

SECOND REGULAR SESSION

# SENATE BILL NO. 777

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RICHARD.

Read 1st time February 13, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5436S.02I

## AN ACT

To repeal sections 99.805, 99.810, 99.835, 99.845, and 99.865, RSMo, and to enact in lieu thereof five new sections relating to tax increment financing for redevelopment of disaster areas, with an emergency clause.

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

Section A. Sections 99.805, 99.810, 99.835, 99.845, and 99.865, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections  
3 99.805, 99.810, 99.835, 99.845, and 99.865, to read as follows:

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

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

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

13 (3) "Conservation area", any improved area within the boundaries of a  
14 redevelopment area located within the territorial limits of a municipality in which  
15 fifty percent or more of the structures in the area have an age of thirty-five years  
16 or more. Such an area is not yet a blighted area but is detrimental to the public  
17 health, safety, morals, or welfare and may become a blighted area because of any

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

18 one or more of the following factors: dilapidation; obsolescence; deterioration;  
19 illegal use of individual structures; presence of structures below minimum code  
20 standards; abandonment; excessive vacancies; overcrowding of structures and  
21 community facilities; lack of ventilation, light or sanitary facilities; inadequate  
22 utilities; excessive land coverage; deleterious land use or layout; depreciation of  
23 physical maintenance; and lack of community planning. A conservation area  
24 shall meet at least three of the factors provided in this subdivision for projects  
25 approved on or after December 23, 1997;

26 (4) **"Disaster area", a blighted area located within a municipality**  
27 **for which public and individual assistance has been requested by the**  
28 **President under Section 401 of the Robert T. Stafford Disaster Relief**  
29 **and Emergency Assistance Act, 42 U.S.C. Section 5121, et seq., provided**  
30 **that the municipality adopts an ordinance approving the**  
31 **redevelopment project within two years after the President declares**  
32 **such disaster;**

33 (5) "Economic activity taxes", the total additional revenue from taxes  
34 which are imposed by a municipality and other taxing districts, and which are  
35 generated by economic activities within a redevelopment area over the amount  
36 of such taxes generated by economic activities within such redevelopment area  
37 in the calendar year prior to the adoption of the ordinance designating such a  
38 redevelopment area, while tax increment financing remains in effect, but  
39 excluding personal property taxes, taxes imposed on sales or charges for sleeping  
40 rooms paid by transient guests of hotels and motels, licenses, fees or special  
41 assessments. For redevelopment projects or redevelopment plans approved after  
42 December 23, 1997, if a retail establishment relocates within one year from one  
43 facility to another facility within the same county and the governing body of the  
44 municipality finds that the relocation is a direct beneficiary of tax increment  
45 financing, then for purposes of this definition, the economic activity taxes  
46 generated by the retail establishment shall equal the total additional revenues  
47 from economic activity taxes which are imposed by a municipality or other taxing  
48 district over the amount of economic activity taxes generated by the retail  
49 establishment in the calendar year prior to its relocation to the redevelopment  
50 area;

51 [(5)] (6) "Economic development area", any area or portion of an area  
52 located within the territorial limits of a municipality, which does not meet the  
53 requirements of subdivisions (1) and (3) of this section, and in which the

54 governing body of the municipality finds that redevelopment will not be solely  
55 used for development of commercial businesses which unfairly compete in the  
56 local economy and is in the public interest because it will:

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

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

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

62 [(6)] (7) "Gambling establishment", an excursion gambling boat as  
63 defined in section 313.800 and any related business facility including any real  
64 property improvements which are directly and solely related to such business  
65 facility, whose sole purpose is to provide goods or services to an excursion  
66 gambling boat and whose majority ownership interest is held by a person licensed  
67 to conduct gambling games on an excursion gambling boat or licensed to operate  
68 an excursion gambling boat as provided in sections 313.800 to 313.850. This  
69 subdivision shall be applicable only to a redevelopment area designated by  
70 ordinance adopted after December 23, 1997;

71 [(7)] (8) "Greenfield area", any vacant, unimproved, or agricultural  
72 property that is located wholly outside the incorporated limits of a city, town, or  
73 village, or that is substantially surrounded by contiguous properties with  
74 agricultural zoning classifications or uses unless said property was annexed into  
75 the incorporated limits of a city, town, or village ten years prior to the adoption  
76 of the ordinance approving the redevelopment plan for such greenfield area;

77 [(8)] (9) "Municipality", a city, village, or incorporated town or any  
78 county of this state. For redevelopment areas or projects approved on or after  
79 December 23, 1997, "municipality" applies only to cities, villages, incorporated  
80 towns or counties established for at least one year prior to such date;

81 [(9)] (10) "Obligations", bonds, loans, debentures, notes, special  
82 certificates, or other evidences of indebtedness issued by a municipality to carry  
83 out a redevelopment project or to refund outstanding obligations;

84 [(10)] (11) "Ordinance", an ordinance enacted by the governing body of  
85 a city, town, or village or a county or an order of the governing body of a county  
86 whose governing body is not authorized to enact ordinances;

87 [(11)] (12) "Payment in lieu of taxes", those estimated revenues from real  
88 property in the area selected for a redevelopment project, which revenues  
89 according to the redevelopment project or plan are to be used for a private use,

