

SECOND REGULAR SESSION
[PERFECTED]
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1279, 1162 & 1164

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KINDER.

Offered April 30, 2002.

Senate Substitute No. 2 adopted, May 2, 2002.

Taken up for Perfection May 2, 2002. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4657S.17P

AN ACT

To repeal sections 70.853, 99.845, 143.183, 172.273 and 253.559, RSMo, and to enact in lieu thereof twenty-nine new sections relating to community development, with a termination date for a certain section and an effective date for a certain section.

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

Section A. Sections 70.853, 99.845, 143.183, 172.273 and 253.559, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 67.642, 67.2000, 67.2003, 67.2006, 67.2009, 67.2012, 67.2015, 67.2018, 67.2021,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, 67.2059, 67.2060, 67.2076, 70.853, 99.845, 143.183, 172.273 and 253.559, to read as follows:

67.642. 1. The general assembly may annually appropriate up to nine million eight hundred thousand 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 70.510, 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

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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 cultural 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. Any major league sports team subject to a lease agreement pursuant to this subsection shall contribute one hundred thousand dollars per year to the "African American Community Trust Fund" which is hereby established. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the African American community trust fund shall not revert to the general revenue fund. Interest accruing to the fund shall be part of the fund. The fund shall be spent in economically disadvantaged areas. Such fund shall be specifically allocated to projects that develop, support, or enhance cultural or sports activities within the minority community. The fund shall be administered by a board of seven members which shall be appointed as follows: one member from each major league sports team subject to a lease pursuant to this subsection; one member from the Jackson county sports complex authority authorized pursuant to sections 64.920 to 64.950, RSMo; one member which shall represent minorities appointed by the county executive of the most populous county in Missouri participating in the Kansas and Missouri metropolitan cultural district; one member which shall represent minorities appointed by the mayor of the most populous city within the Kansas and Missouri metropolitan cultural district; and two members appointed by the community development corporation association pursuant to subsection 3 of section 135.400, RSMo. Members shall serve four year terms. Such funds shall be specifically allocated to projects that develop, support or enhance cultural or sports activities within the minority community. The board shall have the responsibility of determining the eligibility of the applicants for these funds. All or part of the funds may be granted to a specific project.

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.

5. The Jackson county sports complex authority created pursuant to section 64.920 to 64.950, RSMo, shall require all businesses, vendors and contractors to provide information assuring the enforcement of an equal opportunity employment plan and a minority and women business enterprise program that is based on population and availability and contains specific goals for each such business, vendor and contractor, as applicable under state law. The Jackson county sports complex authority shall implement and maintain an equal opportunity employment plan and a minority and women business enterprise program with specific goals, which shall be identified and reported by ethnicity and gender. The Jackson county sports complex authority shall assure the utilization of minority and women owned businesses in all areas of the developmental and operational phases of the sports complex, congruent with the established category of goals in construction, professional services, materials and supplies and other services. The Jackson county sports complex authority shall engage the services of a compliance monitor, either by direct employment or professional service contract to assist in the implementation and enforcement of such goals.

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) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, age, obsolescence, inadequate or outmoded design, 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 menace to the public health, safety, morals or welfare in its present condition and use;

(3) "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;

(4) "City", any city not within a county in the state of Missouri wherein there is located a major league sports facility;

(5) "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;

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

(7) "Conservation area", any improved area within the boundaries of a sports center redevelopment area in which one or more of the structures in the area has an age of thirty-five years or more. 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; age; 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;

(8) "County", any county with a charter form of government and a population of more than one million inhabitants;

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

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

(11) "Economic activity taxes", the total additional revenue in a calendar year 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 resolution of declaration approving the need for establishing a sports center redevelopment authority, 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, and the sales taxes imposed by subsection 5 of section 162.1100, RSMo, commencing on January first of the year in which such approval occurs and continuing while the sports center redevelopment plan remains in effect;

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

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

(14) "Major league", means the league of professional baseball clubs constituting Major League Baseball, as now hereafter constituted or organized, or the league of professional football clubs constituting the National Football League, as

now or hereafter constituted or organized, or the league of professional basketball clubs constituting the National Basketball Association, as now or hereafter constituted or organized, or the league of professional hockey clubs constituting the National Hockey League, as now or hereafter constituted or organized;

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

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

(17) "New state revenues" are defined as:

