographic area of the municipality. Subject to the limitation set forth in this subdivision, the redevelopment area can be enlarged or modified as provided in section 99.1088;

(13) "Redevelopment plan", the comprehensive program of a municipality to reduce or eliminate those conditions which qualify a redevelopment area as a blighted area or a conservation area, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area through the reimbursement, payment, or other financing of redevelopment project costs in accordance with sections 99.1080 to 99.1092 and through application for and administration of downtown revitalization preservation program financing under sections 99.1080 to 99.1092;

(14) "Redevelopment project", any redevelopment project within a redevelopment area which constitutes a major initiative in furtherance of the objectives of the redevelopment plan, and any such redevelopment project shall include a legal description of the area selected for such redevelopment project;

(15) "Redevelopment project area", the area located within a redevelopment area selected for a redevelopment project;

(16) "Redevelopment project costs" include such costs to the redevelopment plan or a

1 redevelopment project, as applicable, which are expended on public property, buildings, or rights-of-
 2 way for public purposes to provide infrastructure to support a redevelopment project, including
 3 facades. Such costs shall only be allowed as an initial expense which, to be recoverable, must be
 4 included in the costs of a redevelopment plan or redevelopment project, except in circumstances of
 5 plan amendments approved by the department of economic development. Such infrastructure costs
 6 include, but are not limited to, the following:

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

8 (b) Professional service costs, including, but not limited to, architectural,
 9 engineering, legal, marketing, financial, planning, or special services;

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

13 (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public
 14 buildings and fixtures;

15 (e) Costs of construction of public works or improvements;

16 (f) Financing costs, including, but not limited to, all necessary expenses related to
 17 the issuance of obligations issued to finance all or any portion of the infrastructure costs of one or
 18 more redevelopment projects, and which may include capitalized interest on any such obligations
 19 and reasonable reserves related to any such obligations;

20 (g) All or a portion of a taxing district's capital costs resulting from any
 21 redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the
 22 redevelopment plan, to the extent the municipality by written agreement accepts and approves such
 23 infrastructure costs;

24 (h) Payments to taxing districts on a pro rata basis to partially reimburse taxes
 25 diverted by approval of a redevelopment project when all debt is retired;

26 (i) State government costs, including, but not limited to, the reasonable costs
 27 incurred by the department of economic development and the department of revenue in evaluating
 28 an application for and administering downtown revitalization preservation financing for a
 29 redevelopment project;

30 (17) "State sales tax increment", up to one-half of the incremental increase in the state sales
 31 tax revenue in the redevelopment project area provided the local taxing jurisdictions commit one-
 32 half of their local sales tax to paying for redevelopment project costs. The incremental increase
 33 shall be the amount by which the state sales tax revenue generated at the facility or within the
 34 redevelopment project area exceeds the state sales tax revenue generated at the facility or within the
 35 redevelopment project area in the baseline year. For redevelopment projects or redevelopment plans
 36 approved after August 28, 2005, if a retail establishment relocates within one year from one facility
 37 to another facility within the same county and the governing body of the municipality finds that the
 38 retail establishment is a direct beneficiary of tax increment financing, then for the purposes of this
 39 subdivision, the economic activity taxes generated by the retail establishment shall equal the total
 40 additional revenues from economic activity taxes that are imposed by a municipality or other taxing
 41 district over the amount of economic activity taxes generated by the retail establishment in the
 42 calendar year prior to the relocation to the redevelopment area;

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

47 (19) "Taxing district's capital costs", those costs of taxing districts for capital improvements
 48 that are found by the municipal governing bodies to be necessary and to directly result from a
 49 redevelopment project;

(20) "Taxing districts", any political subdivision of this state having the power to levy taxes. 100.310. As used in this law, the following words and terms mean:

(1) "Authority", a public body corporate and politic created by or pursuant to sections of this law or any other public body exercising the powers, rights and duties of such an authority;

(2) "Blighted area", an area which, ~~[by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use]~~ , by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, or welfare in its present condition and use, and, for areas located in a city not within a county, which are located in a census tract that is defined as a low-income community under 26 U.S.C. Section 45D(e) or is eligible to be designated as a qualified opportunity zone under 26 U.S.C. Section 1400Z;

(3) "Bond", any bonds, including refunding bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to this law;

(4) "City", all cities of this state now having or which hereafter have four hundred thousand inhabitants or more according to the last decennial census of the United States or any city that has adopted a home rule charter pursuant to Section 19 of Article VI of the Missouri Constitution;

(5) "Clerk", the official custodian of records of the city;

(6) "Federal government", the United States of America or any agency or instrumentality corporate or otherwise of the United States of America;

(7) "Governing body", the city council, common council, board of aldermen or other legislative body charged with governing the municipality;

(8) "Industrial developer", any person, partnership or public or private corporation or agency which enters or proposes to enter into an industrial development contract;

(9) "Industrial development", the acquisition, clearance, grading, improving, preparing of land for industrial and commercial development and use and the construction, reconstruction, purchase, repair of industrial and commercial improvements, buildings, plants, additions, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, multi-family housing facilities, warehouses, distribution centers, machines, fixtures, structures and other facilities relating to industrial and commercial use in blighted, insanitary or undeveloped industrial areas; and the existing merchants, residents, and present businesses shall have the first option to redevelop the area under this act;

(10) "Industrial development contract", a contract entered into between an authority and an industrial developer for the industrial development of an area in conformity with a plan;

(11) "Insanitary area", an area in which there is a predominance of buildings and improvements which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding of buildings, overcrowding of land, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime or constitutes an economic or social liability and is detrimental to the public health, safety, morals or welfare;

(12) "Obligee", any bondholders, agents or trustees for any bondholders, lessor demising to the authority property used in connection with industrial clearance project, or any assignee or assignees of the lessor's interest or any part thereof, and the federal government when it is a party to

1 any contract with the authority;

2 (13) "Person", any individual, firm, partnership, corporation, company, association, joint
3 stock association, or body politic; and shall include any trustee, receiver, assignee or other similar
4 representative thereof;

5 (14) "Plan", a plan as it exists from time to time for the orderly carrying on of a project of
6 industrial development;

7 (15) "Project", any work or undertaking:

8 (a) To acquire blighted, insanitary and undeveloped industrial areas or portions
9 thereof including lands, structures or improvements the acquisition of which is necessary or
10 incidental to the proper industrial development of the blighted, insanitary and undeveloped
11 industrial areas or to prevent the spread or recurrence of conditions of blight, insanitary or
12 undevelopment;

13 (b) To clear any such areas by demolition or removal of existing buildings,
14 structures, streets, utilities or other improvements thereon and to install, construct or reconstruct
15 streets, utilities and site improvements essential to the preparation of sites for uses in accordance
16 with a plan;

17 (c) To construct, reconstruct, remodel, repair, improve, install improvements,
18 buildings, plants, additions, stores, shops, shopping centers, office buildings, hotels and motels and
19 parking garages, multi-family housing facilities, warehouses, distribution centers, machines,
20 fixtures, structures and other facilities related to industrial and commercial uses;

21 (d) To sell, lease or otherwise make available land in such areas for industrial and
22 commercial or related use or to retain such land for public use, in accordance with a plan;

23 (16) "Public body", the state or any municipality, county, township, board, commission,
24 authority, district or any other subdivision of the state;

25 (17) "Real property", all lands, including improvements and fixtures thereon, and property
26 of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and
27 right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage
28 or otherwise and the indebtedness secured by such liens;

29 (18) "Undeveloped industrial area", any area which, by reason of defective and inadequate
30 street layout or location of physical improvements, obsolescence and inadequate subdivision and
31 platting contains vacant parcels of land not used economically; contains old, decaying, obsolete
32 buildings, plants, stores, shops, shopping centers, office buildings, hotels and motels and parking
33 garages, warehouses, distribution centers, structures; contains buildings, plants, stores, shops,
34 shopping centers, office buildings, hotels and motels and parking garages, multi-family housing
35 facilities, warehouses, distribution centers and structures whose operation is not economically
36 feasible; contains intermittent commercial and industrial structures in a primarily industrial or
37 commercial area; or contains insufficient space for the expansion and efficient use of land for
38 industrial plants and commercial uses amounting to conditions which retard economic or social
39 growth, are economic waste and social liabilities and represent an inability to pay reasonable taxes
40 to the detriment and injury of the public health, safety, morals and welfare.

41 135.325. Sections 135.325 to 135.339 shall be known and may be cited as the "[Special
42 Needs] Adoption Tax Credit Act".

43 135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

44 (1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S
45 corporation doing business in the state of Missouri and subject to the state income tax imposed by
46 the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax
47 imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its
48 gross premium receipts in this state, or other financial institution paying taxes to the state of
49 Missouri or any political subdivision of this state under the provisions of chapter 148, or an express

1 company which pays an annual tax on its gross receipts in this state pursuant to chapter 153;

2 (2) "[~~Handicap~~] Disability", a mental, physical, or emotional impairment that substantially
3 limits one or more major life activities, whether the impairment is congenital or acquired by
4 accident, injury or disease, and where the impairment is verified by medical findings;

5 (3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs,
6 attorney fees, and other expenses which are directly related to the legal adoption of a [~~special needs~~]
7 child and which are not incurred in violation of federal, state, or local law;

8 (4) "Special needs child", a child for whom it has been determined by the children's
9 division, or by a child-placing agency licensed by the state, or by a court of competent jurisdiction
10 to be a child:

11 (a) That cannot or should not be returned to the home of his or her parents; and

12 (b) Who has a specific factor or condition such as ethnic background, age, membership in a
13 minority or sibling group, medical condition, or [~~handicap~~] disability because of which it is
14 reasonable to conclude that such child cannot be easily placed with adoptive parents;

15 (5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter
16 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the
17 withholding of tax as provided for in sections 143.191 to 143.265 and related provisions.

18 135.327. 1. Any person residing in this state who legally adopts a special needs child on or
19 after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to
20 ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied
21 to taxes due under chapter 143. Any business entity providing funds to an employee to enable that
22 employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten
23 thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to
24 taxes due under such business entity's state tax liability, except that only one ten thousand dollar
25 credit is available for each special needs child that is adopted.

26 2. Any person residing in this state who proceeds in good faith with the adoption of a
27 special needs child on or after January 1, 2000, and before January 1, 2021, shall be eligible to
28 receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child
29 that may be applied to taxes due under chapter 143; provided, however, that beginning on March 29,
30 2013, the tax credits shall only be allocated for the adoption of special needs children who are
31 residents or wards of residents of this state at the time the adoption is initiated. Any business entity
32 providing funds to an employee to enable that employee to proceed in good faith with the adoption
33 of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for
34 nonrecurring adoption expenses for each child that may be applied to taxes due under such business
35 entity's state tax liability, except that only one ten thousand dollar credit is available for each special
36 needs child that is adopted.

37 3. Any person residing in this state who proceeds in good faith with the adoption of a child
38 on or after January 1, 2021, regardless of whether such child is a special needs child, shall be
39 eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for
40 each child that may be applied to taxes due under chapter 143. The tax credit shall be allowed
41 regardless of whether the child adopted is a resident or ward of a resident of this state at the time
42 the adoption is initiated. Any business entity providing funds to an employee to enable that
43 employee to proceed in good faith with the adoption of a child shall be eligible to receive a tax
44 credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be
45 applied to taxes due under such business entity's state tax liability; except that, only one credit, of up
46 to ten thousand dollars, is available for each child that is adopted.