90 which taxing districts would have received had a municipality not adopted tax  
91 increment allocation financing, and which would result from levies made after the  
92 time of the adoption of tax increment allocation financing during the time the  
93 current equalized value of real property in the area selected for the  
94 redevelopment project exceeds the total initial equalized value of real property  
95 in such area until the designation is terminated pursuant to subsection 2 of  
96 section 99.850;

97       [(12)] **(13)** "Redevelopment area", an area designated by a municipality,  
98 in respect to which the municipality has made a finding that there exist  
99 conditions which cause the area to be classified as a blighted area, a conservation  
100 area, an economic development area, an enterprise zone pursuant to sections  
101 135.200 to 135.256, or a combination thereof, which area includes only those  
102 parcels of real property directly and substantially benefitted by the proposed  
103 redevelopment project;

104       [(13)] **(14)** "Redevelopment plan", the comprehensive program of a  
105 municipality for redevelopment intended by the payment of redevelopment costs  
106 to reduce or eliminate those conditions, the existence of which qualified the  
107 redevelopment area as a blighted area, conservation area, economic development  
108 area, or combination thereof, and to thereby enhance the tax bases of the taxing  
109 districts which extend into the redevelopment area. Each redevelopment plan  
110 shall conform to the requirements of section 99.810;

111       [(14)] **(15)** "Redevelopment project", any development project within a  
112 redevelopment area in furtherance of the objectives of the redevelopment plan;  
113 any such redevelopment project shall include a legal description of the area  
114 selected for the redevelopment project;

115       [(15)] **(16)** "Redevelopment project costs" include the sum total of all  
116 reasonable or necessary costs incurred or estimated to be incurred, and any such  
117 costs incidental to a redevelopment plan or redevelopment project, as  
118 applicable. Such costs include, but are not limited to, the following:

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

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

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

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

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

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

133 (g) Financing costs, including, but not limited to, all necessary and  
134 incidental expenses related to the issuance of obligations, and which may include  
135 payment of interest on any obligations issued pursuant to sections 99.800 to  
136 99.865 accruing during the estimated period of construction of any redevelopment  
137 project for which such obligations are issued and for not more than eighteen  
138 months thereafter, and including reasonable reserves related thereto;

139 (h) All or a portion of a taxing district's capital costs **and, in the case**  
140 **of a redevelopment area that contains a disaster area, all or a portion**  
141 **of a taxing district's operating costs and its debt service costs** resulting  
142 from the redevelopment project necessarily incurred or to be incurred in  
143 furtherance of the objectives of the redevelopment plan and project, to the extent  
144 the municipality by written agreement accepts and approves such costs;

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

147 (j) Payments in lieu of taxes;

148 [(16)] (17) "Special allocation fund", the fund of a municipality or its  
149 commission which contains at least two separate segregated accounts for each  
150 redevelopment plan, maintained by the treasurer of the municipality or the  
151 treasurer of the commission into which payments in lieu of taxes are deposited  
152 in one account, and economic activity taxes and other revenues are deposited in  
153 the other account;

154 [(17)] (18) "Taxing districts", any political subdivision of this state  
155 having the power to levy taxes;

156 [(18)] (19) "Taxing districts' capital costs", those costs of taxing districts  
157 for capital improvements that are found by the municipal governing bodies to be  
158 necessary and to directly result from the redevelopment project; and

159 [(19)] (20) "Vacant land", any parcel or combination of parcels of real  
160 property not used for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general

2 description of the program to be undertaken to accomplish the objectives and  
3 shall include, but need not be limited to, the estimated redevelopment project  
4 costs, the anticipated sources of funds to pay the costs, evidence of the  
5 commitments to finance the project costs, the anticipated type and term of the  
6 sources of funds to pay costs, the anticipated type and terms of the obligations to  
7 be issued, the most recent equalized assessed valuation of the property within the  
8 redevelopment area which is to be subjected to payments in lieu of taxes and  
9 economic activity taxes pursuant to section 99.845, an estimate as to the  
10 equalized assessed valuation after redevelopment, and the general land uses to  
11 apply in the redevelopment area. No redevelopment plan shall be adopted by a  
12 municipality without findings that:

13 (1) The redevelopment area on the whole is:

14 (a) A blighted area, a conservation area, or an economic development  
15 area, and has not been subject to growth and development through investment  
16 by private enterprise and would not reasonably be anticipated to be developed  
17 without the adoption of tax increment financing. Such a finding shall include,  
18 but not be limited to, a detailed description of the factors that qualify the  
19 redevelopment area or project pursuant to this subdivision and an affidavit,  
20 signed by the developer or developers and submitted with the redevelopment  
21 plan, attesting that the provisions of this subdivision have been met; **or**

22 (b) **A blighted area in which a majority of the property is located**  
23 **within a disaster area;**

24 (2) The redevelopment plan conforms to the comprehensive plan for the  
25 development of the municipality as a whole;

