

SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILLS NOS. 1694 & 1688
AN ACT

To repeal sections 99.918, 99.919, 99.930, 99.933, 99.936, 99.942, 99.948, 99.951, 99.954, 99.957, 99.960, 99.963, 99.965, 99.968, 99.975, and 99.980, RSMo, and to enact in lieu thereof sixteen new sections relating to incentives for downtown redevelopment.

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

Section A. Sections 99.918, 99.919, 99.930, 99.933, 99.936, 99.942, 99.948, 99.951, 99.954, 99.957, 99.960, 99.963, 99.965, 99.968, 99.975, and 99.980, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 99.918, 99.919, 99.930, 99.933, 99.936, 99.942, 99.948, 99.951, 99.954, 99.957, 99.960, 99.963, 99.965, 99.968, 99.975, and 99.980, to read as follows:

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

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

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

expanded development project, as applicable, in the year following the year in which the ordinance approving a development project or an expanded development project, as applicable, is approved by a municipality, the baseline year may, at the option of the municipality approving the development project or an expanded development project, as applicable, 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] or an expanded development project, as applicable;

(3) "Blighted area", 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 structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning;

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

(8) "Developer", the entity with which the municipality entered into a development agreement for the development of the development area as set forth in the municipality's application to the department for which a certificate of approval was issued under section 99.960 prior to January 1, 2013, and that has or is in the process of developing the development project, or the entity's affiliate;

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

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

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

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

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

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

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

(g) The development area shall not include any property that is located within the one hundred year flood plain, as designated by the Federal Emergency Management Agency flood delineation maps, unless such property is protected by a structure that is inspected and certified by the United States Army Corps of Engineers. This subdivision shall not apply to property within the one hundred year flood plain if the buildings on the property have been or will be flood proofed in accordance with the Federal Emergency Management Agency's standards for flood proofing and the property is located in a home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants. Only those buildings certified as being flood proofed in accordance with the Federal Emergency Management Agency's standards for flood proofing by the authority shall be eligible for the state sales tax increment and the state income tax increment. Subject to the limitation set forth in this subdivision, the development area can be enlarged or modified as provided in section 99.951] as a development area as included in its application to the department for which a certificate of approval was issued under section 99.960 prior to January 1, 2013, as may be thereafter modified under section 99.948 in relation to an expanded development area;

[(8)] (10) "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] included in its application to the department for which a certificate of approval was issued under section 99.960 prior to January 1, 2013, as may be thereafter modified under section 99.948 in relation to an expanded development plan;

[(9)] (11) "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] for which a certificate of approval was issued under section 99.960 prior to January 1, 2013, as may be thereafter modified under section 99.948 in relation to an expanded development project;

[(10)] (12) "Development project area", the area located within a development area selected for a development project for which a certificate of approval was issued under section 99.960 prior to January 1, 2013, as may be thereafter modified under section 99.948 in relation to an expanded development project;

[(11)] (13) "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;

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

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

(i) State government costs, including, but not limited to, the reasonable costs incurred by the department [of

economic development,] and the department of revenue [and the office of administration] in evaluating an application for and administering state supplemental downtown development financing for a development project; and

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

[(12)] (14) "Economic activity taxes", the total additional revenue from taxes which are imposed by the municipality and other taxing districts, and which are generated by economic activities within each development project area or expanded development project area, as applicable, which are not related to the relocation of any out-of-state business into the development project area or expanded development project area, as applicable, which exceed the amount of such taxes generated by economic activities within such development project area or expanded development project area, as applicable, in the baseline year plus, in development project areas where the baseline year is the year following the year in which the development project or expanded development project, as applicable, 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 or expanded development project area, as

applicable, 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 business or retail establishment relocates within one year from one facility to another facility within the same county and the municipality or authority finds that the business or retail establishment is a direct beneficiary of development financing, then for purposes of this definition, the economic activity taxes generated by the business or 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 or expanded development project area, as applicable, 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 or expanded development project area, as applicable, generated by the business or retail establishment in the baseline year;

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

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

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

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

(d) It furthers the development of the major initiative or has structures in the area fifty percent or more of which have an age of thirty-five years or more;

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

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

(g) The expanded development area shall not include any property that is located within the one-hundred-year flood plain, as designated by the Federal Emergency Management Agency flood delineation maps, unless such property is protected by a structure that is inspected and certified by the U.S. Army Corps of Engineers;

(16) "Expanded development plan", the comprehensive program of a municipality to reduce or eliminate those conditions that qualify an expanded 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 expanded development area through the reimbursement, payment, or other financing of expanded 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 expanded development plan shall conform to the requirements of section 99.942;

(17) "Expanded development project", any development project within an expanded development area and is in furtherance of the objectives of the expanded development plan, and any such expanded development project shall

include a legal description of the area selected for such expanded development project;

(18) "Expanded development project area", the area located within an expanded development area selected for an expanded development project;

(19) "Expanded development project costs", costs to an expanded development plan or expanded development project as set forth in a certificate of approval from the department that are expended on or used to reimburse base building costs of an expanded development project including site preparation; foundation; structural; utility relocation and off-site utility; environmental mitigation and remediation; stormwater management; mechanical, engineering, and plumbing; landscaping and hardscaping; lighting; and temporary structural support or stabilization costs; and any costs allowable under the definition of development project costs in this section. Economic activity taxes, payment in lieu of taxes, and municipal residential earnings tax increment may be expended on or used to reimburse any reasonable or necessary costs incurred or estimated to be incurred in furtherance of an expanded development plan or expanded development project. Notwithstanding any provision of law to the contrary, expanded development project costs may include the payment of obligations issued to finance development project costs associated with the major initiative. "Expanded development project costs" shall not include costs expended on the interior improvements of an expanded development project;

[(13)] (20) "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)] (21) "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)] for which a certificate of approval was issued under section 99.960 prior to January 1, 2013;

(22) "Municipal residential earnings tax increment", those revenues from the municipal earnings tax for salaries or wages paid to natural persons residing in a primarily

residential building, regardless of the inclusion of mixed uses within a portion of the building, in an expanded development project area that did not reside in the expanded development project area in the baseline year. The municipality may calculate the municipal residential earnings tax increment in a manner consistent with the state's calculation of state residential income tax increment, except the maximum marginal tax rate in effect shall be pursuant to the earnings tax rate approved by voters under sections 92.111 to 92.200;

(23) "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 to which a certificate of approval was issued under section 99.960 prior to January 1, 2013;

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

[(17)] (25) "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 expanded development project, as applicable, or to refund outstanding obligations;

[(18)] (26) "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)] (27) "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. For expanded development

project areas, "other net new revenues" also includes the amount of state residential income tax increment as determined under section 99.960;

[(20)] (28) "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 or expanded development project area, as applicable;

[(21)] (29) "Payment in lieu of taxes", those revenues from real property in each development project area or expanded development project area, as applicable, which taxing districts would have received had the municipality not adopted a development plan or expanded development plan, as applicable, 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 or expanded development project area, as applicable, exceeds the total equalized value of real property in such development project area or expanded development project area, as applicable, during the baseline year until development financing for such development project area or expanded development project area, as applicable, expires or is terminated pursuant to sections 99.915 to 99.980;