47 4. Individuals and business entities may claim a tax credit for their total nonrecurring
48 adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit
49 shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall

be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more than two million dollars but may be increased by appropriation in any fiscal year beginning on or after July 1, 2004. For all fiscal years beginning on or after July 1, 2006, priority shall be given to applications to claim the adoption tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated and such applications shall be filed between July first and April fifteenth of each fiscal year.

[4.] 5. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section shall be at a discount rate of seventy-five percent or greater of the amount sold.

135.335. In the year of adoption and in any year thereafter in which the credit is carried forward pursuant to section 135.333, the credit shall be reduced by an amount equal to the state's cost of providing care, treatment, maintenance and services when:

(1) The ~~[special needs]~~ child is placed, with no intent to return to the adoptive home, in foster care or residential treatment licensed or operated by the children's division, the division of youth services or the department of mental health; or

(2) A juvenile court temporarily or finally relieves the adoptive parents of custody of the ~~[special needs]~~ child.

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

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Rape crisis center", a community-based nonprofit rape crisis center, as defined in section 455.003, located in this state and that provides the twenty-four hour core services of hospital advocacy and crisis hotline support to survivors of rape and sexual assault;

(3) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence pursuant to section 455.200 and which meets the requirements of section 455.220, or a nonprofit organization established and operating exclusively for the purpose of supporting a shelter for victims of domestic violence operated by the state or one of its political subdivisions;

~~[(3)]~~ (4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;

~~[(4)]~~ (5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143.

1 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability,
2 in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims
3 of domestic violence or rape crisis center for all fiscal years ending on or before June 30, 2021, and
4 seventy percent of the amount such taxpayer contributed to a shelter for victims of domestic
5 violence or rape crisis center for all fiscal years beginning on or after July 1, 2021.

6 3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state
7 tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to
8 claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that
9 cannot be claimed in the taxable year the contribution was made may be carried over to the next
10 four succeeding taxable years until the full credit has been claimed.

11 4. Except for any excess credit which is carried over pursuant to subsection 3 of this section,
12 a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's
13 contribution or contributions to a shelter or shelters for victims of domestic violence or rape crisis
14 center in such taxpayer's taxable year has a value of at least one hundred dollars.

15 5. The director of the department of social services shall determine, at least annually, which
16 facilities in this state may be classified as shelters for victims of domestic violence and rape crisis
17 centers. The director of the department of social services may require of a facility seeking to be
18 classified as a shelter for victims of domestic violence or rape crisis center whatever information is
19 reasonably necessary to make such a determination. The director of the department of social
20 services shall classify a facility as a shelter for victims of domestic violence or rape crisis center if
21 such facility meets the definition set forth in subsection 1 of this section.

22 6. The director of the department of social services shall establish a procedure by which a
23 taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence
24 or rape crisis center, and by which such taxpayer can then contribute to such shelter for victims of
25 domestic violence or rape crisis center and claim a tax credit. Shelters for victims of domestic
26 violence and rape crisis centers shall be permitted to decline a contribution from a taxpayer. The
27 cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters
28 for victims of domestic violence and rape crisis centers in any one fiscal year shall not exceed two
29 million dollars for all fiscal years ending on or before June 30, 2021. For all fiscal years beginning
30 on or after July 1, 2021, the cumulative amount of tax credits which may be claimed by all the
31 taxpayers contributing to shelters for victims of domestic violence and rape crisis centers in any one
32 fiscal year shall not exceed four million dollars.

33 7. For all fiscal years ending on or before June 30, 2021, the director of the department of
34 social services shall establish a procedure by which, from the beginning of the fiscal year until some
35 point in time later in the fiscal year to be determined by the director of the department of social
36 services, the cumulative amount of tax credits are equally apportioned among all facilities classified
37 as shelters for victims of domestic violence and rape crisis centers. If a shelter for victims of
38 domestic violence or rape crisis center fails to use all, or some percentage to be determined by the
39 director of the department of social services, of its apportioned tax credits during this predetermined
40 period of time, the director of the department of social services may reapportion these unused tax
41 credits to those shelters for victims of domestic violence and rape crisis centers that have used all, or
42 some percentage to be determined by the director of the department of social services, of their
43 apportioned tax credits during this predetermined period of time. The director of the department of
44 social services may establish more than one period of time and reapportion more than once during
45 each fiscal year. To the maximum extent possible, the director of the department of social services
46 shall establish the procedure described in this subsection in such a manner as to ensure that
47 taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available
48 for the fiscal year.

49 8. This section shall become effective January 1, 2000, and shall apply to all tax years after

December 31, 1999.

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

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Maternity home", a residential facility located in this state:

(a) Established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term;

(b) That does not perform, induce, or refer for abortions and that does not hold itself out as performing, inducing, or referring for abortions;

(c) That provides services at no cost to clients; and

(d) That is exempt from income taxation under the United States Internal Revenue Code;

(3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;

(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home for all fiscal years ending on or before June 30, 2021, and seventy percent of the amount such taxpayer contributed to a maternity home for all fiscal years beginning on or after July 1, 2021.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over only to the next succeeding tax year. No tax credit issued under this section shall be assigned, transferred, or sold.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's tax year has a value of at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. Maternity homes shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which

may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars for all fiscal years ending on or before June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019, and ending on or before June 30, 2021. For all fiscal years beginning on or after July 1, 2021, there shall be no limit imposed on the cumulative amount of tax credits that may be claimed by all taxpayers contributing to maternity homes under the provisions of this section. Tax credits shall be issued in the order contributions are received. If the amount of tax credits redeemed in a fiscal year is less than the cumulative amount authorized under this subsection, the difference shall be carried over to a subsequent fiscal year or years and shall be added to the cumulative amount of tax credits that may be authorized in that fiscal year or years.

7. For all fiscal years ending on or before June 30, 2021, the director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999[, until sunset].

~~[9. Under section 23.253 of the Missouri sunset act:~~

~~—— (1) The provisions of the program authorized under this section shall automatically sunset on December thirty-first six years after August 28, 2018, unless reauthorized by an act of the general assembly;~~

~~—— (2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of the reauthorization of this section;~~

~~—— (3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and~~

~~—— (4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.]~~

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the "Tax Credit Accountability Act of 2004".

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) "Administering agency", the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) "Agricultural tax credits", the agricultural product utilization contributor tax credit created pursuant to section 348.430, the new generation cooperative incentive tax credit created pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section 348.505, the qualified beef tax credit created under section 135.679, and the wine and grape

1 production tax credit created pursuant to section 135.700;

2 (3) "All tax credit programs", or "any tax credit program", the tax credit programs included
3 in the definitions of agricultural tax credits, business recruitment tax credits, community
4 development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental
5 tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and
6 training and educational tax credits;

7 (4) "Business recruitment tax credits", the business facility tax credit created pursuant to
8 sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to
9 sections 135.200 to 135.270, the business use incentives for large-scale development programs
10 created pursuant to sections 100.700 to 100.850, the development tax credits created pursuant to
11 sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section
12 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise
13 zone created pursuant to sections 135.950 to 135.970, and the Missouri quality jobs program created
14 pursuant to sections 620.1875 to 620.1900;

15 (5) "Community development tax credits", the neighborhood assistance tax credit created
16 pursuant to sections 32.100 to 32.125, the family development account tax credit created pursuant to
17 sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to section 320.093, and
18 the transportation development tax credit created pursuant to section 135.545;

19 (6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant to
20 section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence
21 created pursuant to section 135.550, the senior citizen or disabled person property tax credit created
22 pursuant to sections 135.010 to 135.035, the ~~[special needs]~~ adoption tax credit created pursuant to
23 sections 135.325 to 135.339, the champion for children tax credit created pursuant to section
24 135.341, the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax
25 credit created pursuant to section 135.090, the residential treatment agency tax credit created
26 pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section
27 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund
28 tax credit created pursuant to section 135.575, the residential dwelling access tax credit created
29 pursuant to section 135.562, the developmental disability care provider tax credit created under
30 section 135.1180, the shared care tax credit created pursuant to section 192.2015, and the diaper
31 bank tax credit created pursuant to section 135.621;

32 (7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections 135.400
33 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529,
34 the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new enterprise
35 creation tax credit created pursuant to sections 620.635 to 620.653, the research tax credit created
36 pursuant to section 620.1039, the small business incubator tax credit created pursuant to section
37 620.495, the guarantee fee tax credit created pursuant to section 135.766, and the new generation
38 cooperative tax credit created pursuant to sections 32.105 to 32.125;

39 (8) "Environmental tax credits", the charcoal producer tax credit created pursuant to section
40 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the
41 alternative fuel stations tax credit created pursuant to section 135.710;

42 (9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant to
43 section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam
44 fee tax credit created pursuant to section 148.400, the health insurance pool tax credit created
45 pursuant to section 376.975, the life and health insurance guaranty tax credit created pursuant to
46 section 376.745, the property and casualty guaranty tax credit created pursuant to section 375.774,
47 and the self-employed health insurance tax credit created pursuant to section 143.119;

48 (10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to
49 sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350

1 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125;

2 (11) "Recipient", the individual or entity who is the original applicant for and who receives
3 proceeds from a tax credit program directly from the administering agency, the person or entity
4 responsible for the reporting requirements established in section 135.805;

5 (12) "Redevelopment tax credits", the historic preservation tax credit created pursuant to
6 sections 253.545 to 253.559, the brownfield redevelopment program tax credit created pursuant to
7 sections 447.700 to 447.718, the community development corporations tax credit created pursuant to
8 sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section
9 100.286, the bond guarantee tax credit created pursuant to section 100.297, the disabled access tax
10 credit created pursuant to section 135.490, the new markets tax credit created pursuant to section
11 135.680, and the distressed areas land assemblage tax credit created pursuant to section 99.1205;

12 (13) "Training and educational tax credits", the Missouri works new jobs tax credit and
13 Missouri works retained jobs credit created pursuant to sections 620.800 to 620.809.