26 (3) The estimated dates, which shall not be more than twenty-three years  
27 from the adoption of the ordinance approving a redevelopment project within a  
28 redevelopment area, of completion of any redevelopment project and retirement  
29 of obligations incurred to finance redevelopment project costs have been stated,  
30 provided that no ordinance approving a redevelopment project shall be adopted  
31 later than ten years from the adoption of the ordinance approving the  
32 redevelopment plan under which such project is authorized and provided that no  
33 property for a redevelopment project shall be acquired by eminent domain later  
34 than five years from the adoption of the ordinance approving such redevelopment  
35 project;

36 (4) A plan has been developed for relocation assistance for businesses and  
37 residences;

38 (5) A cost-benefit analysis showing the economic impact of the plan on  
39 each taxing district which is at least partially within the boundaries of the  
40 redevelopment area. The analysis shall show the impact on the economy if the  
41 project is not built, and is built pursuant to the redevelopment plan under  
42 consideration. The cost-benefit analysis shall include a fiscal impact study on  
43 every affected political subdivision, and sufficient information from the developer  
44 for the commission established in section 99.820 to evaluate whether the project  
45 as proposed is financially feasible, **provided that, in the case of a**  
46 **redevelopment area that contains a disaster area, such information**  
47 **regarding financial feasibility may be provided by and attested to by**  
48 **the governing body of the municipality;**

49 (6) A finding that the plan does not include the initial development or  
50 redevelopment of any gambling establishment, provided however, that this  
51 subdivision shall be applicable only to a redevelopment plan adopted for a  
52 redevelopment area designated by ordinance after December 23, 1997.

53 2. By the last day of February each year, each commission shall report to  
54 the director of economic development the name, address, phone number and  
55 primary line of business of any business which relocates to the district. The  
56 director of the department of economic development shall compile and report the  
57 same to the governor, the speaker of the house and the president pro tempore of  
58 the senate on the last day of April each year.

99.835. 1. Obligations secured by the special allocation fund set forth in  
2 sections 99.845 and 99.850 for the redevelopment area or redevelopment project  
3 may be issued by the municipality pursuant to section 99.820 or by the tax  
4 increment financing commission to provide for redevelopment costs. Such  
5 obligations, when so issued, shall be retired in the manner provided in the  
6 ordinance or resolution authorizing the issuance of such obligations by the  
7 receipts of payments in lieu of taxes as specified in section 99.855 and, subject to  
8 annual appropriation, other tax revenue as specified in section 99.845. A  
9 municipality may, in the ordinance or resolution, pledge all or any part of the  
10 funds in and to be deposited in the special allocation fund created pursuant to  
11 sections 99.845 and 99.850 to the payment of the redevelopment costs and  
12 obligations. Any pledge of funds in the special allocation fund may provide for  
13 distribution to the taxing districts of moneys not required for payment of  
14 redevelopment costs or obligations and such excess funds shall be deemed to be  
15 surplus funds, except that any moneys allocated to the special allocation fund as

16 provided in subsection 4 **or 15** of section 99.845, and which are not required for  
17 payment of redevelopment costs and obligations, shall not be distributed to the  
18 taxing districts but shall be returned to the department of economic development  
19 for credit to the general revenue fund. In the event a municipality only pledges  
20 a portion of the funds in the special allocation fund for the payment of  
21 redevelopment costs or obligations, any such funds remaining in the special  
22 allocation fund after complying with the requirements of the pledge, including the  
23 retention of funds for the payment of future redevelopment costs, if so required,  
24 shall also be deemed surplus funds. All surplus funds shall be distributed  
25 annually to the taxing districts in the redevelopment area by being paid by the  
26 municipal treasurer to the county collector who shall immediately thereafter  
27 make distribution as provided in subdivision (12) of section 99.820.

28         2. Without limiting the provisions of subsection 1 of this section, the  
29 municipality may, in addition to obligations secured by the special allocation  
30 fund, pledge any part or any combination of net new revenues of any  
31 redevelopment project, or a mortgage on part or all of the redevelopment project  
32 to secure its obligations or other redevelopment costs.

33         3. Obligations issued pursuant to sections 99.800 to 99.865 may be issued  
34 in one or more series bearing interest at such rate or rates as the issuing body of  
35 the municipality shall determine by ordinance or resolution. Such obligations  
36 shall bear such date or dates, mature at such time or times not exceeding  
37 twenty-three years from their respective dates, when secured by the special  
38 allocation fund, be in such denomination, carry such registration privileges, be  
39 executed in such manner, be payable in such medium of payment at such place  
40 or places, contain such covenants, terms and conditions, and be subject to  
41 redemption as such ordinance or resolution shall provide. Obligations issued  
42 pursuant to sections 99.800 to 99.865 may be sold at public or private sale at such  
43 price as shall be determined by the issuing body and shall state that obligations  
44 issued pursuant to sections 99.800 to 99.865 are special obligations payable solely  
45 from the special allocation fund or other funds specifically pledged. No  
46 referendum approval of the electors shall be required as a condition to the  
47 issuance of obligations pursuant to sections 99.800 to 99.865.

48         4. The ordinance authorizing the issuance of obligations may provide that  
49 the obligations shall contain a recital that they are issued pursuant to sections  
50 99.800 to 99.865, which recital shall be conclusive evidence of their validity and  
51 of the regularity of their issuance.

