

SECOND REGULAR SESSION

# SENATE BILL NO. 1279

91ST GENERAL ASSEMBLY

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INTRODUCED BY SENATORS KINDER AND WIGGINS.

Read 1st time March 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4657S.051

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## AN ACT

To repeal sections 99.845 and 172.273, RSMo, and to enact in lieu thereof forty-seven new sections relating to community development, with a termination date for a certain section.

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

Section A. Sections 99.845 and 172.273, RSMo, are repealed and forty-seven new sections enacted in lieu thereof, to be known as sections 67.642, 67.2000, 67.2003, 67.2006, 67.2012, 67.2015, 67.2018, 67.2021, 67.2024, 67.2027, 67.2030, 67.2033, 67.2036, 67.2039, 67.2042, 67.2045, 67.2048, 67.2051, 67.2054, 67.2057, 67.2060, 67.2150, 99.845, 99.915, 99.918, 99.921, 99.924, 99.927, 99.930, 99.933, 99.936, 99.939, 99.942, 99.945, 99.948, 99.951, 99.954, 99.957, 99.960, 99.963, 99.966, 99.969, 99.972, 99.975, 99.978, 99.984 and 172.273, to read as follows:

**67.642. 1. The general assembly may annually appropriate up to seven million dollars from the state general revenue fund to fund projects undertaken and partially funded from a retail sales tax approved pursuant to sections 70.500 to 75.510, RSMo, relating to the Kansas and Missouri metropolitan cultural district. Moneys so appropriated shall be transferred to a project fund established by the most populous county in Missouri participating in the metropolitan cultural district and shall be used only if the cumulative annual sales tax revenue generated by the metropolitan cultural district exceeds the cumulative annual state general fund appropriation. In no event shall any moneys be appropriated or transferred pursuant to this section prior to the 2006 fiscal year of the state.**

**2. No moneys shall be appropriated or transferred pursuant to this section until after the date upon which the Kansas and Missouri metropolitan culture district retail sales tax, in effect as of January 1, 2002, pursuant to sections 70.500 to 70.510,**

**RSMo, is renewed or extended.**

**3. No moneys shall be appropriated or transferred for the benefit of a sports stadium pursuant to this section until after the date upon which the lease agreement for the use of such sports stadium, in effect as of January 1, 2002, is renewed or extended.**

**4. Notwithstanding the provisions of section 33.080, RSMo, any amount remaining in a convention and sports complex fund created pursuant to section 67.639 shall not be placed to the credit of the general revenue fund at the end of each biennium. All interest and moneys earned on the fund shall be credited to the fund.**

**67.2000. Sections 67.2000 to 67.2060 shall be known and may be cited as the "Sports Center Redevelopment Authority Act".**

**67.2003. As used in sections 67.2000 to 67.2060, the following terms mean:**

**(1) "Authority" or "sports center redevelopment authority", a public body corporate and politic and political instrumentality created by or pursuant to sections 67.2000 to 67.2060;**

**(2) "Bond", any bonds, including refunding bonds, notes, interim certificates, debentures, or other obligations issued by a sports center redevelopment authority or other public body pursuant to sections 67.2000 to 67.2060;**

**(3) "City", any city within the state of Missouri wherein there is located a major league sports facility as of the effective date of sections 67.2000 to 67.2060;**

**(4) "City naming rights fund", the fund of the authority which contains the city's portion of revenues received from the sale of the naming rights for the stadium;**

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

**(6) "County", any county which includes or is adjacent to a city;**

**(7) "County convention and recreation trust fund", the trust fund established pursuant to section 67.657;**

**(8) "County executive", the chief elected officer having the duties customarily imposed upon the executive head of a county;**

**(9) "Economic activity taxes", the total additional revenue from taxes which are imposed by the city and other taxing districts, and which are generated by economic activities within the sports center redevelopment area over the amount of such taxes generated by economic activities within such sports center redevelopment area in the third calendar year before the adoption of the ordinance approving the need for establishing a sports center redevelopment authority, while the sports center redevelopment plan remains in effect, including payments in lieu of such taxes, but excluding personal property taxes and taxes imposed on sales or charges for sleeping**

**rooms paid by transient guests of hotels and motels, except that:**

**(a) With respect to the measurement of the incremental increase in any sales taxes imposed in subsection 5 of section 162.1100, RSMo, and except as provided in paragraph (b) of this subdivision, the base year shall be the second calendar year before the adoption of the ordinance approving the need for establishing a sports center redevelopment authority; and**

**(b) For the purpose of calculating amounts which may be drawn by the city from the city naming rights fund, the sales tax imposed by subsection 5 of section 162.1100, RSMo, shall be excluded;**

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

**(11) "Governing body", the county council, board of aldermen, or other legislative body charged with governing the city or the county;**

**(12) "Mayor", the elected mayor of the city or the chief elected officer having the duties customarily imposed upon the mayor of a city;**

**(13) "Municipality", a city, village, incorporated town, or any county of this state;**

**(14) "New state revenues" are defined as:**

**(a) The increase, in a calendar year, in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, from the designated sports center redevelopment area, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school-district tax fund in accordance with section 144.701, RSMo, and sales and use taxes on motor vehicles, trailers, boats, and outboard motors, over the amount of such taxes generated within such sports center redevelopment area in the third calendar year before the adoption of the ordinance approving the need for establishing a sports center redevelopment authority, including payments in lieu of such taxes, commencing on January first of the year in which the sports center redevelopment plan is placed in effect and continuing while such plan remains in effect; and**

**(b) The increase, in a calendar year, in state income tax withheld on behalf of employees by the employer pursuant to section 143.221, RSMo, derived from sources within the sports center redevelopment area over the amount of such taxes derived from sources within the redevelopment area in the third calendar year before the adoption of the ordinance approving the need for establishing a sports center redevelopment authority, including payments in lieu of such taxes, commencing on January first of the year in which the sports center redevelopment plan is placed in effect and continuing while such plan remains in effect;**

**(15) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued to carry out a sports center redevelopment project or to refund outstanding obligations;**

**(16) "Obligee", any bondholders or other obligation holders, agents, or trustees for any bondholders or other obligation holders, or lessor demising to the authority, property used in connection with the sports center redevelopment 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 any contract with the authority;**

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

**(18) "Project costs", include the sum total of all reasonable or necessary costs incurred or estimated to be incurred in connection with, and any such costs incidental to, a sports center redevelopment plan or sports center redevelopment project, as applicable. Such costs include, but are not limited to, the following:**

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

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

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

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

**(e) Costs of construction of public works, stadiums, buildings, parking lots, or other improvements, including utilities and infrastructure and costs of fees and permits;**

**(f) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued hereunder accruing during the estimated period of construction of any sports center redevelopment project for which such obligations are issued, and including reasonable reserves related thereto;**

**(g) All or a portion of capital costs resulting from the sports center redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the sports center redevelopment plan and project, to the extent such costs are accepted and approved by written agreement;**

**(h) Relocation costs to the extent that it is determined that relocation costs shall be paid or are required to be paid by federal or state law; and**

**(i) Payments in lieu of taxes;**

**(19) "Public body", the state or any municipality, township, board, agency, commission, authority, district, or any other political subdivision of the state;**

**(20) "Real property", all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise;**

**(21) "Redeveloper", any person, partnership, or public or private corporation or agency that enters into or proposes to undertake a sports center redevelopment plan or project;**

**(22) "Redevelopment", the process of undertaking and carrying out a sports center redevelopment plan or project;**

**(23) "Redevelopment contract", a contract entered into between an authority or other public body and a redeveloper or other private entity in furtherance of a sports center redevelopment project or projects in conformity with a sports center redevelopment plan;**

**(24) "Special allocation fund", a fund of the city for the deposit of economic activity taxes allocated to a sports center redevelopment project;**

**(25) "Sports center redevelopment area", an area designated by the authority with respect to which a sports center redevelopment plan is to be carried out;**

**(26) "Sports center redevelopment plan", a plan as it exists from time to time, for a sports center redevelopment project or projects; and shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out, 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. Any sports center redevelopment plan shall include provisions for the development or redevelopment of both a stadium and mixed-use facilities which may include parking facilities, housing units, office space, commercial and retail space, and cultural and entertainment attractions;**

**(27) "Sports center redevelopment project" or "project", any work or undertaking in furtherance of a sports center redevelopment plan, including, but not limited to, the following activities:**

**(a) To acquire lands, and to acquire, construct, and equip structures and other improvements, wherever located, which are necessary or incidental to the proper**

**development or redevelopment of a sports center redevelopment area;**

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

**(c) To sell, acquire, lease, or otherwise make available land for recreational, commercial, or other use or for public use or to retain such land for public use, in accordance with a sports center redevelopment plan;**

**(d) To develop, construct, reconstruct, rehabilitate, repair, or improve buildings, structures, stadiums, and other facilities.**

**Sports center redevelopment project may also include the preparation of a sports center redevelopment plan, the planning, survey and other work incident to a sports center redevelopment project and the preparation of all plans and arrangements for carrying out a sports center redevelopment project;**

**(28) "Stadium", a sports facility suited for the play of a major league sport or sports which is approved by the city as part of a sports center redevelopment plan;**

**(29) "State", the state of Missouri;**

**(30) "State naming rights fund", the fund of the authority which contains the state's portion of revenues received from the sale of the naming rights for the stadium; and**

**(31) "Taxing districts", any political subdivision of this state having the power to levy taxes.**

**67.2006. Any city within the state of Missouri wherein there is located a major league sports facility as of the effective date of sections 67.2000 to 67.2060, and any county which includes or is adjacent to such city, may pass an ordinance establishing a joint sports center redevelopment authority for the purpose of establishing and carrying out a sports center redevelopment plan as set forth in sections 67.2000 to 67.2060.**

**67.2012. 1. A board of commissioners composed of nine members shall govern the authority created pursuant to this section. The commissioners shall be appointed as follows:**

**(1) Two commissioners shall be appointed by the mayor of the city with the advice and consent of the governing body of the city;**

**(2) Two commissioners shall be appointed by the county executive of the county with the advice and consent of the governing body of the county;**

**(3) Five commissioners shall be appointed by the governor with the advice and consent of the senate. Of the three commissioners appointed, the governor shall**

**designate one who shall serve as the chair of the board.**

**2. Two of the five commissioners who are first appointed by the governor shall be designated to serve for a term of one year from the date of the appointment. One of each of the two commissioners who are first appointed by the mayor and the county executive shall be designated to serve for terms of two years from the date of their appointments. The remaining commissioner initially appointed by each of the mayor and the county executive and two of the commissioners initially appointed by the governor shall be designated to serve for terms of three years from the date of their appointments. The remaining commissioner initially appointed by the governor to serve as the chair of the authority shall be designated for a term of four years from the date of the appointment. Thereafter, commissioners shall be appointed in the same manner for a term of office for four years except that all vacancies shall be filled for the unexpired term.**

**3. The powers vested in the authority shall be exercised by the board of commissioners thereof. A majority of the commissioners shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the authority and for all other purposes. Action may be taken by the board upon a vote of a majority of the commissioners present. Meetings of the board of an authority may be held anywhere.**

**4. An authority may employ an executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon or may employ its own counsel. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.**

**5. No commissioner or employee of the authority shall voluntarily acquire any interest, direct or indirect, in any sports center redevelopment project or in any property included or planned by the authority to be included in any such project, or in any contract or proposed contract in connection with any such project.**

**6. A commissioner or employee who owns or controls any interest, direct or indirect, in such property shall not participate in any action by the authority affecting the property. If any commissioner or employee of an authority owned or controlled within the preceding two years any interest, direct or indirect, in any property included or planned by the authority to be included in any sports center redevelopment project, the commissioner or employee shall immediately disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Upon such disclosure such commissioner or employee shall**

not participate in any action by the authority affecting such property.