14 135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

15 (1) "Average wage", the new payroll divided by the number of new jobs;

16 (2) "Blighted area", an area which, ~~[by reason of the predominance of defective or~~
17 ~~inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,~~
18 ~~improper subdivision or obsolete platting, or the existence of conditions which endanger life or~~
19 ~~property by fire and other causes, or any combination of such factors, retards the provision of~~
20 ~~housing accommodations or constitutes an economic or social liability or a menace to the public~~
21 ~~health, safety, morals, or welfare in its present condition and use. The term "blighted area" shall~~
22 ~~also include any area which produces or generates or has the potential to produce or generate~~
23 ~~electrical energy from a renewable energy resource, and which, by reason of obsolescence,~~
24 ~~decadence, blight, dilapidation, deteriorating or inadequate site improvements, substandard~~
25 ~~conditions, the predominance or defective or inadequate street layout, unsanitary or unsafe~~
26 ~~conditions, improper subdivision or obsolete platting, or the existence of conditions which endanger~~
27 ~~the life or property by fire or other means, or any combination of such factors, is underutilized,~~
28 ~~unutilized, or diminishes the economic usefulness of the land, improvements, or lock and dam site~~
29 ~~within such area for the production, generation, conversion, and conveyance of electrical energy~~
30 ~~from a renewable energy resource]~~ , by reason of the predominance of defective or inadequate street
31 layout, insanitary or unsafe conditions, deterioration of site improvements, or the existence of
32 conditions which endanger life or property by fire and other causes, or any combination of such
33 factors, retards the provision of housing accommodations or constitutes an economic or social
34 liability or a menace to the public health, safety, or welfare in its present condition and use, and, for
35 areas located in a city not within a county, which are located in a census tract that is defined as a
36 low-income community under 26 U.S.C. Section 45D(e) or is eligible to be designated as a qualified
37 opportunity zone under 26 U.S.C. Section 1400Z;

38 (3) "Board", an enhanced enterprise zone board established pursuant to section 135.957;

39 (4) "Commencement of commercial operations" shall be deemed to occur during the first
40 taxable year for which the new business facility is first put into use by the taxpayer in the enhanced
41 business enterprise in which the taxpayer intends to use the new business facility;

42 (5) "County average wage", the average wages in each county as determined by the
43 department for the most recently completed full calendar year. However, if the computed county
44 average wage is above the statewide average wage, the statewide average wage shall be deemed the
45 county average wage for such county for the purpose of determining eligibility. The department
46 shall publish the county average wage for each county at least annually. Notwithstanding the
47 provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project
48 is relocating employees from a Missouri county with a higher county average wage, such taxpayer
49 shall obtain the endorsement of the governing body of the community from which jobs are being

1 relocated or the county average wage for their project shall be the county average wage for the
2 county from which the employees are being relocated;

3 (6) "Department", the department of economic development;

4 (7) "Director", the director of the department of economic development;

5 (8) "Employee", a person employed by the enhanced business enterprise that is scheduled to
6 work an average of at least one thousand hours per year, and such person at all times has health
7 insurance offered to him or her, which is partially paid for by the employer;

8 (9) "Enhanced business enterprise", an industry or one of a cluster of industries that is
9 either:

10 (a) Identified by the department as critical to the state's economic security and growth; or

11 (b) Will have an impact on industry cluster development, as identified by the governing
12 authority in its application for designation of an enhanced enterprise zone and approved by the
13 department; but excluding gambling establishments (NAICS industry group 7132), retail trade
14 (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations
15 (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking
16 places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary,
17 headquarters or administrative offices of an otherwise excluded business may qualify for benefits if
18 the offices serve a multistate territory. In the event a national, state, or regional headquarters
19 operation is not the predominant activity of a project facility, the new jobs and investment of such
20 headquarters operation is considered eligible for benefits under this section if the other requirements
21 are satisfied. Service industries may be eligible only if a majority of its annual revenues will be
22 derived from out of the state;

23 (10) "Existing business facility", any facility in this state which was employed by the
24 taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior
25 to an expansion, acquisition, addition, or replacement;

26 (11) "Facility", any building used as an enhanced business enterprise located within an
27 enhanced enterprise zone, including the land on which the facility is located and all machinery,
28 equipment, and other real and depreciable tangible personal property acquired for use at and located
29 at or within such facility and used in connection with the operation of such facility;

30 (12) "Facility base employment", the greater of the number of employees located at the
31 facility on the date of the notice of intent, or for the twelve-month period prior to the date of the
32 notice of intent, the average number of employees located at the facility, or in the event the project
33 facility has not been in operation for a full twelve-month period, the average number of employees
34 for the number of months the facility has been in operation prior to the date of the notice of intent;

35 (13) "Facility base payroll", the total amount of taxable wages paid by the enhanced
36 business enterprise to employees of the enhanced business enterprise located at the facility in the
37 twelve months prior to the notice of intent, not including the payroll of owners of the enhanced
38 business enterprise unless the enhanced business enterprise is participating in an employee stock
39 ownership plan. For the purposes of calculating the benefits under this program, the amount of base
40 payroll shall increase each year based on the consumer price index or other comparable measure, as
41 determined by the department;

42 (14) "Governing authority", the body holding primary legislative authority over a county or
43 incorporated municipality;

44 (15) "Megaproject", any manufacturing or assembling facility, approved by the department
45 for construction and operation within an enhanced enterprise zone, which satisfies the following:

46 (a) The new capital investment is projected to exceed three hundred million dollars over a
47 period of eight years from the date of approval by the department;

48 (b) The number of new jobs is projected to exceed one thousand over a period of eight years
49 beginning on the date of approval by the department;

- 1 (c) The average wage of new jobs to be created shall exceed the county average wage;
2 (d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent
3 of such insurance premiums; and
4 (e) An acceptable plan of repayment, to the state, of the tax credits provided for the
5 megaproject has been provided by the taxpayer;
- 6 (16) "NAICS", the 1997 edition of the North American Industry Classification System as
7 prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS
8 sector, subsector, industry group or industry identified in this section shall include its corresponding
9 classification in subsequent federal industry classification systems;
- 10 (17) "New business facility", a facility that does not produce or generate electrical energy
11 from a renewable energy resource and satisfies the following requirements:
- 12 (a) Such facility is employed by the taxpayer in the operation of an enhanced business
13 enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer
14 if the taxpayer's only activity with respect to such facility is to lease it to another person or persons.
15 If the taxpayer employs only a portion of such facility in the operation of an enhanced business
16 enterprise, and leases another portion of such facility to another person or persons or does not
17 otherwise use such other portions in the operation of an enhanced business enterprise, the portion
18 employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a
19 new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are
20 satisfied;
- 21 (b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A
22 facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31,
23 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract
24 to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs
25 after December 31, 2004;
- 26 (c) If such facility was acquired by the taxpayer from another taxpayer and such facility was
27 employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced
28 business enterprise, the operation of the same or a substantially similar enhanced business enterprise
29 is not continued by the taxpayer at such facility; and
- 30 (d) Such facility is not a replacement business facility, as defined in subdivision (27) of this
31 section;
- 32 (18) "New business facility employee", an employee of the taxpayer in the operation of a
33 new business facility during the taxable year for which the credit allowed by section 135.967 is
34 claimed, except that truck drivers and rail and barge vehicle operators and other operators of rolling
35 stock for hire shall not constitute new business facility employees;
- 36 (19) "New business facility investment", the value of real and depreciable tangible personal
37 property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer
38 in the operation of the new business facility, during the taxable year for which the credit allowed by
39 135.967 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles,
40 aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and
41 spurs shall not constitute new business facility investments. The total value of such property during
42 such taxable year shall be:
- 43 (a) Its original cost if owned by the taxpayer; or
44 (b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental
45 rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the
46 taxpayer from subrentals. The new business facility investment shall be determined by dividing by
47 twelve the sum of the total value of such property on the last business day of each calendar month of
48 the taxable year. If the new business facility is in operation for less than an entire taxable year, the
49 new business facility investment shall be determined by dividing the sum of the total value of such

1 property on the last business day of each full calendar month during the portion of such taxable year
2 during which the new business facility was in operation by the number of full calendar months
3 during such period;

4 (20) "New job", the number of employees located at the facility that exceeds the facility
5 base employment less any decrease in the number of the employees at related facilities below the
6 related facility base employment. No job that was created prior to the date of the notice of intent
7 shall be deemed a new job;

8 (21) "Notice of intent", a form developed by the department which is completed by the
9 enhanced business enterprise and submitted to the department which states the enhanced business
10 enterprise's intent to hire new jobs and request benefits under such program;

11 (22) "Related facility", a facility operated by the enhanced business enterprise or a related
12 company in this state that is directly related to the operation of the project facility;

13 (23) "Related facility base employment", the greater of:

14 (a) The number of employees located at all related facilities on the date of the notice of
15 intent; or

16 (b) For the twelve-month period prior to the date of the notice of intent, the average number
17 of employees located at all related facilities of the enhanced business enterprise or a related
18 company located in this state;

19 (24) "Related taxpayer":

20 (a) A corporation, partnership, trust, or association controlled by the taxpayer;

21 (b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

22 (c) A corporation, partnership, trust or association controlled by an individual, corporation,
23 partnership, trust or association in control of the taxpayer. "Control of a corporation" shall mean
24 ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined
25 voting power of all classes of stock entitled to vote, "control of a partnership or association" shall
26 mean ownership of at least fifty percent of the capital or profits interest in such partnership or
27 association, and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty
28 percent of the beneficial interest in the principal or income of such trust; ownership shall be
29 determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

30 (25) "Renewable energy generation zone", an area which has been found, by a resolution or
31 ordinance adopted by the governing authority having jurisdiction of such area, to be a blighted area
32 and which contains land, improvements, or a lock and dam site which is unutilized or underutilized
33 for the production, generation, conversion, and conveyance of electrical energy from a renewable
34 energy resource;

35 (26) "Renewable energy resource", shall include:

36 (a) Wind;

37 (b) Solar thermal sources or photovoltaic cells and panels;

38 (c) Dedicated crops grown for energy production;

39 (d) Cellulosic agricultural residues;

40 (e) Plant residues;

41 (f) Methane from landfills, agricultural operations, or wastewater treatment;

42 (g) Thermal depolymerization or pyrolysis for converting waste material to energy;

43 (h) Clean and untreated wood such as pallets;

44 (i) Hydroelectric power, which shall include electrical energy produced or generated by
45 hydroelectric power generating equipment, as such term is defined in section 137.010;

46 (j) Fuel cells using hydrogen produced by one or more of the renewable resources provided
47 in paragraphs (a) to (i) of this subdivision; or

48 (k) Any other sources of energy, not including nuclear energy, that are certified as renewable
49 by rule by the department of economic development;

(27) "Replacement business facility", a facility otherwise described in subdivision (17) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subdivision (19) of this section, in the new facility during the tax period for which the credits allowed in section 135.967 are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

(28) "Same or substantially similar enhanced business enterprise", an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

137.021. 1. The assessor, in grading land which is devoted primarily to the raising and harvesting of crops, to the feeding, breeding and management of livestock, to dairying, or to any combination thereof, as defined in section 137.016, pursuant to the provisions of sections 137.017 to 137.021, shall in addition to the assessor's personal knowledge, judgment and experience, consider soil surveys, decreases in land valuation due to natural disasters, level of flood protection, governmental regulations limiting the use of such land, the estate held in such land, and other relevant information. On or before December thirty-first of each odd-numbered year, the state tax commission shall promulgate by regulation and publish a value based on productive capability for each of the several grades of agricultural and horticultural land. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year. Such values shall be based upon soil surveys, soil productivity indexes, production costs, crop yields, appropriate capitalization rates and any other pertinent factors, all of which may be provided by the college of agriculture of the University of Missouri, and shall be used by all county assessors in conjunction with their land grades in determining assessed values. Any regulation promulgated pursuant to this subsection shall be deemed to be beyond the scope and authority provided in this subsection if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the values contained in such regulation. If the general assembly so disapproves any regulation promulgated pursuant to this subsection, the state tax commission shall continue to use values set forth in the most recent preceding regulation promulgated pursuant to this subsection.

2. Any land which is used as an urban or community garden, as defined in section 137.016, shall be graded as grade #4, or its equivalent, under the rule promulgated by the state tax commission under subsection 1 of this section.

3. When land that is agricultural and horticultural property, as defined in section 137.016, and is being valued and assessed for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021 becomes property other than agricultural and horticultural property, as defined in section 137.016, it shall be reassessed as of the following January first.