52           5. Neither the municipality, its duly authorized commission, the  
53 commissioners or the officers of a municipality nor any person executing any  
54 obligation shall be personally liable for such obligation by reason of the issuance  
55 thereof. The obligations issued pursuant to sections 99.800 to 99.865 shall not  
56 be a general obligation of the municipality, county, state of Missouri, or any  
57 political subdivision thereof, nor in any event shall such obligation be payable out  
58 of any funds or properties other than those specifically pledged as security  
59 therefor. The obligations shall not constitute indebtedness within the meaning  
60 of any constitutional, statutory or charter debt limitation or restriction.

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

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

22           (2) (a) Payments in lieu of taxes attributable to the increase in the  
23 current equalized assessed valuation of each taxable lot, block, tract, or parcel of  
24 real property in the area selected for the redevelopment project and any  
25 applicable penalty and interest over and above the initial equalized assessed  
26 value of each such unit of property in the area selected for the redevelopment  
27 project shall be allocated to and, when collected, shall be paid to the municipal

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

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

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

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

64 the governing body of the municipality taken after August 13, 1982, and before  
65 January 1, 1998.

66         2. In addition to the payments in lieu of taxes described in subdivision (2)  
67 of subsection 1 of this section, for redevelopment plans and projects adopted or  
68 redevelopment projects approved by ordinance after July 12, 1990, and prior to  
69 August 31, 1991, fifty percent of the total additional revenue from taxes, penalties  
70 and interest imposed by the municipality, or other taxing districts, which are  
71 generated by economic activities within the area of the redevelopment project over  
72 the amount of such taxes generated by economic activities within the area of the  
73 redevelopment project in the calendar year prior to the adoption of the  
74 redevelopment project by ordinance, while tax increment financing remains in  
75 effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by  
76 transient guests of hotels and motels, taxes levied pursuant to section 70.500,  
77 licenses, fees or special assessments other than payments in lieu of taxes and any  
78 penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant  
79 to section 94.660, for the purpose of public transportation, shall be allocated to,  
80 and paid by the local political subdivision collecting officer to the treasurer or  
81 other designated financial officer of the municipality, who shall deposit such  
82 funds in a separate segregated account within the special allocation fund. Any  
83 provision of an agreement, contract or covenant entered into prior to July 12,  
84 1990, between a municipality and any other political subdivision which provides  
85 for an appropriation of other municipal revenues to the special allocation fund  
86 shall be and remain enforceable.

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

100 payments in lieu of taxes and penalties and interest thereon, or any sales tax  
101 imposed by a county with a charter form of government and with more than six  
102 hundred thousand but fewer than seven hundred thousand inhabitants, for the  
103 purpose of sports stadium improvement, shall be allocated to, and paid by the  
104 local political subdivision collecting officer to the treasurer or other designated  
105 financial officer of the municipality, who shall deposit such funds in a separate  
106 segregated account within the special allocation fund.

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

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

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

136 be separate from the account into which payments in lieu of taxes are deposited,  
137 and separate from the account into which economic activity taxes are deposited.

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

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

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

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

167         9. Subsection 4 of this section shall apply only to blighted areas located  
168 in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas  
169 located in federal empowerment zones, or to blighted areas located in central  
170 business districts or urban core areas of cities which districts or urban core areas  
171 at the time of approval of the project by ordinance, provided that the enterprise

172 zones, federal empowerment zones or blighted areas contained one or more  
173 buildings at least fifty years old; and

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

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

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

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

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

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

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

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

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

207 (f) The cost-benefit analysis required by section 99.810 includes a study

208 of the fiscal impact on the state of Missouri; and

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

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

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

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

218 (k) The estimated development project costs;

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

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

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

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

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

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

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

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

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

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

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

240 (w) The number of new jobs to be created by any business benefitting from  
241 public expenditures in the development area, broken down by full-time, part-time,  
242 and temporary positions;

243 (x) The average hourly wage to be paid to all current and new employees

244 at the project site, broken down by full-time, part-time, and temporary positions;  
245 (y) For project sites located in a metropolitan statistical area, as defined  
246 by the federal Office of Management and Budget, the average hourly wage paid  
247 to nonmanagerial employees in this state for the industries involved at the  
248 project, as established by the United States Bureau of Labor Statistics;  
249 (z) For project sites located outside of metropolitan statistical areas, the  
250 average weekly wage paid to nonmanagerial employees in the county for  
251 industries involved at the project, as established by the United States  
252 Department of Commerce;  
253 (aa) A list of other community and economic benefits to result from the  
254 project;  
255 (bb) A list of all development subsidies that any business benefitting from  
256 public expenditures in the development area has previously received for the  
257 project, and the name of any other granting body from which such subsidies are  
258 sought;  
259 (cc) A list of all other public investments made or to be made by this state  
260 or units of local government to support infrastructure or other needs generated  
261 by the project for which the funding pursuant to this section is being sought;  
262 (dd) A statement as to whether the development project may reduce  
263 employment at any other site, within or without the state, resulting from  
264 automation, merger, acquisition, corporate restructuring, relocation, or other  
265 business activity;  
266 (ee) A statement as to whether or not the project involves the relocation  
267 of work from another address and if so, the number of jobs to be relocated and the  
268 address from which they are to be relocated;  
269 (ff) A list of competing businesses in the county containing the  
270 development area and in each contiguous county;  
271 (gg) A market study for the development area;  
272 (hh) A certification by the chief officer of the applicant as to the accuracy  
273 of the development plan;  
274 (2) The methodologies used in the application for determining the base  
275 year and determining the estimate of the incremental increase in the general  
276 revenue portion of the state sales tax revenues or the state income tax withheld  
277 by employers on behalf of new employees who fill new jobs created in the  
278 redevelopment area shall be approved by the director of the department of  
279 economic development or his or her designee and the commissioner of the office

