

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 22

AN ACT

To repeal sections 67.1401, 67.1421, 67.1451, 67.1461, 67.1471, 67.1481, 67.1545, 99.020, 99.320, 99.805, 99.810, 99.820, 99.843, 99.847, 99.848, 99.918, 99.1082, 100.310, 135.950, 262.900, and 353.020, RSMo, and to enact in lieu thereof twenty-four new sections relating to redevelopment in certain areas.

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

Section A. Sections 67.1401, 67.1421, 67.1451, 67.1461, 2 67.1471, 67.1481, 67.1545, 99.020, 99.320, 99.805, 99.810, 3 99.820, 99.843, 99.847, 99.848, 99.918, 99.1082, 100.310, 4 135.950, 262.900, and 353.020, RSMo, are repealed and twenty- 5 four new sections enacted in lieu thereof, to be known as 6 sections 67.1401, 67.1421, 67.1451, 67.1461, 67.1471, 67.1481, 7 67.1545, 99.020, 99.320, 99.805, 99.810, 99.820, 99.821, 8 99.843, 99.847, 99.848, 99.918, 99.1082, 100.310, 135.950, 9 135.1610, 261.021, 262.900, and 353.020, to read as follows:

67.1401. 1. Sections 67.1401 to 67.1571 shall be 2 known and may be cited as the "Community Improvement 3 District Act".

4 2. For the purposes of sections 67.1401 to 67.1571, 5 the following words and terms mean:

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

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

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

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

24 (b) Has been declared blighted or found to be a
25 blighted area pursuant to Missouri law including, but not
26 limited to, chapter 353, sections 99.800 to 99.865, or
27 sections 99.300 to 99.715] the same meaning as defined
28 pursuant to section 99.805;

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

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

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

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

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

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

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

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

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

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

69 (14) "Qualified voters",

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

72 a. Registered voters; or

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

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

a. Registered voters; or

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

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

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

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

6 2. A petition is proper if, based on the tax records
7 of the county clerk, or the collector of revenue if the
8 district is located in a city not within a county, as of the
9 time of filing the petition with the municipal clerk, it
10 meets the following requirements:

11 (1) It has been signed by property owners collectively
12 owning more than fifty percent by assessed value of the real
13 property within the boundaries of the proposed district;

14 (2) It has been signed by more than fifty percent per
15 capita of all owners of real property within the boundaries
16 of the proposed district; and

17 (3) It contains the following information:

18 (a) The legal description of the proposed district,
19 including a map illustrating the district boundaries;

20 (b) The name of the proposed district;

21 (c) A notice that the signatures of the signers may
22 not be withdrawn later than seven days after the petition is
23 filed with the municipal clerk;

24 (d) A five-year plan stating a description of the
25 purposes of the proposed district, the services it will
26 provide, [the improvements] each improvement it will make
27 [and] from the list of allowable improvements under section
28 67.1461, an estimate of the costs of these services and
29 improvements to be incurred, the anticipated sources of
30 funds to pay the costs, and the anticipated term of the
31 sources of funds to pay the costs;

32 (e) A statement as to whether the district will be a
33 political subdivision or a not-for-profit corporation and if
34 it is to be a not-for-profit corporation, the name of the
35 not-for-profit corporation;

36 (f) If the district is to be a political subdivision,
37 a statement as to whether the district will be governed by a
38 board elected by the district or whether the board will be

39 appointed by the municipality, and, if the board is to be
40 elected by the district, the names and terms of the initial
41 board may be stated;

42 (g) If the district is to be a political subdivision,
43 the number of directors to serve on the board;

44 (h) The total assessed value of all real property
45 within the proposed district;

46 (i) A statement as to whether the petitioners are
47 seeking a determination that the proposed district, or any
48 legally described portion thereof, is a blighted area;

49 (j) The proposed length of time for the existence of
50 the district, which in the case of districts established
51 after August 28, 2021, shall not exceed twenty-seven years
52 from the adoption of the ordinance establishing the district
53 unless the municipality extends the length of time under
54 section 67.1481;

55 (k) The maximum rates of real property taxes, and,
56 business license taxes in the county seat of a county of the
57 first classification without a charter form of government
58 containing a population of at least two hundred thousand,
59 that may be submitted to the qualified voters for approval;

60 (l) The maximum rates of special assessments and
61 respective methods of assessment that may be proposed by
62 petition;

63 (m) The limitations, if any, on the borrowing capacity
64 of the district;

65 (n) The limitations, if any, on the revenue generation
66 of the district;

67 (o) Other limitations, if any, on the powers of the
68 district;

69 (p) A request that the district be established; and

70 (q) Any other items the petitioners deem appropriate;

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner: _____

Owner's telephone number and mailing address:

If signer is different from owner:

Name of signer: _____

State basis of legal authority to sign: _____

Signer's telephone number and mailing address:

If the owner is an individual, state if owner is single or married: _____

If owner is not an individual, state what type of entity: _____

Map and parcel number and assessed value of each tract of real property within the proposed district owned: _____

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above

_____	_____
—	—

Signature of	Date
person	

signing for
owner

STATE OF MISSOURI)

) ss.

COUNTY OF _____)

Before me personally appeared _____, to me personally known to be the individual described in and who executed the foregoing instrument.

105 WITNESS my hand and official seal this _____ day
106 of _____ (month), _____ (year).

107 _____
108 _____

109 Notary Public

110 My Commission Expires: _____ ; and

111 (5) Alternatively, the governing body of any home rule
112 city with more than four hundred thousand inhabitants and
113 located in more than one county may file a petition to
114 initiate the process to establish a district in the portion
115 of the city located in any county of the first
116 classification with more than two hundred thousand but fewer
117 than two hundred sixty thousand inhabitants containing the
118 information required in subdivision (3) of this subsection;
119 provided that the only funding methods for the services and
120 improvements will be a real property tax.

121 3. Upon receipt of a petition the municipal clerk
122 shall, within a reasonable time not to exceed ninety days
123 after receipt of the petition, review and determine whether
124 the petition substantially complies with the requirements of
125 subsection 2 of this section. In the event the municipal
126 clerk receives a petition which does not meet the
127 requirements of subsection 2 of this section, the municipal
128 clerk shall, within a reasonable time, return the petition
129 to the submitting party by hand delivery, first class mail,
130 postage prepaid or other efficient means of return and shall
131 specify which requirements have not been met.

132 4. After the close of the public hearing required
133 pursuant to subsection 1 of this section, the governing body
134 of the municipality may adopt an ordinance approving the
135 petition and establishing a district as set forth in the
136 petition and may determine, if requested in the petition,

whether the district, or any legally described portion thereof, constitutes a blighted area. If the petition was filed by the governing body of a municipality pursuant to subdivision (5) of subsection 2 of this section, after the close of the public hearing required pursuant to subsection 1 of this section, the petition may be approved by the governing body and an election shall be called pursuant to section 67.1422.

5. Amendments to a petition may be made which do not change the proposed boundaries of the proposed district if an amended petition meeting the requirements of subsection 2 of this section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the amended petition is held and notice of the public hearing is given

in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development and the state auditor.

67.1451. 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355.

2. (1) The district shall be governed by a board consisting of at least five but not more than thirty directors.

(2) Except as otherwise provided in this subsection, each director shall, during his or her entire term[, be]:

[(1)] (a) Be at least eighteen years of age; [and

(2)] (b) Be either:

[(a)] a. An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

[(b)] b. A registered voter residing within the district; and

[(3)] (c) Satisfy any other qualifications set forth in the petition establishing the district.

(3) In the case of districts established after August 28, 2021, if there are no registered voters in the district on the date the petition is filed, at least one director shall, during his or her entire term, be a person who:

25 (a) Resides within the municipality that established
26 the district;

27 (b) Is qualified and registered to vote under chapter
28 115 according to the records of the election authority as of
29 the thirtieth day prior to the date of the applicable
30 election;

31 (c) Has no financial interest in any real property or
32 business operating within the district; and

33 (d) Is not a relative within the second degree of
34 consanguinity or affinity to an owner of real property or a
35 business operating in the district.

36 (4) If there are fewer than five owners of real
37 property located within a district, the board may be
38 comprised of up to five legally authorized representatives
39 of any of the owners of real property located within the
40 district.

41 3. If the district is a political subdivision, the
42 board shall be elected or appointed, as provided in the
43 petition. However, in the case of districts established
44 after August 28, 2021, if the board is to be elected, the
45 petition shall require at least one member of the board be
46 appointed by the governing body of the municipality in the
47 same manner as provided in this section for board
48 appointments. The appointed board member shall serve a four-
49 year term.

50 4. If the board is to be elected, the procedure for
51 election shall be as follows:

52 (1) The municipal clerk shall specify a date on which
53 the election shall occur which date shall be a Tuesday and
54 shall not be earlier than the tenth Tuesday, and shall not
55 be later than the fifteenth Tuesday, after the effective
56 date of the ordinance adopted to establish the district;

57 (2) The election shall be conducted in the same manner
58 as provided for in section 67.1551, provided that the
59 published notice of the election shall contain the
60 information required by section 67.1551 for published
61 notices, except that it shall state that the purpose of the
62 election is for the election of directors, in lieu of the
63 information related to taxes;

64 (3) Candidates shall pay the sum of five dollars as a
65 filing fee and shall file not later than the second Tuesday
66 after the effective date of the ordinance establishing the
67 district with the municipal clerk a statement under oath
68 that he or she possesses all of the qualifications set out
69 in this section for a director. Thereafter, such candidate
70 shall have his or her name placed on the ballot as a
71 candidate for director;

72 (4) The director or directors to be elected shall be
73 elected at large. The person receiving the most votes shall
74 be elected to the position having the longest term; the
75 person receiving the second highest votes shall be elected
76 to the position having the next longest term and so forth.
77 For any district formed prior to August 28, 2003, of the
78 initial directors, one-half shall serve for a two-year term,
79 one-half shall serve for a four-year term and if an odd
80 number of directors are elected, the director receiving the
81 least number of votes shall serve for a two-year term, until
82 such director's successor is elected. For any district
83 formed on or after August 28, 2003, for the initial
84 directors, one-half shall serve for a two-year term, and one-
85 half shall serve for the term specified by the district
86 pursuant to subdivision (5) of this subsection, and if an
87 odd number of directors are elected, the director receiving
88 the least number of votes shall serve for a two-year term,
89 until such director's successor is elected;

(5) Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. Each successor director shall serve a term for the length specified prior to the election by the district, which term shall be at least three years and not more than four years, and shall continue until such director's successor is elected.

