

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1143

AN ACT

To repeal sections 72.080, 72.130, 88.010, 88.013, 88.027, 88.030, 88.040, 88.043, 88.047, 88.050, 88.053, 88.057, 88.060, 88.063, 88.073, 99.050, 99.134, 135.207, 135.230, 135.400, 135.403, 135.408, 135.411, 135.423, 135.431, 135.478, 135.481, 135.484, 135.487, 135.530, 143.811, 238.230, 348.300 and 348.302, RSMo, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session, and to enact in lieu thereof ninety-nine new sections relating to community development.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 72.080, 72.130, 88.010, 88.013, 88.027,
2 88.030, 88.040, 88.043, 88.047, 88.050, 88.053, 88.057, 88.060,
3 88.063, 88.073, 99.050, 99.134, 135.207, 135.230, 135.400,
4 135.403, 135.408, 135.411, 135.423, 135.431, 135.478, 135.481,
5 135.484, 135.487, 135.530, 143.811, 238.230, 348.300 and 348.302,
6 RSMo, section 135.535 as enacted by conference committee
7 substitute for senate substitute for senate committee substitute

1 for house substitute for house committee substitute for house
2 bill no. 701 of the ninetieth general assembly, first regular
3 session and section 135.535 as enacted by conference committee
4 substitute no. 2 for house substitute for house committee
5 substitute for senate bill no. 20 of the ninetieth general
6 assembly, first regular session, are repealed and ninety-nine new
7 sections enacted in lieu thereof, to be known as sections
8 67.1442, 68.200, 68.202, 68.204, 68.206, 68.208, 68.210, 68.212,
9 68.214, 68.218, 68.220, 68.222, 68.224, 68.226, 68.230, 68.232,
10 68.234, 68.236, 68.238, 68.240, 72.080, 72.130, 88.010, 88.013,
11 88.027, 88.030, 88.040, 88.043, 88.047, 88.050, 88.053, 88.057,
12 88.060, 88.063, 88.073, 88.980, 88.983, 88.986, 88.989, 88.992,
13 88.995, 88.998, 88.1001, 88.1004, 88.1007, 88.1010, 88.1013,
14 88.1016, 88.1019, 88.1021, 88.1024, 88.1027, 99.050, 99.134,
15 99.915, 99.918, 99.921, 99.924, 99.927, 99.930, 99.933, 99.936,
16 99.939, 99.944, 99.945, 99.948, 99.951, 99.954, 99.957, 99.960,
17 99.963, 99.965, 99.966, 99.969, 99.970, 99.972, 99.975, 99.981,
18 99.984, 135.207, 135.230, 135.259, 135.400, 135.403, 135.408,
19 135.411, 135.423, 135.431, 135.478, 135.481, 135.484, 135.487,
20 135.530, 135.535, 143.811, 166.550, 238.230, 348.300 and 348.302,
21 to read as follows:

22 67.1442. Upon the written request of any real property
23 owner within a city having a population of at least one hundred
24 forty-nine thousand, located in a county of the first
25 classification without a charter form of government and with more
26 than two hundred forty thousand three hundred but less than two
27 hundred forty thousand four hundred inhabitants, the governing
28 body of the municipality may hold a public hearing for the

1 removal of real property from such district or moved from one
2 zone designation of the district to another zone designation of
3 the district and such real property may be removed from such
4 district or moved from one zone designation of a district to
5 another zone designation of the same district, provided that:

6 (1) The board consents to the removal of such property;

7 (2) The district can meet its obligations without the
8 revenues generated by or on the real property proposed to be
9 removed from the district or moved from one zone designation of
10 the district to another zone designation of the same district;
11 and

12 (3) The public hearing is conducted in the same manner as
13 required by section 67.1431 with notice of the hearing given in
14 the same manner as required by section 67.1431 and such notice
15 shall include:

16 (a) The date, time and place of the public hearing;

17 (b) The name of the district;

18 (c) The boundaries by street location, or other readily
19 identifiable means if no street location exists of the real
20 property proposed to be removed from the district or moved from
21 one zone of designation of the district to another zone of
22 designation of the same district, and a map illustrating the
23 boundaries of the existing district and the real property
24 proposed to be removed; and

25 (d) A statement that all interested persons shall be given
26 an opportunity to be heard at the public hearing.

27 68.200. Sections 68.200 to 68.240 shall be known and may be
28 cited as the "Riverfront Development District Act".

1 68.202. For purposes of sections 68.200 to 68.240, unless
2 the context clearly requires otherwise, the following terms shall
3 mean:

4 (1) "Blighted area", an area which:

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

14 (b) Has been declared blighted or found to be a blighted
15 area pursuant to Missouri law including, but not limited to,
16 chapter 353, RSMo, sections 99.300 to 99.715, or sections 99.800
17 to 99.865, RSMo;

18 (2) "Development plan", the comprehensive program of the
19 port authority for the development of a riverfront development
20 district, which plan conforms to the requirements set forth in
21 section 68.206;

22 (3) "District" or "riverfront development district", a
23 contiguous area designated by the port authority, which at the
24 time it is established is located substantially in an enterprise
25 zone, constitutes a blighted area and contains three or four
26 contiguous census tracts, each of which census tracts must adjoin
27 the banks of the Missouri River and must contain, or be bounded
28 by, a minimum of two bridges crossing the Missouri River, at

1 least two of which census tracts must be included in a distressed
2 community as defined in section 135.530, RSMo, at least one of
3 which census tracts must contain a historic district, at least
4 one of which census tracts must contain property for which an
5 application for voluntary remediation has been approved by the
6 department of natural resources pursuant to sections 260.565 to
7 260.575, RSMo, and at least one of which census tracts must
8 contain a single family home at least fifty years old which is
9 located within three-fourths of one mile of the banks of the
10 Missouri River;

11 (4) "Economic activity taxes", the total additional revenue
12 from taxes which are imposed by the taxing districts and which
13 are generated by economic activities within each project area
14 over the amount of such taxes generated by economic activities
15 within such project area in the calendar year before the adoption
16 of the resolution designating such project area; provided such
17 revenues shall not include special assessments, taxes levied
18 pursuant to section 70.500, RSMo, and any such revenues to be
19 deposited to a special allocation fund pursuant to a
20 redevelopment plan originally adopted, before the establishment
21 of the riverfront development district, pursuant to sections
22 99.800 to 99.865, RSMo;

23 (5) "Local net new revenues", include payments in lieu of
24 taxes and economic activity taxes;

25 (6) "Municipality", the city or county which formed the
26 port authority pursuant to this chapter;

27 (7) "Net new revenue fund", the net new revenue fund of the
28 port authority required to be established pursuant to section

1 68.218, which fund shall contain at least four separate
2 segregated accounts into which payments in lieu of taxes are
3 deposited in one account, economic activity taxes are deposited
4 in a second account, state new revenues are deposited into a
5 third account, and other revenues, if any, received by the port
6 authority for the purpose of implementing the development plan or
7 a project are deposited in a fourth account; provided, however,
8 special assessments levied pursuant to section 68.230 shall not
9 be deposited to any account within the net new revenue fund;

10 (8) "Net new revenues", include payments in lieu of taxes
11 and economic activity, state sales tax increment, and state
12 income tax increment;

13 (9) "Obligations", bonds, loans, debentures, notes, special
14 certificates, or other evidences of indebtedness issued for the
15 purpose of financing qualified project costs;

16 (10) "Payments in lieu of taxes", those revenues from real
17 property in each project area, which taxing districts would have
18 received had the port authority not established such project
19 area, and which would result from levies made after the time of
20 the establishment of the project area during the time the current
21 total equalized assessed value of real property in such project
22 area exceeds the total initial equalized assessed value of real
23 property in such project area until the designation of such
24 project area is terminated pursuant to section 68.224; provided
25 such revenues shall not include any such revenues to be deposited
26 to a special allocation fund pursuant to a redevelopment plan
27 originally adopted, before the establishment of the riverfront
28 development district, pursuant to sections 99.800 to 99.865,

1 RSMo;

2 (11) "Port authority", a political subdivision established
3 pursuant to this chapter which has a port district located in any
4 home rule city with more than four hundred thousand inhabitants
5 and located in more than one county;

6 (12) "Project", any development project within a district
7 established by the port authority in furtherance of the
8 objectives of the development plan;

9 (13) "Project area", an area within the district
10 established by resolution of the port authority as the
11 geographical boundaries of a project, which area shall be legally
12 described in the resolution establishing such area;

13 (14) "Qualified project costs", include any and all
14 reasonable or necessary costs incurred or estimated to be
15 incurred by the port authority, or a person or entity authorized
16 by the port authority, in furtherance of the development of the
17 district. Such costs include, but are not limited to, the
18 following:

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

20 (b) Professional service costs, including, but not limited
21 to, architectural, engineering, legal, marketing, financial,
22 planning, and special services;

23 (c) Administrative fees and costs of the port authority in
24 carrying out the purposes of sections 68.200 to 68.240 in a total
25 amount not to exceed five percent of the net new revenues
26 deposited to the net new revenue fund;

27 (d) Property assembly costs, including, but not limited to,
28 acquisition of land and other property, real or personal, or

1 rights or interests therein, demolition of buildings, and the
2 clearing and grading of land;

3 (e) Costs of rehabilitating, reconstructing, maintaining,
4 repairing, and remodeling of existing buildings and fixtures;

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

6 (g) Financing costs, including, but not limited to, all
7 necessary and incidental expenses related to the issuance of
8 obligations, and which may include capitalized interest on any
9 such obligations and reasonable reserves related to any such
10 obligations;

11 (h) All or a portion of a taxing district's capital costs
12 resulting from the project necessarily incurred or to be incurred
13 in furtherance of the objectives of the project, to the extent
14 the port authority by written agreement accepts and approves such
15 costs; and

16 (i) Relocation costs to the extent that a port authority
17 determines that relocation costs shall be paid or are required to
18 be paid by federal or state law;

19 (15) "State income tax increment", the estimate of the
20 income tax due the state for salaries or wages paid to new
21 employees in new jobs:

22 (a) At a business located in the development project area;
23 and

24 (b) Created by the development project.

25 The estimate shall be a percentage of the gross payroll which
26 percentage shall be based upon an analysis by the department of
27 revenue of the practical tax rate on income, factoring in
28 deductions and exemptions;

1 (16) "State net new revenues", that percentage of state
2 sales tax increment or state income tax increment or some
3 combination of a percentage of each such increment as approved by
4 the department of economic development pursuant to section
5 68.220;

6 (17) "State sales tax increment", the incremental increase
7 in the state sales tax revenue generated within each project area
8 above the amount of such revenues received in the calendar year
9 before the establishment of such project area. In the event a
10 business relocates from a site within the state to any such
11 project area, for purposes of such business, state sales tax
12 increment shall mean the incremental increase in the state sales
13 tax revenue generated by such business above the amount of such
14 revenues generated by such business in the calendar year before
15 the year of the closing of such business at its previous
16 location;

17 (18) "State sales tax revenues", the general revenue
18 portion of state sales tax revenues received pursuant to section
19 144.020, RSMo, excluding sales taxes that are constitutionally
20 dedicated, taxes deposited to the school district trust fund in
21 accordance with section 144.701, RSMo, sales and use taxes on
22 motor vehicles, trailers, boats, and outboard motors, and future
23 sales taxes earmarked by law;

24 (19) "Taxing district", any political subdivision of this
25 state having the power to levy taxes, which political subdivision
26 is located wholly or partially within the riverfront development
27 district, as proposed or established;

28 (20) "Total equalized assessed value", in regard to a

1 project area, the most recently ascertained equalized assessed
2 value of each taxable lot, block, tract, or parcel of real
3 property within such project area; and

4 (21) "Total initial equalized assessed value", in regard to
5 a project area, that amount certified by the county assessor
6 which equals the total equalized assessed value of such project
7 area during the calendar year preceding the year of the adoption
8 of the resolution establishing such project area.

9 68.204. 1. A port authority may, by resolution, establish
10 a riverfront development district, approve a development plan,
11 approve one or more projects, and establish a project area for
12 each project.

13 2. No riverfront development district shall be established
14 without a finding by the port authority that such district has
15 not been subject to growth and development on the whole by
16 private enterprise except with the help of public assistance
17 pursuant to chapter 99, RSMo, or chapter 353, RSMo, and would not
18 reasonably be anticipated to be developed on the whole without
19 the adoption of the development plan and public assistance
20 pursuant to sections 68.200 to 68.240.

21 3. Upon the adoption of a resolution establishing a
22 riverfront development district, the port authority shall submit
23 such resolution to the clerk of the municipality. The
24 municipality may, by ordinance introduced within ninety days from
25 the adoption of such resolution, authorize the establishment of
26 such district. No resolution establishing a riverfront
27 development district shall become effective unless and until the
28 municipality by ordinance authorizes the establishment of such

1 district.

2 4. No development plan shall be approved without the
3 establishment of a riverfront development district, and no
4 project shall be approved without the establishment of a project
5 area for such project and the approval of the development plan;
6 provided, however, the establishment of a riverfront development
7 district, approval of the development plan, approval of one or
8 more projects, and the establishment of project areas may occur
9 simultaneously. No project shall be approved more than fifteen
10 years following the approval of the development plan.

11 5. No riverfront development district shall be established
12 and no development plan shall be approved until after a public
13 hearing is held in accordance with section 68.210.

14 68.206. The development plan shall set forth in writing its
15 objectives, a general description of the program to be undertaken
16 to accomplish such objectives, and shall include, but not
17 necessarily be limited to, a general description of the
18 anticipated types of projects that may be approved to implement
19 the development plan, a general description of the public
20 improvements anticipated to be completed to meet the objectives
21 of the development plan, an estimate of the anticipated qualified
22 project costs, an estimate of the net new revenues to be
23 generated within the riverfront development district, a plan for
24 assisting the relocation, if any, of businesses or residences
25 located in the district as may be necessary to implement the
26 development plan, and an analysis showing the economic impact on
27 each affected taxing district if the development plan is
28 implemented and if it is not implemented.

1 68.208. The plan for each project shall set forth in
2 writing a general description of the private and public
3 improvements to be completed, the estimated qualified project
4 costs, the anticipated sources of funds to pay such qualified
5 project costs, the anticipated type and term of the obligations,
6 if any, to be issued to finance such qualified project costs, an
7 estimate of the net new revenues to be generated within the
8 project area for such project, the estimated total initial
9 equalized assessed value of such project area, an estimate as to
10 the equalized assessed valuation of such project area after the
11 improvements within such project area are completed, a legal
12 description of such project area, and the general land uses to
13 apply in such project area.

14 68.210. 1. Before the adoption of a resolution
15 establishing a riverfront development district or approving a
16 development plan or project, the port authority shall fix a time
17 and place for a public hearing and notify each taxing district.
18 Such notice shall comply with the provisions of section 68.212.

19 2. At the public hearing any interested person or affected
20 taxing district may file with the port authority written
21 objections to, or comments on, and may be heard orally in respect
22 to, any issues embodied in the notice. The port authority shall
23 hear and consider all protests, objections, comments, and other
24 evidence presented at the hearing. The hearing may be continued
25 to another date without further notice other than a motion to be
26 entered upon the minutes fixing the time and place of the
27 subsequent hearing.

28 3. Before the conclusion of the hearing, changes may be

1 made in the development plan, a project, or riverfront
2 development district, provided that such changes are available in
3 writing at the public hearing. After the public hearing but
4 before the adoption of a resolution establishing the riverfront
5 development district or approving the development plan or a
6 project, whichever the case may be, changes may be made to any
7 such proposed development plan, project, or district without a
8 further hearing, if such changes do not enlarge the exterior
9 boundaries of the district, or do not substantially affect the
10 general land uses, or substantially change the nature of the
11 projects described in the development plan, provided that notice
12 of such changes shall be given by mail to each affected taxing
13 district and by publication in a newspaper of general circulation
14 in the district, not less than ten days before the adoption of
15 the changes by resolution. After the adoption of a resolution
16 designating the district or approving the development plan or
17 project, no resolution shall be adopted altering the exterior
18 boundaries of the district, substantially affecting the general
19 land uses, or substantially changing the nature of the projects
20 described in the development plan without holding a public
21 hearing in accordance with this section.

22 4. One public hearing may be held for the simultaneous
23 consideration of the district, the development plan, and any one
24 or more projects.

25 68.212. 1. Notice of a public hearing required by section
26 68.210 shall be given by publication. Notice by publication
27 shall be given by publication at least twice, the first
28 publication to be not more than thirty days and the second

1 publication to be not more than ten days before the hearing, in a
2 newspaper of general circulation in the proposed district.