280 of administration or his or her designee. Upon approval of the application, the  
281 director of the department of economic development or his or her designee and  
282 the commissioner of the office of administration or his or her designee shall issue  
283 a certificate of approval. The department of economic development may request  
284 the appropriation following application approval;

285 (3) The appropriation shall be either a portion of the estimate of the  
286 incremental increase in the general revenue portion of state sales tax revenues  
287 in the redevelopment area or a portion of the estimate of the state income tax  
288 withheld by the employer on behalf of new employees who fill new jobs created  
289 in the redevelopment area as indicated in the municipality's application,  
290 approved by the director of the department of economic development or his or her  
291 designee and the commissioner of the office of administration or his or her  
292 designee. At no time shall the annual amount of the new state revenues  
293 approved for disbursements from the Missouri supplemental tax increment  
294 financing fund exceed thirty-two million dollars;

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

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

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

316 sources. Moneys in the Missouri supplemental tax increment financing fund shall  
317 be disbursed per project pursuant to state appropriations.

318 13. Redevelopment project costs may include, at the prerogative of the  
319 state, the portion of salaries and expenses of the department of economic  
320 development and the department of revenue reasonably allocable to each  
321 redevelopment project approved for disbursements from the Missouri  
322 supplemental tax increment financing fund for the ongoing administrative  
323 functions associated with such redevelopment project. Such amounts shall be  
324 recovered from new state revenues deposited into the Missouri supplemental tax  
325 increment financing fund created under this section.

326 14. For redevelopment plans or projects approved by ordinance that result  
327 in net new jobs from the relocation of a national headquarters from another state  
328 to the area of the redevelopment project, the economic activity taxes and new  
329 state tax revenues shall not be based on a calculation of the incremental increase  
330 in taxes as compared to the base year or prior calendar year for such  
331 redevelopment project, rather the incremental increase shall be the amount of  
332 total taxes generated from the net new jobs brought in by the national  
333 headquarters from another state. In no event shall this subsection be construed  
334 to allow a redevelopment project to receive an appropriation in excess of up to  
335 fifty percent of the new state revenues.

336 **15. Beginning August 28, 2012, for redevelopment plans and**  
337 **projects adopted or redevelopment projects approved by ordinance and**  
338 **which have complied with subsections 15 to 23 of this section, in**  
339 **addition to the payments in lieu of taxes and economic activity taxes**  
340 **described in subsections 1, 2, and 3 of this section, the following**  
341 **revenues may be available for appropriation by the general assembly**  
342 **as provided in subsection 21 of this section to the Missouri**  
343 **supplemental disaster recovery fund, from the general revenue fund,**  
344 **for distribution to the treasurer or other designated financial officer**  
345 **of the municipality with approved plans or projects:**

346 (1) **Up to fifty percent of the state disaster recovery revenues, as**  
347 **defined in subsection 19 of this section, estimated for the businesses**  
348 **within the project area and identified by the municipality in the**  
349 **application required by subsection 21 of this section, over and above**  
350 **the amount of such taxes reported by businesses within the project**  
351 **area as identified by the municipality in their application prior to the**

352 approval of the redevelopment project by ordinance, while tax  
353 increment financing remains in effect; and

354 (2) Any additional state revenues in excess of the amount in  
355 subdivision (1) of this subsection, to the extent requested by the  
356 department of economic development in accordance with subsection 23  
357 of this section.

358 16. The treasurer or other designated financial officer of the  
359 municipality with approved plans or projects shall deposit such funds  
360 in a separate segregated account within the special allocation fund  
361 established under section 99.805.

362 17. No transfer from the general revenue fund to the Missouri  
363 supplemental disaster recovery fund shall be made unless an  
364 appropriation is made from the general revenue fund for that purpose.  
365 No municipality shall commit any state revenues prior to an  
366 appropriation being made for that project. For all redevelopment plans  
367 or projects adopted or approved after August 28, 2012, appropriations  
368 from the state disaster recovery revenues and any additional state  
369 revenues shall not be distributed from the Missouri supplemental  
370 disaster recovery fund into the special allocation fund unless the  
371 municipality's redevelopment plan ensures that one hundred percent  
372 of payments in lieu of taxes and fifty percent of economic activity taxes  
373 generated by the project shall be used for eligible redevelopment  
374 project costs while tax increment financing remains in effect. This  
375 account shall be separate from the account into which payments in lieu  
376 of taxes are deposited, and separate from the account into which  
377 economic activity taxes are deposited.