In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. For any district formed prior to August 28, 2003, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd number of directors, the last person appointed shall serve a two-year term. For any district formed on or after August 28, 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed. Successor directors shall be appointed in the same manner as

the initial directors and shall serve for a term of years specified by the district prior to the appointment, which term shall be at least three years and not more than four years.

6. If the petition states the names of the initial directors, those directors shall serve for the terms specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

16 (4) To accept grants, guarantees and donations of
17 property, labor, services, or other things of value from any
18 public or private source;

19 (5) To employ or contract for such managerial,
20 engineering, legal, technical, clerical, accounting, or
21 other assistance as it deems advisable;

22 (6) To acquire by purchase, lease, gift, grant,
23 bequest, devise, or otherwise, any real property within its
24 boundaries, personal property, or any interest in such
25 property;

26 (7) To sell, lease, exchange, transfer, assign,
27 mortgage, pledge, hypothecate, or otherwise encumber or
28 dispose of any real or personal property or any interest in
29 such property;

30 (8) To levy and collect special assessments and taxes
31 as provided in sections 67.1401 to 67.1571. However, no
32 such assessments or taxes shall be levied on any property
33 exempt from taxation pursuant to subdivision (5) of section
34 137.100. Those exempt pursuant to subdivision (5) of section
35 137.100 may voluntarily participate in the provisions of
36 sections 67.1401 to 67.1571;

37 (9) If the district is a political subdivision, to
38 levy real property taxes and business license taxes in the
39 county seat of a county of the first classification
40 containing a population of at least two hundred thousand, as
41 provided in sections 67.1401 to 67.1571. However, no such
42 assessments or taxes shall be levied on any property exempt
43 from taxation pursuant to subdivisions (2) and (5) of
44 section 137.100. Those exempt pursuant to subdivisions (2)
45 and (5) of section 137.100 may voluntarily participate in
46 the provisions of sections 67.1401 to 67.1571;

47 (10) If the district is a political subdivision, to
48 levy sales taxes pursuant to sections 67.1401 to 67.1571;

49 (11) To fix, charge, and collect fees, rents, and
50 other charges for use of any of the following:

51 (a) The district's real property, except for public
52 rights-of-way for utilities;

53 (b) The district's personal property, except in a city
54 not within a county; or

55 (c) Any of the district's interests in such real or
56 personal property, except for public rights-of-way for
57 utilities;

58 (12) To borrow money from any public or private source
59 and issue obligations and provide security for the repayment
60 of the same as provided in sections 67.1401 to 67.1571;

61 (13) To loan money as provided in sections 67.1401 to
62 67.1571;

63 (14) To make expenditures, create reserve funds, and
64 use its revenues as necessary to carry out its powers or
65 duties and the provisions and purposes of sections 67.1401
66 to 67.1571;

67 (15) To enter into one or more agreements with the
68 municipality for the purpose of abating any public nuisance
69 within the boundaries of the district including, but not
70 limited to, the stabilization, repair or maintenance or
71 demolition and removal of buildings or structures, provided
72 that the municipality has declared the existence of a public
73 nuisance;

74 (16) Within its boundaries, to provide assistance to
75 or to construct, reconstruct, install, repair, maintain, and
76 equip any of the following public improvements:

77 (a) Pedestrian or shopping malls and plazas;

78 (b) Parks, lawns, trees, and any other landscape;

79 (c) Convention centers, arenas, aquariums, aviaries,
80 and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; and

(k) Any other useful, necessary, or desired public improvement specified in the petition or any amendment;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;

(20) Within its boundaries, to lease space for sidewalk café tables and chairs;

(21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;

(22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;

(23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

(24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

(25) To provide or support training programs for employees of businesses within the district;

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies;

(28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

(29) To partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the telecommunications company or broadband service provider, as the terms "telecommunications company" and "telecommunications facilities" are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450. Before any facilities are improved or constructed as a result of this section, the area shall be

certified as unserved or underserved by the director of broadband development within the department of economic development;

(30) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

177 5. The governing body of the municipality establishing
178 the district shall not decrease the level of publicly funded
179 services in the district existing prior to the creation of
180 the district or transfer the financial burden of providing
181 the services to the district unless the services at the same
182 time are decreased throughout the municipality, nor shall
183 the governing body discriminate in the provision of the
184 publicly funded services between areas included in such
185 district and areas not so included.

186 6. All construction contracts entered into after
187 August 28, 2021, in excess of five thousand dollars between
188 a district that has adopted a sales tax and any private
189 person, firm, or corporation shall be competitively bid and
190 shall be awarded to the lowest and best bidder. Notice of
191 the letting of the contracts shall be given in the manner
192 provided by section 8.250.

67.1471. 1. The fiscal year for the district shall be
2 the same as the fiscal year of the municipality.

3 2. No earlier than one hundred eighty days and no
4 later than ninety days prior to the first day of each fiscal
5 year, the board shall submit to the governing body of the
6 city a proposed annual budget, setting forth expected
7 expenditures, revenues, and rates of assessments and taxes,
8 if any, for such fiscal year. The governing body may review
9 and comment to the board on this proposed budget, but if
10 such comments are given, the governing body of the
11 municipality shall provide such written comments to the
12 board no later than sixty days prior to the first day of the
13 relevant fiscal year; such comments shall not constitute
14 requirements but shall only be recommendations.

15 3. The board shall hold an annual meeting and adopt an
16 annual budget no later than thirty days prior to the first
17 day of each fiscal year.

18 4. Within one hundred twenty days after the end of
19 each fiscal year, the district shall submit a report to the
20 municipal clerk and the Missouri department of economic
21 development [stating]. The report shall state the services
22 provided, revenues collected, and expenditures made by the
23 district during such fiscal year[,]; state the dates the
24 district adopted its annual budget, submitted its proposed
25 annual budget to the municipality, and submitted its annual
26 report to the municipal clerk; and include copies of written
27 resolutions approved by the board during the fiscal year.
28 The municipal clerk shall retain this report as part of the
29 official records of the municipality and shall also cause
30 this report to be spread upon the records of the governing
31 body.

32 5. The state auditor may audit a district in the same
33 manner as the auditor may audit any agency of the state.

67.1481. 1. Each ordinance establishing a district
2 shall set forth the term for the existence of such district
3 which term may be defined as a minimum, maximum, or definite
4 number of years, but in the case of districts established
5 after August 28, 2021, the term shall not exceed twenty-
6 seven years except as provided under subsection 6 of this
7 section.

8 2. Upon receipt by the municipal clerk of a proper
9 petition and after notice and a public hearing, any district
10 may be terminated by ordinance adopted by the governing body
11 of the municipality prior to the expiration of its term if
12 the district has no outstanding obligations. A copy of such
13 ordinance shall be given to the department of economic
14 development.

15 3. A petition for the termination of a district is
16 proper if:

17 (1) It names the district to be terminated;

18 (2) It has been signed by owners of real property
19 collectively owning more than fifty percent by assessed
20 value of real property within the boundaries of the district;

21 (3) It has been signed by more than fifty percent per
22 capita of owners of real property within the boundaries of
23 the district;

24 (4) It contains a plan for dissolution and
25 distribution of the assets of the district; and

26 (5) The signature block signed by each petitioner is
27 in the form set forth in subdivision (4) of subsection 2 of
28 section 67.1421.

29 4. The public hearing required by this section shall
30 be held and notice of such public hearing shall be given in
31 the manner set forth in section 67.1431. The notice shall
32 contain the following information:

33 (1) The date, time and place of the public hearing;

34 (2) A statement that a petition requesting the
35 termination of the district has been filed with the
36 municipal clerk;

37 (3) A statement that a copy of the petition is
38 available at the office of the municipal clerk during
39 regular business hours; and

40 (4) A statement that all interested parties will be
41 given an opportunity to be heard.

42 5. Upon expiration or termination of a district, the
43 assets of such district shall either be ~~distributed~~ sold
44 or transferred in accordance with the plan for dissolution
45 as approved by ordinance. Every effort should be made by
46 the municipality for the assets of the district to be
47 distributed in such a manner so as to benefit the real
48 property which was formerly a part of the district.

49 6. Prior to the expiration of the term of a district,
50 a municipality may adopt an ordinance to extend the term of

51 the existence of a district after holding a public hearing
52 on the proposed extension. The extended term may be defined
53 as a minimum, maximum, or definite number of years, but the
54 extended term shall not exceed twenty-seven years. Notice
55 of the hearing shall be given in the same manner as required
56 under section 67.1431, except the notice shall include the
57 time, date, and place of the public hearing; the name of the
58 district; a map showing the boundaries of the existing
59 district; and a statement that all interested persons shall
60 be given an opportunity to be heard at the public hearing.

67.1545. 1. Any district formed as a political
2 subdivision may impose by resolution a district sales and
3 use tax on all retail sales made in such district which are
4 subject to taxation pursuant to sections 144.010 to 144.525,
5 except sales of motor vehicles, trailers, boats or outboard
6 motors and sales to or by public utilities and providers of
7 communications, cable, or video services. Any sales and use
8 tax imposed pursuant to this section may be imposed in
9 increments of one-eighth of one percent, up to a maximum of
10 one percent. Such district sales and use tax may be imposed
11 for any district purpose designated by the district in its
12 ballot of submission to its qualified voters; except that,
13 no resolution adopted pursuant to this section shall become
14 effective unless the board of directors of the district
15 submits to the qualified voters of the district, by mail-in
16 ballot, a proposal to authorize a sales and use tax pursuant
17 to this section. If a majority of the votes cast by the
18 qualified voters on the proposed sales tax are in favor of
19 the sales tax, then the resolution is adopted. If a
20 majority of the votes cast by the qualified voters are
21 opposed to the sales tax, then the resolution is void.