(a) Thirty-eight and one-half percent of 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, and future sales taxes earmarked by law, over the amount of such taxes generated within such sports center redevelopment area in the first calendar year after the adoption of the resolution establishing a sports center redevelopment authority, including payments in lieu of such taxes, commencing on January first of the year in which such approval occurs and continuing while the sports center redevelopment plan remains in effect; and

(b) Fifty percent of 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 first calendar year after the adoption of the resolution establishing a sports center redevelopment authority, including payments in lieu of such taxes, commencing on January first of the year in which such approval occurs and continuing while the sports center redevelopment plan remains in effect;

(18) "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;

(19) "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 bonds, and which may include payment of interest on any bonds issued hereunder accruing during the estimated period of construction of any sports center redevelopment project for which such bonds 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; and

(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;

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

(21) "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;

(22) "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;

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

(24) "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;

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

(26) "Sports center redevelopment area", an area designated by the city as a blighted area or a conservation area with respect to which a sports center redevelopment plan is to be carried out;

(27) "Sports center redevelopment plan", a plan as it exists from time to time for the elimination, through the construction of a sports center redevelopment project or projects, of those conditions the existence of which qualified the sports center redevelopment area as a blighted area or conservation area;

(28) "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, equip or improve buildings, structures, stadiums, and other facilities.

The term "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;

(29) "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;

(30) "State", the state of Missouri;

(31) "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

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

67.2006. It is hereby found and declared that there exist blighted, deteriorated and deteriorating areas injurious to the public health, safety, morals and welfare of the residents of the state that cannot be dealt with effectively by the ordinary

operations of private enterprise without the aids provided in sections 67.2000 to 67.2060; that the elimination or prevention of blight and the detrimental conditions in such areas, the acquisition and preparation of land in or necessary to the development, renewal or rehabilitation of such areas and its sale or lease for development, renewal or rehabilitation in accordance with general plans and redevelopment plans of communities and any assistance which may be given by any public body in connection therewith are public uses and purposes for which public money may be expended and private property acquired; and that the necessity in the public interest for the provisions thus enacted is hereby declared as a matter of legislative determination; and that deteriorated or deteriorating areas, or portions thereof, may require acquisition and clearance, as provided in this law, since the prevailing condition may make impracticable the reclamation of the area by conservation or rehabilitation. A sports center redevelopment authority, to the greatest extent it determines to be feasible in carrying out sections 67.2000 to 67.2060, shall afford maximum opportunity, consistent with the sound needs of the community as a whole, to the rehabilitation or redevelopment or renewal of areas by private enterprise and will significantly benefit the public by increasing state and local tax revenues through the creation of new jobs, increased sales, increased property tax values and taxes withheld from employees by employers, and by enhancing regional tourism, and creating an environment to stimulate additional private investment in the area where new development will be located.

67.2009. There is hereby created in a city not within a county wherein there is located a major league sports facility, and in each county with a charter form of government with at least one million inhabitants, a joint sports center redevelopment authority for the purposes of establishing and carrying out a sports center redevelopment plan as set forth in sections 67.2000 to 67.2060; provided that such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city and county by resolution or other declaration shall determine at any time hereinafter that there is a need for such an authority to carry out a sports center redevelopment plan.

67.2012. 1. A board of commissioners composed of nine members shall govern the authority created pursuant to this section. All commissioners shall be Missouri residents. 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. No such commissioner shall be a resident of a United States congressional district that includes all or any portion of the county or the city of St. Louis. No more than three such commissioners shall be from any one political party. At least one such commissioner shall be a retired appellate or circuit court judge who did not leave his or her position as a judge as a result of being defeated in an election or as a result of being retired or removed pursuant to the provision of article V, section 24, Missouri Constitution. At least one such commissioner shall have expertise in contract law. One commissioner shall be an elected state wide office holder, and one commissioner shall be an employee of the executive department who shall serve as the governor's personal representative and who shall serve at the pleasure of the governor. No commissioner, or their immediate family, shall receive, directly or indirectly, any gift, gratuity, political contribution, or other thing of value from any person, corporation, association, or firm which has any financial interest in the team or is a party to the lease as specified in subsection 1 of section 67.2054, RSMo, or who owns any interest in real estate within a sports center redevelopment area, or who undertakes to contract for the improvements of buildings and real estate in a sports center redevelopment area or any contractor or subcontractor who makes and receives bids from the awarding authority on projects within such area. The commissioners shall be subject to the provisions of sections 105.450 to 105.496, RSMo, as appointed officials, and shall carry the additional responsibility of being a fiduciary of the state and shall be charged with the duty of protecting the state's interests with regard to the provisions of this act.