3 2. Not less than forty-five days before the date set for a
4 public hearing required by section 68.210, the port authority
5 shall give notice by certified mail to each taxing district, and
6 in addition to the other requirements pursuant to subsection 4 of
7 this section, the notice shall include an invitation to each
8 taxing district to submit comments to the port authority
9 concerning the subject matter of the hearing before the date of
10 the hearing.

11 3. Not less than thirty days before the date set for a
12 public hearing required by section 68.210 for the establishment
13 of a project area, the port authority shall give notice by mail
14 to the person or persons in whose name the general taxes for the
15 last preceding year were paid on each lot, block, tract, or
16 parcel of land lying wholly or partially within the proposed
17 project area. In the event taxes for the last preceding year
18 were not paid, the notice shall also be sent to the persons last
19 listed on the tax rolls within the preceding three years as the
20 owners of such property.

21 4. The notices published or issued pursuant to this section
22 shall include the following:

23 (1) The time and place of the public hearing;

24 (2) The general boundaries of the riverfront development
25 district by street location, where possible;

26 (3) A statement that all interested persons shall be given
27 an opportunity to be heard at the public hearing;

28 (4) A description of the development plan or project, as

1 applicable, and a location and time where the entire development
2 plan or project, as applicable, may be reviewed by any interested
3 party; and

4 (5) Such other matters as the port authority may deem
5 appropriate.

6 5. A copy of any and all hearing notices required by
7 section 68.210 shall be submitted by the port authority to the
8 director of the department of economic development and the time
9 such notices are mailed or published, as applicable.

10 68.214. In addition to and without limiting the powers of
11 the port authority set forth in this chapter, the port authority
12 shall have all the powers necessary to carry out and effectuate
13 the purposes and provisions of sections 68.200 to 68.240,
14 including, but not limited to, the following:

15 (1) To exercise any of its powers set forth in this chapter
16 as necessary or desirable to carry out and effectuate the
17 purposes of sections 68.200 to 68.240;

18 (2) To fix, charge, and collect fees, rents, and other
19 charges for use of any of the port authority's real or personal
20 property, or any interest therein;

21 (3) To loan the proceeds of obligations or other funds it
22 receives;

23 (4) To make expenditures, create reserve funds, and use all
24 or any portion of any funds it receives to pay for qualified
25 project costs or reimburse qualified project costs incurred, or
26 otherwise as necessary to carry out and effectuate the purposes
27 of sections 68.200 to 68.240;

28 (5) To pledge all or any part or any combination of net new

1 revenues, or mortgage all or any part of any project to secure
2 obligations;

3 (6) To enter into one or more agreements with the
4 municipality for the purpose of abating any public nuisance
5 within the boundaries of the district including, but not limited
6 to, the stabilization, repair or maintenance, or demolition and
7 removal of buildings or structures;

8 (7) Within the district, to provide assistance to or to
9 construct, reconstruct, install, repair, maintain, operate, and
10 equip any of the following improvements:

11 (a) Historical exhibits, arenas, aquariums, aviaries,
12 educational attractions, cultural attractions, and any other
13 facilities supporting or attracting tourism;

14 (b) Recreational parks and facilities, sidewalks,
15 pedestrian paths, streets, alleys, bridges, ramps, tunnels,
16 overpasses, underpasses, and other transportation improvements,
17 traffic signs and signals, utilities, drainage, water, storm and
18 sewer systems, and other site improvements, including any such
19 improvements located outside the district as necessary to support
20 development within the district;

21 (c) Industrial parks, terminals, terminal facilities,
22 warehouses, office parks, and mixed-use facilities;

23 (d) Parking lots, garages, and other facilities;

24 (e) Telephone and information booths, bus stops and other
25 shelters, restrooms, and kiosks;

26 (f) Streetscape, lighting, benches or other seating
27 furniture, trash receptacles, marquees, awnings, canopies, walls,
28 and barriers;

1 (g) Parks, green space, trees, and any other landscape;

2 (h) Lakes, dams, waterways, wetlands, and other water
3 features;

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

6 (j) Convention centers and meeting facilities;

7 (k) Residential and commercial developments;

8 (l) Pedestrian or shopping malls and plazas;

9 (m) Music, news, and child-care facilities; and

10 (n) Any other useful, necessary, or desired improvement;

11 (8) Within the district, to prohibit or restrict vehicular
12 and pedestrian traffic and vendors on streets, alleys, malls,
13 bridges, ramps, sidewalks, and tunnels and to provide the means
14 for access by emergency vehicles to or in such areas;

15 (9) Within the district, to operate or to contract for the
16 provision of music, news, child-care or parking facilities, and
17 buses, minibuses, or other modes of transportation;

18 (10) Within the district, to lease space for sidewalk café
19 tables and chairs;

20 (11) Within the district, to provide or contract for the
21 provision of security personnel, equipment, or facilities for the
22 protection of property and persons;

23 (12) Within the district, to provide or contract for
24 cleaning, maintenance, and other services to public and private
25 property;

26 (13) To produce and promote any tourism, recreational, or
27 cultural activity or special event in the district by, but not
28 limited to, advertising, decorating of any public place in the

district, promoting of such activity and special events, and
furnishing music in any public place;

(14) To establish an endowment fund, with proceeds from
obligations or any other funds received by the port authority,
for the purpose of maintaining or operating any improvements
located within the district which are owned, leased, or operated
by the port authority;

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

(16) To levy special assessments pursuant to section
68.230;

(17) To appoint one or more advisory committees to the port
authority; and

(18) To contract for or conduct economic, planning,
marketing, or other studies.

68.218. 1. The port authority, after establishing a
riverfront development district, shall establish a net new
revenue fund for the district.

2. Immediately upon the adoption of a resolution
establishing a project area pursuant to sections 68.200 to
68.240, the county assessor shall determine the total initial
equalized assessed value of such project area and shall provide
to the port authority written certification of such amount.

3. Upon the adoption of a resolution establishing a project
area pursuant to sections 68.200 to 68.240, during a period not
exceeding twenty-five calendar years as specified in such

1 resolution, unless and until the establishment of such project
2 area is terminated by resolution of the port authority, the ad
3 valorem taxes and payments in lieu of taxes, if any, arising from
4 the levies upon taxable real property in such project area by
5 taxing districts at the tax rates determined in the manner
6 provided in section 68.226 shall be divided as follows:

7 (1) That portion of taxes, penalties, and interest levied
8 upon each taxable lot, block, tract, or parcel of real property
9 in such project area which is attributable to the total initial
10 equalized assessed value of real property in such project area
11 shall be allocated to and, when collected, shall be paid by the
12 collecting authority to the respective affected taxing districts
13 in the manner required by law in the absence of the establishment
14 of such project area;

15 (2) Payments in lieu of taxes attributable to the increase
16 in the current total equalized assessed value of real property in
17 such project area and any applicable penalty and interest over
18 and above the total initial equalized assessed value of real
19 property in such project area shall be allocated to and, when
20 collected, shall be paid by the collecting officer to the port
21 authority and the port authority shall deposit such payments in
22 lieu of taxes into a separate segregated account for payments in
23 lieu of taxes in the net new revenue fund; provided, however, in
24 the event the resolution approving the project for such project
25 area specifies a percentage limit of payments in lieu of taxes
26 from such project area to be deposited to the net new revenue
27 fund, then only such percentage of any such payment in lieu of
28 tax shall be allocated to, and paid by the collecting officer to

1 the port authority. Payments in lieu of taxes which are due and
2 owing shall constitute a lien against the real property from
3 which such payments in lieu of taxes are derived and shall be
4 collected in the same manner as real property taxes, including
5 the assessment of penalties and interest where applicable. The
6 lien of payments in lieu of taxes may be foreclosed in the same
7 manner as the lien of real property taxes. No part of the
8 current total equalized assessed value of real property in any
9 such project area attributable to any increase above the total
10 initial equalized assessed value of real property in such project
11 area shall be used in calculating the general state school aid
12 formula provided for in section 163.031, RSMo, in each of the
13 calendar years following the adoption of the resolution
14 establishing such project area pursuant to sections 68.200 to
15 68.240, and for which payments in lieu of taxes are being made,
16 unless and until the establishment of such project area is
17 terminated by resolution of the port authority; and

18 (3) For purposes of this section, "levies upon taxable real
19 property in such project area by taxing districts" shall not
20 include the blind pension fund tax levied pursuant to the
21 authority of article III, section 38(b) of the Missouri
22 Constitution, or the merchants' and manufacturers' inventory
23 replacement tax levied pursuant to the authority of subsection 2
24 of section 6 of article X, of the Missouri Constitution.

25 4. Upon the adoption of a resolution establishing a project
26 area pursuant to sections 68.200 to 68.240, during a period not
27 exceeding twenty-five calendar years as specified in such
28 resolution, unless and until the establishment of such project

1 area is terminated by resolution of the port authority, all of
2 the economic activity taxes from such project area shall be
3 allocated to and, when collected, shall be paid by the collecting
4 officer to the port authority and the port authority shall
5 deposit such funds in a separate segregated account for economic
6 activity taxes within the net new revenue fund; provided,
7 however, in the event the resolution approving the project for
8 such project area specifies a percentage limit of economic
9 activity taxes from such project area to be deposited to the net
10 new revenue fund, then only such percentage of any such economic
11 activity tax shall be allocated to, and paid by the collecting
12 officer to the port authority. The expenditure or pledge of
13 economic activity taxes deposited to the net new revenue fund
14 shall be subject to annual appropriation by the port authority.

15 68.220. 1. Before or after the adoption of a resolution
16 establishing each project area, a port authority may submit an
17 application to the department of economic development for
18 approval of the use of state net new revenues, or any portion
19 thereof, to fund the project for any such project area. An
20 application submitted to the department of economic development
21 shall contain the following, in addition to a copy of the
22 development plan meeting the requirements of section 68.206:

23 (1) The approved percentage or proposed percentage, as
24 applicable, of economic activity taxes and payments in lieu of
25 taxes and the estimated amount of each such tax to be deposited
26 to the net new revenue fund; provided that such amounts must be
27 estimated to be necessary to pay all or a portion of the
28 estimated qualified project costs for such project and provided

1 that the percentages of each such tax shall be one of the
2 following:

3 (a) One hundred percent of the payments in lieu of taxes
4 and fifty percent of the economic activity taxes deposited to the
5 net new revenue fund;

6 (b) Fifty percent of the payments in lieu of taxes and one
7 hundred percent of the economic activity taxes deposited to the
8 net new revenue fund;

9 (c) Seventy-five percent of the payments in lieu of taxes
10 and seventy-five percent of the economic activity taxes deposited
11 to the net new revenue fund; or

12 (d) Some substantially similar percentage combination of
13 each such tax provided that the sum total of such percentages
14 equals one hundred fifty;

15 (2) A statement that the estimated total amount of local
16 net new revenues to be deposited to the net new revenue fund is
17 equal to or more than the estimated amount of state net new
18 revenues to be deposited to the net new revenue fund;

19 (3) Identification of the existing businesses located
20 within each such project area;

21 (4) The amount of state sales tax revenues generated in
22 each such project area in the calendar year before the year in
23 which each such project area is established or is to be
24 established and the estimated amount of state income tax withheld
25 on behalf of existing employees, reported by existing businesses
26 within each such project area, for the calendar year before the
27 year in which each such project area is established or is to be
28 established;

1 (5) An estimate of the state sales tax increment to be
2 generated within each such project area and an estimate of the
3 state income tax increment to be generated within each such
4 project area;

5 (6) An affidavit that is signed by the developer or
6 developers designated by the port authority, if any, attesting
7 that the provisions of subsection 2 of section 68.204 have been
8 met and specifying that the district would not be reasonably
9 anticipated to be developed without the appropriation of the
10 state net new revenues;

11 (7) The cost-benefit analysis required by section 68.206
12 includes a study of the fiscal impact on the state of Missouri;

13 (8) The number of years, amounts and types of state net new
14 revenues sought by the port authority for deposit to the net new
15 revenue fund to pay qualified project costs;

16 (9) The underlying assumptions used in the application for
17 determining the estimated amounts to be included in the
18 application; and

19 (10) Any other information reasonably requested by the
20 department of economic development.

21 2. Within thirty days of receipt of the application, the
22 department of economic development shall advise the port
23 authority as to whether it has provided all required information
24 to the department of economic development and such additional
25 information, if any, that the port authority is required to
26 submit to the department of economic development. Within thirty
27 days following receipt of all such information, the department of
28 economic development shall make all reasonable efforts to process

1 such application.

2 3. Upon completion of processing each such application, the
3 director of the department of economic development and the
4 commissioner of the office of administration shall issue a
5 certificate of approval of such application or shall issue a
6 certificate stating the reasons such application is denied. In
7 the event of the approval of such application, the certificate of
8 approval shall set forth the percentage of and number of years
9 each type of state net new revenue that shall be available for
10 appropriation for deposit to the state riverfront development
11 financing fund, and the department of economic development shall
12 immediately and each year thereafter request appropriation
13 authority when the general assembly is in session, or if not in
14 session, the department of economic development shall include
15 such an appropriation request in its next appropriation cycle and
16 each year thereafter, in accordance with the certificate of
17 approval.

18 4. At no time shall the aggregate annual amount of state
19 net new revenues appropriated pursuant to sections 68.200 to
20 68.240 exceed fifteen million dollars.

21 5. No state net new revenues for any one project area shall
22 be appropriated pursuant to sections 68.200 to 68.240 for more
23 than fifteen years, unless prior approval for a longer term is
24 given by the director of the department of economic development
25 and the commissioner of the office of administration; except
26 that, in no case shall the duration exceed twenty-five years and
27 no such appropriation of state net new revenues for any project
28 area shall be made following the termination of the designation

1 of such project area pursuant to section 68.224.

2 6. The port authority shall deposit such state sales tax
3 increment and state income tax increment in a separate segregated
4 account for each such increment within the net new revenue fund.

5 7. The department of economic development may charge a
6 reasonable fee to be submitted with an application submitted by a
7 port authority pursuant to this section, the amount of which
8 shall be an estimate of the amount needed to recover the costs
9 for personnel and other expenses incurred by the department of
10 economic development in processing the application. Such fees
11 shall be deposited into the state riverfront development
12 financing fund created in section 68.222.

13 8. Qualified project costs may include, at the prerogative
14 of the department of economic development, the portion of
15 salaries and expenses of the department of economic development
16 allocable to each project area of an application approved
17 pursuant to this section for the ongoing administrative functions
18 associated with such project. Such amounts shall be deposited
19 into the state riverfront development financing fund created in
20 section 68.222.

21 68.222. 1. There is hereby created in the state treasury
22 the "State Riverfront Development Financing Fund", to be
23 administered by the department of economic development. The
24 department of economic development shall annually distribute to
25 the port authority the state net new revenues appropriated and
26 deposited to the state riverfront development financing fund
27 provided that the requirements set forth in sections 68.200 to
28 68.240 are met.

1 2. In no event shall the state net new revenues approved
2 for a project, in addition to any other state funding or
3 incentives, exceed the projected state economic benefit of a
4 project, as determined by the department of economic development.

5 3. Notwithstanding the provisions of section 33.080, RSMo,
6 to the contrary, any moneys remaining in the fund at the end of
7 the biennium shall not revert to the credit of the general
8 revenue fund.

9 4. The state treasurer shall invest moneys in the fund in
10 the same manner as other funds are invested. Any interest and
11 moneys earned on such investments shall be credited to the fund.

12 68.224. 1. When all qualified project costs and all
13 obligations have been paid in full, the port authority shall
14 adopt a resolution terminating the establishment of all project
15 areas, or the port authority may at any earlier time adopt a
16 resolution terminating the establishment of any project area
17 provided the port authority determines that net new revenues
18 generated within such project area are no longer needed for the
19 payment or reimbursement of qualified project costs or the
20 payment of obligations. Immediately upon the adoption of a
21 resolution terminating the establishment of all project areas,
22 all payments in lieu of taxes, all economic activity taxes, and
23 other net new revenues then remaining in the net new revenue fund
24 shall be deemed to be surplus funds; and thereafter, the rates of
25 the taxing districts shall be extended and taxes levied,
26 collected, and distributed in the manner applicable in the
27 absence of the establishment of any such project area. Surplus
28 payments in lieu of taxes shall be paid to the county collector

1 who shall immediately thereafter pay such funds to the affected
2 taxing districts in the same manner and proportion as the most
3 recent distribution by the collector to the affected districts of
4 real property taxes from real property in the district. Surplus
5 economic activity taxes shall be paid to the affected taxing
6 districts in proportion to the then current levy rates of such
7 taxing districts that are attributable to economic activity
8 taxes. Surplus state sales tax increment and state income tax
9 increment shall be paid to the state. Any other funds remaining
10 in the net new revenue fund following the adoption of a
11 resolution terminating the establishment of all project areas in
12 accordance with this section shall be deposited to the general
13 fund of the port authority.