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

24 Shall the _____ (insert name of district)
25 Community Improvement District impose a community
26 improvement districtwide sales and use tax at the
27 maximum rate of _____ (insert amount) for a
28 period of _____ (insert number) years from the
29 date on which such tax is first imposed for the
30 purpose of providing revenue for _____ (insert
31 general description of the purpose)?

32 ☐ YES ☐ NO

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

37 3. Within ten days after the qualified voters have
38 approved the imposition of the sales and use tax, the
39 district shall, in accordance with section 32.087, notify
40 the director of the department of revenue. The sales and
41 use tax authorized by this section shall become effective on
42 the first day of the second calendar quarter after the
43 director of the department of revenue receives notice of the
44 adoption of such tax.

45 4. The director of the department of revenue shall
46 collect any tax adopted pursuant to this section pursuant to
47 section 32.087.

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

55 6. In order to allow retailers to collect and report
56 the sales and use tax authorized by this section as well as
57 all other sales and use taxes required by law in the
58 simplest and most efficient manner possible, a district may

59 establish appropriate brackets to be used in the district
60 imposing a tax pursuant to this section in lieu of the
61 brackets provided in section 144.285.

62 7. The penalties provided in sections 144.010 to
63 144.525 shall apply to violations of this section.

64 8. All revenue received by the district from a sales
65 and use tax imposed pursuant to this section which is
66 designated for a specific purpose shall be deposited into a
67 special trust fund and expended solely for such purpose.
68 Upon the expiration of any sales and use tax adopted
69 pursuant to this section, all funds remaining in the special
70 trust fund shall continue to be used solely for the specific
71 purpose designated in the resolution adopted by the
72 qualified voters. Any funds in such special trust fund
73 which are not needed for current expenditures may be
74 invested by the board of directors pursuant to applicable
75 laws relating to the investment of other district funds.

76 9. A district may repeal by resolution any sales and
77 use tax imposed pursuant to this section before the
78 expiration date of such sales and use tax unless the repeal
79 of such sales and use tax will impair the district's ability
80 to repay any liabilities the district has incurred, moneys
81 the district has borrowed or obligation the district has
82 issued to finance any improvements or services rendered for
83 the district.

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

88 11. In each district in which a sales tax is imposed
89 under this section, every retailer shall prominently display
90 the rate of the sales tax imposed or increased at the cash
91 register area.

99.020. The following terms, wherever used or referred to in sections 99.010 to 99.230, shall have the following respective meanings unless a different meaning clearly appears from the context:

(1) "Area of operation", in the case of a housing authority of a city, shall include such city; in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined;

(2) "Authority" or "housing authority" shall mean any of the municipal corporations created by section 99.040;

(3) "Blighted" [shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any combination of these factors are detrimental to safety, health and morals], the same meaning as defined pursuant to section 99.805;

(4) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this chapter;

(5) "City" shall mean any city, town or village in the state;

(6) "The city" shall mean the particular city for which a particular housing authority is created;

(7) "Clerk" shall mean the clerk of the city or the clerk of the county commission, as the case may be, or the officer charged with the duties customarily imposed on such clerk;

(8) "County" shall mean any county in the state;

(9) "The county" shall mean the particular county for which a particular housing authority is created;

(10) "Federal government" shall include the United States of America, the United States Department of Housing

and Urban Development or any other agency or instrumentality, corporate or otherwise, of the United States of America;

(11) "Governing body" shall mean, in the case of a city, the city council, common council, board of aldermen or other legislative body of the city, and in the case of a county, the county commission or other legislative body of the county;

(12) "Housing project" shall mean any work or undertaking, whether in a blighted or other area:

(a) To demolish, clear or remove buildings. Such work or undertaking may include the adaptation of such area to public purposes, including parks or other recreation or community purposes; or

(b) To provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of very low and lower income. Such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, site preparation, gardening, administrative, community, health, welfare or other purposes. Such work or undertaking may also include housing, for persons of moderate income, offices, stores, solar energy access, parks, and recreational and educational facilities, provided that such activities be undertaken only in conjunction with the provision of housing for persons of very low and lower income, and provided further that any profit of the authority shall be distributed as provided in subsection 3 of section 99.080; or

(c) To accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of

property; the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith;

(d) In the planning and carrying out of any housing project owned and operated by a housing authority, a housing authority shall establish procedures for allocating any training and employment opportunities which may arise from such activity to qualified persons of very low and lower income who have been unemployed for one year or more and reside within the area of operation of the housing authority;

(13) "Mayor" shall mean the elected mayor of the city or the elected officer thereof charged with duties customarily imposed on the mayor or executive head of the city;

(14) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority;

(15) "Persons of very low income" means those persons or families whose annual income does not exceed fifty percent of the median income for the area. "Persons of lower income" means those persons or families whose annual income is greater than fifty but does not exceed eighty percent of the median income for the area. "Persons of moderate income" means those persons or families whose annual income is greater than eighty but does not exceed one hundred and fifty percent of the median income for the area. For purposes of this subdivision, median income for the area shall be determined in accordance with section 1437a, Title 42, United States Code, including any

100 amendments thereto. Any and all references to "persons of
101 low income" in this chapter shall mean persons of very low,
102 lower or moderate income as defined herein;

103 (16) "Profit" shall mean the difference between gross
104 revenues and necessary and ordinary business expenses,
105 including debt service, if any;

106 (17) "Real property" shall include all lands,
107 including improvements and fixtures thereon, and property of
108 any nature appurtenant thereto, or used in connection
109 therewith, and every estate, interest and right, legal or
110 equitable, therein, including terms for years and liens by
111 way of judgment, mortgage or otherwise and the indebtedness
112 secured by such liens.

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

2 (1) "Area of operation", in the case of a
3 municipality, the area within the municipality except that
4 the area of operation of a municipality under this law shall
5 not include any area which lies within the territorial
6 boundaries of another municipality unless a resolution has
7 been adopted by the governing body of the other municipality
8 declaring a need therefor; and in the case of a county, the
9 area within the county, except that the area of operation in
10 such case shall not include any area which lies within the
11 territorial boundaries of a municipality unless a resolution
12 has been adopted by the governing body of the municipality
13 declaring a need therefor; and in the case of a regional
14 authority, the area within the communities for which the
15 regional authority is created, except that a regional
16 authority shall not undertake a land clearance project
17 within the territorial boundaries of any municipality unless
18 a resolution has been adopted by the governing body of the
19 municipality declaring that there is a need for the regional
20 authority to undertake the land clearance project within

21 such municipality; no authority shall operate in any area of
22 operation in which another authority already established is
23 undertaking or carrying out a land clearance project without
24 the consent, by resolution, of the other authority;

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

30 (3) "Blighted area", [an area which, by reason of the
31 predominance of defective or inadequate street layout,
32 insanitary or unsafe conditions, deterioration of site
33 improvements, improper subdivision or obsolete platting, or
34 the existence of conditions which endanger life or property
35 by fire and other causes, or any combination of such
36 factors, retards the provision of housing accommodations or
37 constitutes an economic or social liability or a menace to
38 the public health, safety, morals, or welfare in its present
39 condition and use] the same meaning as defined pursuant to
40 section 99.805;

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

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

47 (6) "Community", any county or municipality except
48 that such term shall not include any municipality containing
49 less than seventy-five thousand inhabitants until the
50 governing body thereof shall have submitted the proposition
51 of accepting the provisions of this law to the qualified
52 voters therein at an election called and held as provided by
53 law for the incurring of indebtedness by such municipality,

54 and a majority of the voters voting at the election shall
55 have voted in favor of such proposition;

56 (7) "Federal government", the United States of America
57 or any agency or instrumentality, corporate or otherwise, of
58 the United States of America;

59 (8) "Governing body", the city council, common
60 council, board of aldermen or other legislative body charged
61 with governing the municipality or the county commission or
62 other legislative body charged with governing the county;

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

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

76 (a) To acquire blighted, or insanitary areas or
77 portions thereof, including lands, structures, or
78 improvements the acquisition of which is necessary or
79 incidental to the proper clearance, development or
80 redevelopment of the blighted or insanitary areas or to the
81 prevention of the spread or recurrence of substandard or
82 insanitary conditions or conditions of blight;

83 (b) To clear any such areas by demolition or removal
84 of existing buildings, structures, streets, utilities or
85 other improvements thereon and to install, construct or
86 reconstruct streets, utilities, and site improvements

87 essential to the preparation of sites for uses in accordance
88 with a redevelopment plan;

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

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

96 (e) The term "land clearance project" may also include
97 the preparation of a redevelopment plan, the planning,
98 survey and other work incident to a land clearance project
99 and the preparation of all plans and arrangements for
100 carrying out a land clearance project and wherever the words
101 "land clearance project" are used in this law, they shall
102 also mean and include the words "urban renewal project" as
103 defined in this section;

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

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

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

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

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

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

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

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

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

139 (20) "Redevelopment plan", a plan other than a
140 preliminary or tentative plan for the acquisition,
141 clearance, reconstruction, rehabilitation, renewal or future
142 use of a land clearance project area, and shall be
143 sufficiently complete to comply with subdivision (4) of
144 section 99.430 and shall be in compliance with a "workable
145 program" for the city as a whole and wherever used in
146 sections 99.300 to 99.660 the words "redemption plan"
147 shall also mean and include "urban renewal plan" as defined
148 in this section;

149 (21) "Urban renewal plan", a plan as it exists from
150 time to time, for an urban renewal project, which plan shall
151 conform to the general plan for the municipality as a whole;

and shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the relationship of the plan to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; an urban renewal plan shall be prepared and approved pursuant to the same procedure as provided with respect to a redevelopment plan;