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 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 commissioners shall meet and select one of the commissioners as chair of the authority on an annual basis.

4. 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 either in person or via telephonic conference. Meetings of the board of an authority may be held anywhere.

5. 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.

6. No commissioner or employee of the authority shall have or acquire any interest, direct or indirect, in any sports center redevelopment project in any major league team that shall use 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.

7. If any commissioner or employee 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 area, 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.

8. Any violation of subsections 6 and 7 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 provide security therefor; 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;

(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 purchase or redeem its bonds and to cancel all such bonds purchased or redeemed;

(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 hereinafter authorized to provide for the purchase, construction, extension, and improvement of a sports center redevelopment project by a redeveloper pursuant to a redevelopment contract approved by the authority;

(16) 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, and to fix, charge and collect fees and other charges with respect to other facilities within 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 bonds provided that, no contribution of real property by a major league sports franchise to a sports center redevelopment authority for purposes of a sports center redevelopment project shall be allowed as a deduction on such major league franchise's state tax return pursuant to Chapter 143, RSMo; and

(18) To incur development costs and issue bonds.

67.2018. 1. Within a sports center redevelopment area, 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; provided however that the authority shall comply with the provisions of section 71.525, RSMo.

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 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 of an authority and, as the holder of such bonds, 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 or person 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 conditions that qualify the sports center redevelopment area as a blighted area or conservation area, the estimated project costs, the anticipated sources of funds to pay the project costs, the anticipated type and terms of the sources of funds to pay the project costs, the anticipated type and terms of any bonds to be issued to finance the project cost, 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. The sports center redevelopment plan 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 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 and/or redevelopment of both a stadium and mixed-use facilities which may include reasonable parking facilities, and shall include one or more of the following: housing units, office space, commercial and/or retail space, and cultural and/or entertainment attractions.

67.2027. 1. Before the approval of a sports center redevelopment plan 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 sports center redevelopment area. 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. 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 a resolution or declaration 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, 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 a resolution or declaration. After the adoption of a resolution or declaration 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, or affects the general land uses established pursuant to the sports center redevelopment plan 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 at least twice, the first publication to be not more than twenty days and the second publication to be not more than ten days prior to the public hearing, in a newspaper of general circulation in the area of the proposed sports center redevelopment area. 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 area. Such notice shall be mailed not less than ten days prior to 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 general 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 authority may deem appropriate.

4. Not less than twenty days before the date set for the public hearing, the authority 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 authority 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 authority 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.

6. After the authority approves a sports center redevelopment plan, it shall forward a copy of the plan and a copy of the resolution approving the plan to the city. the governing body of the city finds that the sports center redevelopment area on the whole is a blighted area or a conservation area, and that the sports center redevelopment plan is in the best interest of the city and its residents, the governing body shall adopt an ordinance approving the sports center redevelopment plan.

7. Upon approval of a sports center redevelopment plan by the city, the authority shall forward a copy of such plan, along with a certified copy of any approving resolutions, declarations or ordinances, to the speaker of the house of representatives and the president pro tempore of the senate.

67.2030. 1. Bonds 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 bonds 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 bonds. 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 bonds 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 bonds or other redevelopment costs.

3. Such bonds may be issued in one or more series bearing interest at such rate or rates as the issuer shall determine. Such bonds 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 bonds may be sold at public or private sale at such price as shall be determined by the governmental entity responsible for the payment of debt service with respect thereto and shall state that such bonds are special obligations payable solely from the funds specifically pledged therefor in accordance with sections 67.2000 to 67.2060.

4. If any member of the authority whose signature appears on any bonds shall cease to be such member before the delivery of such bonds, such signature shall, nevertheless, be valid and sufficient for all purposes, the same as if such member had remained in office until such delivery.

5. In any suit, action or proceeding involving the validity or enforceability of any bond issued pursuant to this section or the security therefor, any such bond reciting in substance that it has been issued pursuant to this section to aid in financing a sports center redevelopment project shall be conclusively deemed to have been issued for such purpose and such project and the sports center redevelopment plan pursuant to which such project is undertaken shall be conclusively deemed to have been planned, approved and carried out in accordance with the purposes and provisions of this law.