(30) "Retained job", an existing job in the state if the department determines that the existing job could be relocated to another state in the absence of the expanded development project authorized under sections 99.915 to 99.980;

[(22)] (31) "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 or expanded development plan or an expanded development project, as applicable, are deposited in a fourth account;

[(23)] (32) "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 or in an expanded development project area and created by the expanded development project, as applicable, and for an expanded development project, up to fifty percent of the estimate of the income tax due the state for salaries or wages paid to employees in retained jobs at a business located in the expanded development project area and created by the expanded development project. In the case of an expanded development project wherein the department director has determined, through the cost-benefit analysis and other analysis as determined by the department, that the projected state benefit is substantial and that the project is unlikely to occur without a higher percentage of state contribution, the increment percentage for the expanded development project may, at the department's discretion, be increased up to seventy percent of the income tax due the state for salaries or wages paid to new employees in new jobs and employees in retained jobs at a business located in the expanded development project area and created by the expanded 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. The department may provide in a certificate of approval for an expanded development project under section 99.960 that it will calculate and disburse state income tax increment based upon the highest marginal personal income tax rate in effect under section 143.011 at the time the certificate is issued even in the event the state personal income tax rate is subsequently reduced, or the tax is eliminated;

(33) "State residential income tax increment", up to seventy percent of the estimate of the income tax due the state for salaries or wages paid to natural persons residing in a primarily residential building, regardless of the inclusion of mixed uses within a portion of the building, in an expanded development project area that did not reside in the expanded development project area in the baseline year. Annually, after the opening of the residential component of the expanded development project, the developer shall provide the department and the municipality with certified incomes of natural persons residing in leased or occupied residential units. The increment shall be the product of the total certified incomes for all residential units leased to or occupied by natural persons times the maximum marginal tax rate in effect under section 143.011. The department may provide in a certificate of approval for an expanded development project under section 99.960 that the department shall calculate and disburse state residential income tax increment based upon the highest marginal personal income tax rate in effect under section 143.011 at the time the certificate is issued in the event the state personal income tax rate is subsequently reduced, or the tax is eliminated.

The developer shall allow the department to audit records of certified incomes of natural persons residing in leased or occupied residential units;

[(24)] (34) "State sales tax increment", up to [one-half] fifty percent of the incremental increase in the state sales tax revenue in the development project area or expanded development project area, as applicable. [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.] In the case of an expanded development project wherein the department director has determined, through the cost-benefit analysis and other analysis as determined by the department, that the projected state benefit is substantial and that the project is unlikely to occur without a higher percentage of state contribution, the increment percentage for the expanded development project may, at the department's discretion, be increased up to seventy percent of the incremental increase in the state sales tax revenue in the expanded development project area. 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 or expanded development project areas, as applicable, where the baseline year is the year following the year in which the development project or expanded development project areas, as

applicable, 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 into a development project area or expanded development project areas, as applicable. The incremental increase for a Missouri facility which relocates to a development project area or expanded development project areas, as applicable, shall be the amount by which the state sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar year prior to relocation. If the department elects to issue a certificate of approval for an expanded development project that applies the highest marginal personal income tax rate for the state income tax increment and state residential income tax increment regardless of whether the rate may thereafter be reduced or the tax eliminated, the department may fix the state sales tax rate upon which the state sales tax increment is calculated at the rate in effect at the time the certificate of approval is issued, even if the state sales tax rate is increased thereafter;

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

[(26)] (36) "Taxing district's capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from a development project or expanded development project, as applicable; and

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

99.919. Notwithstanding anything contained in sections 99.915 to 99.980 to the contrary, for development projects or expanded development projects, as applicable, that result in the relocation of an out-of-state business or out-of-state businesses to the development project area or expanded development project area, as applicable, the portion of economic activity taxes, the state income tax increment, the state sales tax increment and other net new revenues generated by such out-of-state business or businesses shall be calculated based upon the full amount of tax revenue generated by such out-of-state business or out-of-state businesses without reduction due to revenues generated in the baseline year.

99.930. 1. In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of an authority entered into pursuant to sections 99.915 to 99.980, such authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers under sections 99.915 to 99.980 upon proof of the adoption of the appropriate ordinance prescribed in section 99.921. Each such ordinance shall be deemed sufficient if it authorizes the exercise of powers under sections 99.915 to 99.980 by the authority and sets forth the findings of the municipality as required in subdivision (2) of section 99.921.

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

3. No lawsuit to set aside the creation of an authority, the approval of a development plan, development project, development area or development project area, or

the approval of an expanded development plan, expanded development project, expanded development area, or expanded development project area, as applicable, or a tax levied pursuant to sections 99.915 to 99.980, or to otherwise question the validity of the proceedings related thereto, shall be brought after the expiration of [ninety] thirty days from the effective date of the ordinance or resolution in question.

99.933. 1. The authority created pursuant to section 99.921 shall constitute a public body corporate and politic, exercising public and essential governmental functions.

2. A municipality or an authority created pursuant to section 99.921 shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of sections 99.915 to 99.980, including the following powers in addition to others granted pursuant to sections 99.915 to 99.980:

(1) To prepare or cause to be prepared and approved development plans and development projects to be considered at public hearings in accordance with sections 99.915 to 99.980 and to undertake and carry out development plans and development projects which have been adopted by ordinance;

(2) To prepare or cause to be prepared and approved expanded development plans and expanded development projects to be considered in accordance with sections 99.915 to 99.980 and to undertake and carry out expanded development plans and expanded development projects which have been adopted by ordinance;

(3) To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, streets, roads, public utilities, or other facilities for or in connection with any development project or expanded development project, as applicable; and

notwithstanding anything to the contrary contained in sections 99.915 to 99.980 or any other provision of law, to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of any development project or expanded development project, as applicable, and to include in any contract let in connection with any such development project or expanded development project, as applicable, provisions to fulfill such of the conditions as it may deem reasonable and appropriate;

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

[(4)] (5) Within a development area or expanded development area, as applicable, subject to provisions of section 99.936 with regard to the disposition of real property, to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest therein, all in the manner and at such price and subject to any covenants, restrictions, and conditions as the municipality or authority determines is reasonably necessary to achieve the objectives of a development plan or expanded development

plan, as applicable; to make any such covenants, restrictions, or conditions as covenants running with the land, and to provide appropriate remedies for any breach of any such covenants, restrictions, or conditions, including the right in the municipality or authority to terminate such contracts and any interest in the property created pursuant thereto;

[(5)] (6) Within a development area or expanded development area, as applicable, to clear any area by demolition or removal of existing buildings and structures;

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

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

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

[(9)] (10) In accordance with section 99.936, to select one or more developers to implement a development plan or expanded development plan, as applicable, or one or more development projects or expanded development projects, as applicable, or any portion thereof;

[(10)] (11) To charge as a development project cost or expanded development project cost, as applicable, the reasonable costs incurred by the municipality or authority,

the department [of economic development, the Missouri development finance board,] or the department of revenue in evaluating, administering, or implementing the development plan or any development project or the expanded development plan or any expanded development project, as applicable;

[(11)] (12) To borrow money and issue obligations in accordance with sections 99.915 to 99.980 and provide security for any such loans or obligations;