7. Any violation of subsections 5 and 6 of this section shall constitute misconduct in office and shall be cause for removal from the authority.

**67.2015.** An authority shall constitute a public body corporate and politic and political instrumentality, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes of sections 67.2000 to 67.2060, including the following powers in addition to others granted in sections 67.2000 to 67.2060:

(1) To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with sections 67.2000 to 67.2060, to carry out sections 67.2000 to 67.2060;

(2) To prepare or cause to be prepared and to adopt or approve sports center redevelopment plans and to undertake and carry out sports center redevelopment projects;

(3) To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a sports center redevelopment project; and notwithstanding anything to the contrary contained in sections 67.2000 to 67.2060 or any other provision of law, to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a stadium or sports center redevelopment project, and to include in any contract let in connection with such a project provisions to fulfill such of the conditions as it may deem reasonable and appropriate;

(4) To purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, eminent domain, or otherwise, any real or personal property or any interest therein, including fee simple absolute title, together with any improvements thereon, necessary or incidental to a sports center redevelopment project; to hold, improve, clear, or prepare for development or redevelopment any such property; to develop, construct, reconstruct, rehabilitate, repair, or improve stadiums, parking garages, buildings, structures, and any other facilities; to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest therein; to enter into contracts with redevelopers or developers of property and with other public



**bodies containing covenants, restrictions, and conditions regarding the use of such property for commercial, industrial, recreational purposes or for public purposes in accordance with a sports center redevelopment project and such other covenants, restrictions, and conditions as the authority may deem necessary or to effectuate sections 67.2000 to 67.2060; to make any of the covenants, restrictions, or conditions of the foregoing contract covenants running with the land, and to provide appropriate remedies for any breach of any such covenants or conditions, including the right in the authority to terminate such contracts and any interest in the property created pursuant thereto; to borrow money and issue bonds and other obligations and provide security for loans, bonds, and other obligations; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate sections 67.2000 to 67.2060; provided, however, that no statutory provision with respect to the acquisition, clearance, or disposition of property by other public bodies shall restrict an authority or other public bodies exercising powers granted in sections 67.2000 to 67.2060, in such functions, unless the legislature shall specifically so state;**

**(5) To make plans for carrying out a program of voluntary rehabilitation or development of buildings and improvements, plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and for the compulsory repair, rehabilitation, development, demolition, or removal of buildings and improvements, and to develop, test, and report methods and techniques, and carry out demonstrations and other activities;**

**(6) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in property or securities in which the authority legally may invest funds;**

**(7) To redeem its bonds and other obligations at the redemption price, all bonds and other obligations so redeemed to be cancelled, and to purchase its bonds and other obligations;**

**(8) To borrow money and to apply for and accept and contract for advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, municipality, or other public body or from any sources public or private, for the purposes of sections 67.2000 to 67.2060, to give such security as may be required and to enter into and carry out contracts in connection therewith;**

**(9) Acting through one or more commissioners or other persons designated by**

**the authority, to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information;**

**(10) To make or have made all surveys, studies, and plans, including but not limited to the preparation of planning, necessary to the carrying out of sections 67.2000 to 67.2060 and, in connection therewith, to enter into or upon any land, building, or improvement thereon for such purposes and to make soundings, test borings, surveys, appraisals, and other preliminary studies and investigations necessary to carry out its powers, but such entry shall constitute no cause of action for trespass in favor of the owner of such land, building, or improvement except for injuries resulting from wantonness or malice; and to contract or cooperate with any and all persons or agencies, public or private, in the making and carrying out of the surveys, appraisals, studies, and plans;**

**(11) To prepare plans and provide reasonable assistance for the relocation of families, if any, displaced from a sports center redevelopment project area, to the extent essential for acquiring possession of and clearing or renewing the area or parts thereof;**

**(12) To make such expenditures as may be necessary to carry out the provisions of sections 67.2000 to 67.2060; and to make expenditures from funds obtained from other taxing districts without regard to any other laws pertaining to the making and approval of appropriations and expenditures;**

**(13) To delegate to a municipality or other public body any of the powers or functions of the authority with respect to the planning or undertaking of a sports center redevelopment project in the area in which the authority is authorized to act, and the municipality or other public body is hereby authorized to carry out or perform such powers or functions for the authority;**

**(14) To exercise all powers or parts or combinations of powers necessary, convenient or appropriate to undertake and carry out sports center redevelopment plans and projects and all the powers granted in sections 67.2000 to 67.2060;**

**(15) To loan the proceeds of the bonds or other obligations hereinafter authorized to provide for the purchase, construction, extension, and improvement of a sports center redevelopment project by a private or public developer pursuant to a redevelopment contract approved by the authority;**

**(16) Within a sports center redevelopment area, to fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility in the sports center redevelopment area;**

**(17) To accept grants, contributions, guarantees, and donations of property,**

**labor, money, or other things of value from a public or private source for use within a sports center redevelopment area or for the payment of obligations;**

**(18) To incur development costs and issue obligations;**

**(19) To make payments in lieu of taxes, or a portion thereof, to taxing districts;**

**and**

**(20) To disburse surplus funds from the special allocation fund described herein as appropriate.**

**67.2018. 1. An authority shall have the right to acquire by the exercise of the power of eminent domain any real property or interest therein which it may deem necessary for a sports center redevelopment project or for its purposes pursuant to sections 67.2000 to 67.2060 after the adoption by the authority of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner and under the procedure provided for corporations in sections 523.010 to 523.070, 523.090, and 523.100, RSMo, or it may exercise the power of eminent domain in the manner provided in the charter of the city for the exercise of the power of eminent domain.**

**2. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to any public body may be acquired without its consent.**

**67.2021. For the purpose of aiding and cooperating in the planning, undertaking, or carrying out of a sports center redevelopment plan or project, any public body may, upon such terms, with reasonable consideration, as it may determine:**

**(1) Dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses, or any other rights or privileges therein to an authority;**

**(2) Cause parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished in compliance with a sports center redevelopment plan;**

**(3) Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places, which it is otherwise empowered to undertake;**

**(4) Plan or replan, zone or rezone any part of the public body, or make exceptions from building regulations and ordinances if such functions are of the character which the public body is otherwise empowered to perform;**

**(5) Cause administrative and other services to be furnished to the authority of the character which the public body is otherwise empowered to undertake or furnish**

for the same or other purposes;

(6) Incur the entire expense of any public improvements or other services made or provided by such public body in exercising the powers granted in this section;

(7) Approve and adopt a sports center redevelopment plan and do any and all things necessary or convenient to aid and cooperate in the planning or carrying out of a sports center redevelopment plan;

(8) Lend, grant, or contribute funds or other property to an authority or other public body;

(9) Employ any funds belonging to or within the control of such public body, including funds derived from the sale or furnishing of property, service, or facilities to an authority, in the purchase of the bonds or other obligations of an authority and, as the holder of such bonds or other obligations, exercise the rights connected therewith;

(10) Lease or sublease property, including any sports facility redevelopment project or portion thereof from others and pay rent or other consideration therefor; and

(11) Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with an authority or other public body respecting action to be taken pursuant to any of the powers granted in sections 67.2000 to 67.2060. If at any time title to, or possession of, any sports center redevelopment project is held by any public body, other than the authority, authorized by law to engage in the undertaking, carrying out, or administration of development projects, the provisions of such agreements shall inure to the benefit of and may be enforced by such public body.

**67.2024.** A sports center redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives of such plan and shall include, but need not be limited to, a legal description of the sports center redevelopment area, the estimated project costs, the anticipated sources of funds to pay the project costs, evidence of any commitments to finance the project costs, the anticipated type and term of the sources of funds to pay the project costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the sports center redevelopment area, an estimate as to the equalized assessed valuation of such property after redevelopment, and the general land uses to apply in the sports center redevelopment area.

**67.2027. 1.** Before the adoption of a sports center redevelopment plan the city shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed sports center redevelopment

area. At the public hearing any interested person or affected taxing district may file with the city written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The city shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Before the conclusion of the hearing, changes may be made in the sports center redevelopment plan, provided that each affected taxing district is given written notice of such changes at least seven days before the conclusion of the hearing. After the public hearing but before the adoption of an ordinance approving a sports center redevelopment plan, changes may be made to the sports center redevelopment plan without a further hearing, if such changes do not enlarge the exterior boundaries of the sports center redevelopment area, and do not substantially affect the general land uses established in the sports center redevelopment plan or substantially change the nature of the redevelopment, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days before the adoption of the changes by ordinance. After the adoption of an ordinance approving a sports center redevelopment plan, no change to the sports center redevelopment plan shall be adopted or approved which alters the exterior boundaries of the sports center redevelopment area, affects the general land uses established pursuant to the sports center redevelopment plan or materially changes the nature of the redevelopment without complying with the procedures provided in this section pertaining to the initial approval of a sports center redevelopment plan.

2. Notice of the public hearing required by this section shall be given by publication and mailing. Notice by publication shall be given by publication at least twice, the first publication to be not more than twenty days and the second publication to be not more than ten days before the hearing, in a newspaper of general circulation in the area of the proposed redevelopment. Notice by mailing shall be given by depositing such notice in the United States mail by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the sports center redevelopment project area. Such notice shall be mailed not less than ten days before the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property.

3. The notices issued pursuant to this section shall include the following:

- (1) The time and place of the public hearing;**
- (2) The general boundaries of the proposed sports center redevelopment area by street location, where possible;**
- (3) A statement that all interested persons shall be given an opportunity to be heard at the public hearing;**
- (4) A description of the proposed sports center redevelopment plan, and a location and time where the entire plan proposal may be reviewed by any interested party;**
- (5) Such other matters as the municipality may deem appropriate.**

**4. Not less than twenty days before the date set for the public hearing, the city shall give notice by mail as provided in subsection 2 of this section to all taxing districts from which taxable property is included in the sports center redevelopment area, and in addition to the other requirements pursuant to subsection 2 of this section, the notice shall include an invitation to each taxing district to submit comments to the municipality concerning the subject matter of the hearing before the date of the hearing.**

**5. A copy of any and all hearing notices required by this section shall be submitted by the municipality to the director of the department of economic development of the state. Such submission of the copy of the hearing notice shall comply with the prior notice requirements pursuant to subsection 3 of this section.**

**67.2030. 1. Obligations may be issued by the authority or any other public body to provide for project costs and other costs of implementing the sports center redevelopment plan, including to refund obligations issued for such purposes. The authority or other public body may pledge all or any part of any funds and revenues available to the authority or such public body from any source, public or private, including any funds in and to be deposited in the special allocation fund, to the payment of the sports center redevelopment project costs and obligations. Any pledge of funds in the special allocation fund may provide for distribution to the applicable other taxing districts of moneys not required for payment of redevelopment costs or obligations and such excess funds shall be deemed to be surplus funds.**

**2. Without limiting the provisions of subsection 1 of this section, the authority or other public body may pledge any part or any combination of the revenues of any sports center redevelopment project, or a mortgage on part or all of the sports center redevelopment project owned by it, to secure its obligations or other redevelopment costs.**

**3. Such obligations may be issued in one or more series bearing interest at such rate or rates as the issuer shall determine. Such obligations shall bear such date**

or dates, mature at such time or times (not exceeding thirty-five years from their respective dates when secured by the special allocation fund), be in such denominations, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, be subject to redemption and contain such other covenants, terms, and conditions as the ordinance or resolution of the issuer shall provide or authorize. Such obligations may be sold at public or private sale at such price as shall be determined by the issuer and shall state that such obligations are special obligations payable solely from the funds specifically pledged therefor in accordance with sections 67.2000 to 67.2060.