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

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

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

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

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

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

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

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

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

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

18 (3) "Conservation area", any improved area within the
19 boundaries of a redevelopment area located within the
20 territorial limits of a municipality in which fifty percent
21 or more of the structures in the area have an age of thirty-
22 five years or more. Such an area is not yet a blighted area
23 but is detrimental to the public health, safety, [morals,]
24 or welfare and may become a blighted area because of any one
25 or more of the following factors: dilapidation;
26 obsolescence; deterioration; illegal use of individual
27 structures; presence of structures below minimum code
28 standards; abandonment; excessive vacancies; overcrowding of
29 structures and community facilities; lack of ventilation,
30 light or sanitary facilities; inadequate utilities;
31 excessive land coverage; deleterious land use or layout;
32 depreciation of physical maintenance; and lack of community
33 planning. A conservation area shall meet at least three of
34 the factors provided in this subdivision for projects
35 approved on or after December 23, 1997. For all
36 redevelopment plans and projects approved on or after

January 1, 2022, in retail areas, a conservation area shall meet the dilapidation factor as one of the three factors required under this subdivision;

(4) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, 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, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial

businesses which unfairly compete in the local economy and is in the public interest because it will:

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

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

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

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

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

(8) "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, municipality applies only to cities, villages, incorporated

towns or counties established for at least one year prior to such date;

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

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

(11) "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

(12) "Port infrastructure project", docks and associated equipment, cargo and passenger terminals, storage warehouses, or any other similar infrastructure directly related to port facilities located in a port district created pursuant to the provisions of chapter 68 and located within one-half of one mile of a navigable waterway;

[(12)] (13) "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation

135 area, an economic development area, an enterprise zone
136 pursuant to sections 135.200 to 135.256, or a combination
137 thereof, which area includes only those parcels of real
138 property directly and substantially benefitted by the
139 proposed redevelopment project;

140 [(13)] (14) "Redevelopment plan", the comprehensive
141 program of a municipality for redevelopment intended by the
142 payment of redevelopment costs to reduce or eliminate those
143 conditions, the existence of which qualified the
144 redevelopment area as a blighted area, conservation area,
145 economic development area, or combination thereof, and to
146 thereby enhance the tax bases of the taxing districts which
147 extend into the redevelopment area. Each redevelopment plan
148 shall conform to the requirements of section 99.810;

149 [(14)] (15) "Redevelopment project", any development
150 project within a redevelopment area in furtherance of the
151 objectives of the redevelopment plan; any such redevelopment
152 project shall include a legal description of the area
153 selected for the redevelopment project;

154 [(15)] (16) "Redevelopment project costs" include the
155 sum total of all reasonable or necessary costs incurred or
156 estimated to be incurred, and any such costs incidental to a
157 redevelopment plan or redevelopment project, as applicable.
158 Such costs include, but are not limited to, the following:

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

161 (b) Professional service costs, including, but not
162 limited to, architectural, engineering, legal, marketing,
163 financial, planning or special services. Except the
164 reasonable costs incurred by the commission established in
165 section 99.820 for the administration of sections 99.800 to
166 99.865, such costs shall be allowed only as an initial

expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to:

a. Acquisition of land and other property, real or personal, or rights or interests therein;

b. Demolition of buildings; and

c. The clearing and grading of land;

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

(e) Initial costs for an economic development area;

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

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

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

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

(j) Payments in lieu of taxes;

199 (17) "Retail area", a proposed redevelopment building
200 area for which more than fifty percent of the usable
201 building square footage in the area is projected to be used
202 by retail businesses, which shall be businesses that
203 primarily sell or offer to sell goods to a buyer primarily
204 for the buyer's personal, family, or household use and not
205 primarily for business, commercial, or agricultural use;

206 (18) "Retail infrastructure projects", highways,
207 roads, streets, bridges, sewers, traffic control systems and
208 devices, water distribution and supply systems, curbing,
209 sidewalks, storm water and drainage systems, or any other
210 similar public improvements, but in no case shall retail
211 infrastructure projects include private structures;

212 **[(16)]** (19) "Special allocation fund", the fund of a
213 municipality or its commission which contains at least two
214 separate segregated accounts for each redevelopment plan,
215 maintained by the treasurer of the municipality or the
216 treasurer of the commission into which payments in lieu of
217 taxes are deposited in one account, and economic activity
218 taxes and other revenues are deposited in the other account;

219 **[(17)]** (20) "Taxing districts", any political
220 subdivision of this state having the power to levy taxes;

221 **[(18)]** (21) "Taxing districts' capital costs", those
222 costs of taxing districts for capital improvements that are
223 found by the municipal governing bodies to be necessary and
224 to directly result from the redevelopment project; and

225 **[(19)]** (22) "Vacant land", any parcel or combination
226 of parcels of real property not used for industrial,
227 commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in
2 writing a general description of the program to be
3 undertaken to accomplish the objectives and shall include,
4 but need not be limited to, the estimated redevelopment

5 project costs, the anticipated sources of funds to pay the
6 costs, evidence of the commitments to finance the project
7 costs, the anticipated type and term of the sources of funds
8 to pay costs, the anticipated type and terms of the
9 obligations to be issued, the most recent equalized assessed
10 valuation of the property within the redevelopment area
11 which is to be subjected to payments in lieu of taxes and
12 economic activity taxes pursuant to section 99.845, an
13 estimate as to the equalized assessed valuation after
14 redevelopment, and the general land uses to apply in the
15 redevelopment area. No redevelopment plan shall be adopted
16 by a municipality without findings that:

17 (1) The redevelopment area on the whole is a blighted
18 area, a conservation area, or an economic development area,
19 and has not been subject to growth and development through
20 investment by private enterprise and would not reasonably be
21 anticipated to be developed without the adoption of tax
22 increment financing. Such a finding shall include, but not
23 be limited to, a study prepared by a land use planner, urban
24 planner, licensed architect, licensed commercial real estate
25 appraiser, or licensed attorney, which includes a detailed
26 description of the factors that qualify the redevelopment
27 area or project pursuant to this subdivision and an
28 affidavit, signed by the developer or developers and
29 submitted with the redevelopment plan, attesting that the
30 provisions of this subdivision have been met;

31 (2) The redevelopment plan conforms to the
32 comprehensive plan for the development of the municipality
33 as a whole;

34 (3) The estimated dates, which shall not be more than
35 twenty-three years from the adoption of the ordinance
36 approving a redevelopment project within a redevelopment
37 area, of completion of any redevelopment project and

retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

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

(5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;

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

2. Tax increment allocation financing shall not be adopted under sections 99.800 to 99.865 in a retail area unless such financing is exclusively utilized to fund retail infrastructure projects or unless such area is a blighted area or conservation area. The provisions of this

71 subsection shall not apply to any tax increment allocation
72 financing project or plan approved before August 28, 2021,
73 nor to any amendment to tax increment allocation financing
74 projects and plans where such projects or plans were
75 originally approved before August 28, 2021, provided that
76 such an amendment does not add buildings of new construction
77 in excess of twenty-five percent of the scope of the
78 original redevelopment agreement.

79 3. By the last day of February each year, each
80 commission shall report to the director of economic
81 development the name, address, phone number and primary line
82 of business of any business which relocates to the district.

83 The director of the department of economic development
84 shall compile and report the same to the governor, the
85 speaker of the house and the president pro tempore of the
86 senate on the last day of April each year.

99.820. 1. A municipality may:

2 (1) By ordinance introduced in the governing body of
3 the municipality within fourteen to ninety days from the
4 completion of the hearing required in section 99.825,
5 approve redevelopment plans and redevelopment projects, and
6 designate redevelopment project areas pursuant to the notice
7 and hearing requirements of sections 99.800 to 99.865. No
8 redevelopment project shall be approved unless a
9 redevelopment plan has been approved and a redevelopment
10 area has been designated prior to or concurrently with the
11 approval of such redevelopment project and the area selected
12 for the redevelopment project shall include only those
13 parcels of real property and improvements thereon directly
14 and substantially benefitted by the proposed redevelopment
15 project improvements;

16 (2) Make and enter into all contracts necessary or
17 incidental to the implementation and furtherance of its
18 redevelopment plan or project;

19 (3) Pursuant to a redevelopment plan, subject to any
20 constitutional limitations, acquire by purchase, donation,
21 lease or, as part of a redevelopment project, eminent
22 domain, own, convey, lease, mortgage, or dispose of land and
23 other property, real or personal, or rights or interests
24 therein, and grant or acquire licenses, easements and
25 options with respect thereto, all in the manner and at such
26 price the municipality or the commission determines is
27 reasonably necessary to achieve the objectives of the
28 redevelopment plan. No conveyance, lease, mortgage,
29 disposition of land or other property, acquired by the
30 municipality, or agreement relating to the development of
31 the property shall be made except upon the adoption of an
32 ordinance by the governing body of the municipality. Each
33 municipality or its commission shall establish written
34 procedures relating to bids and proposals for implementation
35 of the redevelopment projects. Furthermore, no conveyance,
36 lease, mortgage, or other disposition of land or agreement
37 relating to the development of property shall be made
38 without making public disclosure of the terms of the
39 disposition and all bids and proposals made in response to
40 the municipality's request. Such procedures for obtaining
41 such bids and proposals shall provide reasonable opportunity
42 for any person to submit alternative proposals or bids;

43 (4) Within a redevelopment area, clear any area by
44 demolition or removal of existing buildings and structures;

45 (5) Within a redevelopment area, renovate,
46 rehabilitate, or construct any structure or building;

47 (6) Install, repair, construct, reconstruct, or
48 relocate streets, utilities, and site improvements essential

49 to the preparation of the redevelopment area for use in
50 accordance with a redevelopment plan;

51 (7) Within a redevelopment area, fix, charge, and
52 collect fees, rents, and other charges for the use of any
53 building or property owned or leased by it or any part
54 thereof, or facility therein;

55 (8) Accept grants, guarantees, and donations of
56 property, labor, or other things of value from a public or
57 private source for use within a redevelopment area;

58 (9) Acquire and construct public facilities within a
59 redevelopment area;

60 (10) Incur redevelopment costs and issue obligations;

61 (11) Make payment in lieu of taxes, or a portion
62 thereof, to taxing districts;

63 (12) Disburse surplus funds from the special
64 allocation fund to taxing districts as follows:

65 (a) Such surplus payments in lieu of taxes shall be
66 distributed to taxing districts within the redevelopment
67 area which impose ad valorem taxes on a basis that is
68 proportional to the current collections of revenue which
69 each taxing district receives from real property in the
70 redevelopment area;

71 (b) Surplus economic activity taxes shall be
72 distributed to taxing districts in the redevelopment area
73 which impose economic activity taxes, on a basis that is
74 proportional to the amount of such economic activity taxes
75 the taxing district would have received from the
76 redevelopment area had tax increment financing not been
77 adopted;

78 (c) Surplus revenues, other than payments in lieu of
79 taxes and economic activity taxes, deposited in the special
80 allocation fund, shall be distributed on a basis that is

proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 or 3 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

113 (14) Charge as a redevelopment cost the reasonable
114 costs incurred by its clerk or other official in
115 administering the redevelopment project. The charge for the
116 clerk's or other official's costs shall be determined by the
117 municipality based on a recommendation from the commission,
118 created pursuant to this section.