[(12)] (13) To insure or provide for the insurance of any real or personal property or operations of the municipality or authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of sections 99.915 to 99.980;

[(13)] (14) Within a development area or an expanded development area, as applicable, to renovate, rehabilitate, own, operate, construct, repair, or improve any improvements, buildings, parking garages, fixtures, structures, and other facilities;

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

[(15)] (16) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, municipality, or other public body or from any sources, public or private, for the purposes of implementing a development plan or expanded development

plan, as applicable, to give such security as may be required and to enter into and carry out contracts in connection therewith. A municipality or authority, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government for a project such conditions imposed pursuant to federal law as the municipality or authority may deem reasonable and appropriate and which are not inconsistent with the purposes of sections 99.915 to 99.980;

~~[(16)]~~ (17) To incur development project costs and expanded development project costs, as applicable, and make such expenditures as may be necessary to carry out the purposes of sections 99.915 to 99.980; and to make expenditures from funds obtained from the federal government without regard to any other laws pertaining to the making and approval of appropriations and expenditures;

~~[(17)]~~ (18) To loan the proceeds of obligations issued pursuant to sections 99.915 to 99.980 for the purpose of providing for the purchase, construction, extension, or improvement of public infrastructure related to a development project or expanded development project, as applicable, by a developer pursuant to a development contract approved by the municipality or authority in accordance with subdivision (2) of section 99.936;

~~[(18)]~~ (19) To declare any funds, or any portion thereof, in the special allocation fund to be excess funds, so long as such excess funds have not been pledged to the payment of outstanding obligations, ~~[or]~~ outstanding development project costs or outstanding expanded development project costs, as applicable, are not necessary for the payment of development project costs, or expanded development project costs, as applicable, incurred or anticipated to be incurred, and are not required to pay

baseline state sales taxes and baseline state withholding taxes to the director of revenue. Any such funds deemed to be excess shall be disbursed in the manner of surplus funds as provided in section 99.965;

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

[(20)] (21) To exercise all powers or parts or combinations of powers necessary, convenient, or appropriate to undertake and carry out development plans and any development projects or expanded development plans and any expanded development projects, as applicable, and all the powers granted pursuant to sections 99.915 to 99.980, excluding powers of eminent domain.

3. If any member of the governing body of the municipality, a commissioner of the authority, or an employee or consultant of the municipality or authority, involved in the planning and preparation of a development project or expanded development project, as applicable, owns or controls an interest, direct or indirect, in any property

included in a development project area or expanded development project area, as applicable, the individual shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to a development project or expanded development project, as applicable, and from voting on any matter pertaining to such development project or expanded development project, as applicable, or communicating with other commissioners or members of the authority or the municipality concerning any matter pertaining to such development project or expanded development project, as applicable. Furthermore, subject to the succeeding sentence, no such member, commissioner, employee, or consultant shall acquire any interest, direct or indirect, in any property in a development project area or proposed development project area or expanded development project area or proposed expanded development project area, as applicable, after either such individual obtains knowledge of a development project or expanded development project, as applicable, or first public notice of such development project or expanded development project, as applicable, or development project area or expanded development project, as applicable, pursuant to [subsection 2 of] section 99.951, whichever first occurs. At any time after one year from the adoption of an ordinance designating a development project area, or expanded development project area, as applicable, any commissioner may acquire an interest in real estate located in a development project

area or expanded development project area, as applicable, so long as any such commissioner discloses such acquisition and refrains from voting on any matter related to the development project area or expanded development project area, as applicable, in which the property acquired by such commissioner is located.

4. An authority created pursuant to section 99.921 shall have the following powers in addition to others granted pursuant to sections 99.915 to 99.980:

(1) To sue and to be sued; to have a seal and to alter the same at the authority's pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with sections 99.915 to 99.980, to carry out the provisions of sections 99.915 to 99.980;

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

(3) To receive and exercise powers delegated by any authority, agency, or agent of a municipality created pursuant to this chapter or chapter 353, excluding powers of eminent domain.

[5. Any home rule city with more than four hundred thousand inhabitants and located in more than one county, any city not within a county, and any county with a charter form of government and with more than one million inhabitants shall approve a disadvantaged business enterprise program to be implemented by the downtown

economic stimulus authority. The program shall require all businesses, vendors, and contractors working on projects undertaken by the authority to ensure enforcement of an equal opportunity employment plan and a minority and women-owned business program that is based on population and availability that contains specific worker ethnicity goals for each such business, vendor, and contractor, in accordance with applicable state and federal laws, rules, regulations, and orders.】

99.936. Real property which is acquired by a municipality or authority in a development project area or expanded development project area may be disposed of as follows:

(1) Within a development project area or expanded development project area, as applicable, the authority may sell, lease, exchange, or otherwise transfer real property, including land, improvements, and fixtures, or any interest therein, to any developer selected for a development project, or any portion thereof, in accordance with the development plan or to a developer of an expanded development project, in accordance with the expanded development plan, as applicable, subject to such covenants, conditions, and restrictions as may be deemed to be in the public interest or to carry out the purposes of sections 99.915 to 99.980. Such real property shall be sold, leased, or transferred at its fair market value for uses in accordance with the development plan or expanded development plan, as applicable; provided that such fair market value may be less than the cost of such property to the municipality or authority. In determining the fair market value of real property for uses in accordance with a development plan or expanded development plan, as applicable, the municipality or authority shall take into

account and give consideration to the uses and purposes required by the development plan or expanded development plan, as applicable; the restrictions upon, and the covenants, conditions, and obligations assumed by the developer of such property; the objectives of the development plan or expanded development plan, as applicable; and such other matters as the municipality or authority shall specify as being appropriate. In fixing rental and sale prices, a municipality or authority shall give consideration to appraisals of the property for such uses made by experts employed by the municipality or authority;

(2) (a) The municipality or authority shall, by public notice published in a newspaper having a general circulation in a development area, prior to selecting one or more developers for any development project, or any portion thereof, invite proposals from, and make available all pertinent information to, private developers or any persons interested in undertaking the development of such development project, or any portion thereof. Such notice shall be published at least once each week during the two weeks preceding the selection of a developer, shall identify the area of the development project or development projects, or any portion thereof, for which one or more developers are to be selected, and shall state that such further information as it is available may be obtained at the office of the municipality or authority. The municipality or authority shall consider all proposals and the financial and legal ability of the prospective developers to carry out their proposals. The municipality or authority may negotiate and enter into one or more contracts with any developer selected for the development of any such area for the development of such area by such developer in accordance

with a development plan or for the sale or lease of any real property to any such developer in any such area for the purpose of developing such property in accordance with the development plan. The municipality or authority may enter into any such contract as it deems to be in the public interest and in furtherance of the purposes of sections 99.915 to 99.980; provided that the municipality or authority has, not less than ten days prior thereto, notified the governing body in writing of its intention to enter into such contract. Thereafter, the municipality or authority may execute such contract in accordance with the provisions of subdivision (1) of this section and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract. In its discretion, the municipality or authority may, in accordance with the provisions of this subdivision, dispose of any real property in an area selected for a development project, or any portion thereof, to private developers for development under such reasonable competitive bidding procedures as it shall prescribe, subject to the provisions of subdivision (1) of this section[;].