14 2. Upon the payment of all qualified project costs,
15 retirement of obligations, and the distribution of any surplus
16 funds pursuant to this section, the port authority shall adopt a
17 resolution dissolving the net new revenue fund and terminating
18 the establishment of the riverfront development district as a
19 riverfront development district.

20 3. Nothing in sections 68.200 to 68.240 shall be construed
21 as relieving property in such district from paying a uniform rate
22 of taxes, as required by article X, section 3 of the Missouri
23 Constitution.

24 68.226. During the period specified in the resolution
25 establishing a project area pursuant to sections 68.200 to
26 68.240, unless and until the establishment of such project area
27 is terminated by resolution of the port authority, then, in
28 respect to every affected taxing district, the county clerk, or

1 any other official required by law to ascertain the amount of the
2 equalized assessed value of all taxable property within such
3 project area for the purpose of computing any debt service levies
4 to be extended upon taxable property within such project area,
5 shall ascertain the amount of value of taxable property in such
6 project area by including in such amount the certified total
7 initial equalized assessed value of all taxable real property in
8 such project area in lieu of the equalized assessed value of all
9 taxable real property in such project area. For the purpose of
10 measuring the size of payments in lieu of taxes pursuant to
11 sections 68.200 to 68.240, all tax levies shall then be extended
12 to the current equalized assessed value of all property in such
13 project area in the same manner as the tax rate percentage is
14 extended to all other taxable property in the taxing district.

15 68.230. 1. In furtherance of the objectives of the
16 development plan, the port authority may levy by resolution one
17 or more special assessments against any portion of real property
18 within the district, upon receipt of and in accordance with a
19 petition signed by a majority of the owners of all real property
20 to be subject to such special assessment.

21 2. The special assessment petition shall be in
22 substantially the following form:
23 The port authority shall be authorized to levy a special
24 assessment against real property legally described on the
25 attached Exhibit A for the purpose of providing revenue for
26 (insert general description of specific service
27 or projects), such real property, such special assessment to be
28 levied against each tract, lot, or parcel of such real property

1 which receives special benefit as a result of such service or
2 projects, the cost of which shall be allocated among this
3 property by (insert method of
4 allocation, such as per square foot of property on each square
5 foot of improvement; by abutting foot of property abutting
6 streets, roads, highways, parks, or other improvements; or any
7 other reasonable method) in an amount not to exceed
8 dollars per (insert unit of measure). Such authorization to levy
9 the special assessment shall expire on (insert
10 date).

11 3. The method for allocating such special assessments set
12 forth in the petition may be any reasonable method which results
13 in imposing assessments upon real property benefited in relation
14 to the benefit conferred upon each respective tract, lot, or
15 parcel of real property and the cost to provide such benefit.
16 Such special assessment may be levied annually or in one lump sum
17 to be paid in one lump sum or in substantially equal annual
18 installments.

19 4. By resolution, the port authority may annually levy a
20 special assessment rate lower than the rate ceiling set forth in
21 the petition authorizing the special assessment and may annually
22 increase such lowered special assessment rate to a level not
23 exceeding the special assessment rate ceiling set forth in the
24 petition without further approval of the real property owners;
25 provided that a district imposing a special assessment pursuant
26 to this section may not repeal or amend such special assessment
27 or lower the rate of such special assessment if such repeal,
28 amendment, or lower rate will impair the district's ability to

1 pay any liabilities that it has incurred, money that it has
2 borrowed, or obligations that it has issued.

3 5. Each special assessment which is due and owing shall
4 constitute a perpetual lien against each tract, lot, or parcel of
5 property from which it is derived. Such lien may be foreclosed
6 in the same manner as any other special assessment lien as
7 provided in section 88.861, RSMo.

8 6. No special assessment levied by the port authority shall
9 be levied on any property exempt from taxation pursuant to
10 subdivision (5) of section 137.100, RSMo. Those owners of
11 property exempt pursuant to subdivision (5) of section 137.100,
12 RSMo, may voluntarily subject such property to a special
13 assessment by executing the petition authorizing such special
14 assessment.

15 7. A separate fund or account shall be created by the port
16 authority for each special assessment levied and each such fund
17 or account shall be identifiable by a suitable title. The
18 proceeds of such assessments shall be credited to such fund or
19 account. Such fund or account shall be used solely to pay the
20 costs incurred in undertaking the specified service or project.

21 8. Upon completion of the specified service or project or
22 both, the balance remaining in such fund or account established
23 for such specified service or project or both shall be returned
24 or credited against the amount of the original assessment of each
25 parcel of property pro rata based on the method of assessment of
26 such special assessment.

27 9. The authority of the port authority to levy special
28 assessments shall be independent of the limitations and

1 authorities of the municipality; specifically, section 88.812,
2 RSMo, shall not apply to the port authority.

3 10. The county collector of each county in which the
4 district is located shall collect the special assessments made
5 upon all real property within the district, in the same manner as
6 real property taxes are collected. If the special assessment is
7 based on something other than the assessed value of real
8 property, the district shall provide the information on which
9 such special assessment is based for all applicable real
10 property. Such county collector shall, on or before the
11 fifteenth day of each month and after deducting the reasonable
12 and actual cost of such collection but not to exceed one percent
13 of the total amount collected, remit to the port authority the
14 amount such special assessment collected before the first day of
15 such month. Upon receipt of such amount, the port authority
16 shall execute a receipt for such amount and forward such receipt
17 to such county collector.

18 68.232. 1. By the last day of March of each year, the port
19 authority shall report to the municipality concerning the status
20 of the development plan and the approved projects, and shall
21 submit a copy of such report to the director of the department of
22 economic development. The report shall include the following:

23 (1) The amount and source of revenue in the net new revenue
24 fund;

25 (2) The amount and purpose of expenditures from the net new
26 revenue fund;

27 (3) The amount of any pledge of net new revenues to secure
28 and the amount of any outstanding principal and interest on any

1 outstanding obligations;

2 (4) The initial equalized assessed value of each project
3 area, as applicable;

4 (5) The current equalized assessed value of each project
5 area, as applicable;

6 (6) Payments in lieu of taxes received and expended during
7 the prior calendar year;

8 (7) The economic activity taxes, state sales tax revenue
9 and state income tax generated within each project area in the
10 calendar year before the establishment of such project area;

11 (8) The economic activity taxes deposited to the net new
12 revenue fund during the prior calendar year, and the state sales
13 tax increment and the state income tax increment deposited to the
14 net new revenue fund during the prior calendar year;

15 (9) Reports on contracts entered into by the port authority
16 which are incident to the implementation and furtherance of a
17 development plan, and the included projects;

18 (10) A copy of the development plan;

19 (11) The cost of any property acquired, disposed of,
20 rehabilitated, reconstructed, repaired, or remodeled pursuant to
21 a project during the prior calendar year; and

22 (12) Any additional information the department of economic
23 development deems reasonably necessary.

24 3. Data contained in the report mandated pursuant to this
25 section and any information regarding amounts disbursed to port
26 authorities pursuant to sections 68.200 to 68.240 shall be deemed
27 a public record, as defined in section 610.010, RSMo.

28 4. The director of the department of economic development

1 shall submit a report to the speaker of the house of
2 representatives and the president pro tempore of the senate no
3 later than the last day of April of each year. The report shall
4 contain a summary of all information received by the director
5 pursuant to this section.

6 68.234. 1. An annual statement showing the payments in
7 lieu of taxes received and expended in that year, the status of
8 the development plan and the included projects therein, amount of
9 outstanding obligations, and any additional information the port
10 authority deems necessary shall be published in a newspaper of
11 general circulation in the district.

12 2. Five years after the establishment of a development plan
13 and every five years thereafter the port authority shall hold a
14 public hearing regarding the development plan and the projects
15 adopted pursuant to sections 68.200 to 68.240. The purpose of
16 the hearing shall be to determine if the development plan and the
17 projects are making satisfactory progress under the proposed time
18 schedule contained within the approved development plan for
19 completion of such projects. Notice of such public hearing shall
20 be given in a newspaper of general circulation in the district
21 once each week for four weeks immediately prior to the hearing.

22 68.236. Beginning in calendar year 2005, and every five
23 years thereafter, a joint committee of the general assembly,
24 composed of five members appointed by the speaker of the house of
25 representatives and five members appointed by the president pro
26 tempore of the senate, shall review sections 68.200 to 68.240. A
27 report based on such review, with any recommended legislative
28 changes, shall be submitted to the speaker of the house of

1 representatives and the president pro tempore of the senate no
2 later than February first following the year in which the review
3 is conducted.

4 68.238. No lawsuit to set aside a district or project area
5 established, development plan or project approved, or a tax
6 levied pursuant to sections 68.200 to 68.240 or to otherwise
7 question the validity of the proceedings related thereto shall be
8 brought after the expiration of ninety days from the effective
9 date of the resolution in question.

10 68.240. If any section, subsection, subdivision, paragraph,
11 sentence, or clause of sections 68.200 to 68.240 is, for any
12 reason, held to be invalid or unconstitutional, such decision
13 shall not affect any remaining portion, section, or part thereof
14 which can be given effect without the invalid provision.

15 72.080. 1. Any unincorporated city, town or other area of
16 the state may, except as otherwise provided in sections 72.400 to
17 72.420, become a city of the class to which its population would
18 entitle it pursuant to this chapter, and be incorporated pursuant
19 to the law for the government of cities of that class, in the
20 following manner: whenever a number of voters equal to fifteen
21 percent of the votes cast in the last gubernatorial election in
22 the area proposed to be incorporated shall present a petition to
23 the governing body of the county in which such city or town or
24 area is situated, such petition shall describe, by metes and
25 bounds, the area to be incorporated and be accompanied by a plat
26 thereof, shall state the approximate population and the assessed
27 valuation of all real and personal property in the area and shall
28 state facts showing that the proposed city shall have the ability

1 to furnish normal municipal services within a reasonable time
2 after its incorporation is to become effective and praying that
3 the question be submitted to determine if it may be incorporated.
4 If the governing body shall be satisfied that a number of voters
5 equal to fifteen percent of the votes cast in the last
6 gubernatorial election in the area proposed to be incorporated
7 have signed such petition, the governing body shall submit the
8 question to the voters.

9 2. The county may make changes in the petition to correct
10 technical errors or to redefine the metes and bounds of the area
11 to be incorporated to reflect other boundary changes occurring
12 within six months prior to the time of filing the petition.
13 Petitions submitted by proposing agents may be submitted with
14 exclusions for the signatures collected in areas originally
15 included in the proposal but subsequently annexed or incorporated
16 separately as a city, town or village, although the governing
17 body shall be satisfied as to the sufficiency of the signatures
18 for the final proposed area. If a majority of the voters voting
19 on the question vote for incorporation, the governing body shall
20 declare such city, town or other area incorporated, designating
21 in such order the metes and bounds thereof, and thenceforth the
22 inhabitants within such bounds shall be a body politic and
23 incorporate, by the name and style of "the city of",
24 or "the town of", and the first officers of such city
25 or town shall be designated by the order of the governing body,
26 who shall hold their offices until the next municipal election
27 and until their successors shall be duly elected and qualified.
28 The county shall pay the costs of the election.

1 3. In any county with a charter form of government where
2 fifty or more cities, towns and villages have been incorporated,
3 an unincorporated city, town or other area of the state shall not
4 be incorporated except as provided in sections 72.400 to 72.420.

5 4. Any unincorporated area located within any county of the
6 first classification without a charter form of government and
7 with more than eighty-two thousand but less than eighty-two
8 thousand one hundred inhabitants may incorporate as a city of the
9 class to which its population would entitle it pursuant to this
10 chapter notwithstanding any proposed annexation of the
11 unincorporated area by any city of the third or fourth
12 classification or any home rule city with more than four hundred
13 thousand inhabitants and located in more than one county. If any
14 city of the third or fourth classification or any home rule city
15 with more than four hundred thousand inhabitants and located in
16 more than one county proposes annexation by ordinance or
17 resolution of any unincorporated area as defined in this
18 subsection, no such annexation shall become effective until after
19 the qualified voters in the unincorporated area proposed to be
20 incorporated fail to approve the proposed incorporation by a
21 majority vote in the election described in subsection 2 of this
22 section.

23 [4.] 5. Prior to the election described in subsection 2 of
24 this section, if the owner or owners of either the majority of
25 the commercial or the majority of the agricultural classification
26 of real property in the proposed area to be incorporated object
27 to such incorporation, such owner or owners may file an action in
28 the circuit court of the county in which such unincorporated area

1 is situated, pursuant to [the provisions of] chapter 527, RSMo,
2 praying for a declaratory judgment requesting that such
3 incorporation be declared unreasonable by the court. As used in
4 this subsection, a "majority of the commercial or agricultural
5 classification" means a majority as determined by the assessed
6 valuation of the tracts of real property in either classification
7 to be determined by the assessments made according to chapter
8 137, RSMo. The petition in such action shall state facts showing
9 that such incorporation including the real property owned by the
10 petitioners is not reasonable based on the same criteria as
11 specified in subsection 3 of section 72.403 and is not necessary
12 to the proper development of the city or town. If the circuit
13 court finds that such inclusion is not reasonable and necessary,
14 it may enjoin the incorporation or require the petition
15 requesting the incorporation to be resubmitted excluding all or
16 part of the property of the petitioners from the proposed
17 incorporation.

18 72.130. Except as provided in sections 72.400 to 72.420, no
19 city, town, village or other area shall be organized within this
20 state under and by virtue of any law thereof, adjacent to or
21 within two miles of the limits of any city of the first, second,
22 third or fourth classification or any constitutional charter
23 city, unless the city, town, village or other area be in a
24 different county from the city or unless the city, town, or
25 village is located within any county of the first classification
26 without a charter form of government and with more than eighty-
27 two thousand but less than eighty-two thousand one hundred
28 inhabitants, except that a city, town, village or other area may

1 be incorporated within the two-mile area if a petition signed by
2 a number of voters equal to fifteen percent of the votes cast in
3 the last gubernatorial election in the area proposed to be
4 incorporated is presented to the existing city requesting that
5 the boundaries of the existing city be extended to include the
6 area proposed to be incorporated and if action taken thereon by
7 the existing city is unfavorable to the petition, or if no action
8 is taken by the existing city on the petition, then the city,
9 town, village or other area may be incorporated after the
10 expiration of one year from the date of the petition and upon a
11 favorable majority vote on the question.

12 88.010. Whenever the city council, or the proper
13 legislative body of any city, or any town or village with two
14 hundred or more inhabitants, shall deem it necessary to condemn
15 or appropriate private property and to assess the cost thereof
16 against property in a benefit district, said legislative body
17 shall enact an ordinance setting forth the general nature or
18 purpose of the use to which such private property is to be put
19 and declare it to be necessary to take and appropriate private
20 property therein described for such purpose and define the limits
21 of a benefit district within which private property shall be
22 deemed benefited or assessed to pay for such improvements, and
23 the time and mode of payment of such assessment and the penalty
24 for failure to pay the same when due.

25 88.013. Thereupon the attorney for the city, or any town or
26 village with two hundred or more inhabitants, in the name of the
27 city, or any such town or village, shall apply to the circuit
28 court of the county where the city, or any such town or village

1 is located, by petition, setting forth the limits of the benefit
2 district, a correct description of the property that is sought to
3 be acquired or condemned, the use for which such land is to be
4 taken and dedicated or the general nature of the improvements
5 proposed to be made, the names of the owners of the several lots,
6 tracts or parcels of land if known, or if unknown a correct
7 description of the parcels whose owners are unknown, and praying
8 the appointment of three disinterested commissioners, who are
9 residents of the county, in which the real estate or a portion
10 thereof is situated, to assess the damages which the owners may
11 severally sustain by reason of the appropriation and condemnation
12 of such real estate by the city, or any such town or village for
13 any of the purposes described in this section, and to assess the
14 property especially benefited by the improvements within the
15 benefited district, in proportion to the benefits accruing to
16 each from the proposed improvements.

17 88.027. 1. The commissioners so appointed shall give
18 notice to all parties interested of the time and place when and
19 where they will hear all parties interested who may appear before
20 them, which notice need not be directed to any particular
21 defendant or party interested, but may be general in its form,
22 giving the number, title and date of approval of the ordinance
23 initiating the proceedings and a description of the benefited
24 district by boundaries as defined in the ordinance. Such notice
25 shall be published in some newspaper in said city, or any town or
26 village with two hundred or more inhabitants, selected by the
27 commissioners, once each week for two consecutive weeks, the last
28 insertion to be at least one day before the day set for such

1 hearing.