4. Separation or split-off of a part of the land which is being valued and assessed for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021, either by conveyance or other action of the owner of the land, so that such land is no longer agricultural and horticultural property, as defined in section 137.016, shall subject the land so separated to reassessment as of the following January first. This shall not impair the right of the remaining land to continuance of valuation and assessment for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021.

5. The state tax commission shall not promulgate a rule increasing agricultural land productive values more than two percent above the values in effect prior to the rule promulgation and shall not promulgate more than three rules increasing such values in a ten-year period.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method

1 or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to
 2 sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless
 3 the assessor proves otherwise, there shall be a presumption that the assessment was made by a
 4 computer, computer-assisted method or a computer program. Such evidence shall include, but shall
 5 not be limited to, the following:

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

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

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

11 (b) Such properties are not more than one mile from the site of the disputed property, except
 12 where no similar properties exist within one mile of the disputed property, the nearest comparable
 13 property shall be used. Such property shall be within five hundred square feet in size of the disputed
 14 property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant
 15 characteristics.

16 2. Assessors in each county of this state and the City of St. Louis may send personal
 17 property assessment forms through the mail.

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

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

23 (2) Livestock, twelve percent;

24 (3) Farm machinery, twelve percent;

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

29 (5) Poultry, twelve percent; and

30 (6) Tools and equipment used for pollution control and tools and equipment used in
 31 retooling for the purpose of introducing new product lines or used for making improvements to
 32 existing products by any company which is located in a state enterprise zone and which is identified
 33 by any standard industrial classification number cited in subdivision (5) of section 135.200, twenty-
 34 five percent.

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

39 5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of
 40 Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the
 41 following percentages of true value:

42 (a) For real property in subclass (1), nineteen percent;

43 (b) For real property in subclass (2), twelve percent; and

44 (c) For real property in subclass (3), thirty-two percent.

45 (2) A taxpayer may apply to the county assessor, or, if not located within a county, then the
 46 assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of
 47 such real property is changed after such property is assessed under the provisions of this chapter. If
 48 the assessor determines that such property shall be reclassified, he or she shall determine the
 49 assessment under this subsection based on the percentage of the tax year that such property was

1 classified in each subclassification.

2 6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling
3 units shall be assessed at the same percentage of true value as residential real property for the
4 purpose of taxation. The percentage of assessment of true value for such manufactured homes shall
5 be the same as for residential real property. If the county collector cannot identify or find the
6 manufactured home when attempting to attach the manufactured home for payment of taxes owed
7 by the manufactured home owner, the county collector may request the county commission to have
8 the manufactured home removed from the tax books, and such request shall be granted within thirty
9 days after the request is made; however, the removal from the tax books does not remove the tax
10 lien on the manufactured home if it is later identified or found. For purposes of this section, a
11 manufactured home located in a manufactured home rental park, rental community or on real estate
12 not owned by the manufactured home owner shall be considered personal property. For purposes of
13 this section, a manufactured home located on real estate owned by the manufactured home owner
14 may be considered real property.

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

19 8. Any amount of tax due and owing based on the assessment of a manufactured home shall
20 be included on the personal property tax statement of the manufactured home owner unless the
21 manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the
22 amount of tax due and owing on the assessment of the manufactured home as a realty improvement
23 to the existing real estate parcel shall be included on the real property tax statement of the real estate
24 owner.

25 9. The assessor of each county and each city not within a county shall use the trade-in value
26 published in the October issue of the National Automobile Dealers' Association Official Used Car
27 Guide, or its successor publication, as the recommended guide of information for determining the
28 true value of motor vehicles described in such publication. The assessor shall not use a value that is
29 greater than the average trade-in value in determining the true value of the motor vehicle without
30 performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a
31 vehicle's model year, the assessor may use a value other than average without performing a physical
32 inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such
33 publication, the assessor shall use such information or publications which in the assessor's judgment
34 will fairly estimate the true value in money of the motor vehicle.

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

38 11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor
39 shall notify the property owner of that fact in writing and shall provide the owner clear written
40 notice of the owner's rights relating to the physical inspection. If a physical inspection is required,
41 the property owner may request that an interior inspection be performed during the physical
42 inspection. The owner shall have no less than thirty days to notify the assessor of a request for an
43 interior physical inspection.

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

1 considered sufficient to constitute a physical inspection as required by this section.

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

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

10 [15] 14. Any county or city not within a county in this state may, by an affirmative vote of
11 the governing body of such county, opt out of the provisions of this section and sections 137.073,
12 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second
13 regular session and section 137.073 as modified by house committee substitute for senate substitute
14 for senate committee substitute for senate bill no. 960, ninety-second general assembly, second
15 regular session, for the next year of the general reassessment, prior to January first of any year. No
16 county or city not within a county shall exercise this opt-out provision after implementing the
17 provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no.
18 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by
19 house committee substitute for senate substitute for senate committee substitute for senate bill no.
20 960, ninety-second general assembly, second regular session, in a year of general reassessment. For
21 the purposes of applying the provisions of this subsection, a political subdivision contained within
22 two or more counties where at least one of such counties has opted out and at least one of such
23 counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house
24 bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a
25 city not within a county or a county that has opted out under the provisions of this subsection may
26 choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as
27 enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and
28 section 137.073 as modified by house committee substitute for senate substitute for senate
29 committee substitute for senate bill no. 960, ninety-second general assembly, second regular session,
30 for the next year of general reassessment, by an affirmative vote of the governing body prior to
31 December thirty-first of any year.

32 [16] 15. The governing body of any city of the third classification with more than twenty-
33 six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in
34 any county that has exercised its authority to opt out under subsection 15 of this section may levy
35 separate and differing tax rates for real and personal property only if such city bills and collects its
36 own property taxes or satisfies the entire cost of the billing and collection of such separate and
37 differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

38 [17] 16. Any portion of real property that is available as reserve for strip, surface, or coal
39 mining for minerals for purposes of excavation for future use or sale to others that has not been
40 bonded and permitted under chapter 444 shall be assessed based upon how the real property is
41 currently being used. Any information provided to a county assessor, state tax commission, state
42 agency, or political subdivision responsible for the administration of tax policies shall, in the
43 performance of its duties, make available all books, records, and information requested, except such
44 books, records, and information as are by law declared confidential in nature, including individually
45 identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of
46 this subsection, "mine property" shall mean all real property that is in use or readily available as a
47 reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future
48 use or sale to others that has been bonded and permitted under chapter 444.

49 137.385. Any person aggrieved by the assessment of his property may appeal to the county

board of equalization. An appeal shall be in writing and the forms to be used for this purpose shall be furnished by the county clerk. Such appeal shall be lodged with the county clerk as secretary of the board of equalization before the [third] second Monday in [June] July; provided, that the board may in its discretion extend the time for filing such appeals.

138.060. 1. The county board of equalization shall, in a summary way, determine all appeals from the valuation of property made by the assessor, and shall correct and adjust the assessment accordingly. There shall be no presumption that the assessor's valuation is correct. In any county with a charter form of government with a population greater than two hundred eighty thousand inhabitants but less than two hundred eighty-five thousand inhabitants, [and] in any county with a charter form of government with greater than one million inhabitants, [and] in any city not within a county, and in any other county for any property whose assessed valuation increased at least fifteen percent from the previous assessment unless the increase is due to new construction or improvement, the assessor shall have the burden to prove that the assessor's valuation does not exceed the true market value of the subject property. In such county or city, in the event a physical inspection of the subject property is required by subsection 10 of section 137.115, the assessor shall have the burden to establish the manner in which the physical inspection was performed and shall have the burden to prove that the physical inspection was performed in accordance with section 137.115. In such county or city, in the event the assessor fails to provide sufficient evidence to establish that the physical inspection was performed in accordance with section 137.115, the property owner shall prevail on the appeal as a matter of law. At any hearing before the state tax commission or a court of competent jurisdiction of an appeal of assessment from a first class charter county or a city not within a county, the assessor shall not advocate nor present evidence advocating a valuation higher than that value finally determined by the assessor or the value determined by the board of equalization, whichever is higher, for that assessment period.

2. The county clerk shall keep an accurate record of the proceedings and orders of the board, and the assessor shall correct all erroneous assessments, and the clerk shall adjust the tax book according to the orders of such board and the orders of the state tax commission, except that in adding or deducting such percent to each tract or parcel of real estate as required by such board or state tax commission, he shall add or deduct in each case any fractional sum of less than fifty cents, so that the value of any separate tract shall contain no fractions of a dollar.

138.090. 1. Except as provided in subsection 2 of this section, the county board of equalization in first class counties shall meet on the [first] third Monday in July of each year.

2. Upon a finding by the board that it is necessary in order to fairly hear all cases arising from a general reassessment, the board may begin meeting after July first in any applicable year to timely consider any appeal or complaint resulting from an evaluation made during a general reassessment of all taxable real property and possessory interests in the county. There shall be no presumption that the assessor's valuation is correct.

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability pursuant to Public Law 116-136, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171;

(2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or

1 authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this
2 section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable
3 to such interest that would have been deductible in computing the taxable income of the taxpayer
4 except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended.
5 The reduction shall only be made if it is at least five hundred dollars;

6 (3) The amount of any deduction that is included in the computation of federal taxable
7 income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job
8 Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property
9 purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted
10 exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168 of the
11 Internal Revenue Code of 1986 as in effect on January 1, 2002;

12 (4) The amount of any deduction that is included in the computation of federal taxable
13 income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of
14 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26
15 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the
16 taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a
17 period of more than twenty years and carries backward for more than two years. Any amount of net
18 operating loss taken against federal taxable income but disallowed for Missouri income tax purposes
19 pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any
20 income on the Missouri income tax return for a period of not more than twenty years from the year
21 of the initial loss; and

22 (5) For nonresident individuals in all taxable years ending on or after December 31, 2006,
23 the amount of any property taxes paid to another state or a political subdivision of another state for
24 which a deduction was allowed on such nonresident's federal return in the taxable year unless such
25 state, political subdivision of a state, or the District of Columbia allows a subtraction from income
26 for property taxes paid to this state for purposes of calculating income for the income tax for such
27 state, political subdivision of a state, or the District of Columbia;

28 (6) For all tax years beginning on or after January 1, 2018, any interest expense paid or
29 accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as
30 amended, in the current taxable year by reason of the carryforward of disallowed business interest
31 provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest
32 expense is considered paid or accrued only in the first taxable year the deduction would have been
33 allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section
34 163(j), as amended, did not exist.

