

FIRST REGULAR SESSION

# HOUSE BILL NO. 772

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MILLER.

1637H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

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

Section A. Section 99.845, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 99.845, to read as follows:

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

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 respective affected taxing districts in the manner required by law in the absence of the adoption  
18 of tax increment allocation financing;

19 (2) (a) Payments in lieu of taxes attributable to the increase in the current equalized  
20 assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected  
21 for the redevelopment project and any applicable penalty and interest over and above the initial  
22 equalized assessed value of each such unit of property in the area selected for the redevelopment  
23 project shall be allocated to and, when collected, shall be paid to the municipal treasurer who  
24 shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation  
25 Fund" of the municipality for the purpose of paying redevelopment costs and obligations  
26 incurred in the payment thereof. Beginning August 28, 2014, if the voters in a taxing district  
27 vote to approve an increase in such taxing district's levy rate for ad valorem tax on real property,  
28 any additional revenues generated within an existing redevelopment project area that are directly  
29 attributable to the newly voter-approved incremental increase in such taxing district's levy rate  
30 shall not be considered payments in lieu of taxes subject to deposit into a special allocation fund  
31 without the consent of such taxing district. Revenues will be considered directly attributable to  
32 the newly voter-approved incremental increase to the extent that they are generated from the  
33 difference between the taxing district's actual levy rate currently imposed and the maximum  
34 voter-approved levy rate at the time that the redevelopment project was adopted. Payments in  
35 lieu of taxes which are due and owing shall constitute a lien against the real estate of the  
36 redevelopment project from which they are derived and shall be collected in the same manner  
37 as the real property tax, including the assessment of penalties and interest where applicable. The  
38 municipality may, in the ordinance, pledge the funds in the special allocation fund for the  
39 payment of such costs and obligations and provide for the collection of payments in lieu of taxes,  
40 the lien of which may be foreclosed in the same manner as a special assessment lien as provided  
41 in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract,  
42 or parcel of property in the area selected for the redevelopment project attributable to any  
43 increase above the total initial equalized assessed value of such properties shall be used in  
44 calculating the general state school aid formula provided for in section 163.031 until such time  
45 as all redevelopment costs have been paid as provided for in this section and section 99.850.

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

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

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

64 2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection  
65 1 of this section, for redevelopment plans and projects adopted or redevelopment projects  
66 approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total  
67 additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing  
68 districts, which are generated by economic activities within the area of the redevelopment project  
69 over the amount of such taxes generated by economic activities within the area of the  
70 redevelopment project in the calendar year prior to the adoption of the redevelopment project by  
71 ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales  
72 or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant  
73 to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and  
74 any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section  
75 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local  
76 political subdivision collecting officer to the treasurer or other designated financial officer of the  
77 municipality, who shall deposit such funds in a separate segregated account within the special  
78 allocation fund. Any provision of an agreement, contract or covenant entered into prior to July  
79 12, 1990, between a municipality and any other political subdivision which provides for an  
80 appropriation of other municipal revenues to the special allocation fund shall be and remain  
81 enforceable.

82 3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection  
83 1 of this section, for redevelopment plans and projects adopted or redevelopment projects  
84 approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from  
85 taxes, penalties and interest which are imposed by the municipality or other taxing districts, and  
86 which are generated by economic activities within the area of the redevelopment project over the  
87 amount of such taxes generated by economic activities within the area of the redevelopment

88 project in the calendar year prior to the adoption of the redevelopment project by ordinance,  
89 while tax increment financing remains in effect, but excluding personal property taxes, taxes  
90 imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels,  
91 taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation  
92 pursuant to section 94.660, taxes imposed on sales pursuant to subsection 2 of section 67.1712  
93 for the purpose of operating and maintaining a metropolitan park and recreation district, licenses,  
94 fees or special assessments other than payments in lieu of taxes and penalties and interest  
95 thereon, any sales tax imposed by a county with a charter form of government and with more  
96 than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose  
97 of sports stadium improvement or levied by such county under section 238.410 for the purpose  
98 of the county transit authority operating transportation facilities, or for redevelopment plans and  
99 projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes  
100 imposed on sales under and pursuant to section 67.700 or 650.399 for the purpose of emergency  
101 communication systems, shall be allocated to, and paid by the local political subdivision  
102 collecting officer to the treasurer or other designated financial officer of the municipality, who  
103 shall deposit such funds in a separate segregated account within the special allocation fund.  
104 Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such  
105 taxing district's sales tax or use tax, other than the renewal of an expiring sales or use tax, any  
106 additional revenues generated within an existing redevelopment project area that are directly  
107 attributable to the newly voter-approved incremental increase in such taxing district's levy rate  
108 shall not be considered economic activity taxes subject to deposit into a special allocation fund  
109 without the consent of such taxing district.