(b) The municipality or authority may negotiate and enter into one or more contracts with a developer for the development of an expanded development area or expanded development project area in accordance with an expanded development plan or for the sale or lease of any real property to any such developer in any such area for the purpose of developing such property in accordance with the expanded development plan. The municipality or authority may enter into any such contract as it deems to be in the public interest and in furtherance of the purposes of sections 99.915 to 99.980; provided that the municipality or authority has, not less than ten days prior thereto,

notified the governing body in writing of its intention to enter into such contract. Thereafter, the municipality or authority may execute such contract in accordance with the provisions of subdivision (1) of this section and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract. In its discretion, the municipality or authority may, in accordance with the provisions of this subdivision, dispose of any real property in an area selected for an expanded development project, or any portion thereof, to a developer for an expanded development project.

(3) In carrying out a development project or expanded development project, as applicable, the authority may:

(a) Convey to the municipality such real property as, in accordance with the development plan or expanded development plan, as applicable, is to be dedicated as public right-of-way for streets, sidewalks, alleys, or other public ways, this power being additional to and not limiting any and all other powers of conveyance of property to municipalities expressed, generally or otherwise, in sections 99.915 to 99.980;

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

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

(4) The municipality or authority may operate and maintain real property in the development area or expanded development area, as applicable, pending the disposition or

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

99.942. 1. A development plan or expanded development plan, as applicable, shall set forth in writing a general description of the program to be undertaken to accomplish the development projects or expanded development projects, as applicable, and related objectives and shall include, but need not be limited to:

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

(2) The street address of the development site or expanded development site, as applicable;

(3) The three-digit North American Industry Classification System number or numbers characterizing the development project or expanded development project, as applicable;

(4) The estimated development project costs or expanded development project costs, as applicable;

(5) The anticipated sources of funds to pay such development project costs or expanded development projects costs, as applicable;

(6) Evidence of the commitments to finance such development project costs or expanded development project costs, as applicable;

(7) The anticipated type and term of the sources of funds to pay such development project costs or expanded development project costs, as applicable;

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

(9) The most recent equalized assessed valuation of the property within the development project area or expanded development project area, as applicable;

(10) An estimate as to the equalized assessed valuation after the development project area or expanded development project area, as applicable, is developed in accordance with a development plan or expanded development plan, respectively;

(11) The general land uses to apply in the development area or expanded development area, as applicable;

(12) The total number of individuals employed in the development area or expanded development area, as applicable, categorized by full-time, part-time, and temporary positions;

(13) The total number of full-time equivalent positions in the development area or expanded development area, as applicable;

(14) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area or expanded development area, as applicable;

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

(16) The number of new jobs and retained jobs, if applicable, to be created by any business [benefitting from public expenditures] in the development area or expanded

development area, as applicable, categorized by full-time, part-time, and temporary positions;

(17) The average hourly wage to be paid to all current and new employees at the project site of a development project, categorized by full-time, part-time, and temporary positions;

(18) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(19) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(20) A list of other community and economic benefits to result from the project;

(21) A list of all development subsidies that any business benefitting from public expenditures in the development area or expanded development area, as applicable, has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(22) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to **[this act]** sections 99.915 to 99.980 is being sought;

(23) A statement as to whether the development project or expanded development project, as applicable, may reduce employment at any other site, within or without of the

state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity. For an expanded development project, a statement as to whether such jobs may be retained jobs;

(24) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated. For an expanded development project, a statement as to whether such jobs may be retained jobs;

(25) A list of businesses that are competing with the business benefitting from the development plan in the county containing the development area and in each contiguous county;

(26) A market study for the development area or expanded development area, as applicable; [and]

(27) An expanded development plan shall include a description of any amendment to or modification of a development area sought in conjunction with an expanded development project and a description of any amendment to or modification of a development project area sought in conjunction with an expanded development project;

(28) The total number of natural persons residing in the expanded development area in the baseline year, if a municipal residential earnings tax increment or state residential income tax increment is sought to be included in funding;

(29) For an expanded development area, the identity of the developer;

(30) For an expanded development area, an explanation of how the area is in the central business district and either furthers the development of the major initiative or

has structures in the area fifty percent or more of which have an age of thirty-five years or more; and

(31) A certification by the chief officer of the applicant as to the accuracy of the development plan or expanded development plan, as applicable.

2. For any home rule city with more than four hundred thousand inhabitants and located in more than one county, for any county with a charter form of government and with more than one million inhabitants, any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants and any municipality within the county, and for any city not within a county, the authority shall be required in connection with the designation of the development area, development projects, and development project areas, to work with local community development corporations, as defined in subsection 3 of section 135.400, with a goal that over the term of the development plan five percent of the funds generated pursuant to section 99.957 will be expended in connection with such projects through the community development revolving fund created pursuant to section 99.939.

3. The development plan or expanded development plan, as applicable, may be adopted by a municipality in reliance on findings that a reasonable person would believe:

(1) The development area or expanded development area, as applicable, on the whole is a blighted area or a conservation area. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the development area or project or expanded development area or project, as applicable pursuant to this subsection, a written statement, signed by members of the governing body of the municipality or authority confirming

that the information has been independently reviewed by the members of the governing body of the municipality or authority with due diligence to confirm its accuracy, truthfulness, and completeness. The study shall be of sufficient specificity to allow representatives of the authority or the municipality to conduct investigations deemed necessary in order to confirm its findings;

(2) The development area or expanded development area, as applicable, has not been subject to material growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the implementation of one or more development projects or expanded development projects, as applicable, and the adoption of local and state development financing;

(3) The development plan or expanded development plan, as applicable, conforms to the comprehensive plan for the development of the municipality as a whole;

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

approving such development plan or expanded development plan, as applicable;

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

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

(7) The development plan does not include the initial development or redevelopment of any gambling establishment; and

(8) An economic feasibility analysis including a pro forma financial statement indicating the return on investment that may be expected without public assistance. The financial statement shall detail any assumptions made, a pro forma statement analysis demonstrating the amount of assistance required to bring the return into a range deemed

attractive to private investors, which amount shall not exceed the estimated reimbursable project costs.

99.948. 1. A municipality which has created an authority pursuant to section 99.921 may:

(1) Approve by ordinance the exercise by the authority of the powers, functions, and duties of the authority under sections 99.915 to 99.980; and

(2) After adopting an ordinance in accordance with subdivision (1) of this subsection and after receipt of recommendations from the authority in accordance with [subsection] subsections 3 and 4 of this section, by ordinance, designate development areas or expanded development areas, adopt the development plans and development projects or adopt expanded development plans and expanded development projects, designate a development project area for each development project adopted or designate an expanded development project area for each expanded development project adopted, and adopt development financing for each such development project area or adopt development financing for each such expanded development project area. No development plan or expanded development plan, as applicable, may be adopted until the development area or expanded development area, as applicable, is designated. No development project or expanded development project, as applicable, shall be adopted until the development plan or expanded development plan, as applicable, is adopted and the development project area for each development project or the expanded development project area for each expanded development project, as applicable, shall be designated at the time of adopting the development project or expanded development project, as applicable.