35 3. There shall be subtracted from the taxpayer's federal adjusted gross income the following
36 amounts to the extent included in federal adjusted gross income:

37 (1) Interest received on deposits held at a federal reserve bank or interest or dividends on
38 obligations of the United States and its territories and possessions or of any authority, commission or
39 instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the
40 laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by
41 any interest on indebtedness incurred to carry the described obligations or securities and by any
42 expenses incurred in the production of interest or dividend income described in this subdivision.
43 The reduction in the previous sentence shall only apply to the extent that such expenses including
44 amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross
45 income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made
46 if the expenses total at least five hundred dollars;

47 (2) The portion of any gain, from the sale or other disposition of property having a higher
48 adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax
49 purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is

1 considered a long-term capital gain for federal income tax purposes, the modification shall be
2 limited to one-half of such portion of the gain;

3 (3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or
4 other amount of income or gain which was properly included in income or gain and was taxed
5 pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a
6 decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or
7 to a trust or estate from which the taxpayer received the income or gain;

8 (4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the
9 extent that the same are included in federal adjusted gross income;

10 (5) The amount of any state income tax refund for a prior year which was included in the
11 federal adjusted gross income;

12 (6) The portion of capital gain specified in section 135.357 that would otherwise be included
13 in federal adjusted gross income;

14 (7) The amount that would have been deducted in the computation of federal taxable income
15 pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to
16 the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003,
17 and to the extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C. Section
18 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of
19 2002;

20 (8) For all tax years beginning on or after January 1, 2005, the amount of any income
21 received for military service while the taxpayer serves in a combat zone which is included in federal
22 adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat
23 zone" means any area which the President of the United States by Executive Order designates as an
24 area in which Armed Forces of the United States are or have engaged in combat. Service is
25 performed in a combat zone only if performed on or after the date designated by the President by
26 Executive Order as the date of the commencing of combat activities in such zone, and on or before
27 the date designated by the President by Executive Order as the date of the termination of combatant
28 activities in such zone;

29 (9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is
30 sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional
31 modification was made under subdivision (3) of subsection 2 of this section, the amount by which
32 additional modification made under subdivision (3) of subsection 2 of this section on qualified
33 property has not been recovered through the additional subtractions provided in subdivision (7) of
34 this subsection;

35 (10) For all tax years beginning on or after January 1, 2014, the amount of any income
36 received as payment from any program which provides compensation to agricultural producers who
37 have suffered a loss as the result of a disaster or emergency, including the:

38 (a) Livestock Forage Disaster Program;

39 (b) Livestock Indemnity Program;

40 (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;

41 (d) Emergency Conservation Program;

42 (e) Noninsured Crop Disaster Assistance Program;

43 (f) Pasture, Rangeland, Forage Pilot Insurance Program;

44 (g) Annual Forage Pilot Program;

45 (h) Livestock Risk Protection Insurance Plan; and

46 (i) Livestock Gross Margin Insurance Plan; and

47 (11) For all tax years beginning on or after January 1, 2018, any interest expense paid or
48 accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26
49 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is

1 considered paid or accrued only in the first taxable year the deduction would have been allowable
2 under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as
3 amended, did not exist.

4 4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income
5 the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

6 5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income
7 the modifications provided in section 143.411.

8 6. In addition to the modifications to a taxpayer's federal adjusted gross income in this
9 section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's
10 federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the
11 Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of
12 property as a result of condemnation or the imminence thereof.

13 7. (1) As used in this subsection, "qualified health insurance premium" means the amount
14 paid during the tax year by such taxpayer for any insurance policy primarily providing health care
15 coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

16 (2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the
17 amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal
18 adjusted gross income to the extent the amount paid for such premiums is included in federal
19 taxable income. The taxpayer shall provide the department of revenue with proof of the amount of
20 qualified health insurance premiums paid.

21 8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section,
22 one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an
23 entity certified by the department of natural resources under section 640.153 or the implementation
24 of any energy efficiency recommendations made in such an audit shall be subtracted from the
25 taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is
26 included in federal taxable income. The taxpayer shall provide the department of revenue with a
27 summary of any recommendations made in a qualified home energy audit, the name and
28 certification number of the qualified home energy auditor who conducted the audit, and proof of the
29 amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer
30 shall also provide a copy of the summary of any recommendations made in a qualified home energy
31 audit to the department of natural resources.

32 (2) At no time shall a deduction claimed under this subsection by an individual taxpayer or
33 taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or
34 cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

35 (3) Any deduction claimed under this subsection shall be claimed for the tax year in which
36 the qualified home energy audit was conducted or in which the implementation of the energy
37 efficiency recommendations occurred. If implementation of the energy efficiency recommendations
38 occurred during more than one year, the deduction may be claimed in more than one year, subject to
39 the limitations provided under subdivision (2) of this subsection.

40 (4) A deduction shall not be claimed for any otherwise eligible activity under this subsection
41 if such activity qualified for and received any rebate or other incentive through a state-sponsored
42 energy program or through an electric corporation, gas corporation, electric cooperative, or
43 municipally owned utility.

44 9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

45 143.171. 1. For all tax years beginning on or after January 1, 1994, and ending on or before
46 December 31, 2018, an individual taxpayer shall be allowed a deduction for his or her federal
47 income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for
48 which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's
49 return or ten thousand dollars on a combined return, after reduction for all credits thereon, except

the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

2. (1) Notwithstanding any other provision of law to the contrary, for all tax years beginning on or after January 1, 2019, an individual taxpayer shall be allowed a deduction equal to a percentage of his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34. The deduction percentage is determined according to the following table:

If the Missouri gross income on the return is:

The deduction percentage is:

\$25,000 or less

35 percent

From \$25,001 to \$50,000

25 percent

From \$50,001 to \$100,000

15 percent

From \$100,001 to \$125,000

5 percent

\$125,001 or more

0 percent

(2) Notwithstanding any provision of law to the contrary, the amount of any tax credits reducing a taxpayer's federal tax liability pursuant to Public Law 116-136, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, shall not be considered in determining a taxpayer's federal tax liability for the purposes of subdivision (1) of this subsection.

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

166.400. Sections 166.400 to 166.455 shall be known and may be cited as the "Missouri Education [Savings] Program".

166.410. [Definitions.] As used in sections 166.400 to 166.455, except where the context clearly requires another interpretation, the following terms mean:

(1) "Beneficiary", any individual designated by a participation agreement to benefit from payments for qualified education expenses at an eligible educational institution;

(2) "Benefits", the payment of qualified education expenses on behalf of a beneficiary from a savings account during the beneficiary's attendance at an eligible educational institution;

(3) "Board", the Missouri education [savings] program board established in section 166.415;

(4) "Eligible educational institution", an ~~[institution of postsecondary education]~~ eligible educational institution as defined in Section ~~[529(e)(5)]~~ 529 of the Internal Revenue Code, ~~[and institutions of elementary and secondary education as provided in Sections 529(e)(7) and 529(e)(3) of the Internal Revenue Code,]~~ as amended;

(5) "Financial institution", a bank, insurance company or registered investment company;

(6) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;

(7) "Missouri education ~~[savings]~~ program" or "~~[savings]~~ program", the program created pursuant to sections 166.400 to 166.455;

(8) "Participant", a person who has entered into a participation agreement pursuant to sections 166.400 to 166.455 for the advance payment of qualified education expenses on behalf of a beneficiary;

(9) "Participation agreement", an agreement between a participant and the board pursuant to and conforming with the requirements of sections 166.400 to 166.455; and

(10) "Qualified higher education expenses" or "qualified education expenses", the qualified costs of tuition and fees and other expenses for attendance at an eligible educational institution, as defined in Section ~~[529(e)(3)]~~ 529 of the Internal Revenue Code, as amended.

166.415. 1. There is hereby created the "Missouri Education ~~[Savings]~~ Program". The program shall be administered by the Missouri education ~~[savings]~~ program board which shall consist of the Missouri state treasurer who shall serve as chairman, the commissioner of the department of higher education and workforce development, the commissioner of education, the commissioner of the office of administration, the director of the department of economic development, two persons having demonstrable experience and knowledge in the areas of finance or the investment and management of public funds, one of whom is selected by the president pro tem of the senate and one of whom is selected by the speaker of the house of representatives, and one person having demonstrable experience and knowledge in the area of banking or deposit rate determination and placement of depository certificates of deposit or other deposit investments. Such member shall be appointed by the governor with the advice and consent of the senate. The three appointed members shall be appointed to serve for terms of four years from the date of appointment, or until their successors shall have been appointed and shall have qualified. The members of the board shall be subject to the conflict of interest provisions of section 105.452. Any member who violates the conflict of interest provisions shall be removed from the board. In order to establish and administer the ~~[savings]~~ program, the board, in addition to its other powers and authority, shall have the power and authority to:

(1) Develop and implement the Missouri education ~~[savings]~~ program and, notwithstanding any provision of sections 166.400 to 166.455 to the contrary, the ~~[savings]~~ programs and services consistent with the purposes and objectives of sections 166.400 to 166.455;

(2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.400 to 166.455, to permit the ~~[savings]~~ program to qualify as a "qualified state tuition program" pursuant to Section 529 of the Internal Revenue Code and to ensure the ~~[savings]~~ program's compliance with all applicable laws;

(3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution for investment services, and their families, including special programs and materials to inform families with young children regarding methods for financing education and training;

(4) Enter into agreements with any financial institution, the state or any federal or other agency or entity as required for the operation of the ~~[savings]~~ program pursuant to sections 166.400 to 166.455;

(5) Enter into participation agreements with participants;

(6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any

1 unit of federal, state, or local government or any other person, firm, partnership, or corporation for
2 deposit to the account of the [savings] program;

3 (7) Invest the funds received from participants in appropriate investment instruments to
4 achieve long-term total return through a combination of capital appreciation and current income;

5 (8) Make appropriate payments and distributions on behalf of beneficiaries pursuant to
6 participation agreements;

7 (9) Make refunds to participants upon the termination of participation agreements pursuant
8 to the provisions, limitations, and restrictions set forth in sections 166.400 to 166.455 and the rules
9 adopted by the board;

10 (10) Make provision for the payment of costs of administration and operation of the
11 [savings] program;

12 (11) Effectuate and carry out all the powers granted by sections 166.400 to 166.455, and
13 have all other powers necessary to carry out and effectuate the purposes, objectives and provisions
14 of sections 166.400 to 166.455 pertaining to the [savings] program; and

15 (12) Procure insurance, guarantees or other protections against any loss in connection with
16 the assets or activities of the [savings] program.

17 2. Any member of the board may designate a proxy for that member who will enjoy the full
18 voting privileges of that member for the one meeting so specified by that member. No more than
19 three proxies shall be considered members of the board for the purpose of establishing a quorum.

20 3. Four members of the board shall constitute a quorum. No vacancy in the membership of
21 the board shall impair the right of a quorum to exercise all the rights and perform all the duties of
22 the board. No action shall be taken by the board except upon the affirmative vote of a majority of
23 the members present.

24 4. The board shall meet within the state of Missouri at the time set at a previously scheduled
25 meeting or by the request of any four members of the board. Notice of the meeting shall be
26 delivered to all other trustees in person or by depositing notice in a United States post office in a
27 properly stamped and addressed envelope not less than six days prior to the date fixed for the
28 meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one
29 meeting in each quarter.

30 5. The funds shall be invested only in those investments which a prudent person acting in a
31 like capacity and familiar with these matters would use in the conduct of an enterprise of a like
32 character and with like aims, as provided in section 105.688. For new contracts entered into after
33 August 28, 2012, board members shall study investment plans of other states and contract with or
34 negotiate to provide benefit options the same as or similar to other states' qualified plans for the
35 purpose of offering additional options for members of the plan. The board may delegate to duly
36 appointed investment counselors authority to act in place of the board in the investment and
37 reinvestment of all or part of the moneys and may also delegate to such counselors the authority to
38 act in place of the board in the holding, purchasing, selling, assigning, transferring or disposing of
39 any or all of the securities and investments in which such moneys shall have been invested, as well
40 as the proceeds of such investments and such moneys. Such investment counselors shall be
41 registered as investment advisors with the United States Securities and Exchange Commission. In
42 exercising or delegating its investment powers and authority, members of the board shall exercise
43 ordinary business care and prudence under the facts and circumstances prevailing at the time of the
44 action or decision. No member of the board shall be liable for any action taken or omitted with
45 respect to the exercise of, or delegation of, these powers and authority if such member shall have
46 discharged the duties of his or her position in good faith and with that degree of diligence, care and
47 skill which a prudent person acting in a like capacity and familiar with these matters would use in
48 the conduct of an enterprise of a like character and with like aims.