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

123           5. The treasurer or other designated financial officer of the municipality with approved  
124 plans or projects shall deposit such funds in a separate segregated account within the special  
125 allocation fund established ~~[pursuant to section 99.805]~~ **under sections 99.800 to 99.865.**

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

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

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

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

157           (2) The state income tax withheld on behalf of new employees by the employer pursuant  
158 to section 143.221 at the business located within the project as identified by the municipality.

159 The state income tax withholding allowed by this section shall be the municipality's estimate of  
160 the amount of state income tax withheld by the employer within the redevelopment area for new  
161 employees who fill new jobs directly created by the tax increment financing project.

162 9. Subsection 4 of this section shall apply only to the following:

163 (1) Blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256,  
164 blighted areas located in federal empowerment zones, or to blighted areas located in central  
165 business districts or urban core areas of cities which districts or urban core areas at the time of  
166 approval of the project by ordinance, provided that the enterprise zones, federal empowerment  
167 zones or blighted areas contained one or more buildings at least fifty years old; and

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

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

174 (2) Blighted areas consisting solely of the site of a former automobile manufacturing  
175 plant located in any county with a charter form of government and with more than nine hundred  
176 fifty thousand inhabitants. For the purposes of this section, "former automobile manufacturing  
177 plant" means a redevelopment area containing a minimum of one hundred acres, and such  
178 redevelopment area was previously used primarily for the manufacture of automobiles but ceased  
179 such manufacturing after the 2007 calendar year; or

180 (3) Blighted areas consisting solely of the site of a former insurance company national  
181 service center containing a minimum of one hundred acres located in any county with a charter  
182 form of government and with more than nine hundred fifty thousand inhabitants.

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

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

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

- 193 (b) The base year of state sales tax revenues or the base year of state income tax withheld  
194 on behalf of existing employees, reported by existing businesses within the project area prior to  
195 approval of the redevelopment project;
- 196 (c) The estimate of the incremental increase in the general revenue portion of state sales  
197 tax revenue or the estimate for the state income tax withheld by the employer on behalf of new  
198 employees expected to fill new jobs created within the redevelopment area after redevelopment;
- 199 (d) The official statement of any bond issue pursuant to this subsection after December  
200 23, 1997;
- 201 (e) An affidavit that is signed by the developer or developers attesting that the provisions  
202 of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the  
203 redevelopment area would not be reasonably anticipated to be developed without the  
204 appropriation of the new state revenues;
- 205 (f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal  
206 impact on the state of Missouri;
- 207 (g) The statement of election between the use of the incremental increase of the general  
208 revenue portion of the state sales tax revenues or the state income tax withheld by employers on  
209 behalf of new employees who fill new jobs created in the redevelopment area;
- 210 (h) The name, street and mailing address, and phone number of the mayor or chief  
211 executive officer of the municipality;
- 212 (i) The street address of the development site;
- 213 (j) The three-digit North American Industry Classification System number or numbers  
214 characterizing the development project;
- 215 (k) The estimated development project costs;
- 216 (l) The anticipated sources of funds to pay such development project costs;
- 217 (m) Evidence of the commitments to finance such development project costs;
- 218 (n) The anticipated type and term of the sources of funds to pay such development  
219 project costs;
- 220 (o) The anticipated type and terms of the obligations to be issued;
- 221 (p) The most recent equalized assessed valuation of the property within the development  
222 project area;
- 223 (q) An estimate as to the equalized assessed valuation after the development project area  
224 is developed in accordance with a development plan;
- 225 (r) The general land uses to apply in the development area;
- 226 (s) The total number of individuals employed in the development area, broken down by  
227 full-time, part-time, and temporary positions;
- 228 (t) The total number of full-time equivalent positions in the development area;