2 2. It shall be the duty of the commissioners to first
3 determine the value of the property to be appropriated, and all
4 damages caused by said appropriation; then they shall apportion
5 the total sum to be paid for the property condemned and damages
6 so determined among the various lots, tracts and parcels of land
7 within the benefited district, and the city, or any town or
8 village with two hundred or more inhabitants, according to the
9 actual benefits which they find will accrue to the various lots,
10 tracts and parcels of land within said benefited district and to
11 the city, or any such town or village at large. They shall not
12 be required to assess any sum against any lot, tract or parcel of
13 land within the benefited district which they may find will not
14 be benefited, nor shall they be required to assess any sum
15 against the city, or any such town or village unless they find
16 that the city, or any such town or village at large will be
17 benefited. Any action taken by a majority of the commissioners
18 shall be deemed the act of all.

19 88.030. When the commissioners shall have viewed the
20 property and assessed the value, damages and benefits they shall
21 make their return of such assessment in writing and under oath to
22 the circuit court. The report shall be filed with the clerk of
23 the court and shall set out the amounts allowed for each lot,
24 tract or parcel of land condemned and the amounts assessed
25 against the various lots, tracts and parcels of land, and the
26 city, or any town or village with two hundred or more
27 inhabitants, if any, to pay for the land condemned, stating such
28 amounts separately and giving a description of each lot, tract or

1 parcel of land condemned or assessed.

2 88.040. Appeals from the final judgment of the court on
3 jury verdicts shall be allowed to any defendant, defendants or
4 the city, or any town or village with two hundred or more
5 inhabitants as in condemnation proceedings by railroad companies,
6 and shall be controlled and governed by the same rules as far as
7 the same may be applicable. But no such appeal shall operate as
8 a supersedeas or delay the right of the city, or any such town or
9 village to take possession of the property condemned.

10 88.043. If the amount of damages finally allowed by the
11 court or jury shall be greater than the amount allowed by the
12 commissioners, the excess shall be paid by the city, or any town
13 or village with two hundred or more inhabitants and the
14 assessments against the property benefited and against the city,
15 or any such town or village, if any, as made by the
16 commissioners, shall remain the same, but if the amount of
17 damages finally allowed shall be less than the amount allowed by
18 the commissioners all assessments made by the commissioners shall
19 be reduced proportionately.

20 88.047. When no requests for jury trials are filed within
21 the time limited, or when the allowances of damages have been
22 finally determined, the clerk shall make a report of the result
23 of the proceedings showing the amount of damages finally allowed
24 for each lot, tract or parcel of land to be appropriated,
25 describing the same, and showing the amounts finally charged
26 against the various lots, tracts and parcels of land for
27 benefits, describing the same and the amount assessed against the
28 city, or any town or village with two hundred or more inhabitants

1 at large, if any, and the amount of excess to be paid by the
2 city, or any such town or village, if any, under [his] the
3 clerk's hand and the seal of the court, and file the same with
4 the papers in the case. [He] The clerk shall also make a copy of
5 said report, duly certified, which the sheriff shall deliver to
6 the city, or any such town or village clerk and the sheriff shall
7 make his return on the original showing such service and the date
8 thereof.

9 88.050. The city, or any town or village with two hundred
10 or more inhabitants shall, by ordinance, confirm or reject the
11 report mentioned in section 88.047 within thirty days after
12 delivery of the said certified copy to the city, or any such town
13 or village clerk and shall file a certified copy of such
14 ordinance with the clerk of the circuit court within ten days
15 after the taking effect of such ordinance. Failure of the city,
16 or any such town or village to take action upon such report
17 within the time limited shall be deemed a rejection of same. If
18 such report is rejected in either manner, the proceedings shall
19 be dismissed and no proceedings to condemn any of said property
20 for the same or any similar purpose shall be instituted by the
21 city, or any such town or village within two years after the
22 rejection of the report, unless upon the petition of the owners
23 of three-fourths of the property fronting on the line of the
24 proposed improvement.

25 88.053. The judge shall allow the commissioners and court
26 officials reasonable compensation for their services, which,
27 together with all other costs accruing up to and including
28 confirmation of the commissioners' report, shall be paid by the

1 city, or any town or village with two hundred or more
2 inhabitants. All costs accruing after said time shall be paid by
3 the losing party.

4 88.057. When the council shall confirm the proceedings,
5 judgment shall be rendered that the city, or any town or village
6 with two hundred or more inhabitants have and hold the property
7 so to be taken upon payment of the compensation assessed
8 therefor, for the purpose specified in the initiatory ordinance,
9 that the city, or any such town or village recover the respective
10 amounts assessed against private property, and that the lots,
11 tracts and parcels of land so assessed for benefits stand
12 severally charged and bound for the payment of the respective
13 assessments and the interest that may accrue thereon, and the
14 city, or any such town or village pay the amount, if any, charged
15 against it, and if said assessments are by the ordinance
16 aforesaid made payable in more than one installment the judgment
17 shall so recite. The city, or any such town or village shall not
18 have the right to take possession of the property condemned until
19 it has paid to the owners, or to the clerk of the court for the
20 use of said owners, the amount of damages determined as
21 aforesaid.

22 88.060. 1. Said assessments for benefits shall be a lien
23 from the date of the taking effect of the initiatory ordinance
24 and shall continue until the assessment against such lot, tract
25 or parcel of land has been fully paid or a sale made thereunder.
26 No assessment shall be defeated or affected by any irregularity
27 affecting only other assessments. In case of failure of the
28 proceedings as to any part of the land to be condemned

1 supplementary proceedings may be had as to such part. Damages
2 allowed and benefits assessed shall bear interest from the date
3 of final judgment until paid at the rate of six percent per
4 annum, but in case of any deficiency in the interest collected
5 upon benefit assessments, the city, or any town or village with
6 two hundred or more inhabitants shall pay the deficit. In case
7 of failure to collect any assessments in full or in part by
8 failure of the property to sell for a sufficient price to fully
9 pay same and costs of sale, or otherwise, the city, or any such
10 town or village shall pay the amount of such deficit or loss.
11 The city, or any such town or village may pay all or any part of
12 the assessments and have execution therefor in its own right.

13 2. Special executions may be issued against any property
14 assessed for benefits at the instance of the city, or any such
15 town or village or of any party entitled to damages under the
16 judgment, and such special execution shall be entitled as the
17 case is docketed without naming any owner of the property, and
18 proceedings thereon and sale thereunder shall be governed by the
19 ordinary rules applicable to special executions against real
20 estate. Payments shall be made to the clerk of the court in
21 which the judgment is rendered, and if made at different times
22 the clerk may disburse the same by prorating the amount or
23 amounts so received by him among the various lots, tracts or
24 parcels of land for which damages have been allowed, in
25 proportion to the allowance for each, and paying the respective
26 amounts to the owner thereof.

27 88.063. Any city, or any town or village with two hundred
28 or more inhabitants shall have the right to advance the amount of

1 damages awarded on the filing of the report of the commissioners
2 assessing the damages and thereupon enter upon and take
3 possession of such property and proceed with the public
4 improvements for which such property is sought to be taken or
5 damaged, and to be reimbursed from the benefits assessed when the
6 same are collected. Any subsequent proceedings shall affect only
7 the amount of compensation to be allowed for the property taken
8 or damaged and shall not in any way interfere with the right of
9 such city, or any such town or village to the property sought to
10 be acquired or damaged for public purposes.

11 88.073. 1. Cities, or any towns or villages with two
12 hundred or more inhabitants shall have the right to condemn lands
13 under the provisions of sections 88.010 to 88.070 and pay for the
14 same out of any funds available out of the city, or any such town
15 or village treasury without any assessments for benefits, or to
16 advance the amount of damages awarded at the time pending the
17 proceedings and thereupon take possession of the property and to
18 be reimbursed from the benefits assessed when the same are
19 collected.

20 2. Whenever the charter of any constitutional charter city
21 makes provision for the condemnation of property for public
22 purposes and assessment of benefits therefor, such city may elect
23 to proceed with such condemnation or assessment, or both, in the
24 manner provided in sections 88.010 to 88.070 or to proceed in the
25 manner provided in its charter.

26 88.980. Except as provided in section 71.525, RSMo, private
27 property may be taken by towns or villages with two hundred or
28 more inhabitants, for public use, for the purpose of

1 establishing, opening, widening, extending or altering any
2 street, avenue, alley, wharf, creek, river, watercourse,
3 marketplace, public park, or public square, and for establishing
4 market houses and for any other necessary public purposes.

5 88.983. 1. The towns and villages with two hundred or more
6 inhabitants coming under the provisions of sections 88.980 to
7 88.1019 in their corporate capacities are authorized and
8 empowered to enact ordinances for the following purposes in
9 addition to the other powers granted by law:

10 (1) To levy and collect taxes for general revenue purposes
11 on all mixed, personal and real property within the limits of
12 said town or village, taxable according to the laws of this
13 state;

14 (2) To open and improve streets, avenues, alleys and other
15 highways, and to make sidewalks and build bridges, culverts,
16 drains and sewers within such town or village, and to establish
17 grades for all improvements herein mentioned.

18 2. Such ordinances as may relate to any public work or
19 improvements of any kind shall authorize the particular work to
20 be done or improvements to be made, and shall specify the general
21 character and extent thereof, the material to be used therein and
22 in the alternative, if desirable, and the manner and regulations
23 under which any such public work or improvement shall be
24 executed.

25 3. Except as provided in section 71.520, RSMo, towns and
26 villages with two hundred or more inhabitants shall have and
27 exercise exclusive control over all streets, alleys, avenues and
28 public highways within the limits of such town or village.

1 88.986. The board of trustees shall have power to create,
2 open and improve any public square, public park, street, avenue,
3 alley or other highway, old or new, and also to vacate or
4 discontinue the same whenever deemed necessary or expedient;
5 provided, that all damages sustained by the citizens of the town
6 or village with two hundred or more inhabitants or the owners of
7 the property therein shall be ascertained as prescribed in that
8 portion of this chapter relating to the condemnation of private
9 property for public use; and provided further, that whenever any
10 public square, street, avenue or alley, or other highway, shall
11 be vacated, the same shall revert to the owners of the adjacent
12 lots in proportion as it was taken from them; and when the grade
13 of any street or alley shall have been once established by
14 ordinance, it shall not be lawful to change such grade without
15 making compensation to all persons owning real estate on such
16 street or square, avenue, alley or other highway, who may be
17 damaged by such change of grade, to be determined and governed in
18 all respects, with reference to benefit and damages, as is
19 provided in sections 88.980 to 88.1019.

20 88.989. The cost of bringing to grade all streets, avenues,
21 alleys and other highways, and for the building of bridges,
22 culverts, public sewers and footwalks across streets, avenues,
23 alleys and other public highways, shall be paid out of the
24 general revenue fund of the town or village with two hundred or
25 more inhabitants.

26 88.992. The cost of paving, macadamizing, guttering and
27 curbing (where such curb is set out into the street beyond the
28 sidewalks) all streets, avenues, alleys and other highways, or

1 any part thereof or any connection therewith, and repairing the
2 same, and for doing all excavating and grading necessary for the
3 same, after said streets, avenues, alleys and other highways, or
4 parts thereof or connections therewith, have been first brought
5 to grade, as provided in section 88.983, shall be levied as a
6 special assessment upon all lots and pieces of ground upon either
7 side of such street, avenue, alley or other highway, or part
8 thereof or connection therewith, abutting thereon, along the
9 distance improved, in proportion to the front foot; provided,
10 that the cost of paving, macadamizing, curbing and guttering any
11 street, avenue, alley or highway, or any part thereof, and the
12 cost of repairing and cleaning of the same and of making and
13 repairing sidewalks may be paid out of the general revenue fund
14 of any town or village with two hundred or more inhabitants or
15 other funds which the town or village may have for such purposes,
16 if the board of trustees so desires, in which case the
17 proceedings of the town or village for such improvements shall
18 specify that payment will be made out of the general revenue
19 funds or other funds in whole or in part.

20 88.995. The cost of paving or macadamizing the squares and
21 areas as formed by the crossing or meeting of streets and other
22 highways within said town or village with two hundred or more
23 inhabitants, or parts thereof or connections therewith, shall be
24 levied as a special assessment, and paid for as follows: Such
25 area shall be divided into parts or portions by lines drawn
26 lengthwise along the middle of each of said streets or highways
27 so intersecting or meeting, and the cost of said parts or portion
28 shall be levied as a special assessment against the block or

1 square contiguous to each, and prorated against the lots or
2 pieces of ground in such block or square abutting on the street
3 improved.

4 88.998. When the board of trustees shall deem it necessary
5 to pave, macadamize, gutter, curb (when such is set out in the
6 street beyond the sidewalk) or otherwise improve any street,
7 avenue, alley or other highway, or any part thereof, within the
8 limits of any town or village with two hundred or more
9 inhabitants for which a special tax is to be levied as herein
10 provided, the board of trustees shall, by resolution, declare the
11 work or improvements necessary to be done, and cause the
12 resolutions to be published in some newspaper published in such
13 town or village for seven consecutive insertions in a daily paper
14 or two consecutive insertions in a weekly paper. If a majority
15 of the owners of the property liable to taxation therefor,
16 residing in such town or village at the date of the passage of
17 such resolution, shall not, within ten days from the date of the
18 last insertion of the resolution, file with the town or village
19 clerk their protest against, then the board of trustees may cause
20 the improvements to be made, and to contract therefor, and to
21 levy the tax as herein provided. The findings of the board that
22 a majority of such owners have not filed protest shall be
23 conclusive and final. No publication shall be necessary for the
24 making of any sidewalks, but upon the petition of any ten
25 citizens of the town or village, the board of trustees may make
26 contracts for the construction of sidewalks, including grading
27 therefor, with or without curbing, along any street, avenue or
28 other public highway, or any part thereof whatsoever. The

1 contract shall be let to the lowest and best bidder, upon plans
2 and specifications filed therefor by such town or village
3 engineer or other officer designated by the board of trustees,
4 with the town or village clerk, not less than one week's
5 advertisement for bids thereupon being made in some newspaper
6 published in such town or village. When upon proper
7 advertisement no bid is received, the board of trustees may
8 proceed as provided for cities of the third and fourth
9 classification pursuant to section 88.826.

10 88.1001. No formality shall be required to authorize the
11 repairing of sidewalks, or of street or other paving, curbing,
12 guttering, macadamizing or part thereof, or reconstructing the
13 same, and making assessments therefor; but the proper officer or
14 committee on improvements may, without notice, cause such work to
15 be done, keeping an account of the cost thereof, and reporting
16 the same to the board of trustees for assessment; and each lot or
17 piece of ground abutting on such sidewalk, street, avenue, or
18 alley, or part thereof, shall be liable for its part of the cost
19 of any work or improvement provided for in section 88.998 and
20 this section, done or made along or in front of such lot or piece
21 of ground as reported to the board of trustees, and all lands,
22 lots and public parks owned by any county, city, or any town or
23 village with two hundred or more inhabitants, and all other
24 public lands, all cemeteries, owned by public, private or
25 municipal corporations; provided, that nothing in this section
26 shall be construed to authorize any assessment against any
27 cemetery lot, and all railroad rights-of-way fronting or abutting
28 on any of said improvements shall be liable for their

1 proportionate part of the cost of such work and improvements, and
2 tax bills shall be issued against said property as against other
3 property, and any county, city, or any such town or village that
4 shall own any such property shall out of the general revenue
5 funds pay any such tax bill, and in any case where any county,
6 city, or any such town or village or railroad company shall fail
7 to pay any such tax bill, the owner of the same may sue such
8 county, city, town or village or railroad company on such tax
9 bill and be entitled to recover a general judgment against such
10 county, city, town or village or railroad company. Any of said
11 improvements to be paid for by such town or village with two
12 hundred or more inhabitants may be paid for by said town or
13 village out of the general revenue funds if the board of trustees
14 so desires, but all such work and improvements shall be paid for
15 with special tax bills unless the proceedings of such town or
16 village for the same specify that payment will be made out of the
17 general revenue funds of said town or village. The board of
18 trustees may provide a penalty for failure to pay such special
19 tax within a given time, and any tax bills issued in payment of
20 such repairs shall constitute a lien upon the property liable
21 therefor until paid. All costs for building and constructing
22 sidewalks shall be paid to the contractor therefor, in special
23 tax bills assessed against the abutting property liable therefor,
24 and such tax bills shall constitute a lien upon such property
25 until paid, and shall bear interest at eight percent per annum
26 from the date of issue.