378 18. In order for the redevelopment plan or project to be eligible  
379 to receive the revenues described in subsection 15 of this section, the  
380 municipality shall comply with the requirements of subsection 21 of  
381 this section prior to the time the project or plan is adopted or approved  
382 by ordinance. The director of the department of economic development  
383 and the commissioner of the office of administration may waive the  
384 requirement that the municipality's application be submitted prior to  
385 the redevelopment plan's or project's adoption or the redevelopment  
386 plan's or project's approval by ordinance.

387 19. For purposes of this section, "state disaster recovery  
388 revenues" means:

389           (1) The incremental increase in the general revenue portion of  
390 state sales tax revenues received under section 144.020, excluding sales  
391 taxes that are constitutionally dedicated, taxes deposited to the school  
392 district trust fund in accordance with section 144.701, sales and use  
393 taxes on motor vehicles, trailers, boats and outboard motors and future  
394 sales taxes earmarked by law; and

395           (2) The incremental increase in state income tax withheld on  
396 behalf of employees by the employer under section 143.221 at  
397 businesses located within the project area as identified by the  
398 municipality.

399           20. Subsection 15 of this section shall apply only to  
400 redevelopment areas in which a majority of the property is located  
401 within disaster areas.

402           21. The initial appropriation of state disaster recovery revenues  
403 and any additional state revenues authorized under subsections 15 and  
404 16 of this section shall not be made to or distributed by the department  
405 of economic development to a municipality until all of the following  
406 conditions have been satisfied:

407           (1) The director of the department of economic development or  
408 his or her designee and the commissioner of the office of  
409 administration or his or her designee have approved a tax increment  
410 financing application made by the municipality for the appropriation  
411 of the state disaster recovery revenues and any additional state  
412 revenues. The municipality shall include in the application the  
413 following items in addition to the items in section 99.810:

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

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

420           (c) The estimate of the incremental increase in the general  
421 revenue portion of state sales tax revenue and the estimate for the  
422 incremental increase in the state income tax withheld by employers on  
423 behalf of employees filling jobs created within the redevelopment area  
424 after redevelopment;

425           (d) The estimate of additional state revenues being requested in

426 excess of the amount of state disaster recovery revenues in one or more  
427 fiscal years in accordance with subsection 23 of this section;

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

430 (f) The name, street and mailing address, and phone number of  
431 the mayor or chief executive officer of the municipality;

432 (g) The three-digit North American Industry Classification  
433 System number or numbers characterizing the redevelopment project;

434 (h) The estimated redevelopment project costs;

435 (i) The anticipated sources of funds to pay such redevelopment  
436 project costs;

437 (j) Evidence of the commitments to finance such redevelopment  
438 project costs;

439 (k) The anticipated type and term of the sources of funds to pay  
440 such redevelopment project costs;

441 (l) The anticipated type and terms of the obligations to be issued;

442 (m) The most recent equalized assessed valuation of the property  
443 within the redevelopment project area;

444 (n) An estimate as to the equalized assessed valuation after the  
445 redevelopment project area is developed in accordance with a  
446 redevelopment plan;

447 (o) The general land uses to apply in the redevelopment area;

448 (p) The total number of individuals employed in the  
449 redevelopment area, broken down by full-time, part-time, and  
450 temporary positions;

451 (q) The total number of full-time equivalent positions in the  
452 redevelopment area;

453 (r) The current gross wages, state income tax withholdings, and  
454 federal income tax withholdings for individuals employed in the  
455 redevelopment area;

456 (s) A list of other community and economic benefits to result  
457 from the redevelopment project;

458 (t) A list of all other public investments made or to be made by  
459 the federal government, this state or units of local government to  
460 support infrastructure or other needs generated by the redevelopment  
461 project for which the funding under this section is being sought;

462 (u) A statement as to whether the redevelopment project may

463 reduce employment at any other site, within or without the state,  
464 resulting from automation, merger, acquisition, corporate  
465 restructuring, relocation, or other business activity;

466 (v) A statement as to whether or not the redevelopment project  
467 involves the relocation of work from another address and if so, the  
468 number of jobs to be relocated and the address from which they are to  
469 be relocated;

470 (w) A market study for the redevelopment area;

471 (x) A certification by the chief officer of the applicant as to the  
472 accuracy of the redevelopment plan;

473 (2) The methodologies used in the application for determining  
474 the base year and determining the estimate of the incremental increase  
475 in the general revenue portion of the state sales tax revenues and the  
476 incremental increase in state income tax withheld by employers on  
477 behalf of employees filling jobs within the redevelopment area shall be  
478 approved by the director of the department of economic development  
479 or his or her designee and the commissioner of the office of  
480 administration or his or her designee. Upon approval of the  
481 application, the director of the department of economic development  
482 or his or her designee and the commissioner of the office of  
483 administration or his or her designee shall issue a certificate of  
484 approval, which shall provide for a maximum amount of state disaster  
485 recovery revenues available to the municipality for the duration of the  
486 redevelopment plans and projects as determined in accordance with  
487 subdivision (4) of this subsection. The department of economic  
488 development may request the appropriation following application  
489 approval;

490 (3) The appropriation may be made from one or more of the  
491 following sources, as approved by the director of the department of  
492 economic development or his or her designee and the commissioner of  
493 the office of administration or his or her designee;

494 (a) The estimate of the incremental increase in the general  
495 revenue portion of state sales tax revenues in the redevelopment area;

496 (b) The estimate of the incremental increase in state income tax  
497 withheld by employers on behalf of employees filling jobs within the  
498 redevelopment area as indicated in the municipality's application; and

499 (c) Any additional amount requested by the department of

500 economic development in accordance with subsection 23 of this section,  
501 approved by the director of the department of economic development  
502 or his or her designee and the commissioner of the office of  
503 administration or his or her designee.