- 229 (u) The current gross wages, state income tax withholdings, and federal income tax  
230 withholdings for individuals employed in the development area;
- 231 (v) The total number of individuals employed in this state by the corporate parent of any  
232 business benefitting from public expenditures in the development area, and all subsidiaries  
233 thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time,  
234 and temporary positions;
- 235 (w) The number of new jobs to be created by any business benefitting from public  
236 expenditures in the development area, broken down by full-time, part-time, and temporary  
237 positions;
- 238 (x) The average hourly wage to be paid to all current and new employees at the project  
239 site, broken down by full-time, part-time, and temporary positions;
- 240 (y) For project sites located in a metropolitan statistical area, as defined by the federal  
241 Office of Management and Budget, the average hourly wage paid to nonmanagerial employees  
242 in this state for the industries involved at the project, as established by the United States Bureau  
243 of Labor Statistics;
- 244 (z) For project sites located outside of metropolitan statistical areas, the average weekly  
245 wage paid to nonmanagerial employees in the county for industries involved at the project, as  
246 established by the United States Department of Commerce;
- 247 (aa) A list of other community and economic benefits to result from the project;
- 248 (bb) A list of all development subsidies that any business benefitting from public  
249 expenditures in the development area has previously received for the project, and the name of  
250 any other granting body from which such subsidies are sought;
- 251 (cc) A list of all other public investments made or to be made by this state or units of  
252 local government to support infrastructure or other needs generated by the project for which the  
253 funding pursuant to this section is being sought;
- 254 (dd) A statement as to whether the development project may reduce employment at any  
255 other site, within or without the state, resulting from automation, merger, acquisition, corporate  
256 restructuring, relocation, or other business activity;
- 257 (ee) A statement as to whether or not the project involves the relocation of work from  
258 another address and if so, the number of jobs to be relocated and the address from which they  
259 are to be relocated;
- 260 (ff) A list of competing businesses in the county containing the development area and  
261 in each contiguous county;
- 262 (gg) A market study for the development area;
- 263 (hh) A certification by the chief officer of the applicant as to the accuracy of the  
264 development plan;

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

274 (3) The appropriation shall be either a portion of the estimate of the incremental increase  
275 in the general revenue portion of state sales tax revenues in the redevelopment area or a portion  
276 of the estimate of the state income tax withheld by the employer on behalf of new employees  
277 who fill new jobs created in the redevelopment area as indicated in the municipality's application,  
278 approved by the director of the department of economic development or his or her designee and  
279 the commissioner of the office of administration or his or her designee. At no time shall the  
280 annual amount of the new state revenues approved for disbursements from the Missouri  
281 supplemental tax increment financing fund exceed thirty-two million dollars; provided, however,  
282 that such thirty-two million dollar cap shall not **include annual amounts for any single plan**  
283 **or project which is estimated to create in excess of fifteen thousand new jobs with an**  
284 **average annual wage of more than seventy-five thousand dollars and shall not** apply to  
285 redevelopment plans or projects initially listed by name in the applicable appropriations bill after  
286 August 28, 2015, which involve either:

287 (a) A former automobile manufacturing plant; or

288 (b) The retention of a federal employer employing over two thousand geospatial  
289 intelligence jobs.

290 At no time shall the annual amount of the new state revenues for disbursements from the  
291 Missouri supplemental tax increment financing fund for redevelopment plans and projects  
292 eligible under the provisions of paragraph (a) of this subdivision exceed four million dollars in  
293 the aggregate. At no time shall the annual amount of the new state revenues for disbursements  
294 from the Missouri supplemental tax increment financing fund for redevelopment plans and  
295 projects eligible under the provisions of paragraph (b) of this subdivision exceed twelve million  
296 dollars in the aggregate. To the extent a redevelopment plan or project independently meets the  
297 eligibility criteria set forth in both paragraphs (a) and (b) of this subdivision, then at no such time  
298 shall the annual amount of new state revenues for disbursements from the Missouri supplemental  
299 tax increment financing fund for such eligible redevelopment plan or project exceed twelve  
300 million dollars in the aggregate;

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

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

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

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

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

336           15. Notwithstanding any other provision of the law to the contrary, the adoption of any  
337 tax increment financing authorized under sections 99.800 to 99.865 shall not supersede, alter,  
338 or reduce in any way a property tax levied under section 205.971.

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