4. The obligations shall contain a recital that they are issued pursuant to this section, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

5. No person executing any obligation shall be personally liable for such obligation by reason of the issuance thereof. The obligations issued pursuant to this section shall not be a general obligation of the authority, any municipality, the state of Missouri, or any political subdivision thereof, or any other public body, nor in any event shall such obligation be payable out of any funds or properties other than those specifically pledged as security therefor. The obligations shall not constitute indebtedness within the meaning of any constitutional, statutory, or charter debt limitation or restriction.

6. The authority or other public body shall have the power to exercise all or any part or combination of the powers herein granted; to make such covenants, other than and in addition to the covenants herein expressly authorized; and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its obligations, or, in the absolute discretion of said authority or other public body, as will tend to make the obligations more marketable notwithstanding that such covenants, acts, or things may not be enumerated herein.

67.2033. 1. Once a sports center redevelopment plan is approved or adopted by the city and the authority in accordance with sections 67.2000 to 67.2060, thereafter, for a period established by the city in the ordinance approving the sports center redevelopment plan or project, not to exceed thirty-five years, economic activity taxes generated within the sports center redevelopment area shall be allocated to and, when collected, paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the city or other public body who shall deposit such funds into the special allocation fund of the city or other public body for the purposes enumerated in sections 67.2000 to 67.2060, including, but not limited to, the purpose of paying project costs and obligations incurred in connection therewith.

**2. Subject to annual appropriation, the city or any other public body may provide a fixed annual appropriation beginning not earlier than July of the third calendar year after adoption of the ordinance establishing a sports center redevelopment authority for purposes of providing debt service over not more than thirty years for a debt financing in support of a sports center redevelopment plan, including project costs. On the date of the issuance of the debt, the city's portion of revenues received from naming rights for the stadium, as determined by the city, and subject to any limitations of the Internal Revenue Code for tax-exempt financing, shall be deposited in the city naming rights fund. Available amounts in the city naming rights fund shall be drawn upon by the municipality in the event that the cumulative economic activity taxes from the sports center redevelopment area, measured initially ten years following the issuance of the debt and at such times thereafter as may be determined by the city and taking into account any prior payments to the municipality, are less than the cumulative annual appropriations for the applicable period made by the city for the debt service on the financing. Subject to the limitations of the Internal Revenue Code for tax-exempt financing and to the reimbursement of the city for any deficiency in the economic activity taxes, any excess amounts in the city naming rights fund, as determined by the city, shall be used for the benefit of the stadium, subject to the terms of the redevelopment contracts and related agreements. In the event that the city naming rights fund shall be drawn upon for reimbursement of the city for any deficiency in the economic activity taxes, then the amount in the city naming rights fund shall be restored to the amount required by the city to the extent of any additional revenues from naming rights, subject to the limitations of the Internal Revenue Code for tax-exempt financing.**

**3. Subject to annual appropriation, the state, acting through the Missouri development finance board or such other entity as the state shall deem appropriate, may provide a fixed annual appropriation not to exceed seven million dollars per year beginning not earlier than July of the third calendar year after adoption of the ordinance establishing a sports center redevelopment authority for purposes of providing debt service over not more than thirty years for a debt financing that will provide a net sum not to exceed one hundred million dollars in support of a sports center redevelopment plan, including project costs. Such amount shall be net of all reserves, capitalized interest, and costs of issuance for financing such net amount. On the date of the issuance of the debt, the state's portion of revenues received from naming rights for the stadium, as determined by the state and subject to the limitations of the Internal Revenue Code for tax-exempt financing, shall be deposited**



**in the state naming rights fund. Available amounts in the state naming rights fund shall be drawn upon by the state in the event that the cumulative new state revenues from the sports center redevelopment area, measured initially ten years following the issuance of the debt and at such times thereafter as may be determined by the state and taking into account any prior payments to the state, are less than the cumulative annual appropriations for the applicable period made by the state for the debt service on the financing. Subject to the limitations of the Internal Revenue Code for tax-exempt financing and to the reimbursement of the state for any deficiency in the new state revenues, any excess amounts in the state naming rights fund, as determined by the state, shall be used for the benefit of the stadium, subject to the terms of the redevelopment contracts and related agreements. In the event that the state naming rights fund shall be drawn upon for reimbursement of the state for any deficiency in the new state revenues, then the amount in the state naming rights fund shall be restored to the amount required by the state to the extent of any additional revenues from naming rights, subject to the limitations of the Internal Revenue Code for tax-exempt financing.**

**67.2036. 1. At least once a year, the authority shall file with the municipality, the state, and any other participating public body a report of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the provisions of sections 67.2000 to 67.2060.**

**2. The authority shall periodically hold a public hearing regarding the sports center redevelopment plan. The purpose of the hearing shall be to determine if the authority is making satisfactory progress under the proposed time schedule for completion of such plan. Notice of such public hearing shall be given in a newspaper of general circulation in the sports center redevelopment area once each week for four weeks immediately before the hearing.**

**67.2039. 1. When the costs of carrying out a sports center redevelopment plan have been paid, including, but not limited to, all sports center redevelopment project costs and all obligations financing such costs, all surplus funds then remaining in any special allocation fund shall be paid by the treasurer or other designated financial officer of the city or other public body to the applicable taxing districts.**

**2. Upon the payment of all such sports center redevelopment plan and project costs, retirement of all such obligations, and the distribution of any excess moneys, the authority or other public body shall dissolve any special allocation fund for the sports center redevelopment area and cease allocating any economic activity taxes to such fund. Thereafter, the rates of the taxing districts shall be extended and taxes**

levied, collected, and distributed in the manner applicable in the absence of the adoption of a sports center redevelopment plan.

3. Nothing herein shall be construed as relieving property in the affected areas from paying a uniform rate of taxes, as required by article X, section 3 of the Missouri Constitution.

67.2042. Notwithstanding any other provision to the contrary, with respect to any sports center redevelopment plan approved in any city not within a county, any county of the first classification with a charter form of government and with more than one million inhabitants may annually contribute tax revenues deposited in the county convention and recreation trust fund, or any other general or special fund designated by the county, in support of the sports center redevelopment plan.

67.2045. 1. The income of the authority and all properties at any time owned by the authority shall be exempt from all taxation in the state. For the purposes of section 409.402, RSMo, all bonds and other obligations issued by the authority shall be deemed to be securities issued by a public instrumentality of the state.

2. The authority is hereby declared to be performing a public function and bonds and other obligations of the authority are declared to be issued for an essential public and governmental purpose and, accordingly, interest thereon and income therefrom shall be exempt from income taxation by the state.

3. The bonds and other obligations of the authority are securities in which all public officers and bodies of the state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, trust companies, savings associations, savings and loan associations and investment companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

67.2048. 1. Notwithstanding sections 8.250, 8.285 to 8.291, 8.675 to 8.687, RSMo, and section 107.170, RSMo, the authority and any other public body may establish such systems and procedures for the design, construction, and delivery of a sports center redevelopment project as they shall deem necessary or convenient to carry out and effectuate sections 67.2000 to 67.2060, including the use of the design-build method of construction, the use of a construction manager authorized to provide a guaranteed maximum price for the design and construction of the project, and the use of qualifications-based selection of architects, consultants, contractors, or design-builders, provided that:

**(1) Competitive bids are obtained from subcontractors performing construction work on the project;**

**(2) If a separate performance and payment bond is not required for the construction manager, general contractor, or design-build entity, then all trade work to be performed for the project shall be covered by performance and payment bonds; and**

**(3) Any detailed design criteria and final working drawings for the project shall be prepared by a licensed architect or engineer.**

**2. For the purposes of this section, the following terms mean:**

**(1) "Design-build", a process of entering into and managing a contract between the authority or any other public body or any developer or other participant in a sports center redevelopment project and another party in which the other party agrees to both design and build any structure, facility, or other item included in the project;**

**(2) "Qualifications-based selection", a process of entering into and managing a contract between the authority or any other public body or any developer or other participant in a sports center redevelopment project and another party in which the other party is selected on the basis of the party's qualifications and experience in designing or constructing facilities, structures, or other items similar to those the authority is authorized to undertake.**

**67.2051. The authority shall be deemed to be a political subdivision or instrumentality thereof exempt from taxation pursuant to subdivision (1) of subsection 1 of section 144.062, RSMo, and shall have the authority to issue exemption certificates pursuant to such section.**

**67.2054. 1. This section shall be referred to as the "Taxpayer Protection Provisions". For the purposes of this section, the following terms mean:**

**(1) "Lease", any lease, project agreement, or similar agreement pursuant to which a team is leasing or using a stadium;**

**(2) "Mixed-use facilities", any housing, offices, museums, entertainment venues, retail stores, restaurants, and similar facilities included in a sports center redevelopment plan;**

**(3) "Sponsor", the state and any city and county which have established an authority; and**

**(4) "Team", a major league sports team which leases a stadium or is expected to lease a stadium pursuant to a sports center redevelopment plan.**

**2. The lease shall be for an initial term of at least thirty-five years, and shall include at a minimum substantially the following provisions, which shall apply for the**

periods, and be subject to such terms, conditions, limitations, and remedies, as shall be agreed to by the authority and specified in the lease:

(1) The team shall play all of its home games at the stadium and shall not relocate outside the boundaries of the city in which the stadium is located;

(2) The team shall make available at least six thousand tickets per regular season home game in the stadium at a price of not more than twelve dollars per ticket in year 2000 dollars;

(3) The team, in conjunction with the sponsors, shall distribute at least one hundred thousand complimentary tickets per year to youth and other charitable organizations;

(4) The team shall contribute at least one hundred thousand dollars per year to the development, construction, or refurbishment of neighborhood recreational facilities that will primarily benefit or serve disadvantaged youth in the city and the county which have established an authority;

(5) The team shall pay all operating and maintenance expenses of the stadium, and shall pay costs of capital improvements to the stadium in accordance with the terms of the lease;

(6) In the event of the sale of the team, the team or its owners shall pay to the authority and the sponsors a portion of the sale price which is attributable to the lease and the stadium, calculated in accordance with such formula or criteria as shall be determined by the authority and the sponsors in their sole judgment and agreed to by the team and provided in the redevelopment contract relating to the stadium; and

(7) The team shall make payments in lieu of taxes in each year to the city and other taxing districts in which the stadium is located in an amount equal to the amounts of ad valorem property taxes paid in the calendar year immediately preceding the calendar year in which the ordinance was adopted approving the establishment of the authority less the amounts of any ad valorem property taxes and payments in lieu of taxes such year to the city and other taxing districts with respect to the stadium, the lease, and the mixed-use facilities.