504 (4) Redevelopment plans and projects receiving state disaster  
505 recovery revenues shall have a duration of up to fifteen years, unless  
506 prior approval for a longer term is given by the director of the  
507 department of economic development or his or her designee and the  
508 commissioner of the office of administration or his or her designee;  
509 except that, in no case shall the duration exceed twenty-three years.

510 22. There is hereby established within the state treasury a  
511 special fund to be known as the "Missouri Supplemental Disaster  
512 Recovery Fund", to be administered by the department of economic  
513 development. The department of economic development shall create a  
514 separate subaccount of the Missouri supplemental disaster recovery  
515 fund for each redevelopment project approved under subsections 15 to  
516 21 of this section, into which the state disaster recovery revenues  
517 attributable to each such redevelopment project and any additional  
518 state revenues shall be deposited at least annually. The department  
519 shall annually distribute to each municipality from the corresponding  
520 subaccount of the Missouri supplemental disaster recovery fund the  
521 amount of the state disaster recovery revenues and any additional state  
522 revenues as appropriated to each municipality as provided in the  
523 provisions of subsections 15 and 16 of this section if and only if such  
524 municipality has met the conditions of subsection 21 of this  
525 section. The fund shall also consist of any gifts, contributions, grants  
526 or bequests received from federal, private or other sources. Moneys in  
527 the Missouri supplemental disaster recovery fund shall be disbursed  
528 per project pursuant to state appropriations. Any moneys remaining  
529 in the Missouri supplemental disaster recovery fund at the end of any  
530 fiscal year shall not lapse to the general revenue fund, as provided for  
531 in section 33.080, but shall remain in the Missouri supplemental  
532 disaster recovery fund.

533 23. Notwithstanding anything to the contrary in subsections 15  
534 to 22 of this section, the department of economic development may  
535 request an appropriation for any given fiscal year of additional state  
536 revenues from the general fund to a particular subaccount of the

537 **Missouri supplemental disaster recovery fund in excess of the amount**  
538 **of state disaster recovery revenues estimated to be generated within**  
539 **the applicable redevelopment project in the calendar year immediately**  
540 **preceding such fiscal year, so long as the total amount of**  
541 **appropriations to such subaccount of the Missouri supplemental**  
542 **disaster recovery fund does not exceed the maximum amount provided**  
543 **for in the certificate of approval issued pursuant to subsection 21 of**  
544 **this section.**

545 **24. Redevelopment project costs may include, at the prerogative**  
546 **of the state, the portion of salaries and expenses of the department of**  
547 **economic development and the department of revenue reasonably**  
548 **allocable to each redevelopment project approved for disbursements**  
549 **from the Missouri supplemental disaster recovery fund for the ongoing**  
550 **administrative functions associated with such redevelopment**  
551 **project. Such amounts shall be recovered from state disaster recovery**  
552 **revenues deposited into the Missouri supplemental disaster recovery**  
553 **fund created under this section.**

99.865. 1. Each year the governing body of the municipality, or its  
2 designee, shall prepare a report concerning the status of each redevelopment plan  
3 and redevelopment project, and shall submit a copy of such report to the director  
4 of the department of economic development. The report shall include the  
5 following:

- 6 (1) The amount and source of revenue in the special allocation fund;
- 7 (2) The amount and purpose of expenditures from the special allocation  
8 fund;
- 9 (3) The amount of any pledge of revenues, including principal and interest  
10 on any outstanding bonded indebtedness;
- 11 (4) The original assessed value of the redevelopment project;
- 12 (5) The assessed valuation added to the redevelopment project;
- 13 (6) Payments made in lieu of taxes received and expended;
- 14 (7) The economic activity taxes generated within the redevelopment area  
15 in the calendar year prior to the approval of the redevelopment plan, to include  
16 **the following:**

17 **(a) For redevelopment plans and redevelopment projects adopted**  
18 **or redevelopment projects approved by ordinance and which have**  
19 **complied with subsections 4 to 12 of section 99.845, a separate entry for**

20 the state sales tax revenue base for the redevelopment area or the state income  
21 tax withheld by employers on behalf of existing employees in the redevelopment  
22 area prior to the redevelopment plan; **or**

23 **(b) For redevelopment plans and redevelopment projects adopted**  
24 **or redevelopment projects approved by ordinance and which have**  
25 **complied with subsections 15 to 23 of section 99.845, a separate entry**  
26 **for the state sales tax revenue base for the redevelopment area and the**  
27 **state income tax withheld by employers on behalf of existing employees**  
28 **in the redevelopment area prior to the redevelopment plan;**