2. A municipality may authorize an authority created pursuant to section 99.921 to exercise all powers and

perform all functions of a transportation development district pursuant to sections 238.200 to ~~[238.275]~~ 238.280 within a development area or expanded development area, as applicable. An expanded development project shall not, by virtue of receiving increments under sections 99.915 to 99.980, be rendered ineligible to participate in the programs established by sections 67.1401 to 67.1571, 100.010 to 100.200, and 238.200 to 238.280.

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

4. The municipality or authority shall consider and approve any expanded development plan, expanded development project, designation of an expanded development area or amendments thereto, modification of a development area or development project area, and, to the extent required under section 99.951, amendments thereto at a meeting held in accordance with chapter 610.

99.951. 1. Prior to the adoption of the ordinance designating a development area, adopting a development plan, or approving a development project, the municipality or authority shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed development area or development project area affected. Such notice shall comply with the provisions of subsection 2 of this section. At the

public hearing any interested person or affected taxing district may file with the municipality or authority written objections to, or comments on, and may be heard orally in respect to, any issues regarding the plan or issues embodied in the notice. The municipality or authority shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the development plan, development project, development area or development project area, provided that written notice of such changes is available at the public hearing. After the public hearing but prior to the adoption of an ordinance designating a development area, adopting a development plan or approving a development project, changes may be made to any such proposed development plan, development project, development area, or development project area without a further hearing, if such changes do not enlarge the exterior boundaries of the development area, and do not substantially affect the general land uses established in a development plan or development project, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the development area or development project area, as applicable, not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance designating the development area, adopting a development plan, approving a development project, or designating a development project area, no ordinance shall be adopted altering the exterior boundaries of the development area or a development project area affecting the general land uses

established pursuant to the development plan or the general nature of a development project without holding a public hearing in accordance with this section. One public hearing may be held for the simultaneous consideration of a development area, development plan, development project, or development project area.

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

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

- (1) The time and place of the public hearing;
- (2) The general boundaries of the proposed development area or development project area, as applicable, by street location, where possible;
- (3) A statement that all interested persons shall be given an opportunity to be heard at the public hearing;
- (4) A description of the development plan and the proposed development projects and a location and time where the entire development plan or development projects proposed may be reviewed by any interested party;
- (5) An estimate of other net new revenues;
- (6) A statement that development financing involving tax revenues and payments in lieu of taxes is being sought for the project and an estimate of the amount of local development financing that will be requested, if applicable; and
- (7) Such other matters as the municipality or authority may deem appropriate.

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

5. Prior to the adoption of an ordinance designating an expanded development area, approving an expanded development plan or expanded development project, or modifying a development area or development project area, as

applicable, the municipality or authority shall notify each affected taxing district located wholly or partially within the boundaries of the proposed expanded development area or expanded development project area, as applicable, of the meeting at which such ordinance shall be considered. Such notice shall comply with chapter 610, contain a summary of the ordinance, and be provided not less than forty-five days prior to the meeting. At the meeting, any interested person or affected taxing district may file with the municipality or authority written objections to, or comments on, and may be heard orally in respect to, any issues regarding the plan, project, or areas embodied in the ordinance. The municipality or authority shall hear and consider all protests, objections, comments, and other evidence presented at the meeting. The ordinance may be considered at subsequent meetings subject to any notice requirements applicable under chapter 610. Prior to adoption of an ordinance designating an expanded development area, approving an expanded development plan or expanded development project, or modifying a development area or development project area, as applicable, changes may be made to the proposed expanded development area, expanded development plan, expanded development project, or development area or development project area modification, as applicable, so long as such changes are identified during the meeting at which the adoption of the ordinance is considered, recorded in the minutes of such meeting, and are subject to public comment during the meeting. After adoption of the ordinance, changes may be made to the expanded development area, expanded development plan, expanded development project, or development area or development project area modifications, as applicable, so long as the areas, plan, project, or modification remain

generally consistent with that approved by the ordinance.
Any change which would render the expanded development area,
expanded development plan, expanded development project, or
development area or development project area modification
not generally consistent with the approved ordinance shall
be considered and approved only at a meeting held in
accordance with chapter 610.

6. A copy of any and all hearing notices required by this section shall be submitted by the municipality or authority to the director of the department [of economic development] and the date such notices were mailed or published, as applicable.

99.954. 1. For the purpose of financing development project costs or expanded development project costs, as applicable, obligations may be issued by the municipality, or, at the request of the municipality, by the authority or any other political subdivision authorized to issue bonds, but in no event by the state, to pay or reimburse development project costs or expanded development project costs, as applicable. Such obligations, when so issued, shall be retired in the manner provided in the ordinance or resolution authorizing the issuance of such obligations.

2. Obligations issued pursuant to sections 99.915 to 99.980 may be issued in one or more series bearing interest at such rate or rates as the issuing entity shall determine by ordinance or resolution. Such obligations shall bear such date or dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms, and conditions, and be subject to redemption as such ordinance or resolution shall provide. Obligations issued pursuant to sections 99.915 to 99.980 may be sold at public or private sale at such price

as shall be determined by the issuing entity and shall state that obligations issued pursuant to sections 99.915 to 99.980 are special obligations payable solely from the funds specifically pledged. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to sections 99.915 to 99.980.

3. In the event the obligations contain a recital that they are issued pursuant to sections 99.915 to 99.980, such recital shall be conclusive evidence of their validity and of the regularity of their issuance.

4. Neither the municipality, the authority, or any other entity issuing such obligations, or the members, commissioners, directors, or the officers of any such entities nor any person executing any obligation shall be personally liable for such obligation by reason of the issuance thereof. The obligations issued pursuant to sections 99.915 to 99.980 shall not be a general obligation of the state, the municipality, or any political subdivision thereof, nor in any event shall such obligation be payable out of any funds or properties other than those specifically pledged as security for such obligations. The obligations shall not constitute indebtedness within the meaning of any constitutional, statutory, or charter debt limitation or restriction.

5. Obligations issued pursuant to sections 99.915 to 99.980 may be issued to refund, in whole or in part, obligations theretofore issued by such entity pursuant to the authority of sections 99.915 to 99.980, whether at or prior to maturity; provided, however, that the last maturity of the refunding obligations shall not be expressed to mature later than the last maturity date of the obligations to be refunded.

6. In the event a municipality or authority issues obligations under home rule powers or other legislative authority, the proceeds of which are pledged to pay for development project costs or expanded development project costs, as applicable, the municipality may retire such obligations from funds in the special allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of sections 99.915 to 99.980.

7. State supplemental downtown development financing shall not be used for retiring or refinancing debt or obligations on a previously publicly financed redevelopment project without express approval from the director of the department [of economic development and the Missouri development finance board]. No approval shall be granted unless the application for state supplemental downtown development financing contains development projects or expanded development projects, as applicable, that are new projects which were not a part of the development projects for which there is existing public debt or obligations.

99.957. 1. A municipality, after designating a development area, adopting a development plan, and adopting any development project in conformance with the procedures of sections 99.915 to 99.980, may adopt development financing for the development project area selected for any such development project or for the expanded development project area selected for any expanded development project, as applicable, by passing an ordinance. Upon the adoption of the first of any such ordinances, the municipality shall establish, or shall direct the authority to establish, a special allocation fund for the development area or expanded development area, as applicable.