3. The team shall guarantee the acquisition, construction, and equipping of the stadium in accordance with the sports center redevelopment plan, and shall be responsible for paying any cost overruns in connection therewith, subject to compliance by the authority and the sponsors with their commitments and undertakings regarding the stadium made in accordance with sections 67.2000 to 67.2060 and to such commercially reasonable act of God provisions as may be agreed to by the authority and the sponsors.

4. The team shall provide to the state and the sponsors guarantees or other

assurances or undertakings satisfactory to them as to the commencement, acquisition, construction, or equipping of the mixed-use facilities, which shall include penalties for the failure to accomplish such commencement, acquisition, construction, or equipping in the manner and within the times prescribed in the sports center redevelopment plan.

5. The team and any developer of the stadium shall comply with all applicable federal, state, and local laws and executive orders regarding contracting, hiring, and employment, and shall set a goal for the acquisition, construction, and equipping of the stadium of twenty-five percent for minority-owned business participation and five percent for women-owned business participation.

6. The authority shall not issue any obligations payable from an appropriation by the state or any sponsor in support of a stadium included in a sports center redevelopment plan unless such stadium is owned in fee simple title by the authority.

7. The authority, as owner of the stadium, shall own the right to name the stadium, subject to the right of the team to approve the name.

67.2057. Sections 67.2000 to 67.2060 shall be construed liberally to effectuate the purposes hereof. Insofar as sections 67.2000 to 67.2060 are inconsistent with the provisions of any other law, sections 67.2000 to 67.2060 shall be controlling.

67.2060. The powers conferred by sections 67.2000 to 67.2060 shall be in addition and supplemental to the powers conferred by any other law.

67.2150. 1. This section shall be known and may be cited as the "Local Economic Opportunities Act".

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

(1) "Available economic development project revenues", the amount, in each fiscal year, by which the amount of economic development project revenues exceeds the amount appropriated by the state for purposes of providing debt service in support of the economic development projects created pursuant to sections 67.2000 to 67.2060 and subsections 14 and 15 of section 99.845, RSMo;

(2) "Economic development project revenues", the total additional portion of:

(a) The general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, from the designated economic development areas as defined pursuant to this section, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district tax fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law for specific, non-general uses; and

(b) The state income tax withheld on behalf of employees by the employer pursuant to section 143.221, RSMo, derived from sources within the economic

**development project areas; which exceeds the amount of revenues received from these sources in the 2005 fiscal year;**

**(3) "Economic development project areas", the sports center redevelopment area as defined in section 67.2003, the Kansas and Missouri metropolitan cultural district pursuant to section 67.642 and the redevelopment areas pursuant to section 67.2075 and subsection 14 of section 99.845, RSMo;**

**(4) "Economic development region", one of the four areas of the state described as follows:**

**(a) "Northwest economic development region", which shall include the counties of: Atchison, Nodaway, Worth, Harrison, Mercer, Holt, Andrew, Gentry, Daviess, Grundy, Sullivan, DeKalb, Livingston, Linn, Buchanan, Clinton, Caldwell, Platte, Clay, Ray, Carroll, Chariton, Jackson, Lafayette, Saline, Howard, Cass, Johnson, Pettis and Cooper;**

**(b) "Northeast economic development region", which shall include the counties of: Putnam, Schuyler, Scotland, Clark, Adair, Knox, Lewis, Macon, Shelby, Marion, Randolph, Monroe, Ralls, Audrain, Pike, Boone, Callaway, Montgomery, Lincoln, Cole, Osage, Gasconade, Warren and St. Charles;**

**(c) "Southwest economic development region", which shall include the counties of: Bates, Henry, Benton, Morgan, Moniteau, Miller, Vernon, St. Clair, Hickory, Camden, Cedar, Polk, Dallas, Laclede, Barton, Dade, Greene, Webster, Wright, Jasper, Lawrence, Christian, Douglas, Newton, McDonald, Barry, Stone, Taney and Ozark; and**

**(d) "Southeast economic development region", which shall include the counties of: Maries, Franklin, St. Louis, Jefferson, Pulaski, Phelps, Crawford, Washington, St. Francois, Ste. Genevieve, Dent, Iron, Madison, Perry, Texas, Shannon, Reynolds, Carter, Wayne, Bollinger, Cape Girardeau, Stoddard, Scott, Mississippi, Howell, Oregon, Ripley, Butler, New Madrid, Dunklin and Pemiscot and the city of St. Louis.**

**3. The "Local Economic Opportunities Fund" is hereby created and shall be administered by the department of economic development. The local economic opportunities fund shall contain four subaccounts which shall be known as: the "Local Economic Opportunities Fund–Northeast Region" subaccount; "Local Economic Opportunities Fund–Northwest Region" subaccount; the "Local Economic Opportunities Fund–Southeast Region" subaccount; and the "Local Economic Opportunities Fund–Southwest Region" subaccount. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the local economic opportunities fund shall not revert to the general revenue fund. Interest accruing to the fund shall be part of the fund.**

**4. The local economic opportunities fund shall consist of one-half of the available economic development project revenues as defined in this section which shall be allocated equally among the four subaccounts within the fund.**

**5. The local economic opportunities fund subaccounts shall, upon appropriation, be used within the four economic development regions for infrastructure improvements and economic stimulus projects.**

**6. The department of economic development shall promulgate rules establishing an application and prioritization process for political subdivisions within the economic development regions to apply for appropriations from the local economic opportunities fund subaccounts. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

**7. The following political subdivisions shall be ineligible to apply for appropriations from the local economic opportunities fund subaccounts: a county of the first classification with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants which receives funding pursuant to section 67.642; a county of the first classification with a charter form of government and with more than one million inhabitants which receives funding pursuant to sections 67.2000 to 67.2060; a city not within a county which receives funding pursuant to sections 67.2000 to 67.2060; a home rule city with a population of more than one hundred fifty-one thousand but less than one hundred fifty-two thousand inhabitants which receives funding pursuant to subsection 14 of section 99.845, RSMo; and a city of the fourth classification with a population of more than six thousand but less than six thousand one hundred inhabitants which receives funding pursuant to subsection 15 of section 99.845, RSMo. However, projects authorized pursuant to subsection 9 of section 173.273, RSMo, shall remain eligible to apply for appropriations regardless of their location.**

**8. Political subdivisions shall not receive an appropriation which exceeds more than twenty-five percent of the subaccount or receive an appropriation for longer than five consecutive years.**

**9. The provisions of this section shall terminate June 30, 2038.**

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

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

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;



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

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

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be

allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

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

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

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

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

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

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office

of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

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

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

13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.

**14. In order to promote tourism and economic development any constitutional charter city with a population of at least one hundred and fifty thousand inhabitants within a first class noncharter county shall be eligible for funding of an exposition center pursuant to subsection 4 of this section provided the following conditions are satisfied:**

**(1) The city has adopted a redevelopment plan prior to 2002 which includes a redevelopment project for an exposition center that is designed to provide space for meetings and display of materials or products as part of a program to promote conventions, tourism and economic development located on land owned by the city;**

**(2) The redevelopment plan at the time of its adoption met all of the conditions**

**of subsections 4 to 12 of this section;**

**(3) The exposition center will cost not less than twelve and one-half million dollars and will be constructed by the city;**

**(4) The exposition center will be owned by the city for not less than thirty-five years;**

**(5) The exposition center shall be constructed by September of 2004;**

**(6) State funding shall not exceed the actual amount of new state revenue created within the development area;**

**(7) There shall be no appropriation prior to budget year 2005;**

**(8) Starting in budget year 2005, the state shall appropriate one half of new state revenues created within the redevelopment area pursuant to subsection 4 of this section provided every three years thereafter the state shall determine actual new state revenues and adjust accordingly so that the revenues appropriated by the state reflect on the average actual new state revenues, provided that in no event shall the capitalized value of the state's contribution to the exposition center exceed nine million dollars;**

**(9) Subject to the limitations in subdivision (8) of this subsection the state shall appropriate annually starting in budget year 2005 a sum sufficient to capitalize the state's contribution to the exposition center, as determined pursuant to subdivision (8) of this subsection, over twenty-three years;**

**(10) Funds appropriated by the state may be used by the city for the repayment of any indebtedness or other obligations incurred for construction of the exposition center;**

**(11) The city shall be responsible for all costs in excess of the state's contribution;**

**(12) No state sales tax revenue generated from constitutionally dedicated sales taxes and taxes deposited to the school district tax fund pursuant to section 144.701, RSMo, shall be used to fund the exposition center; and**

**(13) The governor is authorized to enter into an agreement with any city which has adopted a redevelopment plan prior to 2002 which includes as part of the redevelopment plan an exposition center subject to the conditions of this subsection.**

**15. In order to eliminate or prevent blight and to promote tourism and economic development, any city with more than two thousand five hundred hotel and motel rooms within its municipal limits shall be eligible for funding of a convention center and arena facility pursuant to subdivisions (7) and (8) of this subsection provided the following conditions are satisfied:**

**(1) The city has, prior to December 31, 2002, approved a redevelopment plan**

**and a redevelopment project which includes a convention center and arena facility that is designed to provide space for meetings and display of materials or products and host events as part of a program to promote conventions, tourism and economic development located on land owned or to be owned by the city;**

**(2) The convention center and arena facility will cost not less seventy-five million dollars and will be constructed by or on behalf of the city pursuant to the redevelopment plan;**

**(3) The convention center and arena facility will be owned by the city or leased to the city for a term of not less than thirty-five years;**

**(4) Construction of the convention center and arena facility will commence by September, 2004;**

**(5) State funding shall not exceed the actual amount of new state revenues created within the development area described in the redevelopment plan;**

**(6) There shall be no appropriation from the state prior to fiscal year 2005;**

**(7) Starting in fiscal year 2005, or the budget year following completion of the convention center and arena facility if such budget year is later than 2005, the state shall appropriate one-half of new state revenues created within the redevelopment area described in the redevelopment plan pursuant to this subsection provided every three years thereafter the state shall determine actual new state revenues and adjust accordingly so that the revenues appropriated by the state reflect on the average actual new state revenues, provided that in no event shall the capitalized value of the state's contribution to the convention center and arena facility exceed thirty-two million dollars;**

**(8) Subject to the limitations in subdivision (7) of this subsection, the state shall appropriate annually starting in fiscal year 2005, or the budget year following completion of the convention center and arena facility if such budget year is later than 2005, a sum sufficient to capitalize the state's contribution to the convention center and arena facility, as determined pursuant to subdivision (7) of this subsection, over twenty-three years; provided, however, in no event shall the contribution of the state exceed one million four hundred thousand dollars in any fiscal year;**

**(9) Funds appropriated by the state may be used by the city for the repayment of any indebtedness or other obligations incurred by the city for construction of the convention center and arena facility;**

**(10) The city shall be responsible for all costs in excess of the state's contribution;**

**(11) No state sales tax revenue generated from constitutionally dedicated sales taxes and taxes deposited to the school district tax fund pursuant to section 144.701,**