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

7. 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 bonds, or, in the absolute discretion of said authority or other public body, as will tend to make the bonds 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 bonds 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 resolution or declaration approving the need for a sports center redevelopment authority for purposes of providing debt service over not more than thirty years for bonds in support of a sports center redevelopment plan, including project costs. On the date of the issuance of the bonds, 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 city in the event that the cumulative economic activity taxes from the sports center redevelopment area, measured initially ten years following the issuance of the bonds and at five-year intervals thereafter and taking into account any prior payments to the city, are less than the cumulative annual appropriations for the applicable period made by the city for the debt service on the bonds. 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, in the time and manner specified in and 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. The city is authorized to enter into a financing agreement or other contract with the authority or any other public body relating to the issuance of the bonds.

3. Subject to annual appropriation, the state 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 resolution or declaration approving the need for a sports center redevelopment authority for purposes of providing debt service over not more than thirty years for bonds 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 provided that in no year shall the amount appropriated pursuant to sections 67.2000 to 67.2060 for project costs exceed seven million dollars. The state is authorized to enter into a financing agreement or other contract with the authority or any other public body relating to the issuance of the bonds.

4. At the time of issuance of any bonds payable from the state's annual appropriation in accordance with subsection 3 of this section for the purpose of constructing a stadium, and prior to the release of any proceeds of such bonds, all additional funds or financial instruments necessary to complete the construction of such stadium shall be deposited into a construction fund by the city, the county and any lessee, redeveloper or sports franchise leasing such stadium.

5. The state auditor shall conduct an annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney general.

6. The state auditor shall certify on an annual basis the amount of new state revenues and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification.

7. In no event shall an appropriation be made pursuant to the provisions of subsection 3 of this section unless a lease has been entered into which complies with the provisions of subsection 2 of section 67.2054.

8. Beginning in July of the eighth calendar year after adoption of the resolution or declaration approving the need for a sports center redevelopment authority, in the event a deficiency exists for any year in which the state has provided an annual appropriation for purposes of providing debt service pursuant to this subsection, the auditor shall notify the commissioner of administration and the team and any deficiency resulting in insufficient appropriations for purposes of providing debt service pursuant to this subsection shall be paid by the team to the state for

reimbursement of the deficit. No provision of this section shall be deemed to relieve the state of any obligations arising due to the issuance of bonds pursuant to sections 67.2000 to 67.2060.

67.2036. 1. At least once a year, the authority shall file with the city, 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, not less than once every three years, 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 and the remediation of the conditions the existence of which qualified the sports center redevelopment area as a blighted area or conservation area. 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, project costs and all bonds to finance 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 bonds, and the distribution of any excess moneys, the city 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 approval 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 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 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 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, or any charter provision to the contrary, 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;

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

(4) The awarding authority and its agents shall not discriminate against bidders, offerors, contractors or subcontractors based upon their becoming or refusing to become signatories to agreements with one or more labor organizations.

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 of the state 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, parking and similar facilities included in a sports center redevelopment plan;

(3) "Public participant", 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 public participants, shall distribute at least one hundred thousand complimentary tickets per year to Missouri youth and other Missouri 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, however no moneys from the sale of naming rights shall be used, directly or indirectly, for such operations or maintenance expenses, during the term 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 public participants a portion of the profits upon the transfer of the owner's ownership interest in the team by any method at any time during the thirty year period of the state's participation pursuant to section 67.2033, and the state's share of which shall be a minimum of twelve percent of any profit on a transfer. Said percentage shall apply to a transfer to a third party by an individual owner proportionate to that owner's share of the ownership. A third party, for the purposes of this subsection, is a person other than the current ownership. The attorney general shall review the agreement between the participants and shall review the terms of any transfer to insure compliance with this section; 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 resolution or declaration approving the need for a sports center redevelopment authority is adopted less the amounts of any ad valorem property taxes and payments in lieu of such taxes paid in each 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 public participants.