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

3. In each of the twenty-five calendar years following the adoption of an ordinance adopting development financing for a development project area or expanded development project area, as applicable, pursuant to subsection 1 of this section unless and until development financing for such development project area or expanded development project area, as applicable, is terminated by ordinance of the municipality, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such development project area by taxing districts at the tax rates determined in the manner provided in section 99.968 shall be divided as follows:

(1) That portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property in such development project area or expanded development project area, as applicable, which is

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

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the development project area or expanded development project area, as applicable, and any applicable penalty and interest over and above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area or expanded development project area, as applicable, as certified by the county assessor in accordance with subsection 2 of this section shall be allocated to and, when collected, shall be paid to the collecting officer of the municipality who shall deposit such payment in lieu of taxes into a separate segregated account for payments in lieu of taxes within the special fund. Payments in lieu of taxes which are due and owing shall constitute a lien against the real property from which such payments in lieu of taxes are derived and shall be collected in the same manner as real property taxes, including the assessment of penalties and interest where applicable. The lien of payments in lieu of taxes may be foreclosed in the same manner as the lien of real property taxes. No part of the current equalized assessed valuation of each taxable lot, block, tract, or parcel of property in any such development project area or expanded development project area, as applicable, attributable to any increase

above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area or expanded development project area, as applicable, as certified by the county assessor in accordance with subsection 2 of this section shall be used in calculating the general state school aid formula provided for in section 163.031 until development financing for such development project area expires or is terminated in accordance with sections 99.915 to 99.980;

(3) For purposes of this section, "levies upon taxable real property in such development area or expanded development area, as applicable, by taxing districts" shall not include the blind pension fund tax levied under the authority of Section 38(b), Article III, of the Missouri Constitution, the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of Section 6, Article X of the Missouri Constitution, the desegregation sales tax, or the conservation taxes.

4. In each of the twenty-five calendar years, or at the option of the municipality up to thirty calendar years, following the adoption of an ordinance or resolution adopting development financing for a development project area or expanded development project area, as applicable, pursuant to subsection 1 of this section unless and until development financing for such development project area or expanded development project, as applicable, is terminated in accordance with sections 99.915 to 99.980, fifty percent, or at the option of the municipality a higher percentage, of the economic activity taxes from such development project area or expanded development project area, as applicable, shall be allocated to, and paid by the collecting officer of any such economic activity tax to, the treasurer or other designated financial officer of the municipality, who shall

deposit such funds in a separate segregated account for economic activity taxes within the special allocation fund. Provided however, in any county, the governing body of the county may, by resolution, exclude any portion of any countywide sales tax of such county.

5. In no event shall a municipality collect and deposit economic activity taxes in the special allocation fund unless the [developing] development project or expanded development project, as applicable, has been approved for state supplemental downtown development financing pursuant to section 99.960.

6. In each of the twenty-five calendar years, or at the option of the municipality up to thirty calendar years, following the adoption of an ordinance or resolution adopting development financing for an expanded development project area pursuant to subsection 1 of this section unless and until development financing for such expanded development project area is terminated in accordance with sections 99.915 to 99.980, seventy percent, or at the option of the municipality a higher percentage, of the municipal residential earnings tax increment from such expanded development project area shall be allocated to, and paid by the collecting officer of any such municipal residential earnings tax to, the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account for municipal residential earnings taxes within the special allocation fund. This section shall not apply to a municipality that, in the determination of the department, has adopted an ordinance that allocates a sufficient amount of the additional economic activity taxes to the expanded development project for the period for which other net new revenues are sought from the state to substitute for the municipal residential

earnings tax amount in this section. For purposes of this subsection, "additional economic activity taxes" means economic activity taxes above the percentage required in subsection 4 of this section but is limited to taxes the municipality has determined are legally permissible to be used for the expanded development project costs including, but not limited to, taxes imposed under sections 92.111 to 92.200, 94.510, 94.577, and 144.032.

7. In no event shall a municipality collect and deposit municipal residential earnings tax increment in the special allocation fund unless the expanded development project has been approved for state supplemental downtown development financing pursuant to section 99.960.

99.960. 1. A municipality shall submit an application to the department [of economic development] for review and [submission of an analysis and recommendation to the Missouri development finance board for] a determination as to approval of the disbursement of the project costs of one or more development projects or expanded development projects, as applicable, from the state supplemental downtown development fund. [The department of economic development shall forward the application to the Missouri development finance board with the analysis and recommendation.] In no event shall any approval authorize a disbursement of one or more development projects or expanded development projects, as applicable, from the state supplemental downtown development fund which exceeds the allowable amount of other net new revenues derived from the development area or expanded development area, as applicable. An application submitted to the department [of economic development] shall contain the following, in addition to the items set forth in section 99.942:

(1) [An estimate] A certification that for a minimum of twenty-five years one hundred percent of the payments in lieu of taxes and economic activity taxes and, for expanded development projects, if applicable under subsection 6 of section 99.957, one hundred percent of the municipal residential earnings tax increment deposited to the special allocation fund must and will be used to pay development project costs or expanded development project costs, as applicable, or obligations issued to finance development project costs or expanded development project costs, as applicable, to achieve the objectives of the development plan or expanded development plan, as applicable. Contributions to the development project or expanded development project, as applicable, from any private not-for-profit organization or local contributions from tax abatement or other sources may be substituted on a dollar-for-dollar basis for the local match of one hundred percent of payments in lieu of taxes, [and] economic activity taxes, and the municipal residential earnings tax increment from the fund;

(2) Identification of the existing businesses located within the development project area or expanded development project area, as applicable, and the development area or expanded development area, as applicable;

(3) The aggregate baseline year amount of state sales tax revenues and the aggregate baseline year amount of state income tax withheld on behalf of existing employees, reported by existing businesses within the development project area or expanded development project area, as applicable. Provisions of section 32.057 notwithstanding, municipalities will provide this information to the department of revenue for verification. The department of revenue will verify the information provided by the

municipalities within forty-five days of receiving a request for such verification from a municipality;

(4) An estimate of the state sales tax increment and state income tax increment within the development project area or expanded development project area, as applicable, after redevelopment;

(5) The total number of natural persons residing in the expanded development area and each expanded development project area in the baseline year, if state residential income tax increment is sought to be included in other net new revenues;

(6) An estimate of the number of primarily residential buildings and the number of residential units in such buildings to be in the expanded development area and each expanded development project area, regardless of the inclusion of mixed uses within a portion of the building after redevelopment;

(7) An estimate of the occupancy rate for each residential building and total projected income for natural persons residing in leased or occupied residential units in the expanded development area and each expanded development project area after redevelopment;

(8) An estimate of the state residential income tax increment within the expanded development area and each expanded development project area, after redevelopment;

(9) For an expanded development area, the identity of the developer, and if an affiliate of the developer of the development area, documentation substantiating the relationship;

(10) An affidavit that is signed by the developer or developers attesting that the provision of subdivision (2) of subsection 3 of section 99.942 has been met and specifying that the development area would not be reasonably

anticipated to be developed without the appropriation of the other net new revenues. For expanded development areas, the affidavit shall apply to the development area and the associated expanded development area together;

[(6)] (11) The amounts and types of other net new revenues sought by the applicant to be disbursed from the state supplemental downtown development fund over the term of the development plan or expanded development plan, as applicable;

[(7)] (12) The methodologies and underlying assumptions used in determining the estimate of the state sales tax increment, and the state income tax increment, and the state residential income tax increment; and

[(8)] (13) Any other information reasonably requested by the department [of economic development and the Missouri development finance board].