**RSMo, shall be used to fund the exposition center; and**

**(12) The governor shall enter into an agreement with any city which has adopted a redevelopment plan prior to 2002 which includes as part of the redevelopment plan a convention center and arena facility subject to the conditions of this subsection for the purposes of evidencing the terms and condition on which the state will provide the assistance described in subdivisions (7), (8), and (9) of this subsection;**

**(13) Notwithstanding any other provision of law to the contrary, the redevelopment area described in the redevelopment plan adopted by the city prior to 2002 pursuant to this section shall be entitled to a new twenty-three-year period in accordance with section 99.810, RSMo, notwithstanding the fact that such area may have been included within a redevelopment area previously approved by the city;**

**(14) Any proceedings involving the validity or enforceability of any security for any bond, note or obligation issued by any city shall be conclusively deemed to have been completed by the city in accordance with the laws under which such proceedings were authorized notwithstanding any technical or other defects or omissions in such proceedings, and such proceedings shall not be subject to legal challenge on and after the date the board issues bonds, notes or other obligation by or on behalf of such city unless such challenge is brought within ninety days following the completion of the proceedings of the city or such shorter period as may be prescribed in any law authorizing such proceedings.**

**(15) Notwithstanding any provision of law to the contrary, the security for any bond, note or other obligation issued by or on behalf of the city to finance infrastructure facilities may include a pledge of payments in lieu of taxes or a pledge or appropriation of economic activity tax revenues generated within a redevelopment area designated by any development agency pursuant to the provisions of sections 99.800 to 99.865, whether or not the infrastructure facilities to be financed with the proceeds of bonds or notes issued by the board are located within the boundaries of said redevelopment area are generating such taxes or revenues.**

**99.915. 1. Sections 99.915 to 99.984 shall be known and may be cited as the "Missouri Downtown Economic Stimulus Act".**

**2. The provisions of sections 99.915 to 99.984 shall only apply to development plans adopted prior to July 1, 2007.**

**3. There is hereby created a "Missouri Downtown Economic Stimulus Act Joint Legislative Committee" which shall be composed of eight members appointed as follows: four members of the senate, two from each of the major political parties, shall be appointed by the president pro tem of the senate; and four members of the**



house of representatives, two from each of the major political parties, shall be appointed by the speaker of the house. The committee members shall elect a chair from among their membership. The committee shall study and review the effects of sections 99.915 to 99.984 and shall issue a report to the general assembly on or before January 1, 2004, and annually thereafter until January 1, 2007, setting forth in detail the committee's findings and recommendations, including recommended legislative changes. The oversight division of the committee on legislative research shall provide technical and office support for the joint legislative committee established pursuant to this section.

**99.918.** As used in sections 99.915 to 99.984, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Blighted area", an area which has previously been found by the municipality to be a blighted area pursuant to any other provision of law or 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;

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

(3) "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;

(4) "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 benefited by the proposed development plan;**

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

**(c) It shall be located in the central business districts or urban core areas of a city;**

**(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; and**

**(e) It shall be contiguous, provided, however that a development plan may include up to an additional three areas selected for development projects which are not within the development area. The development area can be enlarged or modified as provided in section 99.957;**

**(5) "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 otherwise financing of development project costs in accordance with sections 99.915 to 99.984 and through the exercise of the powers set forth in sections 99.915 to 99.984. The development plan shall conform to the requirements of section 99.948;**

**(6) "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;**

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

**(8) "Development project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to the development plan or a development project, as applicable, which are expended on public property, buildings, or rights-of-way for public purposes or for public institutions in furtherance of a development project. Such 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, engineering, legal, marketing, financial, planning, or special services. Except the reasonable costs incurred by the authority for the administration of sections 99.915 to 99.984, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a development plan or development**

**project;**

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

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

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

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

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

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

**(i) Payments in lieu of taxes; and**

**(j) Endowment of governmental institutions of research or higher education;**

**(9) "Economic activity taxes", the total additional revenue from taxes which are imposed by the municipality and other taxing districts, and which are generated by economic activities within each development project area over the amount of such taxes generated by economic activities within such development project area in the calendar year prior to the adoption of the ordinance designating such development project area, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments. If a retail establishment relocates within one year from one facility to another facility within the same county and the authority finds that the retail establishment is a direct beneficiary of development financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by the municipality and other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to such development project area;**

**(10) "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property**

improvements which are directly and 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, RSMo;

(11) "Major initiative", a development project, the estimated cost of which is in excess of the amount set forth below for the municipality, as applicable, which promotes tourism, cultural activities, arts, entertainment, education, research, arenas, stadium, multipurpose facilities, libraries, ports, mass transit, museums, or conventions, or which promotes business locations or expansions that are estimated to create at least as many new jobs as set forth below within three years of such location or expansion, as described in the development plan and are in furtherance of the revitalization of the development area:

Population of Municipality	Estimated Project Cost	New Jobs Created
300,000 or more	\$10,000,000	at least 100
From 100,000 to 299,999	\$5,000,000	at least 50
99,999 or less	\$3,000,000	at least 30;

(12) "Municipality", any city, village, incorporated town, or any county of this state established on or prior to January 1, 2001;

(13) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the authority or other public entity authorized to issue such obligations pursuant to sections 99.915 to 99.984 to carry out a development project or to refund outstanding obligations;

(14) "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;

(15) "Other net new revenues":

(a) The incremental increase in the general revenue portion of state sales tax revenues that would otherwise be received by the department of revenue pursuant to section 144.020, RSMo, but for the adoption of development financing, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law, within each development project area above the amount of such revenues received in the base year as stated in the development plan. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall

be the amount by which state general revenue sales tax revenue for each calendar year subsequent to the base year exceeds the state sales tax revenue in the base year as stated in the development plan; and

(b) A portion of the state income tax withheld, equal to two percent of the gross wages from which state income tax is withheld, on behalf of employees hired after approval of a development plan or development project by an employer, pursuant to section 143.221, RSMo, at any business located within each development project area, as identified by the municipality;

(16) "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 authority 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 calendar year preceding the adoption of the ordinance designating the development project area until the designation is terminated pursuant to subsection 2 of section 99.972;

(17) "Special allocation fund", the fund of the municipality or its authority required to be established pursuant to section 99.954 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 into a third account, and other revenues, if any, received by the authority or the municipality for the purpose of implementing a development plan or a development project are deposited in a fourth account;

(18) "Taxing districts", any political subdivision of this state having the power to levy taxes; and

(19) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from a development project.

99.921. There is hereby created in each municipality an authority to be known as a "Downtown Economic Stimulus Authority"; provided, however:

(1) No such authority shall transact any business or exercise its powers under sections 99.915 to 99.984 until and unless the governing body of such municipality shall, in accordance with subsection 1 of section 99.954, approve, by ordinance, the exercise of the powers, functions, and duties of an authority under sections 99.915 to 99.984;

**(2) No governing body of a municipality shall adopt an ordinance pursuant to subdivision (1) of this section unless it finds:**

**(a) That it would be in the interest of the public to consider the establishment of a development area in accordance with sections 99.915 to 99.984;**

**(b) That the development of such a development area would be in the interest of the public health, safety, morals, or welfare of the residents of such municipality; and**

**(c) That it is anticipated that such a development area can be renovated through a series of one or more development projects.**

**99.924. Each authority shall be governed by a board of commissioners. The number of commissioners serving on the board of each authority shall be no less than three and no more than thirteen, which number shall be established by ordinance of the municipality. The commissioners shall be appointed by the mayor or chief executive officer of the municipality. The initial commissioners appointed shall serve staggered terms of one, two, and three years as determined by the mayor or chief executive officer of the municipality at the time of their appointment. Thereafter, successor commissioners shall be appointed by the mayor or chief executive officer of the municipality for a term of three years. All vacancies shall be filled by appointment of the mayor or chief executive officer of the municipality for the unexpired term.**

**99.927. 1. The powers of the authority shall be exercised by its board of commissioners. A majority of the commissioners shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the authority and for all other purposes. Action may be taken by the board upon a vote of a majority of the commissioners present in person or by teleconference, unless in any case the bylaws of the authority shall require a larger number. Meetings of the board of the authority may be held anywhere within the municipality.**

**2. The commissioners of the authority annually shall elect a chair and vice chair from among the commissioners; however, the first chair shall be designated by the mayor for a term of one year. The mayor or chief executive officer of the municipality shall serve as the co-chair of the authority. The authority may employ an executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the communities within the development area or may employ its own counsel and legal staff.**

**99.930. A commissioner of an authority shall receive no compensation for his**

or her services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties. Each commissioner shall hold office until a successor has been appointed.

**99.933.** For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor or chief executive officer of the municipality.

**99.936. 1.** In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of an authority entered into pursuant to sections 99.915 to 99.984, such authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers under sections 99.915 to 99.984 upon proof of the adoption of the appropriate ordinance prescribed in section 99.921. Each such ordinance shall be deemed sufficient if it authorizes the exercise of powers under sections 99.915 to 99.984 by the authority and sets forth the findings of the municipality as required in subdivision (2) of section 99.921, but is not required to expressly state the details supporting such findings.

**2.** A copy of such ordinance duly certified by the clerk of the municipality shall be admissible in evidence in any suit, action, or proceeding.

**99.939. 1.** The authority shall constitute a public body corporate and politic, exercising public and essential governmental functions and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of sections 99.915 to 99.984, including the following powers in addition to others granted pursuant to sections 99.915 to 99.984:

**(1)** To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with sections 99.915 to 99.984, to carry out the provisions of sections 99.915 to 99.984;

**(2)** To prepare or cause to be prepared and approved development plans and development projects to be considered at public hearings in accordance with sections 99.915 to 99.984 and to undertake and carry out development plans and development projects which have been adopted by ordinance;

**(3)** To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, streets, roads, public utilities, or other facilities for or in connection with any development project; and notwithstanding anything to the contrary contained in sections 99.915 to 99.984 or

any other provision of law, to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of any development project, and to include in any contract let in connection with any such development project provisions to fulfill such of the conditions as it may deem reasonable and appropriate;

(4) Within a development area, to acquire by purchase, lease, gift, grant, bequest, devise, eminent domain, or otherwise, or obtain options upon, any real or personal property or any interest therein, necessary or incidental to a development project, all in the manner and at such price as the authority determines is reasonably necessary to achieve the objectives of a development plan;

(5) Within a development area, subject to provisions of section 99.942 with regard to the disposition of real property, to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest therein, all in the manner and at such price and subject to any covenants, restrictions, and conditions as the authority determines is reasonably necessary to achieve the objectives of a development plan; to make any such covenants, restrictions, or conditions as covenants running with the land, and to provide appropriate remedies for any breach of any such covenants, restrictions, or conditions, including the right in the authority to terminate such contracts and any interest in the property created pursuant thereto;

(6) Within a development area, to clear any area by demolition or removal of existing buildings and structures;

(7) To install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements as necessary or desirable for the preparation of a development area for use in accordance with a development plan;

(8) Within a development area, to fix, charge, and collect fees, rents, and other charges for the use of any real or personal property, or any portion thereof, in which the authority has any interest;

(9) To accept grants, guarantees, and donations of property, labor, or other things of value from any public or private source for purposes of implementing a development plan;

(10) In accordance with section 99.942, to select one or more developers to implement a development plan, or one or more development projects, or any portion thereof;



**(11) To charge as a development project cost the reasonable costs incurred by the authority in administering or implementing the development plan or any development project;**