4. The team shall provide to the public participants 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 at a

minimum the following:

(1) Approximately one-half of the real property within the sports center redevelopment area which is not used for the stadium and is allocated for mixed-use facilities shall be developed and substantially completed by April 1, 2011. In the event such facilities are not substantially completed by April 1, 2011, the team shall pay aggregate penalties in an amount of one hundred million dollars which penalties shall be payable with at least thirty-five million dollars payable on April 1, 2011, and the balance payable over the anticipated term of any obligations and in the manner and on the terms and within such times as are prescribed in the sports center redevelopment plan; and

(2) The remaining real property within the sports center redevelopment area which is not used for the stadium and is allocated for mixed-use facilities shall be developed and substantially completed by April 1, 2014. In the event such facilities are not substantially completed by April 1, 2014, the team shall transfer, convey or cause the conveyance to the public participants good and marketable title to the real property within the sports center redevelopment area which is not used for the stadium and is allocated for mixed-use facilities.

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, subject to section 67.2048. The team 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 bonds payable from an appropriation by the public participants 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 which shall not be unreasonably withheld.

8. Any stadium constructed with the proceeds of bonds for which the state is providing an annual appropriation pursuant to subsection 3 of section 67.2033 shall contain a luxury suite which is available to the public through a lottery or other fan selection process, as designated by the authority in the stadium lease, which ensures that the public at large has access to such suite for all home games played at the stadium. No rent, fees or charges of any kind shall apply to the use of such suite.

9. The team shall bear all of the liability for, and shall indemnify the state and the authority for all liability arising out of, the occupation and operation of the stadium and mixed-use facilities, and nothing in this act shall be construed to, and no

provision of any agreement implement or entered into under authority of this act shall purport to, give the team any immunity or protection from such liability that the team would not otherwise possess had those facilities been entirely owned by private parties and funded with private dollars.

10. Notwithstanding any other provision of law to the contrary, the naming rights of the stadiums shall be the sole and total property of the authority. The team and the ownership of said team have no interest in said naming rights. All proceeds received from the naming of said stadium shall be deposited in the state naming rights fund or paid to the state of Missouri as general revenue. On the date of the issuance of the bonds, the maximum amount of revenue received from naming rights for the stadium, subject to the limitations of the internal revenue code for tax exempt financing shall be deposited in the state naming rights fund. Any grant above that amount shall be paid to the state of Missouri. Available amounts through 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 five years following the issuance of the bonds and at five-year intervals thereafter 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 bonds. Any amounts above the maximum amount allowable to reimburse the state, subject to the limitations of the internal revenue codes for tax exempt financing, and to the reimbursement of the state for any deficiency in the new state revenues are excess amounts in the state naming rights fund, as determined by the state, and shall be transferred to the school building revolving fund pursuant to section 166.300, RSMo. 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 by the team in the amount required by the state to the extent of any additional revenues from naming rights, subject to the limitations of the internal revenue codes for the tax exempt financing.

11. In the event of a strike or a lockout, the team shall reimburse the state for any deficiency in the amount of revenue necessary to meet the requirements of any bond obligation of the state arising pursuant to section 67.2033, RSMo, in proportion to the portion of the year during which the strike was in effect.

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.

67.2059. The attorney general shall assist the governor, the office of

administration, and the authority in drafting, and shall be responsible to review and approve the terms of all agreements of any kind implemented or entered into pursuant to sections 67.2000 to 67.2060 for the purpose of ensuring that such agreements are in compliance with the requirements of sections 67.2000 to 67.2060.

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.

67.2076. 1. The first three million dollars of the state's portion of all sales tax revenue collected pursuant to sections 144.010 to 144.525, RSMo, excluding sales taxes that are constitutionally dedicated, including those taxes collected pursuant to article IV of the Missouri Constitution, sections 43(a), 43(b), 43(c), 47(a), 47(b), and 47(c), taxes deposited into the school district trust fund in accordance with section 144.701, RSMo, taxes dedicated to the state highway department fund in accordance with section 144.440, RSMo, and future similar sales taxes when earmarked by law, when generated by sales inside, on the grounds of, or for tickets to any event in any multipurpose facility located in and owned by any constitutional charter city not within a county for so long as said multipurpose facility is owned by said constitutional charter city not within a county, and is not owned, leased or operated by a regional convention and sports complex authority established pursuant to sections 67.650 to 67.658, RSMo, shall, subject to appropriation, be placed in a specially designated account established by the collector of revenue of said constitutional charter city not within a county, known as the "Specially Designated Multipurpose Facility Account" which is hereby created. Notwithstanding the provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the specially designated multipurpose facility account shall not revert to the general revenue fund. Interest accruing to the specially designated multipurpose facility account shall be part of the fund. The specially designated multipurpose facility account shall be used for the sole purpose of maintenance and refurbishment of such facility or indebtedness or other obligations incurred for maintenance and refurbishment.