119 2. Prior to adoption of an ordinance approving the
120 designation of a redevelopment area or approving a
121 redevelopment plan or redevelopment project, the
122 municipality shall create a commission of nine persons if
123 the municipality is a county or a city not within a county
124 and not a first class county with a charter form of
125 government with a population in excess of nine hundred
126 thousand, and eleven persons if the municipality is not a
127 county and not in a first class county with a charter form
128 of government having a population of more than nine hundred
129 thousand, and twelve persons if the municipality is located
130 in or is a first class county with a charter form of
131 government having a population of more than nine hundred
132 thousand, to be appointed as follows:

133 (1) In all municipalities two members shall be
134 appointed by the school boards whose districts are included
135 within the redevelopment plan or redevelopment area. Such
136 members shall be appointed in any manner agreed upon by the
137 affected districts;

138 (2) In all municipalities one member shall be
139 appointed, in any manner agreed upon by the affected
140 districts, to represent all other districts levying ad
141 valorem taxes within the area selected for a redevelopment
142 project or the redevelopment area, excluding representatives
143 of the governing body of the municipality;

144 (3) In all municipalities six members shall be
145 appointed by the chief elected officer of the municipality,

with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by

the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments. Members appointed by the county executive or presiding commissioner prior to August 28, 2008, shall continue their service on the commission established in subsection 3 of this section without further appointment unless the county executive or presiding commissioner appoints a new member or members.

3. Beginning August 28, 2008:

(1) In lieu of a commission created under subsection 2 of this section, any city, town, or village in a county with a charter form of government and with more than one million inhabitants, in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, [or] in a county of the first classification with more than one hundred eighty-five thousand but fewer than two hundred thousand

inhabitants, or in a county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants shall, prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, create a commission consisting of twelve persons to be appointed as follows:

(a) Six members appointed either by the county executive or presiding commissioner; notwithstanding any provision of law to the contrary, no approval by the county's governing body shall be required;

(b) Three members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;

(c) Two members appointed by the school boards whose districts are included in the county in a manner in which the school boards agree; and

(d) One member to represent all other districts levying ad valorem taxes in the proposed redevelopment area in a manner in which all such districts agree.

No city, town, or village subject to this subsection shall create or maintain a commission under subsection 2 of this section, except as necessary to complete a public hearing for which notice under section 99.830 has been provided prior to August 28, 2008, and to vote or make recommendations relating to redevelopment plans, redevelopment projects, or designation of redevelopment areas, or amendments thereto that were the subject of such public hearing;

(2) Members appointed to the commission created under this subsection, except those six members appointed by either the county executive or presiding commissioner, shall

serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan, or designation of a redevelopment area is considered for approval by the commission. The six members appointed by either the county executive or the presiding commissioner shall serve on all such commissions until replaced. The city, town, or village that creates a commission under this subsection shall send notice thereof by certified mail to the county executive or presiding commissioner, to the school districts whose boundaries include any portion of the proposed redevelopment area, and to the other taxing districts whose boundaries include any portion of the proposed redevelopment area. The city, town, or village that creates the commission shall also be solely responsible for notifying all other cities, towns, and villages in the county that have tax increment financing districts and shall exercise all administrative functions of the commission. The school districts receiving notice from the city, town, or village shall be solely responsible for notifying the other school districts within the county of the formation of the commission. If the county, school board, or other taxing district fails to appoint members to the commission within thirty days after the city, town, or village sends the written notice, as provided herein, that it has convened such a commission or within thirty days of the expiration of any such member's term, the remaining duly appointed members of the commission may exercise the full powers of the commission.

4. (1) Any commission created under this section, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission

shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830.

(2) Any commission created under subsection 2 of this section shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

(3) Any commission created under subsection 3 of this section shall, within fifteen days of the receipt of a redevelopment plan meeting the minimum requirements of section 99.810, as determined by counsel to the city, town, or village creating the commission and a request by the applicable city, town, or village for a public hearing, fix a time and place for the public hearing referred to in section 99.825. The public hearing shall be held no later than seventy-five days from the commission's receipt of such redevelopment plan and request for public hearing. The commission shall vote and make recommendations to the governing body of the city, town, or village requesting the public hearing on all proposed redevelopment plans, redevelopment projects, and designations of redevelopment areas, and amendments thereto within thirty days following the completion of the public hearing. A recommendation of approval shall only be deemed to occur if a majority of the commissioners voting on such plan, project, designation, or

311 amendment thereto vote for approval. A tied vote shall be
312 considered a recommendation in opposition. If the
313 commission fails to vote within thirty days following the
314 completion of the public hearing referred to in section
315 99.825 concerning the proposed redevelopment plan,
316 redevelopment project, or designation of redevelopment area,
317 or amendments thereto, such plan, project, designation, or
318 amendment thereto shall be deemed rejected by the commission.

319 5. It shall be the policy of the state that each
320 redevelopment plan or project of a municipality be carried
321 out with full transparency to the public. The records of
322 the tax increment financing commission including, but not
323 limited to, commission votes and actions, meeting minutes,
324 summaries of witness testimony, data, and reports submitted
325 to the commission shall be retained by the governing body of
326 the municipality that created the commission and shall be
327 made available to the public in accordance with chapter 610.

99.821. Notwithstanding any provision of sections
2 99.800 to 99.865 to the contrary, redevelopment plans
3 approved or amended after December 31, 2021, by a city not
4 within a county may provide for the deposit of up to ten
5 percent of the tax increment financing revenues generated
6 pursuant to section 99.845 into a strategic infrastructure
7 for economic growth fund established by such city in lieu of
8 deposit into the special allocation fund. Moneys deposited
9 into the strategic infrastructure for economic growth fund
10 pursuant to this section may be expended by the city
11 establishing such fund for the purpose of funding capital
12 investments in public infrastructure that the governing body
13 of such city has determined to be in a census tract that is
14 defined as a low-income community pursuant to 26 U.S.C.
15 Section 45D(e) or is eligible to be designated as a

16 qualified opportunity zone pursuant to 26 U.S.C. Section
17 1400Z-1.

99.843. Notwithstanding the provisions of sections
2 99.800 to 99.865 to the contrary, no new tax increment
3 financing project shall be authorized in any greenfield
4 area, as such term is defined in section 99.805[, that is
5 located within a city not within a county or any county
6 subject to the authority of the East-West Gateway Council of
7 Governments. Municipalities not subject to the authority of
8 the East-West Gateway Council of Governments may authorize
9 tax increment finance projects in greenfield areas].

99.847. 1. Notwithstanding the provisions of sections
2 99.800 to 99.865 to the contrary, for all years ending on or
3 before December 31, 2021, no new tax increment financing
4 project shall be authorized in any area which is within an
5 area designated as flood plain by the Federal Emergency
6 Management Agency and which is located in or partly within a
7 county with a charter form of government with greater than
8 two hundred fifty thousand inhabitants but fewer than three
9 hundred thousand inhabitants, unless the redevelopment area
10 actually abuts a river or a major waterway and is
11 substantially surrounded by contiguous properties with
12 residential, industrial, or commercial zoning
13 classifications. Notwithstanding the provisions of sections
14 99.800 to 99.865 to the contrary, for all years beginning on
15 or after January 1, 2022, no new tax increment financing
16 project shall be authorized in any area which is within an
17 area designated as flood plain by the Federal Emergency
18 Management Agency unless such project is located in:

19 (1) A county with a charter form of government and
20 with more than six hundred thousand but fewer than seven
21 hundred thousand inhabitants;

22 (2) A county of the first classification with more
23 than two hundred thousand but fewer than two hundred sixty
24 thousand inhabitants;

25 (3) A county of the first classification with more
26 than eighty-three thousand but fewer than ninety-two
27 thousand inhabitants and with a city of the fourth
28 classification with more than four thousand five hundred but
29 fewer than five thousand inhabitants as the county seat;

30 (4) A home rule city with more than seventy-one
31 thousand but fewer than seventy-nine thousand inhabitants;

32 (5) A home rule city with more than one hundred fifty-
33 five thousand but fewer than two hundred thousand
34 inhabitants;

35 (6) A home rule city with more than seventeen thousand
36 but fewer than nineteen thousand inhabitants and partially
37 located in any county of the third classification without a
38 township form of government and with more than twenty-six
39 thousand but fewer than twenty-nine thousand inhabitants;

40 (7) A county of the first classification with more
41 than seventy thousand but fewer than eighty-three thousand
42 inhabitants and with a home rule city with more than forty-
43 one thousand but fewer than forty-seven thousand inhabitants
44 as the county seat;

45 (8) A home rule city with more than forty-one thousand
46 but fewer than forty-seven thousand inhabitants and
47 partially located in any county of the first classification
48 with more than seventy thousand but fewer than eighty-three
49 thousand inhabitants;

50 (9) A port district created under the provisions of
51 chapter 68, provided that such financing is exclusively
52 utilized to fund a port infrastructure project that is
53 approved by the port authority; or

54 (10) A levee district created pursuant to chapter 245
55 or a drainage district created pursuant to chapter 242 or
56 chapter 243 prior to August 28, 2021.