49 6. No investment transaction authorized by the board shall be handled by any company or

1 firm in which a member of the board has a substantial interest, nor shall any member of the board
2 profit directly or indirectly from any such investment.

3 7. No trustee or employee of the [savings] program shall receive any gain or profit from any
4 funds or transaction of the [savings] program. Any trustee, employee or agent of the [savings]
5 program accepting any gratuity or compensation for the purpose of influencing such trustee's,
6 employee's or agent's action with respect to the investment or management of the funds of the
7 [savings] program shall thereby forfeit the office and in addition thereto be subject to the penalties
8 prescribed for bribery.

9 166.420. 1. The board may enter into [savings] program participation agreements with
10 participants on behalf of beneficiaries pursuant to the provisions of sections 166.400 to 166.455,
11 including the following terms and conditions:

12 (1) A participation agreement shall stipulate the terms and conditions of the [savings]
13 program in which the participant makes contributions;

14 (2) A participation agreement shall specify the method for calculating the return on the
15 contribution made by the participant;

16 (3) The execution of a participation agreement by the board shall not guarantee that the
17 beneficiary named in any participation agreement will be admitted to an eligible educational
18 institution, be allowed to continue to attend an eligible educational institution after having been
19 admitted or will graduate from an eligible educational institution;

20 (4) A participation agreement shall clearly and prominently disclose to participants the risk
21 associated with depositing moneys with the board;

22 (5) Participation agreements shall be organized and presented in a way and with language
23 that is easily understandable by the general public; and

24 (6) A participation agreement shall clearly and prominently disclose to participants the
25 existence of any load charge or similar charge assessed against the accounts of the participants for
26 administration or services.

27 2. The board shall establish the maximum amount which may be contributed annually [by a
28 participant] with respect to a beneficiary.

29 3. The board shall establish a total contribution limit for savings accounts established under
30 the [savings] program with respect to a beneficiary to permit the [savings] program to qualify as a
31 "qualified state tuition program" pursuant to Section 529 of the Internal Revenue Code. No
32 contribution may be made to a savings account for a beneficiary if it would cause the balance of all
33 savings accounts of the beneficiary to exceed the total contribution limit established by the board.
34 The board may establish other requirements that it deems appropriate to provide adequate
35 safeguards to prevent contributions on behalf of a beneficiary from exceeding what is necessary to
36 provide for the qualified education expenses of the beneficiary.

37 4. The board shall establish the minimum length of time that contributions and earnings
38 must be held by the [savings] program to qualify pursuant to section 166.435. Any contributions or
39 earnings that are withdrawn or distributed from a savings account prior to the expiration of the
40 minimum length of time, as established by the board, shall be subject to a penalty pursuant to
41 section 166.430.

42 166.425. All money paid by a participant in connection with participation agreements shall
43 be deposited as received and shall be promptly invested by the board. Contributions and earnings
44 thereon accumulated on behalf of participants in the [savings] program may be used, as provided in
45 the participation agreement, for qualified education expenses. Such contributions and earnings shall
46 not be considered income for purposes of determining a participant's eligibility for financial
47 assistance under any state student aid program.

48 166.435. 1. Notwithstanding any law to the contrary, the assets of the [savings] program
49 held by the board, the assets of any deposit program authorized in section 166.500, and the assets of

any qualified tuition [savings] program established pursuant to Section 529 of the Internal Revenue Code and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from the [savings] program, deposit, or other qualified tuition [savings] programs established under Section 529 of the Internal Revenue Code, or refunds of qualified education expenses received by a beneficiary from an eligible educational institution in connection with withdrawal from enrollment at such institution which are contributed within sixty days of withdrawal to a qualified tuition [savings] program of which such individual is a beneficiary shall not be subject to state income tax imposed pursuant to chapter 143 and shall be eligible for any benefits provided in accordance with Section 529 of the Internal Revenue Code. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the [savings] program established pursuant to sections 166.400 to 166.455, the deposit program established pursuant to sections 166.500 to 166.529, and other qualified tuition [savings] programs established under Section 529 of the Internal Revenue Code, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the [savings] program held by the board, the deposit program, and any qualified tuition [savings] program established under Section 529 of the Internal Revenue Code up to and including eight thousand dollars per [participating] taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified education expenses, not transferred as allowed by 26 U.S.C. Section 529(c)(3)(C)(i), as amended, and any Internal Revenue Service regulations or guidance issued in relation thereto, or are not held for the minimum length of time established by the appropriate Missouri board, then the amount so distributed shall be included in the Missouri adjusted gross income of the participant, or, if the participant is not living, the beneficiary.

3. The provisions of this section shall apply to tax years beginning on or after January 1, 2008, and the provisions of this section with regard to sections 166.500 to 166.529 shall apply to tax years beginning on or after January 1, 2004.

166.440. The assets of the [savings] program shall at all times be preserved, invested and expended only for the purposes set forth in this section and in accordance with the participation agreements, and no property rights therein shall exist in favor of the state.

166.456. All personally identifiable information concerning participants and beneficiaries of accounts established within the Missouri education [savings] program pursuant to sections 166.400 to 166.456 shall be confidential, and any disclosure of such information shall be restricted to purposes directly connected with the administration of the program.

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

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

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all

1 of the real property located within the proposed district, the proposed district area need not contain
2 contiguous properties if:

3 (a) The petition provides that the only funding method for project costs will be a sales tax;

4 (b) The court finds that all of the real property located within the proposed district will
5 benefit by the projects to be undertaken by the district; and

6 (c) Each parcel within the district is within five miles of every other parcel; and

7 (3) In the case of a district created pursuant to subsection 5 of this section, property
8 separated only by public streets, easements, or rights-of-way or connected by a single public street,
9 easement, or right-of-way shall be considered contiguous.

10 4. The petition shall set forth:

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

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

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

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

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

23 (6) The name of the proposed district;

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

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

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

31 (10) A proposal for funding the district initially, pursuant to the authority granted in sections
32 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified
33 voters within the [limits of] municipality in which the proposed district is located; provided,
34 however, the funding method of special assessments may also be approved as provided in subsection
35 1 of section 238.230;

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

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

41 5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if
42 two or more local transportation authorities have adopted resolutions calling for the joint
43 establishment of a district, the governing body of any one such local transportation authority may
44 file a petition in the circuit court of any county in which the proposed project is located requesting
45 the creation of a district; or, if not less than fifty registered voters from each of two or more counties
46 sign a petition calling for the joint establishment of a district for the purpose of developing a project
47 that lies in whole or in part within those same counties, the petition may be filed in the circuit court
48 of any of those counties in which not less than fifty registered voters have signed the petition.

49 (2) The proposed district area shall be contiguous and may contain all or any portion of one

1 or more municipalities and counties. Property separated only by public streets, easements, or rights-
 2 of-way or connected by a single public street, easement, or right-of-way shall be considered
 3 contiguous.

4 (3) The petition shall set forth:

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

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

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

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

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

19 (f) The name of the proposed district;

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

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

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

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

31 238.235. 1. (1) Any transportation development district may by resolution impose a
 32 transportation development district sales tax on all retail sales made in such transportation
 33 development district which are subject to taxation pursuant to the provisions of sections 144.010 to
 34 144.525, except such transportation development district sales tax shall not apply to the sale or use
 35 of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical
 36 current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either
 37 local or long distance. Such transportation development district sales tax may be imposed for any
 38 transportation development purpose designated by the transportation development district in its
 39 ballot of submission to its qualified voters, except that no resolution enacted pursuant to the
 40 authority granted by this section shall be effective unless:

41 (a) The board of directors of the transportation development district submits to the qualified
 42 voters of the municipality in which the transportation development district is located a proposal to
 43 authorize the board of directors of the transportation development district to impose or increase the
 44 levy of an existing tax pursuant to the provisions of this section; or

45 (b) The voters approved the question certified by the petition filed pursuant to subsection 5
 46 of section 238.207.

47 (2) If the transportation district submits to the qualified voters of the municipality in which
 48 the transportation development district is located a proposal to authorize the board of directors of the
 49 transportation development district to impose or increase the levy of an existing tax pursuant to the

provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of _____ (transportation development district's name) impose a transportation development district-wide sales tax at the rate of _____ (insert amount) for a period of _____ (insert number) years from the date on which such tax is first imposed for the purpose of _____ (insert transportation development purpose)?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers

1 a tax for the privilege of engaging in the business of selling tangible personal property or rendering
2 taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525,
3 and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate
4 of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported
5 and returned to and collected by the transportation development district.

6 3. On and after the effective date of any tax imposed pursuant to this section, the director of
7 revenue shall perform all functions incident to the administration, collection, enforcement, and
8 operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes
9 imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to
10 this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be
11 collected together and reported upon such forms and pursuant to such administrative rules and
12 regulations as may be prescribed by the director of revenue.

13 4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the
14 state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision,
15 shall apply to the collection of the tax imposed by this section, except as modified in this section.

16 (2) All exemptions granted to agencies of government, organizations, persons and to the sale
17 of certain articles and items of tangible personal property and taxable services pursuant to the
18 provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and
19 collection of the tax imposed by this section.

20 (3) The same sales tax permit, exemption certificate and retail certificate required by
21 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy
22 the requirements of this section, and no additional permit or exemption certificate or retail certificate
23 shall be required; except that the transportation development district may prescribe a form of
24 exemption certificate for an exemption from the tax imposed by this section.

25 (4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws
26 for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made
27 applicable to any taxes collected pursuant to the provisions of this section.

28 (5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation
29 of those sections are hereby made applicable to violations of this section.

30 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail
31 sales except retail sales of motor vehicles shall be deemed to be consummated at the place of
32 business of the retailer unless the tangible personal property sold is delivered by the retailer or the
33 retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state
34 destination. In the event a retailer has more than one place of business in this state which
35 participates in the sale, the sale shall be deemed to be consummated at the place of business of the
36 retailer where the initial order for the tangible personal property is taken, even though the order
37 must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a
38 retailer's employee shall be deemed to be consummated at the place of business from which the
39 employee works.

40 5. All sales taxes received by the transportation development district shall be deposited by
41 the director of revenue in a special fund to be expended for the purposes authorized in this section.
42 The director of revenue shall keep accurate records of the amount of money which was collected
43 pursuant to this section, and the records shall be open to the inspection of officers of each
44 transportation development district and the general public.

45 6. (1) No transportation development district imposing a sales tax pursuant to this section
46 may repeal or amend such sales tax unless such repeal or amendment will not impair the district's
47 ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds,
48 notes or other obligations which it has issued or which have been issued by the commission or any
49 local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of the municipality in which such transportation development district is located a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

7. Notwithstanding any provision of sections 99.800 to 99.865 and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.

238.237. 1. If approved by a majority of the qualified voters voting on the question in the municipality in which the district is located, the district may charge and collect tolls or fees for the use of a project. The board may charge a lower toll rate or fee than that amount approved by the [district] voters, and may increase that lower toll rate or fee to a level not exceeding the toll or fee rate ceiling without voter approval. Toll rates or fees for the use of the same project may vary at the election of the board, depending upon the type or nature of the user, or the type or nature of the use.