29 (8) The economic activity taxes generated within the redevelopment area  
30 after the approval of the redevelopment plan, to include **the following:**

31 **(a) For redevelopment plans and redevelopment projects adopted**  
32 **or redevelopment projects approved by ordinance and which have**  
33 **complied with subsections 4 to 12 of section 99.845, a separate entry for**  
34 the increase in state sales tax revenues for the redevelopment area or the  
35 increase in state income tax withheld by employers on behalf of new employees  
36 who fill new jobs created in the redevelopment area; **or**

37 **(b) For redevelopment plans and redevelopment projects adopted**  
38 **or redevelopment projects approved by ordinance and which have**  
39 **complied with subsections 15 to 23 of section 99.845, a separate entry**  
40 **for the increase in state sales tax revenues for the redevelopment area**  
41 **and the increase in state income tax withheld by employers on behalf**  
42 **of employees filling jobs within the redevelopment area and a separate**  
43 **entry for any additional state revenues received in accordance with**  
44 **subsection 23 of section 99.845;**

45 (9) Reports on contracts made incident to the implementation and  
46 furtherance of a redevelopment plan or project;

47 (10) A copy of any redevelopment plan, which shall include the required  
48 findings and cost-benefit analysis pursuant to subdivisions (1) to (6) of section  
49 99.810;

50 (11) The cost of any property acquired, disposed of, rehabilitated,  
51 reconstructed, repaired or remodeled;

52 (12) The number of parcels acquired by or through initiation of eminent  
53 domain proceedings; and

54 (13) Any additional information the municipality deems necessary.

55 2. Data contained in the report mandated pursuant to the provisions of

56 subsection 1 of this section and any information regarding amounts disbursed to  
57 municipalities pursuant to the provisions of section 99.845 shall be deemed a  
58 public record, as defined in section 610.010. An annual statement showing the  
59 payments made in lieu of taxes received and expended in that year, the status of  
60 the redevelopment plan and projects therein, amount of outstanding bonded  
61 indebtedness and any additional information the municipality deems necessary  
62 shall be published in a newspaper of general circulation in the municipality.

63         3. Five years after the establishment of a redevelopment plan and every  
64 five years thereafter the governing body shall hold a public hearing regarding  
65 those redevelopment plans and projects created pursuant to sections 99.800 to  
66 99.865. The purpose of the hearing shall be to determine if the redevelopment  
67 project is making satisfactory progress under the proposed time schedule  
68 contained within the approved plans for completion of such projects. Notice of  
69 such public hearing shall be given in a newspaper of general circulation in the  
70 area served by the commission once each week for four weeks immediately prior  
71 to the hearing.

72         4. The director of the department of economic development shall submit  
73 a report to the state auditor, the speaker of the house of representatives, and the  
74 president pro tem of the senate no later than February first of each year. The  
75 report shall contain a summary of all information received by the director  
76 pursuant to this section.

77         5. For the purpose of coordinating all tax increment financing projects  
78 using new state revenues **or state disaster recovery revenues**, the director  
79 of the department of economic development may promulgate rules and regulations  
80 to ensure compliance with this section. Such rules and regulations may include  
81 methods for enumerating all of the municipalities which have established  
82 commissions pursuant to section 99.820. No rule or portion of a rule promulgated  
83 under the authority of sections 99.800 to 99.865 shall become effective unless it  
84 has been promulgated pursuant to the provisions of chapter 536. All rulemaking  
85 authority delegated prior to June 27, 1997, is of no force and effect and repealed;  
86 however, nothing in this section shall be interpreted to repeal or affect the  
87 validity of any rule filed or adopted prior to June 27, 1997, if such rule complied  
88 with the provisions of chapter 536. The provisions of this section and chapter 536  
89 are nonseverable and if any of the powers vested with the general assembly  
90 pursuant to chapter 536, including the ability to review, to delay the effective  
91 date, or to disapprove and annul a rule or portion of a rule, are subsequently held

92 unconstitutional, then the purported grant of rulemaking authority and any rule  
93 so proposed and contained in the order of rulemaking shall be invalid and void.

94         6. The department of economic development shall provide information and  
95 technical assistance, as requested by any municipality, on the requirements of  
96 sections 99.800 to 99.865. Such information and technical assistance shall be  
97 provided in the form of a manual, written in an easy-to-follow manner, and  
98 through consultations with departmental staff.

99         7. Any municipality which fails to comply with the reporting requirements  
100 provided in this section shall be prohibited from implementing any new tax  
101 increment finance project for a period of no less than five years from such  
102 municipality's failure to comply.

103         8. Based upon the information provided in the reports required under the  
104 provisions of this section, the state auditor shall make available for public  
105 inspection on the auditor's website, a searchable electronic database of such  
106 municipal tax increment finance reports. All information contained within such  
107 database shall be maintained for a period of no less than ten years from initial  
108 posting.

Section B. Because immediate action is necessary to provide tax relief as  
2 the result of the recent natural disasters in this state, this act is deemed  
3 necessary for the immediate preservation of the public health, welfare, peace, and  
4 safety, and is hereby declared to be an emergency act within the meaning of the  
5 constitution, and this act shall be in full force and effect upon its passage and  
6 approval.

✓  
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