**(12) To borrow money and issue obligations in accordance with sections 99.915 to 99.984 and provide security for any such loans or obligations;**

**(13) To insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of sections 99.915 to 99.984;**

**(14) Within a development area, to renovate, rehabilitate, construct, repair, or improve any improvements, buildings, parking garages, fixtures, structures, and other facilities;**

**(15) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem obligations at the redemption price established therein or to purchase obligations at less than redemption price, all obligations so redeemed or purchased to be canceled;**

**(16) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, municipality, or other public body or from any sources, public or private, for the purposes of implementing a development plan, to give such security as may be required and to enter into and carry out contracts in connection therewith. An authority, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government for a project such conditions imposed pursuant to federal law as the authority may deem reasonable and appropriate and which are not inconsistent with the purposes of sections 99.915 to 99.984;**

**(17) Within a development area, to make or have made all surveys, appraisals, studies, and plans necessary to the carrying out of the purposes of sections 99.915 to 99.984 and, in connection therewith, to enter into or upon any land, building or improvement thereon for such purposes and to make soundings, test borings, surveys, appraisals, and other preliminary studies and investigations necessary to carry out its powers, but such entry shall constitute no cause of action for trespass in favor of the owner of such land, building, or improvement except for injuries resulting from wantonness or malice; and to contract or cooperate with any and all persons or agencies, public or private, in the making and carrying out of the surveys, appraisals, studies, and plans;**

**(18) To incur development project costs and make such expenditures as may be necessary to carry out the purposes of sections 99.915 to 99.984; and to make expenditures from funds obtained from the federal government without regard to any other laws pertaining to the making and approval of appropriations and expenditures;**

**(19) To delegate to a municipality or other public body any of the powers or functions of the authority with respect to the planning or undertaking of a development project, and any such municipality or public body is hereby authorized to carry out or perform such powers or functions for the authority;**

**(20) To receive and exercise powers delegated by any authority, agency, or agent of a municipality created pursuant to this chapter or chapter 353, RSMo;**

**(21) To loan the proceeds of obligations issued pursuant to sections 99.915 to 99.984 for the purpose of providing for the purchase, construction, extension, and improvement of a development project by a developer pursuant to a development contract approved by the authority in accordance with subdivision (2) of section 99.942;**

**(22) To declare any funds, or any portion thereof, in the special allocation fund to be excess funds, so long as such excess funds have not been pledged to the payment of outstanding obligations or outstanding development project costs or are not necessary for the payment of development project costs incurred or anticipated to be incurred. Any such funds deemed to be excess shall be disbursed in the manner of surplus funds as provided in section 99.972;**

**(23) To pledge or otherwise expend funds deposited to the special allocation fund, or any portion thereof, for the payment or reimbursement of development project costs incurred by the authority, the municipality, a developer selected by the authority in accordance with the provisions of section 99.942, or any other entity with the consent of the authority; to pledge or otherwise expend funds deposited to the special allocation fund, or any portion thereof, or to mortgage or otherwise encumber its property, or any portion thereof, for the payment of obligations issued to finance development project costs; provided, however, any such pledge or expenditure of economic activity taxes or other net new revenues shall be subject to annual appropriation by the municipality; and**

**(24) To exercise all powers or parts or combinations of powers necessary, convenient, or appropriate to undertake and carry out development plans and any development projects and all the powers granted pursuant to sections 99.915 to 99.984.**

**2. If any member of the governing body of the municipality, a commissioner of the authority, or an employee or consultant of the municipality or authority, involved in the planning and preparation of a development plan or a development project,**

**owns or controls an interest, direct or indirect, in any property included in a development area, or proposed development area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to a development plan, development project, or a development area and from voting on any matter pertaining to a development plan, development project, or the development area, or communicating with other commissioners or members of the authority or the municipality concerning any matter pertaining to a development plan, development project, or development area. Furthermore, no such member, commissioner, employee, or consultant shall acquire any interest, direct or indirect, in any property in a development area, or proposed development area, after either:**

**(a) Such individual obtains knowledge of a development plan or development project; or**

**(b) First public notice of such development plan, development project, or development area pursuant to section 99.960, whichever first occurs.**

**99.942. Real property in a development area may be disposed of as follows:**

**(1) Within a development area, the authority may sell, lease, exchange, or otherwise transfer real property, including land, improvements, and fixtures, or any interest therein, to any developer selected for a development project, or any portion thereof, in accordance with the development plan, subject to such covenants, conditions, and restrictions as may be deemed to be in the public interest or to carry out the purposes of sections 99.915 to 99.984. Such real property shall be sold, leased, or transferred at its fair value for uses in accordance with the development plan; provided that such fair market value may be less than the cost of such property to the authority. In determining the fair market value of real property for uses in accordance with a development plan, the authority shall take into account and give consideration to the uses and purposes required by the development plan; the restrictions upon, and the covenants, conditions, and obligations assumed by the developer of such property; the objectives of the development plan; and such other matters as the authority shall specify as being appropriate. In fixing rental and sale prices, an authority shall give consideration to appraisals of the property for such uses made by experts employed by the authority;**

**(2) The authority shall, by public notice published in a newspaper having a general circulation in a development area, prior to selecting one or more developers**

**for any development project, or any portion thereof, invite proposals from, and make available all pertinent information to, private developers or any persons interested in undertaking the development of such development project, or any portion thereof. Such notice shall be published at least once each week during the two weeks preceding the selection of a developer, shall identify the area of the development project or development projects, or any portion thereof, for which one or more developers are to be selected, and shall state that such further information as is available and may be obtained at the office of the authority. The authority shall consider all proposals and the financial and legal ability of the prospective developers to carry out their proposals. The authority may negotiate and enter into one or more contracts with any developer selected for the development of any such area by such developer in accordance with a development plan or for the sale or lease of any real property to any such developer in any such area for the purpose of developing such property in accordance with the development plan. The authority may enter into any such contract as it deems to be in the public interest and in furtherance of the purposes of sections 99.915 to 99.984; provided that the authority has, not less than ten days prior thereto, notified the governing body in writing of its intention to enter into such contract. Thereafter, the authority may execute such contract in accordance with the provisions of subdivision (1) of this section and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract. In its discretion, the authority may, in accordance with the provisions of this subdivision, dispose of any real property in an area selected for a development project, or any portion thereof, to private developers for development under such reasonable competitive bidding procedures as it shall prescribe, subject to the provisions of subdivision (1) of this section;**

**(3) In carrying out a development project, the authority may:**

**(a) Convey to the municipality such real property as, in accordance with the development plan, is to be dedicated as public right-of-way for streets, sidewalks, alleys, or other public ways, this power being additional to and not limiting any and all other powers of conveyance of property to municipalities expressed, generally or otherwise, in sections 99.915 to 99.984;**

**(b) Grant servitudes, easements, and rights-of-way for public utilities, sewers, streets, and other similar facilities, in accordance with the development plan; and**

**(c) Convey to the municipality or other appropriate public body such real property as, in accordance with the development plan, is to be used for parks, schools, public buildings, facilities, or other public purposes;**

**(4) The authority may operate and maintain real property in the development**

area pending the disposition or development of the property in accordance with a development plan, without regard to the provisions of subdivisions (1) and (2) of this section, for such uses and purposes as may be deemed desirable even though not in conformity with the development plan.

**99.945. 1.** The authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for a development project or for its purposes under sections 99.915 to 99.984 after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. The authority may exercise the power of eminent domain in the manner and under the procedure provided for corporations in chapter 523, RSMo, and acts amendatory thereof or supplementary thereto; or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provision available to the municipality, and, as to an authority in a constitutional charter city, in the manner provided in the charter of said city for the exercise of the power of eminent domain.

**2.** Property already devoted to a public use may be acquired in like manner; provided that no real property belonging to the municipality, the county, or the state may be acquired without its consent.

**3.** While the authority shall have the power of eminent domain, the municipality may by ordinance delegate the exercise of the power of eminent domain under sections 99.915 to 99.984 to any other public body on behalf of the authority.

**99.948.** A development plan shall set forth in writing a general description of the program to be undertaken to accomplish the development projects and related objectives and shall include, but need not be limited to, the estimated development project costs, the anticipated sources of funds to pay such development project costs, evidence of the commitments to finance such development project costs, the anticipated type and term of the sources of funds to pay such development project costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the development area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.969, an estimate as to the equalized assessed valuation after the development area is developed in accordance with a development plan, and the general land uses to apply in the development area. The development plan shall be adopted by a municipality in reliance on findings that:

(1) The development area on the whole is a blighted area or a conservation area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without

the implementation of one or more development projects and the adoption of development financing. Such a finding shall include, but not be limited to, a description of the development projects which are proposed to implement the development plan and the factors that qualify the development area pursuant to this subdivision;

(2) The development plan conforms to the comprehensive plan for the development of the municipality;

(3) The estimated dates, which shall not be more than thirty-five years from the adoption of the ordinance approving the development area, of completion of any development project and retirement of obligations incurred to finance development project costs have been stated, provided that no ordinance approving a development project shall be adopted later than fifteen years from the adoption of the ordinance approving the development plan and provided that no property for a development project shall be acquired by eminent domain later than ten years from the adoption of the ordinance approving such development plan;

(4) In the event any business or residence is to be relocated as a direct result of the implementation of the development plan, a plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the economic impact of the development plan on the state and each municipality, county, and school district which is at least partially within the boundaries of the development area. The analysis shall show the impact on the economy if the development projects are not built pursuant to the development plan under consideration. The cost-benefit analysis shall include a fiscal impact study on the state and each municipality, county, and school district which is at least partially within the boundaries of the development area, and sufficient information from the authority to evaluate whether each development project as proposed is financially feasible; and

(6) A finding that the development plan does not include the initial development or redevelopment of any gambling establishment.

99.951. In the event a county of this state desires to designate a development area located in whole or in part within the boundaries of another municipality, such county shall first obtain the permission of the governing body of such other municipality.

99.954. 1. A municipality may:

(1) Approve by ordinance the exercise by the authority of the powers, functions, and duties of the authority under sections 99.915 to 99.984;

(2) After adopting an ordinance in accordance with subdivision (1) of this

subsection and after receipt of recommendations from the authority in accordance with subsection 2 of this section, by ordinance, designate development areas and adopt the development plans, development projects, designate a development project area for each development project adopted, and adopt development financing for each such development project area. No development plan may be adopted until the development area is designated. No development project shall be adopted until the development plan is adopted and the development project area for each development project shall be designated at the time of adopting the development project; and

(3) Exercise the powers, duties, or functions of the authority under sections 99.915 to 99.984.

2. The authority shall hold public hearings and provide notice pursuant to sections 99.957 and 99.960. Within ten days following the completion of any such public hearing, the authority shall vote on, and shall make recommendation to the governing body of the municipality with regard to, any development plan, development projects, designation of a development area or amendments thereto which were proposed at such public hearing.