2. The ballot of submission shall be substantially in the following form:

Shall the _____ Transportation Development District be authorized to charge tolls or fees in amounts not to exceed those given below:

| | |
|---------------------|-------------------------|
| Maximum Toll or Fee | Toll or Fee Description |
|---------------------|-------------------------|

| | |
|-----------------|---|
| (Insert amount) | (Insert a brief description of the toll or fee, distinguishing it from other tolls or fees to be charged on the same project) |
|-----------------|---|

| | |
|-----------------|---|
| (Insert amount) | (Describe the next toll or fee charged) |
|-----------------|---|

| | |
|--------|--------|
| (Etc.) | (Etc.) |
|--------|--------|

for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary)?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. To construct a toll facility, a district may relocate an existing state highway, subject to approval by the commission, or an existing local public street or road, subject to approval by the local transportation authority having control and jurisdiction over such street or road. A district shall not incorporate an existing free public street, road, or highway into a district project that will be subject to tolls.

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

(1) "Agricultural products", an agricultural, horticultural, viticultural, or vegetable product, growing of grapes that will be processed into wine, bees, honey, fish or other aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or a poultry product, either

1 in its natural or processed state, that has been produced, processed, or otherwise had value added to
2 it in this state;

3 (2) "Blighted area", [~~that portion of the city within which the legislative authority of such~~
4 ~~city determines that by reason of age, obsolescence, inadequate, or outmoded design or physical~~
5 ~~deterioration have become economic and social liabilities, and that such conditions are conducive to~~
6 ~~ill health, transmission of disease, crime or inability to pay reasonable taxes]~~ an area which, by
7 reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions,
8 deterioration of site improvements, or the existence of conditions which endanger life or property by
9 fire and other causes, or any combination of such factors, retards the provision of housing
10 accommodations or constitutes an economic or social liability or a menace to the public health,
11 safety, or welfare in its present condition and use, and, for areas located in a city not within a county,
12 which are located in a census tract that is defined as a low-income community under 26 U.S.C.
13 Section 45D(e) or is eligible to be designated as a qualified opportunity zone under 26 U.S.C.
14 Section 1400Z;

15 (3) "Department", the department of agriculture;

16 (4) "Domesticated animal", cattle, calves, sheep, swine, ratite birds including but not limited
17 to ostrich and emu, llamas, alpaca, buffalo, bison, elk documented as obtained from a legal source
18 and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human
19 consumption;

20 (5) "Grower UAZ", a type of UAZ:

21 (a) That can either grow produce, raise livestock, or produce other value-added agricultural
22 products;

23 (b) That does not exceed fifty laying hens, six hundred fifty broiler chickens, or thirty
24 domesticated animals;

25 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not limited to ostrich
26 and emu, aquatic products as described in section 277.024, llamas, alpaca, buffalo, bison, elk
27 documented as obtained from a legal source and not from the wild, goats, or horses, other equines,
28 or rabbits raised in confinement for human consumption;

29 (7) "Locally grown", a product that was grown or raised in the same county or city not
30 within a county in which the UAZ is located or in an adjoining county or city not within a county.
31 For a product raised or sold in a city not within a county, locally grown also includes an adjoining
32 county with a charter form of government with more than nine hundred fifty thousand inhabitants
33 and those adjoining said county;

34 (8) "Meat", any edible portion of livestock or poultry carcass or part thereof;

35 (9) "Meat product", anything containing meat intended for or capable of use for human
36 consumption, which is derived, in whole or in part, from livestock or poultry;

37 (10) "Mobile unit", the same as motor vehicle as defined in section 301.010;

38 (11) "Poultry", any domesticated bird intended for human consumption;

39 (12) "Processing UAZ", a type of UAZ:

40 (a) That processes livestock, poultry, or produce for human consumption;

41 (b) That meets federal and state processing laws and standards;

42 (c) Is a qualifying small business approved by the department;

43 (13) "Qualifying small business", those enterprises which are established within an Urban
44 Agricultural Zone subsequent to its creation, and which meet the definition established for the Small
45 Business Administration and set forth in Section 121.201 of Part 121 of Title 13 of the Code of
46 Federal Regulations;

47 (14) "Value-added agricultural products", any product or products that are the result of:

48 (a) Using an agricultural product grown in this state to produce a meat or dairy product in
49 this state;

(b) A change in the physical state or form of the original agricultural product;
 (c) An agricultural product grown in this state which has had its value enhanced by special production methods such as organically grown products; or

(d) A physical segregation of a commodity or agricultural product grown in this state that enhances its value such as identity preserved marketing systems;

(15) "Urban agricultural zone" or "UAZ", a zone within a metropolitan statistical area as defined by the United States Office of Budget and Management that has one or more of the following entities that is a qualifying small business and approved by the department, as follows:

(a) Any organization or person who grows produce or other agricultural products;

(b) Any organization or person that raises livestock or poultry;

(c) Any organization or person who processes livestock or poultry;

(d) Any organization that sells at a minimum seventy-five percent locally grown food;

(16) "Vending UAZ", a type of UAZ:

(a) That sells produce, meat, or value-added locally grown agricultural goods;

(b) That is able to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program as a form of payment; and

(c) Is a qualifying small business that is approved by the department for an UAZ vendor license.

2. (1) A person or organization shall submit to any incorporated municipality an application to develop an UAZ on a blighted area of land. Such application shall demonstrate or identify on the application:

(a) If the person or organization is a grower UAZ, processing UAZ, vending UAZ, or a combination of all three types of UAZs provided in this paragraph, in which case the person or organization shall meet the requirements of each type of UAZ in order to qualify;

(b) The number of jobs to be created;

(c) The types of products to be produced; and

(d) If applying for a vending UAZ, the ability to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program if selling products to consumers.

(2) A municipality shall review and modify the application as necessary before either approving or denying the request to establish an UAZ.

(3) Approval of the UAZ by such municipality shall be reviewed five and ten years after the development of the UAZ. After twenty-five years, the UAZ shall dissolve.

If the municipality finds during its review that the UAZ is not meeting the requirements set out in this section, the municipality may dissolve the UAZ.

3. The governing body of any municipality planning to seek designation of an urban agricultural zone shall establish an urban agricultural zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation of an urban agricultural zone. Two members of the board shall be appointed by other affected taxing districts. The remaining four members shall be chosen by the chief elected officer of the municipality. The four members chosen by the chief elected officer of the municipality shall all be residents of the county or city not within a county in which the UAZ is to be located, and at least one of such four members shall have experience in or represent organizations associated with sustainable agriculture, urban farming, community gardening, or any of the activities or products authorized by this section for UAZs.

4. The school district member and the two affected taxing district members shall each have initial terms of five years. Of the four members appointed by the chief elected official, two shall have initial terms of four years, and two shall have initial terms of three years. Thereafter, members shall serve terms of five years. Each member shall hold office until a successor has been appointed.

1 All vacancies shall be filled in the same manner as the original appointment. For inefficiency or
2 neglect of duty or misconduct in office, a member of the board may be removed by the applicable
3 appointing authority.

4 5. A majority of the members shall constitute a quorum of such board for the purpose of
5 conducting business and exercising the powers of the board and for all other purposes. Action may
6 be taken by the board upon a vote of a majority of the members present.

7 6. The members of the board annually shall elect a chair from among the members.

8 7. The role of the board shall be to conduct the activities necessary to advise the governing
9 body on the designation of an urban agricultural zone and any other advisory duties as determined
10 by the governing body. The role of the board after the designation of an urban agricultural zone
11 shall be review and assessment of zone activities.

12 8. Prior to the adoption of an ordinance proposing the designation of an urban agricultural
13 zone, the urban agricultural board shall fix a time and place for a public hearing and notify each
14 taxing district located wholly or partially within the boundaries of the proposed urban agricultural
15 zone. The board shall send, by certified mail, a notice of such hearing to all taxing districts and
16 political subdivisions in the area to be affected and shall publish notice of such hearing in a
17 newspaper of general circulation in the area to be affected by the designation at least twenty days
18 prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the
19 time, location, date, and purpose of the hearing. At the public hearing any interested person or
20 affected taxing district may file with the board written objections to, or comments on, and may be
21 heard orally in respect to, any issues embodied in the notice. The board shall hear and consider all
22 protests, objections, comments, and other evidence presented at the hearing. The hearing may be
23 continued to another date without further notice other than a motion to be entered upon the minutes
24 fixing the time and place of the subsequent hearing.

25 9. Following the conclusion of the public hearing required under subsection 8 of this
26 section, the governing authority of the municipality may adopt an ordinance designating an urban
27 agricultural zone.

28 10. The real property of the UAZ shall not be subject to assessment or payment of ad
29 valorem taxes on real property imposed by the cities affected by this section, or by the state or any
30 political subdivision thereof, for a period of up to twenty-five years as specified by ordinance under
31 subsection 9 of this section, except to such extent and in such amount as may be imposed upon such
32 real property during such period, as was determined by the assessor of the county in which such real
33 property is located, or, if not located within a county, then by the assessor of such city, in an amount
34 not greater than the amount of taxes due and payable thereon during the calendar year preceding the
35 calendar year during which the urban agricultural zone was designated. The amounts of such tax
36 assessments shall not be increased during such period so long as the real property is used in
37 furtherance of the activities provided under the provisions of subdivision (15) of subsection 1 of this
38 section. At the conclusion of the period of abatement provided by the ordinance, the property shall
39 then be reassessed. If only a portion of real property is used as an UAZ, then only that portion of
40 real property shall be exempt from assessment or payment of ad valorem taxes on such property, as
41 provided by this section.

42 11. If the water services for the UAZ are provided by the municipality, the municipality may
43 authorize a grower UAZ to pay wholesale water rates for the cost of water consumed on the UAZ.
44 If available, the UAZ may pay fifty percent of the standard cost to hook onto the water source.

45 12. (1) Any local sales tax revenues received from the sale of agricultural products sold in
46 the UAZ, or any local sales tax revenues received by a mobile unit associated with a vending UAZ
47 selling agricultural products in the municipality in which the vending UAZ is located, shall be
48 deposited in the urban agricultural zone fund established in subdivision (2) of this subsection. An
49 amount equal to one percent shall be retained by the director of revenue for deposit in the general

1 revenue fund to offset the costs of collection.

2 (2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund", which
 3 shall consist of money collected under subdivision (1) of this subsection. The state treasurer shall
 4 be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may
 5 approve disbursements. The fund shall be a dedicated fund and, upon appropriation, shall be used
 6 for the purposes authorized by this section. Notwithstanding the provisions of section 33.080 to the
 7 contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit
 8 of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner
 9 as other funds are invested. Any interest and moneys earned on such investments shall be credited
 10 to the fund. Fifty percent of fund moneys shall be made available to school districts. The remaining
 11 fifty percent of fund moneys shall be allocated to municipalities that have urban agricultural zones
 12 based upon the municipality's percentage of local sales tax revenues deposited into the fund. The
 13 municipalities shall, upon appropriation, provide fund moneys to urban agricultural zones within the
 14 municipality for improvements. School districts may apply to the department for money in the fund
 15 to be used for the development of curriculum on or the implementation of urban farming practices
 16 under the guidance of the University of Missouri extension service and a certified vocational
 17 agricultural instructor. The funds are to be distributed on a competitive basis within the school
 18 district or districts in which the UAZ is located pursuant to rules to be promulgated by the
 19 department, with special consideration given to the relative number of students eligible for free and
 20 reduced-price lunches attending the schools within such district or districts.