57 2. This ~~subsection~~ section shall not apply to tax
58 increment financing projects or districts approved prior to
59 July 1, 2003, and shall allow ~~the aforementioned~~ such tax
60 increment financing projects to modify, amend, or expand
61 such projects, including redevelopment project costs, by not
62 more than forty percent of such project original projected
63 cost, including redevelopment project costs, as such
64 projects, including redevelopment project costs ~~as such~~
65 ~~projects redevelopment projects including redevelopment~~
66 ~~project costs~~, existed as of June 30, 2003, and shall allow
67 ~~the aforementioned~~ such tax increment financing district
68 to modify, amend, or expand such districts by not more than
69 five percent as such districts existed as of June 30, 2003.

70 3. The provisions of subsections 1 and 2 of this
71 section notwithstanding, no new tax increment financing
72 project shall be authorized in any area which is within an
73 area designated as flood plain by the Federal Emergency
74 Management Agency and which is located in or partly within a
75 county with a charter form of government and with more than
76 three hundred thousand but fewer than four hundred fifty
77 thousand inhabitants, unless the redevelopment area actually
78 abuts a river or a major waterway and is substantially
79 surrounded by contiguous properties with residential,
80 industrial, or commercial zoning classifications.

99.848. 1. (1) Notwithstanding subsection 1 of
2 section 99.845, any [district or county] ambulance district
3 board operating under chapter 190, any fire protection
4 district board operating under chapter 321, or any governing
5 body operating a 911 center providing dispatch services
6 under chapter 190 or chapter 321 imposing a property tax for

7 the purposes of providing emergency services pursuant to
8 chapter 190 or chapter 321 shall be entitled to
9 reimbursement from the special allocation fund in the amount
10 of at least fifty percent but not more than one hundred
11 percent of the district's or 911 center's tax increment.
12 This ~~section~~ subsection shall not apply to tax increment
13 financing projects or ~~districts~~ redevelopment areas
14 approved prior to August 28, 2004.

15 [2.] (2) Beginning August 28, 2018, an ambulance
16 district board operating under chapter 190, a fire
17 protection district board operating under chapter 321, or
18 the governing body of a county operating a 911 center
19 providing emergency or dispatch services under chapter 190
20 or chapter 321 imposing a property tax for the purpose of
21 providing emergency services pursuant to chapter 190 or
22 chapter 321 shall annually set the reimbursement rate under
23 this subsection ~~[1 of this section]~~ prior to ~~[the time the~~
24 ~~assessment is paid into the special allocation fund]~~
25 November thirtieth preceding the calendar year for which the
26 annual reimbursement is being set. If the redevelopment
27 plan, area, or project is amended by ordinance or by other
28 means after August 28, 2018, the ambulance or fire
29 protection district board or the governing body of a county
30 operating a 911 center providing emergency or dispatch
31 services under chapter 190 or chapter 321 shall have the
32 right to recalculate the reimbursement rate under this
33 ~~section~~ subdivision.

34 2. (1) Notwithstanding subsection 1 of section
35 99.845, any ambulance district board operating under chapter
36 190, any fire protection district operating under chapter
37 321, or any governing body operating a 911 center imposing
38 an economic activities tax for the purposes of providing
39 emergency services pursuant to chapter 190 or chapter 321

40 shall be entitled to reimbursement from the special
41 allocation fund in the amount of at least fifty percent but
42 not more than one hundred percent of the district's or 911
43 center's tax increment. This subsection shall not apply to
44 tax increment financing projects or redevelopment areas
45 approved prior to August 28, 2021.

46 (2) Beginning August 28, 2021, any ambulance district
47 board operating under chapter 190, any fire protection
48 district operating under chapter 321, or any governing body
49 operating a 911 center providing dispatch services under
50 chapter 190 or chapter 321 shall annually set the
51 reimbursement rate under this subsection prior to November
52 thirtieth preceding the calendar year for which the annual
53 reimbursement is being set. If the redevelopment plan,
54 area, or project is amended by ordinance or by other means
55 after August 28, 2021, the ambulance or fire protection
56 district board or the governing body of a county operating a
57 911 center providing emergency or dispatch services under
58 chapter 190 or chapter 321 shall have the right to
59 recalculate the reimbursement rate under this subdivision.

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

4 (1) "Authority", the downtown economic stimulus
5 authority for a municipality, created pursuant to section
6 99.921;

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

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

(3) "Blighted area", [an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use] the same meaning as defined pursuant to section 99.805;

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

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

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

80 structures and community facilities; lack of ventilation,
81 light or sanitary facilities; inadequate utilities;
82 excessive land coverage; deleterious land use or layout;
83 depreciation of physical maintenance; and lack of community
84 planning;

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

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

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

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

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

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

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

108 (g) The development area shall not include any
109 property that is located within the one hundred year flood
110 plain, as designated by the Federal Emergency Management
111 Agency flood delineation maps, unless such property is
112 protected by a structure that is inspected and certified by

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

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

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

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

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

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

(b) Professional service costs, including, but not limited to, architectural, 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, repair, or remodeling of existing public buildings and fixtures;

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

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

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

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

187 (i) State government costs, including, but not limited
188 to, the reasonable costs incurred by the department of
189 economic development, the department of revenue and the
190 office of administration in evaluating an application for
191 and administering state supplemental downtown development
192 financing for a development project; and

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

201 (12) "Economic activity taxes", the total additional
202 revenue from taxes which are imposed by the municipality and
203 other taxing districts, and which are generated by economic
204 activities within each development project area, which are
205 not related to the relocation of any out-of-state business
206 into the development project area, which exceed the amount
207 of such taxes generated by economic activities within such
208 development project area in the baseline year plus, in
209 development project areas where the baseline year is the
210 year following the year in which the development project is

approved by the municipality pursuant to subdivision (2) of this section, the total revenue from taxes which are imposed by the municipality and other taxing districts which is generated by economic activities within the development project area resulting from the relocation of an out-of-state business or out-of-state businesses to the development project area pursuant to section 99.919; but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments. If a retail establishment relocates within one year from one facility to another facility within the same county and the municipality or authority finds that the retail establishment is a direct beneficiary of development financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from taxes which are imposed by the municipality and other taxing districts which are generated by the economic activities within the development project area which exceed the amount of taxes which are imposed by the municipality and other taxing districts which are generated by economic activities within the development project area generated by the retail establishment in the baseline year;

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

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

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

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

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

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

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

(17) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality or authority, or other public

entity authorized to issue such obligations pursuant to sections 99.915 to 99.980 to carry out a development project or to refund outstanding obligations;

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

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

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

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

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

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

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

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

339 into a development project area. The incremental increase
340 for a Missouri facility which relocates to a development
341 project area shall be the amount by which the state sales
342 tax revenue of the facility exceeds the state sales tax
343 revenue for the facility in the calendar year prior to
344 relocation;

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

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

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

99.1082. As used in sections 99.1080 to 99.1092,
2 unless the context clearly requires otherwise, the following
3 terms shall mean:

4 (1) "Baseline year", the calendar year prior to the
5 adoption of an ordinance by the municipality approving a
6 redevelopment project; provided, however, if local sales tax
7 revenues or state sales tax revenues, from businesses other
8 than any out-of-state business or businesses locating in the
9 redevelopment project area, decrease in the redevelopment
10 project area in the year following the year in which the
11 ordinance approving a redevelopment project is approved by a
12 municipality, the baseline year may, at the option of the
13 municipality approving the redevelopment project, be the
14 year following the year of the adoption of the ordinance

15 approving the redevelopment project. When a redevelopment
16 project area is located within a county for which public and
17 individual assistance has been requested by the governor
18 under Section 401 of the Robert T. Stafford Disaster Relief
19 and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for
20 an emergency proclaimed by the governor under section 44.100
21 due to a natural disaster of major proportions and the
22 redevelopment project area is a central business district
23 that sustained severe damage as a result of such natural
24 disaster, as determined by the state emergency management
25 agency, the baseline year may, at the option of the
26 municipality approving the redevelopment project, be the
27 calendar year in which the natural disaster occurred or the
28 year following the year in which the natural disaster
29 occurred, provided that the municipality adopts an ordinance
30 approving the redevelopment project within one year after
31 the occurrence of the natural disaster;

32 (2) "Blighted area", [an area which, by reason of the
33 predominance of defective or inadequate street layout,
34 unsanitary or unsafe conditions, deterioration of site
35 improvements, improper subdivision or obsolete platting, or
36 the existence of conditions which endanger life or property
37 by fire and other causes, or any combination of such
38 factors, retards the provision of housing accommodations or
39 constitutes an economic or social liability or a menace to
40 the public health, safety, morals, or welfare in its present
41 condition and use] the same meaning as defined pursuant to
42 section 99.805;

43 (3) "Central business district", the area at or near
44 the historic core that is locally known as the "downtown" of
45 a municipality that has a median household income of sixty-
46 two thousand dollars or less, according to the United States
47 Census Bureau's American Community Survey, based on the most

recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. In addition, at least fifty percent of existing buildings in this area will have been built in excess of thirty-five years prior or vacant lots that had prior structures built in excess of thirty-five years prior to the adoption of the ordinance approving the redevelopment plan. The historical land use emphasis of a central business district prior to redevelopment will have been a mixed use of business, commercial, financial, transportation, government, and multifamily residential uses;