27 88.1004. When the board of trustees of any town or village
28 with two hundred or more inhabitants shall deem it necessary to

1 pave, macadamize, gutter, curb, grade or otherwise improve the
2 roadway of any street or avenue for a distance not more than
3 twelve hundred feet in length so as to connect at both ends with
4 paving, macadamizing, guttering, curbing, grading or other
5 improvements either on the same street or avenue or other streets
6 or avenues, or on the same street or avenue and another street or
7 avenue, the board of trustees shall declare such work to be
8 necessary to be done and shall cause the same proceedings to be
9 had as are provided in section 88.998, except no protest may be
10 filed. The resolution passed and published shall state the fact
11 that anyone desiring to do so may appear before the board of
12 trustees at a time stated therein and be heard on the question of
13 the necessity of the work sought to be done, and if anyone does
14 so appear he shall be heard, and the board of trustees shall, by
15 resolution, state the result of such hearing to be a reaffirmance
16 of the necessity for the doing of such work or the contrary, as
17 the board of trustees may then decide. If no one appears, or if
18 the board of trustees reaffirm the necessity of the doing of such
19 work and improvement, then it shall proceed with such work and
20 improvement in the manner in this chapter provided for such work
21 and improvement when no sufficient protest against such
22 improvement is filed within the time limited therefor.

23 88.1007. The board of trustees shall have power, by
24 ordinance, to provide for and require the building and repairing
25 of sidewalks and sidewalk curbing along any streets, avenues or
26 highways of such town or village with two hundred or more
27 inhabitants, the cost thereof to be levied as a special
28 assessment on all lots or pieces of ground abutting on such

1 improvements in proportion to the front foot thereof, and to
2 impose a fine and penalty for the violation of such ordinance.
3 Corner lots shall be liable for the extension of curbs and
4 sidewalks to the curb lines each way.

5 88.1010. In addition to the powers herein granted, the
6 board of trustees may, by ordinance or resolution, condemn wooden
7 and defective sidewalks, and may remove walks so condemned, and
8 may provide for the construction of new sidewalks in the place of
9 walks so condemned and removed.

10 88.1013. All real estate owned by a county and situate
11 within the corporate limits of any town or village with two
12 hundred or more inhabitants shall be subject to the provisions of
13 all ordinances of such town or village which relate to the
14 erection and maintenance of hitching posts, sidewalks, guttering,
15 curbing, fences along streets and alleys, and the paving and
16 macadamizing of streets to the same extent as that of private
17 citizens of such town or village.

18 88.1016. It shall be the duty of the county commission
19 whenever any of the improvements of the property set out in
20 section 88.1013 is required by ordinance, to forthwith make such
21 improvement fronting or abutting any real estate owned by the
22 county and lying within the corporate limits of any town or
23 village with two hundred or more inhabitants, and included in the
24 terms of the ordinance, in compliance with the provisions of such
25 ordinance, and pay for such improvements out of the general fund
26 of the county.

27 88.1019. If the county commission shall fail, neglect or
28 refuse to comply with the provisions of any ordinance providing

1 for the improvement of property as provided in sections 88.1013
2 and 88.1016, for a period of sixty days after notice has been
3 served on the county clerk, of the requirements of the ordinance
4 and the kind and nature of the improvements to be made, any town
5 or village with two hundred or more inhabitants shall proceed to
6 make such improvements in the same manner as is provided by
7 ordinance for the making of similar improvements by private
8 citizens, and shall issue special tax bills for the cost of all
9 labor and material necessary in making such improvements, and
10 such special tax bills shall be a valid claim against such
11 county, and it shall be the duty of the county commission at its
12 next regular meeting after the completion of said improvements to
13 audit, allow and pay out of the general fund of the county the
14 cost of making said improvements or the special tax bills issued
15 therefor.

16 88.1021. Whenever any town or village with two hundred or
17 more inhabitants shall deem it necessary, it may, by ordinance,
18 provide for the construction of a septic tank or other sewage
19 reduction device for the purpose of purifying the discharge from
20 any district or joint district sewer. In such case the cost
21 thereof shall be assessed against the lands in the district or
22 joint district for which the same is provided in the same manner
23 as is provided for the assessing of the cost of district sewers.

24 88.1024. 1. The board of trustees may provide for and
25 regulate the lighting of streets and the erection of lamp posts,
26 poles and lights therefor, and may make contracts with any
27 person, association or corporation, either private or municipal,
28 for the lighting of the streets and other public places of any

1 town or village with two hundred or more inhabitants with gas,
2 electricity or otherwise, except that each initial contract shall
3 be ratified by a majority of the voters of such town or village
4 voting on the question and any renewal contract or extension
5 shall be subject to voter approval of the majority of the voters
6 voting on the question, pursuant to the provisions of section
7 88.251. The board of trustees may erect, maintain and operate
8 gas works, electric light works, or light works of any other kind
9 or name, and to erect lamp posts, electric light poles, or any
10 other apparatus or appliances necessary to light the streets,
11 avenues, alleys or other public places, and to supply private
12 lights for the use of the inhabitants of such town or village,
13 and may regulate the same, and may prescribe and regulate the
14 rates to be paid by the consumers thereof, and may acquire by
15 purchase, donation or condemnation suitable grounds within or
16 without such town or village upon which to erect such works and
17 the right-of-way to and from such works, and also the
18 right-of-way for laying gas pipes, electric wires under or above
19 the grounds, and erecting posts and poles and such other
20 apparatus and appliances as may be necessary for the efficient
21 operation of such works. The board of trustees may, in its
22 discretion, grant the right to any person, persons or
23 corporation, to erect such works and lay the pipe, wires, and
24 erect the posts, poles and other necessary apparatus and
25 appliances therefor, upon such terms as may be prescribed by
26 ordinance. Such rights shall not extend for a longer time than
27 twenty years, but may be renewed for another period or periods
28 not to exceed twenty years per period. Every initial grant shall

be approved by a majority of the voters of the municipality voting on the question, and each renewal or extension of such rights shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. Nothing herein contained shall be so construed as to prevent the board of trustees from contracting with any person, persons or corporation for furnishing such town or village with gas or electric lights in cities or such towns or villages where franchises have already been granted, and where gas or electric light plants already exist, without a vote of the people, except that the board of trustees may sell, convey, encumber, lease, abolish or otherwise dispose of any public utilities owned by such town or village including electric light systems, electric distribution systems or transmission lines, or any part of the electric light systems, electric or other heat systems, electric or other power systems, electric or other railways, gas plants, telephone systems, telegraph systems, transportation systems of any kind, waterworks, equipments and all public utilities not herein enumerated and everything acquired therefor, after first having passed an ordinance setting forth the terms of the sale, conveyance or encumbrance and when ratified by two-thirds of the voters voting on the question.

2. The ballots shall be substantially in the following form and shall indicate the property, or portion thereof, and whether the same is to be sold, leased or encumbered:

Shall
(Indicate the property by stating whether electric distribution system, electric transmission lines or waterworks, etc.) be

..... (Indicate whether sold,
leased or encumbered.)?

88.1027. 1. The board of trustees may make contracts with any person, association or corporation, either private or municipal, for furnishing any town or village with two hundred or more inhabitants with water, and for supplying fire hydrants and public fountains, but no such contract shall be made for a longer time than twenty years. Any initial contract must be ratified by a vote of a majority of the voters of such town or village voting on the question. Any renewal contracts entered into under the provisions of this section shall be subject to voter approval of the majority of the voters voting on the question, pursuant to section 88.251.

2. The board of trustees may also erect, maintain and operate waterworks for such town or village, and may regulate the same, may prescribe and regulate the rates to charge to private consumers of water furnished from such waterworks, and may acquire by purchase, donation or condemnation, suitable grounds within or without such town or village, upon which to erect such works, and the right-of-way to and from such works, and also the right-of-way for laying water pipes and posts and telephone, telephone exchanges with other cities, towns and villages, telegraph or electric wires and poles, under or above the ground, as may be necessary for the efficient operation of such waterworks; all of which shall be done in such manner as shall be prescribed by ordinance; except that the board of trustees may, in its discretion, grant the right to any person, persons or corporation to erect, maintain and operate waterworks, and lay

1 pipes, erect poles and telegraph, telephone exchanges with other
2 cities, towns and villages, and other electric wires, under or
3 above ground, as may be necessary for the efficient operation of
4 such works, upon such terms as the board of trustees may
5 prescribe by ordinance, and in no case shall such right extend
6 for a longer period than twenty years; except that such right may
7 be renewed for another period or periods not to exceed twenty
8 years per period. Every initial grant for such services shall be
9 approved by a majority of voters voting on the question. Every
10 renewal or extension shall be subject to voter approval of the
11 majority of the voters voting on the question, pursuant to the
12 provisions of section 88.251. Nothing in this section shall be
13 so construed as to prevent the board of trustees from contracting
14 with any person, association or corporation for supplying fire
15 hydrants and public fountains, in such towns and villages where
16 franchises have already been granted, and where waterworks
17 already exist, without a vote of the people.

18 99.050. When the governing body of a city adopts a
19 resolution or other declaration as aforesaid, it shall promptly
20 notify the mayor of such adoption. Upon receiving such notice,
21 the mayor shall appoint five persons who shall be taxpayers who
22 have resided in said city for [five years] one year prior to such
23 appointment as commissioners of the authority created for said
24 city. When the governing body of a county adopts a resolution or
25 other declaration as aforesaid, said body shall appoint five
26 persons as commissioners of the authority created for said
27 county. Three of the commissioners who are first appointed shall
28 be designated to serve for terms of one, two, and three years,

1 respectively, from the date of their appointment, and two shall
2 be designated to serve for terms of four years from the date of
3 their appointment. Thereafter commissioners shall be appointed
4 as aforesaid for a term of office of four years except that all
5 vacancies shall be filled for the unexpired term. No
6 commissioner of an authority may be an officer or employee of the
7 city or county for which the authority is created. A
8 commissioner shall hold office until his successor has been
9 appointed and has qualified, unless sooner removed according to
10 sections 99.010 to 99.230. A certificate of the appointment or
11 reappointment of any commissioner shall be filed with the clerk
12 and such certificate shall be conclusive evidence of the due and
13 proper appointment of such commissioner. A commissioner shall
14 receive no compensation for his services for the authority, in
15 any capacity, but he shall be entitled to the necessary expenses,
16 including traveling expenses, incurred in the discharge of his
17 duties. The powers of each authority shall be vested in the
18 commissioners thereof in office from time to time. One more than
19 one-half of all commissioners shall constitute a quorum of the
20 authority for the purpose of conducting its business and
21 exercising its powers and for all other purposes. Action may be
22 taken by the authority upon a vote of a majority of a quorum,
23 unless in any case the bylaws of the authority shall require a
24 larger number. The mayor (or in the case of an authority for a
25 county, the governing body of the county) shall designate which
26 of the commissioners shall be the first chairman and he shall
27 serve in the capacity of chairman until the expiration of his
28 term of office as commissioner. When the office of the chairman

1 of the authority thereafter becomes vacant, the authority shall
2 select a chairman from among its commissioners. An authority
3 shall select from among its commissioners a vice chairman, and it
4 may employ a secretary (who shall be executive director),
5 technical experts and such other officers, agents and employees,
6 permanent and temporary, as it may require, and shall determine
7 their qualifications, duties and compensation. For such legal
8 services as it may require, an authority may call upon the chief
9 law officer of the city or the county or may employ its own
10 counsel and legal staff. An authority may delegate to one or
11 more of its agents or employees such powers or duties as it may
12 deem proper.

13 99.134. [Beginning April 1, 1991, the provisions of this
14 section shall apply to housing authorities of any city with a
15 population of more than three hundred fifty thousand inhabitants
16 which is located in more than one county. The authority shall
17 consist of seven commissioners, appointed by the mayor of the
18 city, with the advice and consent of the city council. One
19 commissioner shall be appointed from each city council district
20 and the seventh commissioner shall be a tenant of any housing
21 project owned or operated by the housing authority. The tenant
22 commissioner shall serve for three years, but only if he remains
23 a tenant of any housing project owned or operated by the
24 authority. Notwithstanding the provisions of this chapter to the
25 contrary, a new authority shall be established under this
26 section. The commissioners of the authority in office on April
27 1, 1991, shall be deemed members of the new authority and shall
28 serve the remaining portion of their terms. The new members of

1 the authority which bring the total number of members to seven
2 shall serve for four years. Upon the completion of the term of
3 any commissioner, except the tenant commissioner, his replacement
4 shall be appointed for a period of four years. The mayor shall
5 make appointments within ninety days of the vacancy occurring.
6 If no appointment has been made within ninety days by the mayor,
7 the vacancy shall be filled by a majority of the city council
8 present and voting at a regular meeting.] 1. Beginning on the
9 effective date of this section, and notwithstanding any
10 conflicting provision of section 99.050, this section shall apply
11 to housing authorities in any home rule city with more than four
12 hundred thousand inhabitants and located in more than one county,
13 and the following provisions shall govern the composition of the
14 housing authority and the selection of the members thereof.

15 2. There shall be seven members of the housing authority
16 commission, all of whom shall be residents of the jurisdiction of
17 the housing authority. Six members shall be appointed by the
18 mayor with the advice and consent of the city council, and one
19 member shall be elected by the tenants of the housing authority.
20 At least one of the appointed members must be a resident in good
21 standing receiving housing assistance from the federal Department
22 of Housing and Urban Development under section 8 of the United
23 States Housing Act of 1937, as amended, and who is participating
24 in or who has successfully completed a self-sufficiency program.
25 The appointed members of the housing authority commission shall
26 be nominated by a nominating committee consisting of five
27 members. Three members of the nominating committee shall be
28 selected by the housing authority commissioners in office before

1 the effective date of this section. The remaining two members
2 shall be disinterested persons, of which one must be a public
3 housing resident, and the other a person receiving housing
4 assistance from the federal Department of Housing and Urban
5 Development under section 8 of the United States Housing Act of
6 1937, as amended, and both disinterested persons shall be
7 selected by the jurisdiction-wide resident organization. The
8 mayor shall appoint a representative of the landlord advisory
9 council to the housing authority for Kansas City as an ex-officio
10 member of the commission. The housing authority commission shall
11 appoint a Section 8 housing evaluation committee of seven members
12 composed of three landlords and four members from business and
13 community groups.

14 3. The election of the elected member of the commission
15 shall be conducted by the jurisdiction-wide resident organization
16 and overseen by an independent third party. The election shall
17 be by written ballot, and each tenant of the housing authority
18 eighteen years of age or older shall be entitled to one vote. In
19 addition to the qualifications required for the office by
20 sections 99.010 to 99.230, the elected member of the commission
21 shall be a tenant in good standing.

22 4. Commissioners of the housing authority required by this
23 section to be tenants of the housing authority or tenants
24 receiving housing assistance from the federal Department of
25 Housing and Urban Development under section 8 of the United
26 States Housing Act of 1937, as amended, shall not be employed in
27 any capacity by the housing authority and shall not be construed,
28 because of such tenancy or receipt of such housing assistance, to

1 have a direct or indirect interest in any housing authority
2 project or in any property included or planned to be included in
3 any project, or in proposed contract for materials or services
4 within the meaning of section 99.060.

5 5. Each elected commissioner shall serve a term of four
6 years. Of the six appointed members of the commission first
7 appointed pursuant to this section, two shall serve a term of one
8 year, two shall serve a term of two years, and two shall serve a
9 term of three years. Thereafter all commissioners shall serve a
10 term of office of four years. Vacancies on the commission shall
11 be filled for the unexpired term in the same manner as the
12 commissioner was originally appointed or elected.

13 6. The commissioners shall select from among their members
14 a chair and a vice chair. A quorum shall consist of at least
15 four commissioners.

16 7. Each commissioner shall receive a stipend of two hundred
17 dollars per month for the commissioner's services to the housing
18 authority in any capacity in addition to reimbursement for
19 expenses incurred for special travel or conference expenses
20 incurred in the discharge of the commissioner's duties. The
21 expenses shall not exceed the sum of one thousand dollars per
22 year per commissioner. The commission shall have the power to
23 adjust the stipend amount annually to reflect changes in the
24 consumer price index or other similar prudent and objective
25 preescalator methods.

26 99.915. 1. Sections 99.915 to 99.984 shall be known and
27 may be cited as the "Missouri Downtown Economic Stimulus Act".

28 2. Nothing in sections 99.915 to 99.984 shall be construed

1 to provide any funding for the construction, maintenance, or
2 operation of any sports stadium or related facility.

3 99.918. Each municipality may create an authority to be
4 known as a "Downtown Economic Stimulus Authority"; provided,
5 however:

6 (1) No such authority shall transact any business or
7 exercise its powers under sections 99.915 to 99.984 until and
8 unless the governing body of such municipality shall, in
9 accordance with subsection 1 of section 99.954, approve, by
10 ordinance, the exercise of the powers, functions, and duties of
11 an authority under sections 99.915 to 99.984;

12 (2) No governing body of a municipality shall adopt an
13 ordinance pursuant to subdivision (1) of this section unless it
14 finds:

15 (a) That it would be in the interest of the public to
16 consider the establishment of a development area in accordance
17 with sections 99.915 to 99.984;

18 (b) That the development of such a development area would
19 be in the interest of the public health, safety, morals, or
20 welfare of the residents of such municipality; and

21 (c) That it is anticipated that such a development area can
22 be renovated through a series of one or more development
23 projects.