21 13. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 22 under the authority delegated in this section shall become effective only if it complies with and is
 23 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 24 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 25 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
 26 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 27 August 28, 2013, shall be invalid and void.

28 14. The provisions of this section shall not apply to any county with a charter form of
 29 government and with more than three hundred thousand but fewer than four hundred fifty thousand
 30 inhabitants.

31 353.020. The following terms, whenever used or referred to in this chapter, mean:

32 (1) "Area", that portion of the city which the legislative authority of such city has found or
 33 shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is
 34 necessary to effectuate the purposes of this law. Any such area may include buildings or
 35 improvements not in themselves blighted, and any real property, whether improved or unimproved,
 36 the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or
 37 rehabilitation of the area of which such buildings, improvements or real property form a part;

38 (2) "Blighted area", ~~[that portion of the city within which the legislative authority of such~~
 39 ~~city determines that by reason of age, obsolescence, inadequate or outmoded design or physical~~
 40 ~~deterioration have become economic and social liabilities, and that such conditions are conducive to~~
 41 ~~ill health, transmission of disease, crime or inability to pay reasonable taxes]~~ an area which, by
 42 reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions,
 43 deterioration of site improvements, or the existence of conditions which endanger life or property by
 44 fire and other causes, or any combination of such factors, retards the provision of housing
 45 accommodations or constitutes an economic or social liability or a menace to the public health,
 46 safety, or welfare in its present condition and use, and, for areas located in a city not within a county,
 47 which are located in a census tract that is defined as a low-income community under 26 U.S.C.
 48 Section 45D(e) or is eligible to be designated as a qualified opportunity zone under 26 U.S.C.
 49 Section 1400Z;

(3) "City" or "such cities", any city within this state and any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants or any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants. The county's authority pursuant to this chapter shall be restricted to the unincorporated areas of such county;

(4) "Development plan", a plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the legislative authority of any such city;

(5) "Legislative authority", the city council or board of aldermen of the cities affected by this chapter;

(6) "Mortgage", a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them;

(7) "Real property" includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant or otherwise, rights-of-way and terms for years;

(8) "Redevelopment", the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;

(9) "Redevelopment project", a specific work or improvement to effectuate all or any part of a development plan;

(10) "Urban redevelopment corporation", a corporation organized pursuant to this chapter; except that any life insurance company organized pursuant to the laws of, or admitted to do business in, the state of Missouri may from time to time within five years after April 23, 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company or urban redevelopment corporation, a redevelopment project pursuant to this chapter, and shall, in its operations with respect to any such redevelopment project, but not otherwise, be deemed to be an urban redevelopment corporation for the purposes of this section and sections 353.010, 353.040, 353.060 and 353.110 to 353.160.

620.3210. 1. This section shall be known and may be cited as the "Capitol Complex Tax Credit Act".

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

(1) "Board", the Missouri development finance board, a body corporate and politic created under sections 100.250 to 100.297 and sections 100.700 to 100.850;

(2) "Capitol complex", the following buildings located in Jefferson City, Missouri:

(a) State capitol building, 201 West Capitol Avenue;

(b) Supreme court building, 207 West High Street;

(c) Old federal courthouse, 131 West High Street;

(d) Highway building, 105 Capitol Avenue;

(e) Governor's mansion, 100 Madison Street;

(3) "Certificate", a tax credit certificate issued under this section;

(4) "Department", the department of economic development;

(5) "Eligible artifact", any item of personal property specifically for display in a building in the capitol complex or former fixtures that were previously owned by the state and used within the capitol complex but have been removed. The board of public buildings shall, in their sole discretion, make all determinations as to which items are eligible artifacts and may employ such experts as may be useful in making such a determination;

(6) "Eligible artifact donation", a donation of an eligible artifact to the board of public buildings. The value of such donation shall be set by the board of public buildings, who may employ such experts as may be useful in making such a determination. The board of public buildings shall, in their sole discretion, determine if an artifact is to be accepted;

(7) "Eligible monetary donation", donations received from a qualified donor to the capitol complex fund created in this section, or to an organization exempt from taxation under 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, whose mission and purpose is to restore, renovate, improve, and maintain one or more buildings in the capitol complex, that are to be used solely for projects to restore, renovate, improve, and maintain buildings and their furnishings in the capitol complex and the administration thereof. Eligible monetary donations may include:

(a) Cash, including checks, money orders, credit card payments, or similar cash equivalents valued at the face value of the currency. Currency of other nations shall be valued based on the exchange rate on the date of the gift. The date of the donation shall be the date that cash or check is received by the applicant or the date posted to the donor's account in the case of credit or debit cards;

(b) Stocks from a publicly traded company; and

(c) Bonds that are publicly traded;

(8) "Eligible recipient", the capitol complex fund, created in this section, or an organization exempt from taxation under 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, whose mission and purpose is to restore, renovate, improve, and maintain one or more buildings in the capitol complex;

(9) "Qualified donor", any of the following individuals or entities who make an eligible monetary donation or eligible artifact donation to the capitol complex fund or other eligible recipient:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143;

(b) An insurance company paying an annual tax on its gross premium receipts in this state;

(c) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;

(d) An individual subject to the state income tax imposed in chapter 143; or

(e) Any charitable organization, including any foundation or not-for-profit corporation, which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

3. There is hereby created a fund to be known as the "Capitol Complex Fund", separate and distinct from all other board funds, that is hereby authorized to receive any eligible monetary donation as provided in this section. The capitol complex fund shall be segregated into two accounts: a rehabilitation and renovation account and a maintenance account. Ninety percent of the revenues received from eligible monetary donations pursuant to the provisions of this section and shall be deposited in the rehabilitation and renovation account and seven and one-half percent of such revenues shall be deposited in the maintenance account. The assets of these accounts, together with any interest that may accrue thereon, shall be used by the board solely for the purposes of restoration and maintenance of the buildings of the capitol complex as defined in this section, and for no other purpose. The remaining two and one-half percent of the revenues deposited into the fund may be used for the purposes of soliciting donations to the fund, advertising and promoting the fund, and administering the fund. Any amounts not used for those purposes shall be deposited back into the rehabilitation and renovation account and the maintenance account, divided in the manner set forth in this section. The board may, as an administrative cost, use the funds to hire fundraising professionals and such other experts or advisors as necessary to carry out the board's duties under this section. The choice of projects for which the moneys are to be used, as well as the

1 determination of the methods of carrying out the project and the procurement of goods and services
2 thereon, shall be made by the commissioner of administration. No moneys shall be released from
3 the fund for any expense without the approval of the commissioner of administration, who may
4 delegate that authority as the commissioner deems appropriate. All contracts for rehabilitation,
5 renovation, or maintenance work shall be the responsibility of the commissioner of administration.
6 A memorandum of understanding may be executed between the commissioner of administration and
7 the board determining the processes for obligation, reservation, and payment of eligible costs from
8 the fund. The commissioner of administration shall not obligate costs in excess of the fund balance.
9 The board shall not be responsible for any costs obligated in excess of available funds and shall be
10 held harmless in any contracts related to rehabilitation, renovation, and maintenance of capitol
11 complex buildings. No other board funds shall be used to pay obligations made by the
12 commissioner of administration related to activities under this section.

13 4. For all tax years beginning on or after January 1, 2020, any qualified donor shall be
14 allowed a credit against the taxes otherwise due under chapters 143 and 148, except for sections
15 143.191 to 143.265, in an amount of fifty percent of the eligible monetary donation. The amount of
16 the tax credit claimed may exceed the amount of the donor's state income tax liability in the tax year
17 for which the credit is claimed. Any amount of credit that exceeds the qualified donor's state
18 income tax liability may be refundable or may be carried forward to any of the donor's four
19 subsequent tax years.

20 5. For all tax years beginning on or after January 1, 2020, any qualified donor shall be
21 allowed a credit against the taxes otherwise due under chapters 143 and 148, except for sections
22 143.191 to 143.265, in an amount of thirty percent of the eligible artifact donation. The amount of
23 the tax credit claimed shall not exceed the amount of the qualified donor's state income tax liability
24 in the tax year for which the credit is claimed. Any amount of credit that exceeds the qualified
25 donor's state income tax liability shall not be refundable but may be carried forward to any of the
26 donor's four subsequent tax years.

27 6. To claim a credit for an eligible monetary donation as set forth in subsection 4 of this
28 section, a qualified donor shall make an eligible monetary donation to the board as custodian of the
29 capitol complex fund or other eligible recipient. Upon receipt of such donation, the board or other
30 eligible recipient shall issue to the qualified donor a statement evidencing receipt of such donation,
31 including the value of such donation, with a copy to the department. Upon receipt of the statement
32 from the board or eligible recipient, the department shall issue to the qualified donor a tax credit
33 certificate equal to fifty percent of the amount of the donation, as indicated in the statement from the
34 eligible recipient.

35 7. To claim a credit for an eligible artifact donation as set forth in subsection 5 of this
36 section, a qualified donor shall donate an eligible artifact to the board of public buildings. If the
37 board of public buildings determines that artifact is an eligible artifact and determines to accept the
38 artifact, it shall issue a statement of donation to the qualified donor specifying the value placed on
39 the artifact by the board of public buildings, with a copy to the department. Upon receiving a
40 statement from the board of public buildings, the department shall issue to the qualified donor a tax
41 credit certificate equal to thirty percent of the amount of the donation, as indicated in the statement
42 from the board of public buildings.

43 8. The department shall not authorize more than ten million dollars in tax credits provided
44 under this section in any calendar year. Donations shall be processed for tax credits on a first-come,
45 first-served basis. Donations received in excess of the tax credit cap shall be placed in line for tax
46 credits issued the following year, or the qualified donor shall be given the opportunity to complete
47 their donation without the expectation of a tax credit or shall request to have their donation returned.

48 9. Tax credits issued under the provisions of this section shall not be subject to the payment
49 of any fee required under the provisions of section 620.1900.

1 10. Tax credits issued under this section may be assigned, transferred, sold, or otherwise
2 conveyed, and the new owner of the tax credit shall have the same rights in the credit as the
3 taxpayer originally issued the credit. If a tax credit is assigned, transferred, sold, or otherwise
4 conveyed, a notarized endorsement shall be filed with the department specifying the name and
5 address of the new owner of the tax credit and the value of the tax credit.

6 11. The department may promulgate rules to implement the provisions of this section. Any
7 rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority
8 delegated in this section shall become effective only if it complies with and is subject to all of the
9 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
10 nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to
11 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
12 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
13 August 28, 2020, shall be invalid and void.

14 12. Pursuant to section 23.253 of the Missouri sunset act:

15 (1) The provisions of the new program authorized under this section shall sunset
16 automatically six years after August 28, 2020, unless reauthorized by an act of the general assembly;

17 (2) If such program is reauthorized, the program authorized under this section shall sunset
18 automatically twelve years after the effective date of the reauthorization; and

19 (3) This section shall terminate on September first of the calendar year immediately
20 following the calendar year in which the program authorized under this section is sunset."; and
21

22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.
24
25