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

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

81 by a person licensed to conduct gambling games on an
82 excursion gambling boat or licensed to operate an excursion
83 gambling boat as provided in sections 313.800 to 313.850;

84 (6) "Local sales tax increment", at least fifty
85 percent of the local sales tax revenue from taxes that are
86 imposed by a municipality and its county, and that are
87 generated by economic activities within a redevelopment area
88 over the amount of such taxes generated by economic
89 activities within such a redevelopment area in the calendar
90 year prior to the adoption of the ordinance designating such
91 a redevelopment area while financing under sections 99.1080
92 to 99.1092 remains in effect, but excluding personal
93 property taxes, taxes imposed on sales or charges for
94 sleeping rooms paid by transient guests of hotels and
95 motels, licenses, fees, or special assessments; provided
96 however, the governing body of any county may, by
97 resolution, exclude any portion of any countywide sales tax
98 of such county. For redevelopment projects or redevelopment
99 plans approved after August 28, 2005, if a retail
100 establishment relocates within one year from one facility
101 within the same county and the governing body of the
102 municipality finds that the retail establishment is a direct
103 beneficiary of tax increment financing, then for the
104 purposes of this subdivision, the economic activity taxes
105 generated by the retail establishment shall equal the total
106 additional revenues from economic activity taxes that are
107 imposed by a municipality or other taxing district over the
108 amount of economic activity taxes generated by the retail
109 establishment in the calendar year prior to its relocation
110 to the redevelopment area;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Professional service costs, including, but not limited to, architectural, 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, repair, or remodeling of existing public buildings and fixtures;

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

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

(g) All or a portion of a taxing district's capital costs resulting from any redevelopment project necessarily

incurred or to be incurred in furtherance of the objectives of the redevelopment plan, to the extent the municipality by written agreement accepts and approves such infrastructure costs;

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

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

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

244 economic activity taxes generated by the retail
245 establishment in the calendar year prior to the relocation
246 to the redevelopment area;

247 (18) "State sales tax revenues", the general revenue
248 portion of state sales tax revenues received under section
249 144.020, excluding sales taxes that are constitutionally
250 dedicated, taxes deposited to the school district trust fund
251 in accordance with section 144.701, sales and use taxes on
252 motor vehicles, trailers, boats and outboard motors and
253 future sales taxes earmarked by law;

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

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

100.310. As used in this law, the following words and
2 terms mean:

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

7 (2) "Blighted area", [an area which, by reason of the
8 predominance of defective or inadequate street layout,
9 insanitary or unsafe conditions, deterioration of site
10 improvements, improper subdivision or obsolete platting, or
11 the existence of conditions which endanger life or property
12 by fire and other causes, or any combination of such
13 factors, retards the provision of housing accommodations or
14 constitutes an economic or social liability or a menace to
15 the public health, safety, morals or welfare in its present
16 condition and use] the same meaning as defined pursuant to
17 section 99.805;

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

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

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

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

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

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

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

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

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

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

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

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

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

81 (a) To acquire blighted, insanitary and undeveloped
82 industrial areas or portions thereof including lands,
83 structures or improvements the acquisition of which is

84 necessary or incidental to the proper industrial development
85 of the blighted, insanitary and undeveloped industrial areas
86 or to prevent the spread or recurrence of conditions of
87 blight, insanitary or undevelopment;

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

94 (c) To construct, reconstruct, remodel, repair,
95 improve, install improvements, buildings, plants, additions,
96 stores, shops, shopping centers, office buildings, hotels
97 and motels and parking garages, multi-family housing
98 facilities, warehouses, distribution centers, machines,
99 fixtures, structures and other facilities related to
100 industrial and commercial uses;

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

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

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

115 (18) "Undeveloped industrial area", any area which, by
116 reason of defective and inadequate street layout or location

117 of physical improvements, obsolescence and inadequate
118 subdivision and platting contains vacant parcels of land not
119 used economically; contains old, decaying, obsolete
120 buildings, plants, stores, shops, shopping centers, office
121 buildings, hotels and motels and parking garages,
122 warehouses, distribution centers, structures; contains
123 buildings, plants, stores, shops, shopping centers, office
124 buildings, hotels and motels and parking garages, multi-
125 family housing facilities, warehouses, distribution centers
126 and structures whose operation is not economically feasible;
127 contains intermittent commercial and industrial structures
128 in a primarily industrial or commercial area; or contains
129 insufficient space for the expansion and efficient use of
130 land for industrial plants and commercial uses amounting to
131 conditions which retard economic or social growth, are
132 economic waste and social liabilities and represent an
133 inability to pay reasonable taxes to the detriment and
134 injury of the public health, safety, morals and welfare.

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

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

5 (2) "Blighted area", [an area which, by reason of the
6 predominance of defective or inadequate street layout,
7 unsanitary or unsafe conditions, deterioration of site
8 improvements, improper subdivision or obsolete platting, or
9 the existence of conditions which endanger life or property
10 by fire and other causes, or any combination of such
11 factors, retards the provision of housing accommodations or
12 constitutes an economic or social liability or a menace to
13 the public health, safety, morals, or welfare in its present
14 condition and use. The term "blighted area" shall also
15 include any area which produces or generates or has the

16 potential to produce or generate electrical energy from a
17 renewable energy resource, and which, by reason of
18 obsolescence, decadence, blight, dilapidation, deteriorating
19 or inadequate site improvements, substandard conditions, the
20 predominance or defective or inadequate street layout,
21 unsanitary or unsafe conditions, improper subdivision or
22 obsolete platting, or the existence of conditions which
23 endanger the life or property by fire or other means, or any
24 combination of such factors, is underutilized, unutilized,
25 or diminishes the economic usefulness of the land,
26 improvements, or lock and dam site within such area for the
27 production, generation, conversion, and conveyance of
28 electrical energy from a renewable energy resource] the same
29 meaning as defined pursuant to section 99.805;

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

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

37 (5) "County average wage", the average wages in each
38 county as determined by the department for the most recently
39 completed full calendar year. However, if the computed
40 county average wage is above the statewide average wage, the
41 statewide average wage shall be deemed the county average
42 wage for such county for the purpose of determining
43 eligibility. The department shall publish the county
44 average wage for each county at least annually.

45 Notwithstanding the provisions of this subdivision to the
46 contrary, for any taxpayer that in conjunction with their
47 project is relocating employees from a Missouri county with
48 a higher county average wage, such taxpayer shall obtain the

endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

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

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

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

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

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

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered

82 eligible for benefits under this section if the other
83 requirements are satisfied. Service industries may be
84 eligible only if a majority of its annual revenues will be
85 derived from out of the state;

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

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

98 (12) "Facility base employment", the greater of the
99 number of employees located at the facility on the date of
100 the notice of intent, or for the twelve-month period prior
101 to the date of the notice of intent, the average number of
102 employees located at the facility, or in the event the
103 project facility has not been in operation for a full twelve-
104 month period, the average number of employees for the number
105 of months the facility has been in operation prior to the
106 date of the notice of intent;

107 (13) "Facility base payroll", the total amount of
108 taxable wages paid by the enhanced business enterprise to
109 employees of the enhanced business enterprise located at the
110 facility in the twelve months prior to the notice of intent,
111 not including the payroll of owners of the enhanced business
112 enterprise unless the enhanced business enterprise is
113 participating in an employee stock ownership plan. For the
114 purposes of calculating the benefits under this program, the

amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

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

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

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

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

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

(16) "NAICS", the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

(17) "New business facility", a facility that does not produce or generate electrical energy from a renewable energy resource and satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

179 (d) Such facility is not a replacement business
180 facility, as defined in subdivision (27) of this section;

181 (18) "New business facility employee", an employee of
182 the taxpayer in the operation of a new business facility
183 during the taxable year for which the credit allowed by
184 section 135.967 is claimed, except that truck drivers and
185 rail and barge vehicle operators and other operators of
186 rolling stock for hire shall not constitute new business
187 facility employees;

188 (19) "New business facility investment", the value of
189 real and depreciable tangible personal property, acquired by
190 the taxpayer as part of the new business facility, which is
191 used by the taxpayer in the operation of the new business
192 facility, during the taxable year for which the credit
193 allowed by 135.967 is claimed, except that trucks, truck-
194 trailers, truck semitrailers, rail vehicles, barge vehicles,
195 aircraft and other rolling stock for hire, track, switches,
196 barges, bridges, tunnels, and rail yards and spurs shall not
197 constitute new business facility investments. The total
198 value of such property during such taxable year shall be:

199 (a) Its original cost if owned by the taxpayer; or

200 (b) Eight times the net annual rental rate, if leased
201 by the taxpayer. The net annual rental rate shall be the
202 annual rental rate paid by the taxpayer less any annual
203 rental rate received by the taxpayer from subrentals. The
204 new business facility investment shall be determined by
205 dividing by twelve the sum of the total value of such
206 property on the last business day of each calendar month of
207 the taxable year. If the new business facility is in
208 operation for less than an entire taxable year, the new
209 business facility investment shall be determined by dividing
210 the sum of the total value of such property on the last
211 business day of each full calendar month during the portion

of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

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

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

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

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

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

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

(24) "Related taxpayer":

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

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

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust

or association in control of the taxpayer. "Control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

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

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

- (a) Wind;
- (b) Solar thermal sources or photovoltaic cells and panels;
- (c) Dedicated crops grown for energy production;
- (d) Cellulosic agricultural residues;
- (e) Plant residues;
- (f) Methane from landfills, agricultural operations, or wastewater treatment;
- (g) Thermal depolymerization or pyrolysis for converting waste material to energy;
- (h) Clean and untreated wood such as pallets;
- (i) Hydroelectric power, which shall include electrical energy produced or generated by hydroelectric

power generating equipment, as such term is defined in section 137.010;

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

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

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

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

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

311 claimed exceed one million dollars and if the total number
312 of employees at the new facility exceeds the total number of
313 employees at the old facility by at least two;

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

135.1610. 1. As used in this section, the following
2 terms mean:

3 (1) "Eligible expenses", expenses incurred in the
4 construction or development of establishing or improving an
5 urban farm in an urban area;

6 (2) "Tax credit", a credit against the tax otherwise
7 due under chapter 143, excluding withholding tax imposed
8 under sections 143.191 to 143.265;

9 (3) "Taxpayer", any individual, partnership, or
10 corporation as described under section 143.441 or 143.471
11 that is subject to the tax imposed under chapter 143,
12 excluding withholding tax imposed under sections 143.191 to
13 143.265, or any charitable organization that is exempt from
14 federal income tax and whose Missouri unrelated business
15 taxable income, if any, would be subject to the state income
16 tax imposed under chapter 143;

17 (4) "Urban area", an urbanized area as defined by the
18 United States Census Bureau;

19 (5) "Urban farm", an agricultural plot or facility in
20 an urban area that produces agricultural products, solely
21 for distribution to the public by sale or donation. "Urban
22 farm" shall include community-run gardens. "Urban farm"
23 shall not include personal farms or residential lots for
24 personal use.