24 99.921. 1. Each authority shall be governed by a board of
25 commissioners. The number of commissioners serving on the board
26 of each authority shall be no less than five and no more than
27 thirteen, which number shall be established by ordinance of the
28 municipality of which one shall be a member of any local

1 community development corporation, if one exists in the
2 municipality, and one shall be an owner of a minority business in
3 the municipality and one member shall be appointed by the school
4 boards whose districts are included within the development plan
5 or development area. In addition to the members of the board of
6 commissioners established pursuant to this subsection, in all
7 municipalities, two advisory members shall be appointed by the
8 school boards whose districts are included within the development
9 plan or development area. Such members shall be appointed in any
10 manner agreed upon by the affected districts. In addition to the
11 members of the board of commissioners and the advisory members
12 established pursuant to this subsection, one advisory member
13 shall be appointed, in any manner agreed upon by the affected
14 districts, to represent all other districts levying ad valorem
15 taxes or sales taxes within the area selected for a development
16 project or the development area, excluding representatives of the
17 governing body of the municipality. At the option of the
18 remaining members, the members who are appointed by the school
19 boards and other taxing districts may serve on the authority for
20 a term to coincide with the length of time a development project,
21 development plan, or designation of a development area, is
22 considered for approval by the commission, or for a definite term
23 pursuant to this subdivision. If the members representing school
24 districts and other taxing districts are appointed for a term
25 coinciding with the length of time a development project, plan,
26 or area is approved, such term shall terminate upon final
27 approval of the project, plan, or designation of the area by the
28 governing body of the municipality. Thereafter, the authority

1 shall consist of the members appointed by the mayor or chief
2 executive officer of the municipality, except that members
3 representing school boards and other taxing districts shall be
4 appointed as provided in this section before any amendments to
5 any development plans, development projects, or designation of a
6 development area. If any school district or other taxing
7 jurisdiction fails to appoint members of the authority within
8 thirty days of receipt of written notice of a proposed
9 development plan, development project, or designation of a
10 development area, the remaining members may proceed to exercise
11 the power of the authority.

12 2. In addition to the commissioners appointed pursuant to
13 subsection 1 of this section, the remaining commissioners of the
14 authority shall be appointed by the mayor or chief executive
15 officer of the municipality. The initial commissioners appointed
16 pursuant to this subsection shall serve staggered terms of one,
17 two, and three years as determined by the mayor or chief
18 executive officer of the municipality at the time of their
19 appointment. Thereafter, successor commissioners shall be
20 appointed by the mayor or chief executive officer of the
21 municipality for a term of three years. All vacancies shall be
22 filled by appointment of the mayor or chief executive officer of
23 the municipality for the unexpired term. Notwithstanding
24 anything contained in this subsection to the contrary, in any
25 county with a charter form of government and with more than one
26 million inhabitants, three of the members shall be appointed by
27 the cities in the county which have tax increment financing
28 districts in a manner in which the cities shall agree.

1 99.924. 1. The powers of the authority shall be exercised
2 by its board of commissioners. A majority of the commissioners
3 shall constitute a quorum of such board for the purpose of
4 conducting business and exercising the powers of the authority
5 and for all other purposes. Action may be taken by the board
6 upon a vote of a majority of the commissioners present in person
7 or by teleconference, unless in any case the bylaws of the
8 authority shall require a larger number. Meetings of the board
9 of the authority may be held anywhere within the municipality.

10 2. The commissioners of the authority annually shall elect
11 a chair and vice chair from among the commissioners; however, the
12 first chair shall be designated by the mayor for a term of one
13 year. The mayor or chief executive officer of the municipality
14 shall serve as the co-chair of the authority. The authority may
15 employ an executive director, technical experts, and such other
16 officers, agents, and employees, permanent and temporary, as it
17 may require, and shall determine their qualifications, duties,
18 and compensation. For such legal services as it may require, an
19 authority may call upon the chief law officer of the communities
20 within the development area or may employ its own counsel and
21 legal staff.

22 99.927. A commissioner of an authority shall receive no
23 compensation for his or her services, but may receive the
24 necessary expenses, including traveling expenses, incurred in the
25 discharge of his or her duties. Each commissioner shall hold
26 office until a successor has been appointed.

27 99.930. For inefficiency or neglect of duty or misconduct
28 in office, a commissioner of an authority may be removed by the

1 mayor or chief executive officer of the municipality.

2 99.933. 1. In any suit, action, or proceeding involving
3 the validity or enforcement of or relating to any contract of an
4 authority entered into pursuant to sections 99.915 to 99.984,
5 such authority shall be conclusively deemed to have become
6 established and authorized to transact business and exercise its
7 powers under sections 99.915 to 99.984 upon proof of the adoption
8 of the appropriate ordinance prescribed in section 99.918. Each
9 such ordinance shall be deemed sufficient if it authorizes the
10 exercise of powers under sections 99.915 to 99.984 by the
11 authority and sets forth the findings of the municipality as
12 required in subdivision (2) of section 99.918, but is not
13 required to expressly state the details supporting such findings.

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

17 99.936. 1. The authority shall constitute a public body
18 corporate and politic, exercising public and essential
19 governmental functions and having all the powers necessary or
20 convenient to carry out and effectuate the purposes and
21 provisions of sections 99.915 to 99.984, including the following
22 powers in addition to others granted pursuant to sections 99.915
23 to 99.984:

24 (1) To sue and to be sued; to have a seal and to alter the
25 same at pleasure; to have perpetual succession; to make and
26 execute contracts and other instruments necessary or convenient
27 to the exercise of the powers of the authority; and to make and
28 from time to time amend and repeal bylaws, rules, and

1 regulations, not inconsistent with sections 99.915 to 99.984, to
2 carry out the provisions of sections 99.915 to 99.984;

3 (2) To prepare or cause to be prepared and approved
4 development plans and development projects to be considered at
5 public hearings in accordance with sections 99.915 to 99.984 and
6 to undertake and carry out development plans and development
7 projects which have been adopted by ordinance;

8 (3) To arrange or contract for the furnishing or repair, by
9 any person or agency, public or private, of services, privileges,
10 streets, roads, public utilities, or other facilities for or in
11 connection with any development project; and notwithstanding
12 anything to the contrary contained in sections 99.915 to 99.984
13 or any other provision of law, to agree to any conditions that it
14 may deem reasonable and appropriate attached to federal financial
15 assistance and imposed pursuant to federal law relating to the
16 determination of prevailing salaries or wages or compliance with
17 labor standards, in the undertaking or carrying out of any
18 development project, and to include in any contract let in
19 connection with any such development project provisions to
20 fulfill such of the conditions as it may deem reasonable and
21 appropriate;

22 (4) Within a development area, to acquire by purchase,
23 lease, gift, grant, bequest, devise, or otherwise, or obtain
24 options upon, any real or personal property or any interest
25 therein, necessary or incidental to a development project, all in
26 the manner and at such price as the authority determines is
27 reasonably necessary to achieve the objectives of a development
28 plan;

1 (5) Within a development area, subject to provisions of
2 section 99.939 with regard to the disposition of real property,
3 to sell, lease, exchange, transfer, assign, subdivide, retain for
4 its own use, mortgage, pledge, hypothecate, or otherwise encumber
5 or dispose of any real or personal property or any interest
6 therein, all in the manner and at such price and subject to any
7 covenants, restrictions, and conditions as the authority
8 determines is reasonably necessary to achieve the objectives of a
9 development plan; to make any such covenants, restrictions, or
10 conditions as covenants running with the land, and to provide
11 appropriate remedies for any breach of any such covenants,
12 restrictions, or conditions, including the right in the authority
13 to terminate such contracts and any interest in the property
14 created pursuant thereto;

15 (6) Within a development area, to clear any area by
16 demolition or removal of existing buildings and structures;

17 (7) To install, repair, construct, reconstruct, or relocate
18 streets, utilities, and site improvements as necessary or
19 desirable for the preparation of a development area for use in
20 accordance with a development plan;

21 (8) Within a development area, to fix, charge, and collect
22 fees, rents, and other charges for the use of any real or
23 personal property, or any portion thereof, in which the authority
24 has any interest;

25 (9) To accept grants, guarantees, and donations of
26 property, labor, or other things of value from any public or
27 private source for purposes of implementing a development plan;

28 (10) In accordance with section 99.939, to select one or

1 more developers to implement a development plan, or one or more
2 development projects, or any portion thereof;

3 (11) To charge as a development project cost the reasonable
4 costs incurred by the authority or the evaluation departments in
5 evaluating, administering, or implementing the development plan
6 or any development project;

7 (12) To borrow money and issue obligations in accordance
8 with sections 99.915 to 99.984 and provide security for any such
9 loans or obligations;

10 (13) To insure or provide for the insurance of any real or
11 personal property or operations of the authority against any
12 risks or hazards, including the power to pay premiums on any such
13 insurance; and to enter into any contracts necessary to
14 effectuate the purposes of sections 99.915 to 99.984;

15 (14) Within a development area, to renovate, rehabilitate,
16 construct, repair, or improve any improvements, buildings,
17 parking garages, fixtures, structures, and other facilities;

18 (15) To invest any funds held in reserves or sinking funds,
19 or any funds not required for immediate disbursement, in property
20 or securities in which savings banks may legally invest funds
21 subject to their control; to redeem obligations at the redemption
22 price established therein or to purchase obligations at less than
23 redemption price, all obligations so redeemed or purchased to be
24 canceled;

25 (16) To borrow money and to apply for and accept advances,
26 loans, grants, contributions, and any other form of financial
27 assistance from the federal government, the state, county,
28 municipality, or other public body or from any sources, public or

1 private, for the purposes of implementing a development plan, to
2 give such security as may be required and to enter into and carry
3 out contracts in connection therewith. An authority,
4 notwithstanding the provisions of any other law, may include in
5 any contract for financial assistance with the federal government
6 for a project such conditions imposed pursuant to federal law as
7 the authority may deem reasonable and appropriate and which are
8 not inconsistent with the purposes of sections 99.915 to 99.984;

9 (17) To incur development project costs and make such
10 expenditures as may be necessary to carry out the purposes of
11 sections 99.915 to 99.984; and to make expenditures from funds
12 obtained from the federal government without regard to any other
13 laws pertaining to the making and approval of appropriations and
14 expenditures;

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

20 (19) To receive and exercise powers, excluding powers of
21 eminent domain, delegated by any authority, agency, or agent of a
22 municipality created pursuant to this chapter or chapter 353,
23 RSMo;

24 (20) To loan the proceeds of obligations issued pursuant to
25 sections 99.915 to 99.984 for the purpose of providing for the
26 purchase, construction, extension, and improvement of public
27 infrastructure related to a development project by a developer
28 pursuant to a development contract approved by the authority in

1 accordance with subdivision (2) of section 99.939;

2 (21) To declare any funds, or any portion thereof, in the
3 special allocation fund to be excess funds, so long as such
4 excess funds have not been pledged to the payment of outstanding
5 obligations or outstanding development project costs, are not
6 necessary for the payment of development project costs incurred
7 or anticipated to be incurred, and are not required to pay
8 baseline state sales taxes and baseline state withholding taxes
9 to the director of revenue. Any such funds deemed to be excess
10 shall be disbursed in the manner of surplus funds as provided in
11 section 99.972;

12 (22) To pledge or otherwise expend funds deposited to the
13 special allocation fund, or any portion thereof, except any
14 portion that constitutes baseline state sales taxes or baseline
15 state withholding taxes, for the payment or reimbursement of
16 development project costs incurred by the authority, the
17 municipality, a developer selected by the authority in accordance
18 with the provisions of section 99.939, or any other entity with
19 the consent of the authority; to pledge or otherwise expend funds
20 deposited to the special allocation fund, or any portion thereof,
21 except any portion that constitutes baseline state sales taxes or
22 baseline state withholding taxes, or to mortgage or otherwise
23 encumber its property, or any portion thereof, for the payment of
24 obligations issued to finance development project costs;
25 provided, however, any such pledge or expenditure of economic
26 activity taxes or other net new revenues shall be subject to
27 annual appropriation by the municipality; and

28 (23) To exercise all powers or parts or combinations of

1 powers necessary, convenient, or appropriate to undertake and
2 carry out development plans and any development projects and all
3 the powers granted pursuant to sections 99.915 to 99.984,
4 excluding powers of eminent domain.

5 2. If any member of the governing body of the municipality,
6 a commissioner of the authority, or an employee or consultant of
7 the municipality or authority, involved in the planning and
8 preparation of a development project, owns or controls an
9 interest, direct or indirect, in any property included in a
10 development project area, the member shall disclose the same in
11 writing to the clerk of the municipality, and shall also so
12 disclose the dates, terms, and conditions of any disposition of
13 any such interest, which disclosures shall be acknowledged by the
14 governing body of the municipality and entered upon the minutes
15 books of the governing body of the municipality. If an
16 individual holds such an interest, then that individual shall
17 refrain from any further official involvement in regard to a
18 development project and from voting on any matter pertaining to
19 such development project or communicating with other
20 commissioners or members of the authority or the municipality
21 concerning any matter pertaining to such development project.
22 Furthermore, no such member, commissioner, employee, or
23 consultant shall acquire any interest, direct or indirect, in any
24 property in a development project area or proposed development
25 project area, after either (a) such individual obtains knowledge
26 of a development project, or (b) first public notice of such
27 development project, or development project area pursuant to
28 section 99.960, whichever first occurs.

1 3. Each municipality shall establish a minority business
2 plan to ensure that minority-owned businesses are provided good
3 faith opportunities to participate in the procurement of goods
4 and services within the development project areas.

5 99.939. Real property in a development area may be disposed
6 of as follows:

7 (1) Within a development area, the authority may sell,
8 lease, exchange, or otherwise transfer real property, including
9 land, improvements, and fixtures, or any interest therein, to any
10 developer selected for a development project, or any portion
11 thereof, in accordance with the development plan, subject to such
12 covenants, conditions, and restrictions as may be deemed to be in
13 the public interest or to carry out the purposes of sections
14 99.915 to 99.984. Such real property shall be sold, leased, or
15 transferred at its fair value for uses in accordance with the
16 development plan; provided that such fair market value may be
17 less than the cost of such property to the authority. In
18 determining the fair market value of real property for uses in
19 accordance with a development plan, the authority shall take into
20 account and give consideration to the uses and purposes required
21 by the development plan; the restrictions upon, and the
22 covenants, conditions, and obligations assumed by the developer
23 of such property; the objectives of the development plan; and
24 such other matters as the authority shall specify as being
25 appropriate. In fixing rental and sale prices, an authority
26 shall give consideration to appraisals of the property for such
27 uses made by experts employed by the authority;

28 (2) The authority shall, by public notice published in a

1 newspaper having a general circulation in a development area,
2 prior to selecting one or more developers for any development
3 project, or any portion thereof, invite proposals from, and make
4 available all pertinent information to, private developers or any
5 persons interested in undertaking the development of such
6 development project, or any portion thereof. Such notice shall
7 be published at least once each week during the two weeks
8 preceding the selection of a developer, shall identify the area
9 of the development project or development projects, or any
10 portion thereof, for which one or more developers are to be
11 selected, and shall state that such further information as is
12 available and may be obtained at the office of the authority.
13 The authority shall consider all proposals and the financial and
14 legal ability of the prospective developers to carry out their
15 proposals. The authority may negotiate and enter into one or
16 more contracts with any developer selected for the development of
17 any such area for the development of such area by such developer
18 in accordance with a development plan or for the sale or lease of
19 any real property to any such developer in any such area for the
20 purpose of developing such property in accordance with the
21 development plan. The authority may enter into any such contract
22 as it deems to be in the public interest and in furtherance of
23 the purposes of sections 99.915 to 99.984; provided that the
24 authority has, not less than ten days prior thereto, notified the
25 governing body in writing of its intention to enter into such
26 contract. Thereafter, the authority may execute such contract in
27 accordance with the provisions of subdivision (1) of this section
28 and deliver deeds, leases, and other instruments and take all

1 steps necessary to effectuate such contract. In its discretion,
2 the authority may, in accordance with the provisions of this
3 subdivision, dispose of any real property in an area selected for
4 a development project, or any portion thereof, to private
5 developers for development under such reasonable competitive
6 bidding procedures as it shall prescribe, subject to the
7 provisions of subdivision (1) of this section;

8 (3) In carrying out a development project, the authority
9 may:

10 (a) Convey to the municipality such real property as, in
11 accordance with the development plan, is to be dedicated as
12 public right-of-way for streets, sidewalks, alleys, or other
13 public ways, this power being additional to and not limiting any
14 and all other powers of conveyance of property to municipalities
15 expressed, generally or otherwise, in sections 99.915 to 99.984;

16 (b) Grant servitudes, easements, and rights-of-way for
17 public utilities, sewers, streets, and other similar facilities,
18 in accordance with the development plan; and

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

23 (4) The authority may operate and maintain real property in
24 the development area pending the disposition or development of
25 the property in accordance with a development plan, without
26 regard to the provisions of subdivisions (1) and (2) of this
27 section, for such uses and purposes as may be deemed desirable
28 even though not in conformity with the development plan.