2. Provided, however, in any fiscal year in which less than twenty national basketball association games are played at said facility, one million dollars of the money deposited in said specially designated multipurpose facility account shall be deposited in the "Facility Development Reserve Account", which is hereby created. Notwithstanding the provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the facility development reserve account shall not revert to the general revenue fund. Interest accruing to the facility development reserve account shall be part of the account. The money in the facility development reserve account shall be distributed pursuant to the terms of this section solely in connection

with an economically viable project involving the repair, maintenance or refurbishment of an adjoining facility which contains at least three thousand five hundred seats, including the repayment of any indebtedness or other obligations incurred for the repair, maintenance and refurbishment of such adjoining facility.

3. If no funds are expended for such repair, maintenance or refurbishment pursuant to subsection 2 of this section by June 30, 2015, then all funds in the facility development reserve account and all earnings thereon shall be paid to the treasurer of the state and no further amounts shall be deposited in the facility development reserve account.

4. If a national basketball association franchise tenant is contractually obligated to play at least twenty games per year in said multipurpose facility on or before June 30, 2015:

(1) One-half of the state sales taxes in addition to the three million dollar limit as set forth in subsection 1 of this section shall be placed in such account;

(2) The provisions of subsection 2 of this section shall terminate, no further funds shall be deposited in the facility development reserve account and any amounts then on deposit in said facility development reserve account shall be transferred to the specially designated multipurpose facility account established by the director of revenue; and

(3) The provisions of subsection 3 of this section shall not apply.

5. The state auditor shall conduct an annual audit of all accounts and transactions of the specially designated multipurpose facility account pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney general.

6. The state auditor shall certify on an annual basis the amount of new state revenues and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification.

7. The provisions of this section shall become effective July 1, 2005.

70.853. 1. The new net public fiscal benefit arising from a qualifying project shall be the net additional tax and other revenues accruing to the state and the participating counties and cities, respectively, as a direct or indirect result of the new economic activity generated by the planning, construction, operation and use after January 1, 1989, of such qualifying project and any expansion after January 1, 1989, of a related facility owned or operated by any political subdivision, public agency, public body or other public entity, or any combination thereof, which facility shall be or is being operated jointly with the project. The taxes and other revenues to be

included in determining the new net public fiscal benefit shall be net of any revenue caused to be lost or shifted by the project and shall include, but not be limited to, taxes paid by and other revenues derived from employees, independent contractors and other persons and companies engaging or participating in or related to the planning, engineering, construction, ownership, use, leasing and operation of such projects and related facilities, sales taxes attributable to construction of such projects and to ticket, concession and other sales at, or related to, such projects and related facilities, hotel, motel, restaurant and similar taxes as a result of attendance at events at such projects and related facilities or otherwise, and revenue from any indirect increase in economic activity and employment as a result of the construction, ownership, use, leasing and operation of such projects and related facilities.

2. The final determination of the new net public fiscal benefit for each fiscal year of the state and each participating county and city shall be made by the office of administration, with the assistance, if required, of an independent consultant at the cost of the qualifying project, at the close of each such fiscal year, and shall be based on the new net public fiscal benefit accruing to each of the state and participating counties and cities in such fiscal year of each of them. Such determination shall be made for each of the state and participating counties and cities at the close of the fiscal year in which the planning of the project is commenced and at the close of each such fiscal year thereafter as provided in any contract, agreement, lease or sublease referred to in section 70.851. Any such determination of the new net public fiscal benefit made in accordance with such contract, agreement, lease or sublease and law shall be binding on the parties thereto.

3. The determination of such new net public fiscal benefit shall take into account out-of-state resident use of the projects and related facilities, out-of-state resident spending based on International Association of Convention and Visitors Bureau standards, and direct and indirect fiscal benefit calculated on the economic impact forecast system part of the environmental technical information system of the United States Army Corps of Engineers. Alternatively, this portion, or any other portion of such new net public fiscal benefit, may be determined in accordance with specific procedures and criteria established pursuant to any contract, agreement, lease or sublease referred to in section 70.851 so long as such procedures and criteria take into account the factors described in this section.