2. The department [of economic development] shall make all reasonable efforts to process applications within sixty days of receipt of the application.

3. The [Missouri development finance board] department shall make a determination regarding the application for a certificate allowing disbursements from the state supplemental downtown development fund [and shall forward such determination to the director of the department of economic development]. In no event shall the amount of disbursements from the state supplemental downtown development fund approved for a project, in addition to any other state economic development funding or other state incentives, exceed the projected state benefit of the development project or expanded development project, as applicable, as determined by the department [of economic development] through a cost-benefit analysis. Any political subdivision located either wholly or partially within the

development area shall be permitted to submit information to the department [of economic development] for consideration in its cost-benefit analysis. Upon approval of state supplemental downtown development financing, a certificate of approval shall be issued by the department [of economic development] containing the terms and limitations of the disbursement.

4. At no time shall the annual amount of other net new revenues approved for disbursements from the state supplemental downtown development fund exceed one hundred eight million dollars.

5. Development projects or expanded development projects, as applicable, receiving disbursements from the state supplemental downtown development fund shall be limited to receiving such disbursements for fifteen years, unless specific approval for a longer term is given by the director of the department [of economic development], as set forth in the certificate of approval; except that, in no case shall the duration exceed [twenty-five] thirty years. The department shall not approve a duration of other net new revenues in excess of the number of years that the municipality has allocated economic activity taxes and, if applicable, municipal residential income tax, to the development project or expanded development project, as applicable. The approved term notwithstanding, state supplemental downtown development financing shall terminate when development financing for a development project or expanded development project, as applicable, is terminated by a municipality.

6. The municipality shall deposit payments received from the state supplemental downtown development fund in a separate segregated account for other net new revenues within the special allocation fund.

7. Development project costs or expanded development project costs, as applicable, may include, at the prerogative of the state, the portion of salaries and expenses of the department [of economic development, the Missouri development finance board,] and the department of revenue reasonably allocable to each development project or expanded development project, as applicable, approved for disbursements from the state supplemental downtown development fund for the ongoing administrative functions associated with such development project or expanded development project, as applicable. Such amounts shall be recovered from other net new revenues deposited into the state supplemental downtown development fund created pursuant to section 99.963.

8. A development project or expanded development project, as applicable, approved for state supplemental downtown development financing may not thereafter elect to receive tax increment financing pursuant to the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, and continue to receive state supplemental downtown development financing pursuant to sections 99.915 to 99.980.

9. The department [of economic development, in conjunction with the Missouri development finance board,] may establish the procedures and standards for the determination and approval of applications by the promulgation of rules and regulations and publish forms to implement the provisions of this section and section 99.963.

10. 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 and section 99.963 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, section 99.963, 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, 2003, shall be invalid and void.

[11. The Missouri development finance board shall consider parity based on population and geography of the state among the regions of the state in making determinations on applications pursuant to this section.]

99.963. 1. There is hereby established within the state treasury a special fund to be known as the "State Supplemental Downtown Development Fund", to be administered by the department [of economic development]. Any unexpended balance and any interest in the fund at the end of the biennium shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund. The fund shall consist of:

(1) The first one hundred fifty million dollars of other net new revenues generated annually by the development projects and expanded development projects, as applicable;

(2) Money received from costs charged pursuant to subsection 7 of section 99.960; and

(3) Gifts, contributions, grants, or bequests received from federal, private, or other sources.

2. Notwithstanding the provisions of section 144.700 to the contrary, the department of revenue shall annually submit the first one hundred fifty million of other net new revenues generated by the development projects and expanded development projects to the treasurer for deposit in the state supplemental downtown development fund.

3. The department [of economic development] shall annually disburse funds from the state supplemental downtown development fund in amounts determined pursuant to the certificates of approval for projects, [providing] provided that the amounts of other net new revenues generated from the development area or expanded development area, as applicable, have been verified and all of the conditions of sections 99.915 to 99.980 and the certificate of approval are met.

If the revenues appropriated by the general assembly from the state supplemental downtown development fund are not sufficient to equal the amounts determined to be disbursed pursuant to such certificates of approval, the department [of economic development] shall disburse the revenues on a pro rata basis to all such projects and other costs approved pursuant to section 99.960.

4. In no event shall the amounts distributed to a project from the state supplemental downtown development fund exceed the [lessor] lesser of the amount of the certificates of approval for projects or the actual other net new revenues generated by the projects, except in the event that the state personal income tax rate is reduced or the tax eliminated and the department issues a certificate of approval using the highest marginal state personal income tax rate in effect at the time the certificate is issued, as authorized under sections 99.914 to 99.980, in which case the actual other net new revenues shall be calculated as set forth in the certificate.

5. The department [of economic development shall not] may decline to disburse any moneys from the state supplemental downtown development fund for any project which

has not complied with the annual reporting requirements of section 99.980.

6. Money in the state supplemental downtown development fund may be spent for the reasonable and necessary costs associated with the administration of the program authorized under sections 99.915 to 99.980.

7. No municipality shall obligate or commit the expenditure of disbursements received from the state supplemental downtown development fund prior to receiving a certificate of approval for the development project or expanded development project, as applicable, generating other net new revenues.

8. Taxpayers in any development area or expanded development area, as applicable, who are required to remit sales taxes pursuant to chapter 144 or income tax withholdings pursuant to chapter 143 shall provide additional information to the department of revenue in a form prescribed by the department of revenue by rule. Such information shall include but shall not be limited to information upon which other net new revenues can be calculated, and shall include the number of new jobs and retained jobs, if applicable, the gross payroll for such jobs, and sales tax generated in the development area or expanded development area, as applicable, by such taxpayer in the baseline year and during the time period related to the withholding or sales tax remittance.

9. 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, 2003, shall be invalid and void.

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

municipal residential earnings tax increment shall be paid to the municipality. Surplus other net new revenues shall be paid to the state. Any other funds remaining in the special allocation fund following the adoption of an ordinance terminating development financing in accordance with this section shall be deposited to the general fund of the municipality.

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

3. Nothing in sections 99.915 to 99.980 shall be construed as relieving property in such areas from paying a uniform rate of taxes, as required by Section 3, Article X of the Missouri Constitution.

99.968. In each of the twenty-five calendar years following the adoption of an ordinance adopting development financing for a development project area or expanded development project area, as applicable, unless and until development financing for such development project area or expanded development project area, as applicable, is terminated by ordinance of the municipality, then, in respect to every taxing district containing such development project area or expanded development project area, as applicable, the county clerk, or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within such development project area or expanded development project area, as applicable, for the purpose of computing any debt service

levies to be extended upon taxable property within such development project area or expanded development project area, as applicable, shall in every year that development financing is in effect with respect to real property taxes ascertain the amount of value of taxable property in such development project area or expanded development project area, as applicable, by including in such amount the certified total initial equalized assessed value of all taxable real property in such development project area or expanded development project area, as applicable, in lieu of the equalized assessed value of all taxable real property in such development project area. For the purpose of measuring the size of payments in lieu of taxes under sections 99.915 to 99.980, all tax levies shall then be extended to the current equalized assessed value of all property in the development project area or expanded development project area, as applicable, in the same manner as the tax rate percentage is extended to all other taxable property in the taxing district.