3. Before or after the development plan is adopted by ordinance in accordance with this section, a municipality may submit the development plan to the Missouri development finance board for approval of the use of other net new revenues to fund one or more development projects. If submitted to the Missouri development finance board for approval of the use of other net new revenues, the development plan shall include the following items in addition to the items set forth in section 99.948:

(1) An estimate that:

(a) One hundred percent of the payments in lieu of taxes and economic activity taxes deposited to the special allocation fund will be necessary to pay development project costs or obligations issued to finance development project costs to achieve the objectives of the development plan; or

(b) If one hundred percent of payments in lieu of taxes and economic activity taxes are not used to pay or finance development costs, the amount of contributions from private sources or the value of tax abatement, tax increment financing, or other development assistance from the state, the municipality, or other taxing districts will equal or exceed the amount of payments in lieu of taxes and economic activity taxes which will be returned to taxing districts or otherwise not used to pay or finance development project costs;

(2) Identification of the existing businesses located within the development area;

(3) The amount of the state sales tax revenues reported by existing businesses

**within the development area in the calendar year prior to the designation or proposed designation of the development area;**

**(4) The estimate of other net new revenues within the development area for the years in which development financing are proposed to be in effect; and**

**(5) A copy of a written request submitted by the municipality to the department of revenue, requesting that the department of revenue, provide to the department of economic development and the municipality the amount of the state income tax withheld on behalf of existing employees reported by existing businesses located within the development area in the calendar year prior to the designation or proposed designation of the development area.**

**4. The methodologies used in determining the estimate of the other net new revenues within the development area as required in subsection 3 of this section shall be subject to the approval of the Missouri development finance board and upon approval of the same the director shall issue a certificate of approval. If the estimate of the other net new revenues is in excess of other net new revenues requested to be committed to the payment of development project costs or obligations issued to finance development project costs, and so long as the amount of other net new revenues to be deposited to the special allocation fund does not exceed the limit set forth under subsection 5 of section 99.969, the conditions under this section shall be deemed satisfied and a certificate setting forth the approval required by this subsection shall be issued.**

**99.957. Prior to the adoption of the ordinance designating a development area, adopting a development plan, or adopting a development project, the authority shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed development area or development project area affected. Such notice shall comply with the provisions of section 99.960. At the public hearing any interested person or affected taxing district may file with the authority written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The authority shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the development plan or development area, provided that written notice of such changes is available at the public hearing. After the public hearing but prior to the adoption of an ordinance designating a development area, adopting a development plan or adopting a development project, whichever the case may be, changes may be made to**



any such proposed development plan, development project, or development area without a further hearing, if such changes do not enlarge the exterior boundaries of the development area, and do not substantially affect the general land uses established in a development plan or development project, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the development area or development project area, as applicable, not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance designating the development area, adopting a development plan or a development project, no ordinance shall be adopted altering the exterior boundaries of the development area or a development project area, affecting the general land uses established pursuant to the development plan or the general nature of a development project without holding a public hearing in accordance with this section. One public hearing may be held for the simultaneous consideration of a development area, development plan, or development project.

**99.960. 1.** Notice of the public hearing required by section 99.957 shall be given by publication and mailing. Notice by publication shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to the hearing, in a newspaper of general circulation in the proposed development area or development project area, as applicable. Notice by mailing shall be given by depositing such notice in the United States mail by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed development area or development project area, as applicable, which is to be subjected to the payment or payments in lieu of taxes and economic activity taxes pursuant to section 99.969. Such notice shall be mailed not less than ten days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property.

**2.** The notices issued pursuant to this section shall include the following:

- (1)** The time and place of the public hearing;
- (2)** The general boundaries of the proposed development area or development project area, as applicable, by street location, where possible;
- (3)** A statement that all interested persons shall be given an opportunity to be heard at the public hearing;
- (4)** A description of the development plan and the proposed development projects and a location and time where the entire development plan or development

projects proposed may be reviewed by any interested party; and

(5) Such other matters as the authority may deem appropriate.

3. Not less than forty-five days prior to the date set for the public hearing, the authority shall give notice by mail as provided in subsection 1 of this section to all taxing districts from which taxable property is included in the development area or development project area, as applicable, and in addition to the other requirements pursuant to subsection 2 of this section, the notice shall include an invitation to each taxing district to submit comments to the authority concerning the subject matter of the hearing prior to the date of the hearing.

4. A copy of any and all hearing notices required by section 99.957 shall be submitted by the authority to the director of the department of economic development and the time such notices are mailed or published, as applicable.

**99.963. 1.** For the purpose of financing development project costs, obligations may be issued by the municipality, by the authority, by any other public entity at the request of the municipality, or by the Missouri development finance board pursuant to sections 100.250 to 100.297, RSMo, at the request of the municipality to pay or reimburse development costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance or resolution authorizing the issuance of such obligations.

2. Obligations issued pursuant to sections 99.915 to 99.984 may be issued in one or more series bearing interest at such rate or rates as the issuing entity shall determine by ordinance or resolution. Such obligations shall bear such date or dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms, and conditions, and be subject to redemption as such ordinance or resolution shall provide. Obligations issued pursuant to sections 99.915 to 99.984 may be sold at public or private sale at such price as shall be determined by the issuing entity and shall state that obligations issued pursuant to sections 99.915 to 99.984 are special obligations payable solely from the funds specifically pledged. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to sections 99.915 to 99.984.

3. In the event the obligations contain a recital that they are issued pursuant to sections 99.915 to 99.984, such recital shall be conclusive evidence of their validity and of the regularity of their issuance.

4. Neither the municipality, the authority, the Missouri development finance board, or any other entity issuing such obligations, or the members, commissioners, directors, or the officers of any such entities nor any person executing any obligation

shall be personally liable for such obligation by reason of the issuance thereof. The obligations issued pursuant to sections 99.915 to 99.984 shall not be a general obligation of the municipality, county, the Missouri development finance board, state of Missouri, or any political subdivision thereof, nor in any event shall such obligation be payable out of any funds or properties other than those specifically pledged as security for such obligations. The obligations shall not constitute indebtedness within the meaning of any constitutional, statutory, or charter debt limitation or restriction.

**99.966. 1.** Obligations issued pursuant to sections 99.915 to 99.984 may be issued to refund, in whole or in part, obligations theretofore issued by such entity under the authority of sections 99.915 to 99.984, whether at or prior to maturity; provided, however, that the last maturity of the refunding obligations shall not be expressed to mature later than the last maturity date of the obligations to be refunded.

**2.** In the event a municipality or authority issues obligations under home rule powers or other legislative authority, the proceeds of which are pledged to pay for development project costs, the municipality may retire such obligations from funds in the special allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of sections 99.915 to 99.984.

**99.969. 1.** A municipality, after designating a development area, adopting a development plan, and adopting any development project in conformance with the procedures of sections 99.915 to 99.984, may adopt development financing for the development project area selected for any such development project by passing an ordinance. Upon the adoption of the first of any such ordinances, the municipality shall establish, or shall direct the authority to establish, a special allocation fund for the development area.

**2.** Immediately upon the adoption of a resolution or ordinance adopting development financing for a development project area pursuant to subsection 1 of this section, the county assessor shall determine the total equalized assessed value of all taxable real property within such development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such development project area as of the date of the adoption of such resolution or ordinance and shall provide to the clerk of the municipality written certification of such amount as the total initial equalized assessed value of the taxable real property within such development project area.

**3.** In each of the thirty-five calendar years following the adoption of an ordinance adopting development financing for a development project area pursuant

to subsection 1 of this section unless and until development financing for such development project area is terminated by ordinance of the municipality, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such development project area by taxing districts at the tax rates determined in the manner provided in section 99.975 shall be divided as follows:

(1) That portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property in such development project area which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be allocated to and, when collected, shall be paid by the collecting authority to the respective affected taxing districts in the manner required by law in the absence of the adoption of development financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the development project area and any applicable penalty and interest over and above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be allocated to and, when collected, shall be paid to the treasurer of the municipality who shall deposit such payment in lieu of taxes into a separate segregated account for payments in lieu of taxes of the special fund established in accordance with subsection 1 of this section. Payments in lieu of taxes which are due and owing shall constitute a lien against the real property from which such payments in lieu of taxes are derived and shall be collected in the same manner as real property taxes, including the assessment of penalties and interest where applicable. The lien of payments in lieu of taxes may be foreclosed in the same manner as the lien of real property taxes. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in any such development project area attributable to any increase above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until development financing for such development project area expires or is terminated in accordance with sections 99.915 to 99.984;

(3) For purposes of this section, "levies upon taxable real property in such development area by taxing districts" shall not include the blind pension fund tax

levied under the authority of section 38(b), article III, of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, the desegregation sales tax, or the conservation taxes.

4. In each of the thirty-five calendar years following the adoption of an ordinance or resolution adopting development financing for a development project area pursuant to subsection 1 of this section unless and until development financing for such development project area is terminated by ordinance of the municipality, fifty percent of the economic activity taxes from such development project area shall be allocated to, and paid by the collecting officer of any such economic activity tax to, the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account for economic activity taxes within the special allocation fund.

5. Provided that the municipality has complied with subsection 3 of section 99.954 and the Missouri development finance board has issued the certificate of approval as provided in such section, in each of the thirty-five calendar years following the adoption of an ordinance adopting development financing for a development project area pursuant to subsection 1 of this section, unless and until development financing for such development project area is terminated by ordinance of the municipality, each taxpayer collecting other net new revenue within such development project area shall pay to the municipality the other net new revenues collected. Other net new revenues shall be paid to the municipality on the same date the responsible taxpayer or employer pays sales tax or withholding taxes which are not other net new revenues to the department of revenue for the period for which the other net new revenues were collected or withheld. The municipality shall deposit such other net new revenues in a separate segregated account for such other net new revenues within the special allocation fund; provided, however, that if such other net new revenues collected by the municipality exceed the following applicable dollar amounts in any one calendar year the municipality will remit the excess to the department of revenue in accordance with subsection 7 of this section:

<b>Population of Municipality</b>	<b>New State Revenues</b>
<b>300,000 or more</b>	<b>\$40,000,000</b>
<b>From 100,000 to 299,999</b>	<b>\$20,000,000</b>
<b>99,999 or less</b>	<b>\$10,000,000</b>

6. Taxpayers impacted by subsection 5 of this section shall be entitled to the following tax credits:

(1) Any new or existing taxpayer within a development project area shall be

**entitled to a credit against the taxpayer's general fund sales tax liability in an amount equivalent to one hundred percent of that portion of the other net new revenues paid to a municipality, pursuant to subsection 5 of this section, which were calculated based on the incremental increase in the general revenue portion of state sales tax which would have been payable by the taxpayer had development financing not been adopted in one or more development project areas pursuant to sections 99.915 to 99.984; and**

**(2) Any individual income taxpayer who is an employee within a development project area, hired after the approval of the development plan and the development project for such development project area, shall be entitled to a tax credit against such taxpayer's individual income tax liability in an amount equivalent to one hundred percent of that portion of the other net new revenues paid to a municipality, pursuant to subsection 5 of this section, which were calculated based on the state income tax which would have been withheld by the taxpayer's employer had development financing not been adopted in one or more development project areas pursuant to sections 99.915 to 99.984. Each employer, paying other net new revenues to a municipality on account of withholding taxes which would have been paid to the department of revenue had development financing not been adopted in a development project area, shall certify the amount of other net new revenues paid on behalf of each individual income taxpayer on the same date the employer certifies the amount of state income tax withheld and remitted to the department of revenue for such employee. Each such employee shall provide the employer's certificate to the department of revenue and credit the amount shown on such certificate against individual income tax due.**

**7. By December thirty-first of each year after the designation of development financing within a development project area, each municipality with one or more development project areas shall submit to the department of revenue a report setting forth the amount of the other net new revenues received by the municipality for the prior calendar year. If the amount of the other net new revenues received by the municipality exceeds the dollar limit set forth in subsection 5 of this section, the municipality shall remit such excess amount from the special allocation fund for the appropriate development plan to the department of revenue within forty-five days of the submission of the report.**

**8. If all or part of a development project area is or becomes subject to tax increment financing pursuant to the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, payments in lieu of taxes, economic activity taxes and other net new revenues which are subject to allocation pursuant**

to sections 99.915 to 99.984 may be apportioned or diverted to be used pursuant to the real property tax increment allocation redevelopment act, by the authority acting pursuant to subdivision (20) of section 99.939, or otherwise, if the development plan so provides.