4. The state auditor shall conduct an annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties[, as he may deem necessary]. The auditor and his agents conducting an audit shall have access and authority to examine any and all records of the authority and any participating city and county. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, participating cities and counties, the governor, the commissioner, the state treasurer, and the attorney general.

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 aggregate contribution of the state to the exposition center exceed eighteen 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, which shall not exceed a debt financing of more than nine million dollars, 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.

(14) The state auditor shall conduct an annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney

general.

(15) The state auditor shall certify on an annual basis the amount of new state revenues and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification.

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 aggregate contribution of the state 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.

(16) The state auditor shall conduct an annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney general.

(17) The state auditor shall certify on an annual basis the amount of new state revenues and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification.

16. This section shall apply to a municipality's redevelopment plans and projects in redevelopment areas consisting of or containing residential and multifamily properties only upon approval of the tax increment allocation financing proposal by the school board or boards of the school district or districts in which the residential or multifamily properties are located.

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

(1) "Nonresident entertainer", a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) "Nonresident member of a professional athletic team", a member of a professional athletic team residing outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) "Personal service income" includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) "Professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax, an amount equal to two percent of the total compensation paid to the nonresident entertainer.

3. Any person or entity required to deduct and withhold tax pursuant to subsection 2 of this section, shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

4. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but none after December 31, 2008, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, sixty percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred, subject to appropriation, from the general revenue fund to the Missouri arts council trust fund established in section 185.100, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. Notwithstanding other provisions of this section, the Missouri arts council shall not be appropriated more than ten million dollars in any fiscal year. The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.

5. Notwithstanding the provisions of sections 186.050 to 186.067, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities council trust fund, and shall be transferred, subject to appropriation, from the general revenue fund to the Missouri humanities council trust fund established in section 186.055, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

6. Notwithstanding other provisions of section 182.812, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of

professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred, subject to appropriation, from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

7. Notwithstanding other provisions of section 37.200, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred, subject to appropriation, from the general revenue fund to the Missouri public television broadcasting corporation special fund established in section 37.200, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

8. Notwithstanding other provisions of section 253.402, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be

allocated annually to the Missouri department of natural resources Missouri historic preservation revolving fund, and shall be transferred, subject to appropriation, from the general revenue fund to the Missouri department of natural resources Missouri historic preservation revolving fund established in section 253.402, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. As authorized pursuant to subsection 2 of section 30.953, RSMo, it is the intention and desire of the general assembly that the state treasurer convey, to the Missouri investment trust on January 1, 1999, up to one hundred percent of the balances of the Missouri arts council trust fund established pursuant to section 185.100, RSMo, and the Missouri humanities council trust fund established pursuant to section 186.055, RSMo. The funds shall be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council trust fund, on January 2, 2009; and the Missouri humanities council trust fund, on January 2, 2009.

9. In no event shall a nonresident entertainer or nonresident member of a professional athletic team be deemed to be exempt from the provisions of this section as a result of employment by any entity organized pursuant to the laws of this state or doing business in this state.

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 business development and provide business incubator facilities. 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 research activities of the University of Missouri. All appropriations and expenditures made pursuant to this subsection shall be subject to the provisions of executive order 01-10, as such provisions were promulgated by the governor on July 23, 2001, and regardless of whether said executive order is in effect or is later amended.

253.559. 1. To claim the credit authorized pursuant to sections 253.550 to 253.561 of senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and section 253.557 of this act, the taxpayer shall apply to the department of economic development which, in consultation with the department of natural resources, shall determine the amount of eligible rehabilitation costs and expenses and whether the rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. For financial institutions credits authorized pursuant to sections 253.550 to 253.561 shall be deemed to be "economic development credits" for purposes of section 148.064, RSMo. The issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

2. Beginning July 1, 2006, the department of economic development shall issue certificates of eligible tax credits in the order in which the applications for such eligible credits were received. The cumulative amount of certificates of eligible tax credits which may be issued by the department of economic development shall not exceed sixty million dollars in any fiscal year. Credits that have been applied for and

that are determined to be eligible credits after the applicable fiscal year limit has been met shall hold their place and shall be eligible for a certificate in the next fiscal year in which the limit is not yet met.

[2.] **3.** The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.

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