99.975. 1. No new applications for a development area, development plan, or development project made pursuant to sections 99.915 to 99.980 shall be approved after January 1, 2013.

2. [No applications made pursuant to sections 99.915 to 99.980 shall be approved prior to August 28, 2003, except for applications for projects that are 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.

3.] Prior to December 31, 2006, the Missouri development finance board may approve up to two applications made pursuant to sections 99.915 to 99.980 for a development project [in a home rule city with more than four hundred thousand inhabitants and located in more than one county] in which the state sales tax increment for such projects approved pursuant to the provisions of this subsection shall be up to one-half of the incremental increase in all sales taxes levied pursuant to section 144.020. [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.]

3. No new applications for expanded development projects made pursuant to sections 99.915 to 99.980 shall be approved after January 1, 2037.

4. No later than December 31, 2030, a municipality eligible to apply to the department for other net new revenues for an expanded development area under section 99.960 must submit to the department a map or other documentation identifying the bounds of the expanded development area to which it will limit itself in its application or applications to the department. The submission shall include the projected locations of the possible expanded development project areas and a list of

possible expanded development projects, along with any potential amendments to a development area that may be sought in conjunction with an expanded development project. The municipality shall be limited to inclusion in any application to the department under section 99.960 to the expanded development area identified to the department no later than December 31, 2030.

5. The incremental increase for an existing facility shall be the amount of all state sales taxes generated pursuant to section 144.020 at the facility in excess of the amount of all state sales taxes generated pursuant to section 144.020 at the facility in the baseline year. The incremental increase in development project areas or expanded development project areas, as applicable, where the baseline year is the year following the year in which the development project or expanded development project, as applicable, is approved by the municipality pursuant to subdivision (2) of section 99.918 shall be the state sales tax revenue generated by out-of-state businesses relocating into a development project area or expanded development project area, as applicable. The incremental increase for a Missouri facility which relocates to a development project area or expanded development project area, as applicable, shall be the amount by which the state sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar year prior to relocation.

99.980. 1. By the last day of February each year, the municipality or authority shall report to the director of the department **[of economic development]** the name, address, phone number, and primary line of business of any business which relocates to the development area or expanded development area, as applicable.

2. Each year the governing body of the municipality, or its designee, shall prepare a report concerning the status of the development plan, the development area, and the included development projects or the expanded development plan, the expanded development area, and the included expanded development projects, as applicable, and shall submit a copy of such report to the director of the department [of economic development]. Unless otherwise determined by the department, the report shall include the following:

- (1) The name, street and mailing addresses, phone number, and chief officer of the granting body;
- (2) The name, street and mailing addresses, phone number, and chief officer of any business benefitting from public expenditures in such development plans and projects or expanded development plan and projects, as applicable;
- (3) The amount and source of revenue in the special allocation fund;
- (4) The amount and purpose of expenditures from the special allocation fund;
- (5) The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;
- (6) The original equalized assessed value of the development area or expanded development area, as applicable;
- (7) The assessed valuation added to the development area or expanded development area, as applicable;
- (8) Payments made in lieu of taxes received and expended;
- (9) The economic activity taxes generated within the development area or expanded development area, as applicable, in the baseline year;

(10) The economic activity taxes generated within the development area or expanded development area, as applicable, after the baseline year;

(11) Reports on contracts made incident to the implementation and furtherance of a development area, the development plan, and the included development projects or an expanded development area, the expanded development plan, and the included expanded development projects, as applicable;

(12) A copy of the development plan or expanded development plan, as applicable;

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

(14) The number of parcels acquired by or through initiation of eminent domain proceedings;

(15) For municipalities with more than four hundred thousand inhabitants and located in more than one county, any county with a charter form of government and with more than one million inhabitants, any city not within a county, and any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants and any municipality located therein, the number of development projects developed in connection with community development corporations and the amount of funds generated pursuant to section 99.957 which are expended in connection with such project;

(16) A summary of the number of net new jobs created and retained jobs, if applicable, categorized by full-time, part-time, and temporary positions, and by wage groups;

(17) The comparison of the total employment in this state by any business, including any corporate parent, benefitting from public expenditures in the development area

or expanded development area, as applicable, on the date of the application compared to such employment on the date of the report, categorized by full-time, part-time, and temporary positions;

(18) A statement as to whether public expenditures on any development project or expanded development project, as applicable, during the previous fiscal year have reduced employment at any other site controlled by any business benefitting from public expenditures in the development area or expanded development area, as applicable, or its corporate parent, within or without of this state as a result of automation, merger, acquisition, corporate restructuring, or other business activity;

(19) A summary of the other community and economic benefits resulting from the project, consistent with those identified in the application;

(20) A signed certification by the chief officer of the authority or municipality as to the accuracy of the progress report; and

(21) Any additional reasonable information the department [of economic development] deems necessary.

3. The report shall include an analysis of the distribution of state supplemental downtown development financing by the municipality [and by economic development region, as defined by the department of economic development].

4. The department shall compile and publish all data from the progress reports in both written and electronic form, including the department's internet website.

5. The department shall have access at all reasonable times to the project site and the records of any authority or municipality in order to monitor the development project

or projects or expanded development project or projects, as applicable, and to prepare progress reports.

6. Data contained in the report required pursuant to the provisions of subsection 1 of this section and any information regarding amounts disbursed to municipalities pursuant to the provisions of sections 99.957 and 99.963 shall be deemed a public record, as defined in section 610.010.

7. Any municipality failing to file an annual report as required pursuant to this section ~~shall~~ may be determined by the department to be ineligible to receive any disbursements from the state supplemental downtown development fund pursuant to section 99.963.

8. The ~~Missouri development finance board and the~~ department ~~of economic development~~ shall annually review the reports provided pursuant to this section.

9. The director of the department ~~of economic development~~ shall submit a report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate no later than April thirtieth of each year. The report shall contain a summary of all information received by the director ~~of economic development~~ the department pursuant to subsection 2 of this section.

10. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the development area or expanded development area, as applicable, the development plan or expanded development plan, as applicable, the development projects in the development plan or the expanded development projects in the expanded development plan, as applicable, the amount of outstanding obligations, and any additional information that

the municipality deems necessary shall be published in a newspaper of general circulation in the municipality.

11. Five years after the establishment of the development area and the development plan or the expanded development area and expanded development plan, as applicable, and unless otherwise determined by the municipality or authority, every five years thereafter the governing body of the municipality or authority shall hold a public hearing regarding the development area and the development plan or the expanded development area and the expanded development plan, as applicable, and the development projects or expanded development projects, as applicable, adopted pursuant to sections 99.915 to 99.980. The purpose of the hearing shall be to determine if the development area or expanded development area, as applicable, development plan or expanded development plan, as applicable, and the included development projects or expanded development projects, as applicable, are making satisfactory progress under the proposed time schedule contained within the approved development plan or expanded development plan, as applicable, for completion of such development projects or expanded development projects, as applicable. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the municipality or authority once each week for four weeks immediately prior to the hearing.