1 99.944. 1. Any home rule city with more than four hundred
2 thousand inhabitants and located in more than one county, any
3 county with a charter form of government and with more than one
4 million inhabitants, and any city not within a county may by
5 ordinance establish a fund for the purpose of providing funds to
6 community development corporations in such city for comprehensive
7 programs within such city to stimulate economic development,
8 housing, and other public benefits leading to the development of
9 economically sustainable neighborhoods or communities, such fund
10 to be known as the "Community Development Corporation Revolving
11 Fund".

12 2. The community development corporation revolving fund
13 shall be administered by a community development corporation
14 revolving fund board, which shall consist of thirteen members
15 appointed by the chief elected official of such municipality or
16 county, of which one shall be a member of the local regional
17 community development association, and one shall be an owner of a
18 minority business. The initial members shall serve staggered
19 terms of one, two, and three years as determined by the mayor of
20 such city at the time of appointment. Thereafter, successor
21 members shall be appointed by the mayor for a term of three
22 years, and shall hold office until a successor is appointed. Any
23 member may be removed by the mayor for inefficiency, neglect of
24 duty, or misconduct. All vacancies shall be filled by
25 appointment of the mayor for the unexpired term. No member shall
26 receive compensation for the member's services, but may receive
27 necessary and reasonable expenses, including travel expenses,
28 incurred in the discharge of the member's duties.

1 3. Beginning January 1, 2003, up to five percent of the
2 state sales tax increment portion of other net new revenues
3 generated by projects certified for state supplemental downtown
4 development financing pursuant to sections 99.915 to 99.984, but
5 not being used for state supplemental downtown development
6 financing, may be available for appropriation by the general
7 assembly to the state supplemental downtown development fund,
8 from the general revenue fund, for the purpose of providing
9 grants to cities or counties as set forth herein. A city or
10 county, as described in subsection one of this section may, upon
11 application to the department of economic development, receive a
12 grant for the purposes of funding a community development
13 corporation revolving fund program. Any city or county otherwise
14 eligible shall not be denied participation in the grant program
15 due to a lack of projects certified for state supplemental
16 downtown development financing, but such grants shall be limited
17 to incremental revenues generated from certified projects in any
18 home rule city with more than four hundred thousand inhabitants
19 and located in more than one county, any county with a charter
20 form of government and with more than one million inhabitants,
21 and any city not within a county. At no time shall the sum of
22 the grants exceed one million five hundred thousand dollars
23 annually.

24 4. From moneys granted to a city or county for deposit in
25 the community development corporation revolving fund, the city or
26 county, through the community development corporation revolving
27 fund board, shall provide grants and forgivable loans to
28 community development corporations in such city or county for

1 community economic development activities implemented by such
2 corporations. The board shall give special funding consideration
3 to collaborations on community development projects between
4 developers organized for profit and nonprofit developers. All
5 expenses for such projects shall be paid for out of the community
6 development corporation revolving fund. Any moneys appropriated,
7 all payments in lieu of taxes, as defined in section 99.945, and
8 any other moneys made available by gift, grant, bequest,
9 contribution, or otherwise to carry out the purposes of this
10 section, and all interest earned on, and income generated from,
11 moneys in the fund shall be paid to, and deposited in, the
12 community development corporation revolving fund.

13 99.945. As used in sections 99.915 to 99.984, unless the
14 context clearly requires otherwise, the following terms shall
15 mean:

16 (1) "Authority", the downtown economic stimulus authority
17 for a municipality, created pursuant to sections 99.915 to
18 99.984;

19 (2) "Baseline year", the calendar year prior to the
20 adoption of an ordinance by the municipality designating the
21 development project area;

22 (3) "Blighted area", an area which, by reason of the
23 predominance of defective or inadequate street layout, unsanitary
24 or unsafe conditions, deterioration of site improvements,
25 improper subdivision or obsolete platting, or the existence of
26 conditions which endanger life or property by fire and other
27 causes, or any combination of such factors, retards the provision
28 of housing accommodations or constitutes an economic or social

1 liability or a menace to the public health, safety, morals, or
2 welfare in its present condition and use;

3 (4) "Collecting officer", the officer of the municipality
4 responsible for receiving and processing payments in lieu of
5 taxes, economic activity taxes, and other net new revenues from
6 taxpayers and, as to local sales taxes, the department of
7 revenue;

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

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

27 (a) It includes only those parcels of real property
28 directly and substantially benefited by the proposed development

1 plan;

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

4 (c) It shall be located in the central business districts
5 or urban core areas of a city;

6 (d) It has generally suffered from declining population or
7 property taxes for the twenty-year period immediately preceding
8 the area's designation as a development area; and

9 (e) It shall be contiguous, provided, however that a
10 development area may include up to three noncontiguous areas
11 selected for development projects, provided that each
12 noncontiguous area meets the requirements of paragraphs (a)
13 through (d) herein;

14 The development area shall not exceed ten percent of the entire
15 area of the municipality. Subject to the limitation set forth in
16 this subdivision, the development area can be enlarged or
17 modified as provided in section 99.957;

18 (7) "Development plan", the comprehensive program of a
19 municipality to reduce or eliminate those conditions which
20 qualified a development area as a blighted area or a conservation
21 area, and to thereby enhance the tax bases of the taxing
22 districts which extend into the development area through the
23 reimbursement, payment, or other financing of development project
24 costs in accordance with sections 99.915 to 99.984 and through
25 the exercise of the powers set forth in sections 99.915 to
26 99.984. The development plan shall conform to the requirements
27 of section 99.948;

28 (8) "Development project", any development project within a

1 development area which constitutes a major initiative in
2 furtherance of the objectives of the development plan, and any
3 such development project shall include a legal description of the
4 area selected for such development project;

5 (9) "Development project area", the area located within a
6 development area selected for a development project;

7 (10) "Development project costs" include the sum total of
8 all reasonable or necessary costs incurred or estimated to be
9 incurred, and any such costs incidental to the development plan
10 or a development project, as applicable, which are expended on
11 public property, buildings, or rights-of-way for public purposes
12 or for public institutions in furtherance of a development
13 project. Such costs include, but are not limited to, the
14 following:

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

17 (b) Professional service costs, including, but not limited
18 to, architectural, engineering, legal, marketing, financial,
19 planning, or special services. Except the reasonable costs
20 incurred by the authority for the administration of sections
21 99.915 to 99.984, such costs shall be allowed only as an initial
22 expense which, to be recoverable, shall be included in the costs
23 of a development plan or development project;

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

28 (d) Costs of rehabilitation, reconstruction, repair, or

1 remodeling of existing buildings and fixtures;

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

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

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

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

17 (i) Payments in lieu of taxes; and

18 (j) State government costs, including, but not limited to,
19 the reasonable costs incurred by the Department, the department
20 of revenue and the office of administration in evaluating an
21 application for and administering state supplemental downtown
22 development financing for a development project;

23 (k) Endowment of governmental or public institutions of
24 research or higher education.

25 (11) "Economic activity taxes", the total additional
26 revenue from taxes which are imposed by the municipality and
27 other taxing districts, and which are generated by economic
28 activities within each development project area over the amount

1 of such taxes generated by economic activities within such
2 development project area in the baseline year, but excluding
3 personal property taxes, taxes imposed on sales or charges for
4 sleeping rooms paid by transient guests of hotels and motels,
5 licenses, fees, or special assessments. If a retail
6 establishment relocates within one year from one facility to
7 another facility within the same county and the authority finds
8 that the retail establishment is a direct beneficiary of
9 development financing, then for purposes of this definition, the
10 economic activity taxes generated by the retail establishment
11 shall equal the total additional revenues from economic activity
12 taxes which are imposed by the municipality and other taxing
13 district over the amount of economic activity taxes generated by
14 the retail establishment in the baseline year;

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

24 (13) "Major initiative", a development project that:

25 (a) Promotes tourism, cultural activities, arts,
26 entertainment, education, research, arenas, multipurpose
27 facilities, libraries, ports, mass transit, museums, or
28 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:

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

(14) "Municipality", any city, village, incorporated town, or any county of this state established on or prior to January 1, 2001;

(15) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the authority or other public entity authorized to issue such obligations pursuant to sections 99.915 to 99.984 to carry out a development project;

(16) "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;

(17) "Other net new revenues", some portion of state sales tax increment or state income tax increment or some combination of a portion of each such increment, as determined under section 99.969;

(18) "Payment in lieu of taxes", those revenues from real

1 property in each development project area, which taxing districts
2 would have received had the municipality not adopted a
3 development plan and the authority not adopted development
4 financing, and which would result from levies made after the time
5 of the adoption of development financing during the time the
6 current equalized value of real property in such development
7 project area exceeds the total equalized value of real property
8 in such development project area during the calendar year
9 preceding the adoption of the ordinance designating the
10 development project area until the designation is terminated
11 pursuant to subsection 2 of section 99.972 or twenty-five years
12 thereafter, whichever is first;

13 (19) "Special allocation fund", the fund of the
14 municipality or its authority required to be established pursuant
15 to section 99.954 which special allocation fund shall contain at
16 least four separate segregated accounts into which payments in
17 lieu of taxes are deposited in one account, economic activity
18 taxes are deposited in a second account, other net new revenues
19 are deposited in a third account, and other revenues, if any,
20 received by the authority or the municipality for the purpose of
21 implementing a development plan or a development project are
22 deposited in a fourth account;

23 (20) "State income tax increment", the estimate of the
24 income tax due the state for salaries or wages paid to new
25 employees in new jobs at a business located in the development
26 project area and created by the development project. The
27 estimate shall be a percentage of the gross payroll which
28 percentage shall be based upon an analysis by the department of

1 revenue of the practical tax rate on gross payroll as a factor in
2 overall taxable income. In no event shall the percentage exceed
3 two percent;

4 (21) "State sales tax increment", the incremental increase
5 in the state sales tax revenue in the development project area.
6 The incremental increase for an existing facility shall be the
7 amount that the state sales tax revenue of the facility exceeds
8 the state sales tax revenue of the facility in the baseline year.
9 The incremental increase for a relocating facility shall be the
10 amount that the state sales tax revenue of the facility exceeds
11 the state sales tax revenue for the facility in the calendar year
12 prior to relocation;

13 (22) "State sales tax revenues", the general revenue
14 portion of state sales tax revenues received pursuant to section
15 144.020, RSMo, excluding sales taxes that are constitutionally
16 dedicated, taxes deposited to the school district trust fund in
17 accordance with section 144.701, RSMo, sales and use taxes on
18 motor vehicles, trailers, boats and outboard motors and future
19 sales taxes earmarked by law;

20 (23) "Taxing districts", any political subdivision of this
21 state having the power to levy taxes; and

22 (24) "Taxing districts' capital costs", those costs of
23 taxing districts for capital improvements that are found by the
24 municipal governing bodies to be necessary and to directly result
25 from a development project.

26 99.948. 1. A development plan shall set forth in writing a
27 general description of the program to be undertaken to accomplish
28 the development projects and related objectives and shall

1 include, but need not be limited to:

2 (1) The estimated development project costs;

3 (2) The anticipated sources of funds to pay such
4 development project costs;

5 (3) Evidence of the commitments to finance such development
6 project costs;

7 (4) The anticipated type and term of the sources of funds
8 to pay such development project costs;

9 (5) The anticipated type and terms of the obligations to be
10 issued;

11 (6) The most recent equalized assessed valuation of the
12 property within the development project area;

13 (7) An estimate as to the equalized assessed valuation
14 after the development project area is developed in accordance
15 with a development plan; and

16 (8) The general land uses to apply in the development area.

17 2. For municipalities with more than four hundred thousand
18 inhabitants, for any county with a charter form of government and
19 with more than one million inhabitants, and for any city not
20 within a county, the authority shall be required in connection
21 with the designation of the development area, development
22 projects, and development project areas, to work with local
23 community development corporations, as defined in subsection 3 of
24 section 135.400, RSMo, with a goal that over the term of the
25 development plan five percent of the funds generated pursuant to
26 section 99.966 will be expended in connection with such projects.

27 3. The development plan may be adopted by a municipality in
28 reliance on findings that:

1 (1) The development area on the whole is a blighted area or
2 a conservation area;

3 (2) The development area has not been subject to growth and
4 development through investment by private enterprise and would
5 not reasonably be anticipated to be developed without the
6 implementation of one or more development projects and the
7 adoption of development financing;

8 (3) A determination that the development plan conforms to
9 the comprehensive plan for the development of the municipality as
10 a whole;

11 (4) The estimated dates, which shall not be more than
12 twenty-five years from the adoption of the ordinance approving
13 the development area, of completion of any development project
14 and retirement of obligations incurred to finance development
15 project costs have been stated, provided that no ordinance
16 approving a development project shall be adopted later than
17 fifteen years from the adoption of the ordinance approving the
18 development plan and provided that no property for a development
19 project shall be acquired by eminent domain later than ten years
20 from the adoption of the ordinance approving such development
21 plan;

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

26 (6) A cost-benefit analysis showing the economic impact of
27 the development plan on the municipality, county, and school
28 district that is at least partially within the boundaries of the

1 development area. The analysis shall show the impact on the
2 economy if the development projects are not built pursuant to the
3 development plan under consideration. The cost-benefit analysis
4 shall include a fiscal impact study on each municipality, county,
5 and school district which is at least partially within the
6 boundaries of the development area, and sufficient information
7 from the authority to evaluate whether each development project
8 as proposed is financially feasible; and

9 (7) A finding that the development plan does not include
10 the initial development or redevelopment of any gambling
11 establishment.

12 99.951. In the event a county of this state desires to
13 designate a development area located in whole or in part within
14 the boundaries of another municipality, such county shall first
15 obtain the permission of the governing body of such other
16 municipality.

17 99.954. 1. A municipality may:

18 (1) Approve by ordinance the exercise by the authority of
19 the powers, functions, and duties of the authority under sections
20 99.915 to 99.984;

21 (2) After adopting an ordinance in accordance with
22 subdivision (1) of this subsection and after receipt of
23 recommendations from the authority in accordance with subsection
24 2 of this section, by ordinance, designate development areas and
25 adopt the development plans, development projects, designate a
26 development project area for each development project adopted,
27 and adopt development financing for each such development project
28 area. No development plan may be adopted until the development

1 area is designated. No development project shall be adopted
2 until the development plan is adopted and the development project
3 area for each development project shall be designated at the time
4 of adopting the development project; and

5 (3) Exercise the powers, duties, or functions of the
6 authority under sections 99.915 to 99.984.

7 2. The authority shall hold public hearings and provide
8 notice pursuant to sections 99.957 and 99.960. Within ten days
9 following the completion of any such public hearing, the
10 authority shall vote on, and shall make recommendation to the
11 governing body of the municipality with regard to, any
12 development plan, development projects, designation of a
13 development area or amendments thereto which were proposed at
14 such public hearing.

15 99.957. Prior to the adoption of the ordinance designating
16 a development area, adopting a development plan, or adopting a
17 development project, the authority shall fix a time and place for
18 a public hearing and notify each taxing district located wholly
19 or partially within the boundaries of the proposed development
20 area or development project area affected. Such notice shall
21 comply with the provisions of section 99.960. At the public
22 hearing any interested person or affected taxing district may
23 file with the authority written objections to, or comments on,
24 and may be heard orally in respect to, any issues embodied in the
25 notice. The authority shall hear and consider all protests,
26 objections, comments, and other evidence presented at the
27 hearing. The hearing may be continued to another date without
28 further notice other than a motion to be entered upon the minutes

1 fixing the time and place of the subsequent hearing. Prior to
2 the conclusion of the hearing, changes may be made in the
3 development plan or development area, provided that written
4 notice of such changes is available at the public hearing. After
5 the public hearing but prior to the adoption of an ordinance
6 designating a development area, adopting a development plan or
7 adopting a development project, whichever the case may be,
8 changes may be made to any such proposed development plan,
9 development project, or development area without a further
10 hearing, if such changes do not enlarge the exterior boundaries
11 of the development area, and do not substantially affect the
12 general land uses established in a development plan or
13 development project, provided that notice of such changes shall
14 be given by mail to each affected taxing district and by
15 publication in a newspaper of general circulation in the
16 development area or development project area, as applicable, not
17 less than ten days prior to the adoption of the changes by
18 ordinance. After the adoption of an ordinance designating the
19 development area, adopting a development plan or a development
20 project, no ordinance shall be adopted altering the exterior
21 boundaries of the development area or a development project area,
22 affecting the general land uses established pursuant to the
23 development plan or the general nature of a development project
24 without holding a public hearing in accordance with this section.
25 One public hearing may be held for the simultaneous consideration
26 of a development area, development plan, or development project.