9. The director of revenue shall issue regulations and publish forms to implement the provisions of this section.

10. All personnel and other costs incurred by the department of revenue and the department of economic development for the administration and operation of this section shall be paid from the state general revenue fund.

99.972. 1. When all development project costs and all obligations issued to finance development project costs have been paid in full, the municipality shall adopt an ordinance terminating development financing for all development project areas. Immediately upon the adoption of such ordinance, all payments in lieu of taxes, all economic activity taxes, and other net new revenues then remaining in the special allocation fund shall be deemed to be surplus funds; and thereafter, the rates of the taxing districts shall be extended and taxes levied, collected, and distributed in the manner applicable in the absence of the adoption of development financing. Surplus payments in lieu of taxes shall be paid to the county collector who shall immediately thereafter pay such funds to the taxing districts in the development area selected in the same manner and proportion as the most recent distribution by the collector to the affected districts of real property taxes from real property in the development area. Surplus economic activity taxes shall be paid to the taxing districts in the development area in proportion to the then current levy rates of such taxing districts that are attributable to economic activity taxes. Surplus other net new revenues shall be paid to the state. Any other funds remaining in the special allocation fund following the adoption of an ordinance terminating development financing in accordance with this section shall be deposited to the general fund of the municipality.

2. Upon the payment of all development project costs, retirement of obligations, and the distribution of any surplus funds pursuant to this section, the municipality shall adopt an ordinance dissolving the special allocation fund and terminating the designation of the development area as a development area.

3. Nothing in sections 99.915 to 99.984 shall be construed as relieving property in such areas from paying a uniform rate of taxes, as required by article X, section 3 of the Missouri Constitution.

99.975. In each of the thirty-five calendar years following the adoption of an ordinance or resolution adopting development financing for a development project

area pursuant to subsection 1 of section 99.954 unless and until development financing for such development project area is terminated by ordinance of the municipality, then, in respect to every taxing district containing such development project area, the county clerk, or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within such development project area for the purpose of computing any debt service levies to be extended upon taxable property within such development project area, shall in every year that development financing is in effect ascertain the amount of value of taxable property in such development project area by including in such amount the certified total initial equalized assessed value of all taxable real property in such development project area in lieu of the equalized assessed value of all taxable real property in such development project area. For the purpose of measuring the size of payments in lieu of taxes under sections 99.915 to 99.984, all tax levies shall then be extended to the current equalized assessed value of all property in the development project area in the same manner as the tax rate percentage is extended to all other taxable property in the taxing district.

**99.978. 1.** If any section, subsection, subdivision, paragraph, sentence or clause of sections 99.915 to 99.984 is, for any reason, held to be invalid or unconstitutional, such decision shall not affect any remaining portion, section, or part thereof which can be given effect without the invalid provision.

**2.** Sections 99.915 to 99.984 shall be construed liberally to effectuate the purposes hereof. Insofar as the provisions of sections 99.915 to 99.984 are inconsistent with the provisions of any other law, the provisions of sections 99.915 to 99.984 shall be controlling.

**3.** The powers conferred by sections 99.915 to 99.984 shall be in addition and supplemental to the powers conferred by any other law.

**99.984. 1.** By the last day of February each year, the authority shall report to the director of the department of economic development the name, address, phone number, and primary line of business of any business which relocates to the development area. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house of representatives and the president pro tempore of the senate on the last day of April each year.

**2.** Each year the governing body of the municipality, or its designee, shall prepare a report concerning the status of the development plan, the development area, and the included development projects, and shall submit a copy of such report to the director of the department of economic development. The report shall include



**the following:**

- (1) The amount and source of revenue in the special allocation fund;**
  - (2) The amount and purpose of expenditures from the special allocation fund;**
  - (3) The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;**
  - (4) The original assessed value of the development area;**
  - (5) The assessed valuation added to the development area;**
  - (6) Payments made in lieu of taxes received and expended;**
  - (7) The economic activity taxes generated within the development area in the calendar year prior to the designation of the development area, the amount of the state sales tax revenue generated within the development area in the calendar year prior to the designation of the development area, and the amount of the state income tax withheld by employers on behalf of existing employees in the development area in the calendar year prior to the designation of the development area;**
  - (8) The economic activity taxes generated within the development area after the designation of the development area, the amount of the state sales tax revenue generated within the development area after the designation of the development area, and the amount of the state income tax withheld by employers on behalf of new employees in the development area after the designation of the development area;**
  - (9) Reports on contracts made incident to the implementation and furtherance of a development area, the development plan, and the included development projects;**
  - (10) A copy of the development plan, which shall include the required findings and cost-benefit analysis pursuant to subdivisions (1) to (6) of section 99.948;**
  - (11) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired, or remodeled;**
  - (12) The number of parcels acquired by or through initiation of eminent domain proceedings; and**
  - (13) Any additional information the municipality deems necessary.**
- 3. Data contained in the report mandated pursuant to the provisions of subsection 1 of this section and any information regarding amounts disbursed to municipalities pursuant to the provisions of section 99.969 shall be deemed a public record, as defined in section 610.010, RSMo. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the development area, the development plan, and the included development projects therein, amount of outstanding obligations, and any additional information the municipality deems necessary shall be published in a newspaper of general circulation in the municipality.**

**4. Five years after the establishment of the development area and the development plan and every five years thereafter the governing body of the authority shall hold a public hearing regarding the development area and the development plan and the development projects adopted pursuant to sections 99.915 to 99.984. The purpose of the hearing shall be to determine if the development area, development plan, and the included development projects are making satisfactory progress under the proposed time schedule contained within the approved development plan for completion of such development projects. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the authority once each week for four weeks immediately prior to the hearing.**

**5. The director of the department of economic development shall submit a report to the speaker of the house of representatives and the president pro tempore of the senate no later than February first of each year. The report shall contain a summary of all information received by the director pursuant to this section.**

**6. The department of economic development shall provide information and technical assistance, as requested by any municipality, on the requirements of sections 99.915 to 99.984. Such information and technical assistance shall be provided in the form of a manual, written in an easy-to-follow manner, and through consultations with departmental staff.**

172.273. 1. The curators of the University of Missouri may establish research, development and office park projects, in order to promote cooperative relationships and to provide for shared resources between private individuals, companies and corporations, and the University of Missouri, for the advancement of the university in carrying out its educational mission and such projects are declared to be in furtherance of the purposes of the university.

2. The curators may, in connection with such projects, enter into written, mutually binding leases or agreements with individuals, businesses, corporations, and professional firms participating in the project for the purpose of expanding business and professional opportunities for students, faculty and graduates of the university and of the area it serves, and for making available to the university the resources and expertise of the business and professional entities participating in the project.

3. The curators may purchase necessary land and may purchase and construct or arrange for or permit the construction of any necessary facilities for such projects, may utilize the power of eminent domain, and may in any other manner acquire and accept in the name of the curators of the University of Missouri suitable land and facilities for such projects, and may enter into business arrangements, including long-term leases, for the development thereof. The curators may also acquire options upon lands to be purchased. Lands and improvements utilized as a part of such projects, so long as they remain a part of a project, shall not be subject to local

zoning or local regulatory ordinances; provided that if the project is located within a city or county, the university is required to consult with the city or county, prior to board of curators' approval of the master development plan or substantial amendments thereto. The city or county plan commission may hold and complete a public hearing on such plan within forty-five days of submission to the city or county and the city or county within fifteen days thereafter may issue its advisory recommendations to the curators. The curators may in their sole discretion require that project development conform to the planning, transportation, environmental, health and safety requirements of such city or county. Interests in property included in such projects may be conveyed as needed, without passage of a concurrent resolution as provided by the provisions of section 172.020. The utilization of the real property, as provided in subsection 1 of this section, is hereby deemed to be a public purpose and in furtherance of the purposes of the university. Provided such land is owned by the university, no leasehold or other interest therein, by whomsoever held, shall be separately assessed or taxed, and such real property as a whole shall be deemed the property of the curators of the University of Missouri and be exempt from all forms of property tax.

4. For the purpose of developing and operating the project, the curators may enter into cooperative agreements, including leases, in the same manner and to the same extent that political subdivisions are authorized to enter into such agreements by the provisions of section 70.220, RSMo.

5. Whenever the curators' acquisition of land for such a research, development and office park project will result in displacement, relocation assistance and monetary benefits identical to those provided by subchapter II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4621 et seq., and its implementing regulations shall be afforded to each displaced occupant or entity.

6. Notwithstanding the exemption of the curators of the University of Missouri from municipal regulation and the provisions of subsection 3 of this section, any entity acting pursuant to a lease or cooperative agreement with the curators may request that permits, licenses and certificates be issued by a city or county where a project is to be located in order to aid in the construction, operation and financing of such project. Such permits, licenses and certificates may be issued by the city or county after review and approval of plans submitted by an architect or engineer licensed to practice in the state of Missouri. Any entity may also request that inspections be conducted by such city or county if such activities are normally performed by the city or county in the enforcement of its building code.

7. Such doctrines of sovereign and official immunity and the public duty doctrines as now exist for the issuance of permits, licenses, certificates and performance of inspections shall apply to any city, county or official or employee thereof issuing permits, licenses, and certificates or performing inspections pursuant thereto with respect to any claim brought for damages as a

result of the wrongful or negligent issuance of such permit, license or certificate or the performance of inspections.

8. The exemption from assessment and taxation provided by subsection 3 of this section for leaseholds in property owned by the university in a research park project shall not be available for leases entered into from and after August 28, 1996. Notwithstanding the foregoing and any provision of this section to the contrary, all leaseholds in property in such parks leased by the university to tenants for research, development, office or any other nonrecreational use prior to August 28, 1996, including leaseholds created after August 28, 1996, under options or similar rights which were granted prior to January 1, 1996, shall be exempt from assessment and taxation for the term of such lease, provided that leaseholds in property used for recreational purposes shall be subject to assessment and taxation as determined by the assessor of the local political subdivision, and all lands and improvements in such parks, by whomsoever owned.

**9. After August 28, 2002, and subject to an appropriation for that purpose, the curators of the University of Missouri, may establish a research, development and office park in any county of the first classification with a population of at least six hundred fifty-four thousand five hundred inhabitants and less than six hundred fifty-six thousand inhabitants to foster life sciences related business development and provide business incubator facilities for new life sciences related companies. The curators of the University of Missouri are encouraged, to the largest extent possible, to reinvest any profits resulting from the provisions of this section in the life sciences research activities of the University of Missouri.**

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