25 2. A taxpayer shall be allowed to claim a tax credit
26 against the taxpayer's state tax liability in an amount
27 equal to fifty percent of the taxpayer's eligible expenses
28 for establishing or improving an urban farm.

29 3. The amount of the tax credit claimed shall not
30 exceed the amount of the taxpayer's state tax liability in
31 the tax year for which the credit is claimed, and the
32 taxpayer shall not be allowed to claim a tax credit under
33 this section in excess of five thousand dollars for each
34 urban farm. However, any tax credit that cannot be claimed
35 in the tax year the contribution was made may be carried
36 over to the next three succeeding tax years until the full
37 credit is claimed.

38 4. The total amount of tax credits that may be
39 authorized under this section shall not exceed one hundred
40 thousand dollars in any calendar year.

41 5. Tax credits issued under the provisions of this
42 section shall not be transferred, sold, or assigned.

43 6. The Missouri agriculture and small business
44 development authority may promulgate rules to implement the
45 provisions of this section. Any rule or portion of a rule,
46 as that term is defined in section 536.010, that is created
47 under the authority delegated in this section shall become
48 effective only if it complies with and is subject to all of
49 the provisions of chapter 536 and, if applicable, section
50 536.028. This section and chapter 536 are nonseverable, and
51 if any of the powers vested with the general assembly
52 pursuant to chapter 536 to review, to delay the effective
53 date, or to disapprove and annul a rule are subsequently
54 held unconstitutional, then the grant of rulemaking
55 authority and any rule proposed or adopted after August 28,
56 2021, shall be invalid and void.

57 7. Under section 23.253 of the Missouri sunset act:

58 (1) The program authorized under this section shall
59 automatically sunset on December thirty-first six years
60 after the effective date of this section unless reauthorized
61 by an act of the general assembly;

62 (2) If such program is reauthorized, the program
63 authorized under this section shall automatically sunset on
64 December thirty-first twelve years after the effective date
65 of the reauthorization of this section;

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

70 (4) Nothing in this subsection shall prevent a
71 taxpayer from claiming a tax credit properly issued before
72 the program was sunset in a tax year after the program is
73 sunset.

261.021. 1. As used in this section, the term
2 "socially disadvantaged community" means an area containing
3 a group of individuals whose members have been subjected to
4 racial or ethnic prejudice because of the identity of such
5 individuals as members of a group without regard to the
6 individual qualities of such individuals.

7 2. There is hereby created within the department of
8 agriculture the "Socially Disadvantaged Communities Outreach
9 Program" to connect historically unserved and underserved
10 urban communities with access to healthy fresh food and
11 knowledge and skills related to food production.

12 3. The outreach program shall:

13 (1) Provide financial assistance for people growing
14 food in socially disadvantaged communities through programs
15 such as those authorized in section 135.1610;

16 (2) Encourage activities that support and promote
17 urban agriculture in socially disadvantaged communities;

18 (3) Provide educational and skills training related to
19 food production in socially disadvantaged communities; and

20 (4) Address food deserts in urban socially
21 disadvantaged communities.

22 4. The department shall designate an employee to
23 administer and monitor the socially disadvantaged
24 communities outreach program and to serve as a liaison to
25 affected communities. The duties of such employee shall
26 include, but not be limited to:

27 (1) Providing leadership at the state level to
28 encourage participation in programs to meet the goals under
29 subsections 2 and 3 of this section;

30 (2) Conducting workshops and other sessions that
31 provide educational and skills training related to food
32 production to residents of socially disadvantaged
33 communities; and

34 (3) Seeking grants, private donations, or other
35 funding sources to support the socially disadvantaged
36 communities outreach program.

37 5. On or before December thirty-first of each year,
38 the department shall submit a report to the general assembly
39 detailing the number of residents who received training
40 under this section, the number of tax credits issued under
41 section 135.1610, and any recommendations for legislative
42 action to improve the program.

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

3 (1) "Agricultural products", an agricultural,
4 horticultural, viticultural, or vegetable product, growing
5 of grapes that will be processed into wine, bees, honey,
6 fish or other aquacultural product, planting seed,
7 livestock, a livestock product, a forestry product, poultry
8 or a poultry product, either in its natural or processed

9 state, that has been produced, processed, or otherwise had
10 value added to it in this state;

11 (2) "Blighted area", [that portion of the city within
12 which the legislative authority of such city determines that
13 by reason of age, obsolescence, inadequate, or outmoded
14 design or physical deterioration have become economic and
15 social liabilities, and that such conditions are conducive
16 to ill health, transmission of disease, crime or inability
17 to pay reasonable taxes] the same meaning as defined
18 pursuant to section 99.805;

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

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

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

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

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

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

39 (7) "Locally grown", a product that was grown or
40 raised in the same county or city not within a county in
41 which the UAZ is located or in an adjoining county or city

not within a county. For a product raised or sold in a city not within a county, locally grown also includes an adjoining county with a charter form of government with more than nine hundred fifty thousand inhabitants and those adjoining said county;

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

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

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

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

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

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

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

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

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

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

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

(b) A change in the physical state or form of the original agricultural product;

(c) An agricultural product grown in this state which has had its value enhanced by special production methods such as organically grown products; or

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

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

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

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

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

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

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

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

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

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

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

(a) If the person or organization is a grower UAZ, processing UAZ, vending UAZ, or a combination of all three

types of UAZs provided in this paragraph, in which case the person or organization shall meet the requirements of each type of UAZ in order to qualify;

(b) The number of jobs to be created;

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

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

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

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

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

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

community gardening, or any of the activities or products authorized by this section for UAZs.

4. The school district member and the two affected taxing district members shall each have initial terms of five years. Of the four members appointed by the chief elected official, two shall have initial terms of four years, and two shall have initial terms of three years. Thereafter, members shall serve terms of five years. Each member shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

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

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

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

8. Prior to the adoption of an ordinance proposing the designation of an urban agricultural zone, the urban agricultural board 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 urban agricultural zone. The board shall send, by certified mail,

a notice of such hearing to all taxing districts and political subdivisions in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the designation at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing. At the public hearing any interested person or affected taxing district may file with the board written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The board 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.

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

10. The real property of the UAZ shall not be subject to assessment or payment of ad valorem taxes on real property imposed by the cities affected by this section, or by the state or any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance under subsection 9 of this section, except to such extent and in such amount as may be imposed upon such real property during such period, as was determined by the assessor of the county in which such real property is located, or, if not located within a county, then by the assessor of such city, in an amount not greater than the amount of taxes due and payable thereon during the calendar year preceding the calendar year during which the urban agricultural zone was

designated. The amounts of such tax assessments shall not be increased during such period so long as the real property is used in furtherance of the activities provided under the provisions of subdivision (15) of subsection 1 of this section. At the conclusion of the period of abatement provided by the ordinance, the property shall then be reassessed. If only a portion of real property is used as an UAZ, then only that portion of real property shall be exempt from assessment or payment of ad valorem taxes on such property, as provided by this section.

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

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

(2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund", which shall consist of money collected under subdivision (1) of this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, shall be used for the purposes authorized by this section. Notwithstanding

the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Fifty percent of fund moneys shall be made available to school districts. The remaining fifty percent of fund moneys shall be allocated to municipalities that have urban agricultural zones based upon the municipality's percentage of local sales tax revenues deposited into the fund. The municipalities shall, upon appropriation, provide fund moneys to urban agricultural zones within the municipality for improvements. School districts may apply to the department for money in the fund to be used for the development of curriculum on or the implementation of urban farming practices under the guidance of the University of Missouri extension service and a certified vocational agricultural instructor. The funds are to be distributed on a competitive basis within the school district or districts in which the UAZ is located pursuant to rules to be promulgated by the department, with special consideration given to the relative number of students eligible for free and reduced-price lunches attending the schools within such district or districts.

13. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective

date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

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

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

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

(2) "Blighted area", [that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes] the same meaning as defined pursuant to section 99.805;

(3) "City" or "such cities", any city within this state and any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants or any county with a charter

26 form of government and with more than six hundred thousand
27 but less than seven hundred thousand inhabitants. The
28 county's authority pursuant to this chapter shall be
29 restricted to the unincorporated areas of such county;

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

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

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

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

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

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

57 (10) "Urban redevelopment corporation", a corporation
58 organized pursuant to this chapter; except that any life

59 insurance company organized pursuant to the laws of, or
60 admitted to do business in, the state of Missouri may from
61 time to time within five years after April 23, 1946,
62 undertake, alone or in conjunction with, or as a lessee of
63 any such life insurance company or urban redevelopment
64 corporation, a redevelopment project pursuant to this
65 chapter, and shall, in its operations with respect to any
66 such redevelopment project, but not otherwise, be deemed to
67 be an urban redevelopment corporation for the purposes of
68 this section and sections 353.010, 353.040, 353.060 and
69 353.110 to 353.160.

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Andrew Koenig

Derek Grier