27 99.960. 1. Notice of the public hearing required by
28 section 99.957 shall be given by publication and mailing. Notice

1 by publication shall be given by publication at least twice, the
2 first publication to be not more than thirty days and the second
3 publication to be not more than ten days prior to the hearing, in
4 a newspaper of general circulation in the proposed development
5 area or development project area, as applicable, and in two
6 minority newspapers, if such newspapers are published in the
7 municipality, of which one shall be published in the Spanish
8 language, if such a newspaper is published in the municipality.
9 Notice by mailing shall be given by depositing such notice in the
10 United States mail by certified mail addressed to the person or
11 persons in whose name the general taxes for the last preceding
12 year were paid on each lot, block, tract, or parcel of land lying
13 within the proposed development area or development project area,
14 as applicable, which is to be subjected to the payment or
15 payments in lieu of taxes and economic activity taxes pursuant to
16 section 99.966. Such notice shall be mailed not less than ten
17 days prior to the date set for the public hearing. In the event
18 taxes for the last preceding year were not paid, the notice shall
19 also be sent to the persons last listed on the tax rolls within
20 the preceding three years as the owners of such property.

21 2. The notices issued pursuant to this section shall
22 include the following:

- 23 (1) The time and place of the public hearing;
24 (2) The general boundaries of the proposed development area
25 or development project area, as applicable, by street location,
26 where possible;
27 (3) A statement that all interested persons shall be given
28 an opportunity to be heard at the public hearing;

1 (4) A description of the development plan and the proposed
2 development projects and a location and time where the entire
3 development plan or development projects proposed may be reviewed
4 by any interested party;

5 (5) An estimate of other net new revenues; and

6 (6) Such other matters as the authority may deem
7 appropriate.

8 3. Not less than forty-five days prior to the date set for
9 the public hearing, the authority shall give notice by mail as
10 provided in subsection 1 of this section to all taxing districts
11 from which taxable property is included in the development area
12 or development project area, as applicable, and in addition to
13 the other requirements pursuant to subsection 2 of this section,
14 the notice shall include an invitation to each taxing district to
15 submit comments to the authority concerning the subject matter of
16 the hearing prior to the date of the hearing.

17 4. A copy of any and all hearing notices required by
18 section 99.957 shall be submitted by the authority to the
19 director of the department of economic development and the time
20 such notices are mailed or published, as applicable.

21 99.963. 1. For the purpose of financing development
22 project costs, obligations may be issued by the municipality, or,
23 at the request of the municipality, by the authority or any other
24 public entity authorized to issue bonds, to pay or reimburse
25 development project costs. Such obligations, when so issued,
26 shall be retired in the manner provided in the ordinance or
27 resolution authorizing the issuance of such obligations.

28 2. Obligations issued pursuant to sections 99.915 to 99.984

1 may be issued in one or more series bearing interest at such rate
2 or rates as the issuing entity shall determine by ordinance or
3 resolution. Such obligations shall bear such date or dates, be
4 in such denomination, carry such registration privileges, be
5 executed in such manner, be payable in such medium of payment at
6 such place or places, contain such covenants, terms, and
7 conditions, and be subject to redemption as such ordinance or
8 resolution shall provide. Obligations issued pursuant to
9 sections 99.915 to 99.984 may be sold at public or private sale
10 at such price as shall be determined by the issuing entity and
11 shall state that obligations issued pursuant to sections 99.915
12 to 99.984 are special obligations payable solely from the funds
13 specifically pledged. No referendum approval of the electors
14 shall be required as a condition to the issuance of obligations
15 pursuant to sections 99.915 to 99.984.

16 3. In the event the obligations contain a recital that they
17 are issued pursuant to sections 99.915 to 99.984, such recital
18 shall be conclusive evidence of their validity and of the
19 regularity of their issuance.

20 4. Neither the municipality, the authority, or any other
21 entity issuing such obligations, or the members, commissioners,
22 directors, or the officers of any such entities nor any person
23 executing any obligation shall be personally liable for such
24 obligation by reason of the issuance thereof. The obligations
25 issued pursuant to sections 99.915 to 99.984 shall not be a
26 general obligation of the state, the municipality, county, or any
27 political subdivision thereof, nor in any event shall such
28 obligation be payable out of any funds or properties other than

1 those specifically pledged as security for such obligations. The
2 obligations shall not constitute indebtedness within the meaning
3 of any constitutional, statutory, or charter debt limitation or
4 restriction.

5 99.965. 1. Obligations issued pursuant to sections 99.915
6 to 99.984 may be issued to refund, in whole or in part,
7 obligations theretofore issued by such entity under the authority
8 of sections 99.915 to 99.984, whether at or prior to maturity;
9 provided, however, that the last maturity of the refunding
10 obligations shall not be expressed to mature later than the last
11 maturity date of the obligations to be refunded.

12 2. In the event a municipality or authority issues
13 obligations under home rule powers or other legislative
14 authority, the proceeds of which are pledged to pay for
15 development project costs, the municipality may retire such
16 obligations from funds in the special allocation fund in amounts
17 and in such manner as if such obligations had been issued
18 pursuant to the provisions of sections 99.915 to 99.984.

19 3. State supplemental downtown development financing shall
20 not be used for retiring debt or refinancing pursuant to
21 subsections 1 and 2 of this section without express approval from
22 the director of the department of economic development and the
23 commissioner of the office of administration. No approval shall
24 be granted unless the application for state supplemental downtown
25 development financing contains development projects that are new
26 projects and were not a part of the development projects for
27 which obligations were issued as described in subsections 1 and 2
28 of this section.

1 99.966. 1. A municipality, after designating a development
2 area, adopting a development plan, and adopting any development
3 project in conformance with the procedures of sections 99.915 to
4 99.984, may adopt development financing for the development
5 project area selected for any such development project by passing
6 an ordinance. Upon the adoption of the first of any such
7 ordinances, the municipality shall establish, or shall direct the
8 authority to establish, a special allocation fund for the
9 development area.

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

22 3. In each of the twenty-five calendar years following the
23 adoption of an ordinance adopting development financing for a
24 development project area pursuant to subsection 1 of this section
25 unless and until development financing for such development
26 project area is terminated by ordinance of the municipality, the
27 ad valorem taxes, and payments in lieu of taxes, if any, arising
28 from the levies upon taxable real property in such development

1 project area by taxing districts at the tax rates determined in
2 the manner provided in section 99.975 shall be divided as
3 follows:

4 (1) That portion of taxes, penalties, and interest levied
5 upon each taxable lot, block, tract, or parcel of real property
6 in such development project area which is attributable to the
7 initial equalized assessed value of each such taxable lot, block,
8 tract, or parcel of real property in such development project
9 area as certified by the county assessor in accordance with
10 subsection 2 of this section shall be allocated to and, when
11 collected, shall be paid by the collecting authority to the
12 respective affected taxing districts in the manner required by
13 law in the absence of the adoption of development financing;

14 (2) Payments in lieu of taxes attributable to the increase
15 in the current equalized assessed valuation of each taxable lot,
16 block, tract, or parcel of real property in the development
17 project area and any applicable penalty and interest over and
18 above the initial equalized assessed value of each such taxable
19 lot, block, tract, or parcel of real property in such development
20 project area as certified by the county assessor in accordance
21 with subsection 2 of this section shall be allocated to and, when
22 collected, shall be paid to the treasurer of the municipality who
23 shall deposit such payment in lieu of taxes into a separate
24 segregated account for payments in lieu of taxes of the special
25 fund established in accordance with subsection 1 of this section.
26 Payments in lieu of taxes which are due and owing shall
27 constitute a lien against the real property from which such
28 payments in lieu of taxes are derived and shall be collected in

1 the same manner as real property taxes, including the assessment
2 of penalties and interest where applicable. The lien of payments
3 in lieu of taxes may be foreclosed in the same manner as the lien
4 of real property taxes. No part of the current equalized
5 assessed valuation of each lot, block, tract, or parcel of
6 property in any such development project area attributable to any
7 increase above the initial equalized assessed value of each such
8 taxable lot, block, tract, or parcel of real property in such
9 development project area as certified by the county assessor in
10 accordance with subsection 2 of this section shall be used in
11 calculating the general state school aid formula provided for in
12 section 163.031, RSMo, until development financing for such
13 development project area expires or is terminated in accordance
14 with sections 99.915 to 99.984;

15 (3) For purposes of this section, "levies upon taxable real
16 property in such development area by taxing districts" shall not
17 include the blind pension fund tax levied under the authority of
18 section 38(b), article III, of the Missouri Constitution, or the
19 merchants' and manufacturers' inventory replacement tax levied
20 under the authority of subsection 2 of section 6 of article X of
21 the Missouri Constitution, the desegregation sales tax, or the
22 conservation taxes.

23 4. In each of the twenty-five calendar years following the
24 adoption of an ordinance or resolution adopting development
25 financing for a development project area pursuant to subsection 1
26 of this section unless and until development financing for such
27 development project area is terminated by ordinance of the
28 municipality, fifty percent of the economic activity taxes from

1 such development project area shall be allocated to, and paid by
2 the collecting officer of any such economic activity tax to, the
3 treasurer or other designated financial officer of the
4 municipality, who shall deposit such funds in a separate
5 segregated account for economic activity taxes within the special
6 allocation fund.

7 99.969. 1. A municipality may submit an application to the
8 department of economic development for approval of the use of
9 other net new revenues to fund one or more development projects
10 through state supplemental downtown development financing. An
11 application submitted to the department of economic development
12 shall contain the following, in addition to the items set forth
13 in section 99.948:

14 (1) An estimate that one hundred percent of the payments in
15 lieu of taxes and economic activity taxes deposited to the
16 special allocation fund must and will be used to pay development
17 project costs or obligations issued to finance development
18 project costs to achieve the objectives of the development plan.
19 Contributions to the project from any private not-for-profit
20 organization may be substituted on a dollar for dollar basis for
21 the local match of one hundred percent of payments in lieu of
22 taxes and economic activity taxes from the fund;

23 (2) Identification of the existing businesses located
24 within the development project area and the development area,
25 respectively;

26 (3) The baseline year amount of state sales tax revenues
27 and the baseline year amount of state income tax withheld on
28 behalf of existing employees, reported by existing businesses

1 within the development project area;

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

5 (5) An affidavit that is signed by the developer or
6 developers attesting that the provision of subdivision (2) of
7 subsection 3 of section 99.948 has been met and specifying that
8 the development area would not be reasonably anticipated to be
9 developed without the appropriation of the other net new
10 revenues;

11 (6) The cost-benefit analysis required by section 99.948
12 includes a study of the fiscal impact on the state of Missouri,
13 to include an analysis showing the fiscal impact of the
14 development plan on the state regarding the application of the
15 state school aid formula provided for in section 163,031, RSMo;

16 (7) The amounts and types of other net new revenues sought
17 by the applicant as state supplemental downtown development
18 financing;

19 (8) The methodologies and underlying assumptions used in
20 the application for determining the baseline year amounts and
21 determining the estimate of the state sales tax increment and the
22 state income tax increment, as applicable;

23 (9) An economic feasibility analysis including a pro forma
24 financial statement indicating a return on investment that may be
25 expected without public assistance, both local and via state
26 supplemental downtown development financing through the
27 appropriation of some amount of other net new revenues. The
28 financial statement shall detail any assumptions made, and a pro

forma statement analysis demonstrating the amount of assistance required to bring the return into a range deemed attractive to private investors; and

(10) Any other information reasonably requested by the department of economic development.

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

3. The department shall make recommendations on each application to the commissioner of the office of administration. No state supplemental downtown development financing shall be approved under sections 99.915 to 99.984 without approval from the director of economic development and the commissioner of the office of administration. In no event shall the amount of state supplemental downtown development financing approved for a project, in addition to any other economic development funding or incentives, exceed the projected state benefit of the development project, as determined by the department of economic development. Upon approval of state supplemental downtown development financing, a certificate of approval shall be issued containing the terms and limitations of the financing.

4. The present-value aggregate amount of other net new revenues that may be approved for a municipality's state supplemental downtown development financing shall not exceed the following thresholds:

<u>Population of Municipality</u>	<u>Other Net New Revenues</u>
<u>300,000 or more</u>	<u>\$80,000,000</u>
<u>From 100,000 to 299,999</u>	<u>\$40,000,000</u>

99,999 or less \$20,000,000

5. At no time shall the aggregate annual amount of other net new revenues approved for state supplemental downtown development financing exceed fifteen million dollars, or a lesser amount if a lesser amount is, during the fiscal year in which the application is subject to approval, appropriated from the state supplemental downtown development fund created by section 99.970; provided that the general assembly can exceed the cap by a supplemental appropriation;

6. Development projects receiving other net new revenues shall be limited to receiving such revenues for fifteen years, unless prior approval for a longer term is given by the director of the department of economic development and the commissioner of the office of administration, as set forth in the certificate of approval; except that, in no case shall the duration exceed twenty-five years. State supplemental downtown development financing shall cease prior to the period herein specified in the event development financing for such development project is terminated by ordinance of the municipality;

7. The municipality shall deposit such other net new revenues in a separate segregated account for such other net new revenues within the special allocation fund;

8. A reasonable fee may be charged, to be submitted with an application for state supplemental downtown development financing, the amount of which shall be an estimate of the amount needed to recover the costs for personnel and other expenses incurred by the department of economic development in processing the application. Such fees shall be deposited into the state

1 supplemental downtown development fund created under section
2 99.970.

3 9. Development project costs may include, at the
4 prerogative of the state, the portion of salaries and expenses of
5 the department of economic development reasonably allocable to
6 each project approved for state supplemental downtown development
7 financing for the ongoing administrative functions associated
8 with such project. Such amounts shall be deposited into the
9 state supplemental downtown development fund created under
10 section 99.970.

11 10. A development project approved for state supplemental
12 downtown development financing may not thereafter elect to switch
13 to tax increment financing pursuant to the real property tax
14 increment allocation redevelopment act, sections 99.800 to
15 99.865, and continue to receive state supplemental downtown
16 development financing pursuant to sections 99.915 to 99.984.

17 99.970. 1. There is hereby established within the state
18 treasury a special fund to be known as the "State Supplemental
19 Downtown Development Fund", to be administered by the department
20 of economic development. The fund shall consist of moneys:

21 (1) Appropriated from the general revenue fund;

22 (2) Received from fees charged pursuant to subsection 8 of
23 section 99.969;

24 (3) Received from costs charged pursuant to subsection 9 of
25 section 99.969; and

26 (4) From any gifts, contributions, grants or bequests
27 received from federal, private or other sources.

28 2. The department of economic development shall annually

1 disburse state supplemental downtown development financing from
2 the state supplemental downtown development fund in amounts
3 determined pursuant to the certificates of approval for projects,
4 providing all of the conditions of sections 99.915 to 99.984 are
5 met.

6 3. Moneys in the state supplemental downtown development
7 fund may also be spent, subject to appropriation, for the
8 reasonable and necessary costs associated with the administration
9 of the program authorized under sections 99.915 to 99.984.

10 4. No municipality shall commit any other net new revenues
11 prior to receiving a certificate of approval for that development
12 project.

13 99.972. 1. When all development project costs and all
14 obligations issued to finance development project costs have been
15 paid in full, the municipality shall adopt an ordinance
16 terminating development financing for all development project
17 areas. Immediately upon the adoption of such ordinance, all
18 payments in lieu of taxes, all economic activity taxes, and other
19 net new revenues then remaining in the special allocation fund
20 shall be deemed to be surplus funds; and thereafter, the rates of
21 the taxing districts shall be extended and taxes levied,
22 collected, and distributed in the manner applicable in the
23 absence of the adoption of development financing. Surplus
24 payments in lieu of taxes shall be paid to the county collector
25 who shall immediately thereafter pay such funds to the taxing
26 districts in the development area selected in the same manner and
27 proportion as the most recent distribution by the collector to
28 the affected districts of real property taxes from real property

1 in the development area. Surplus economic activity taxes shall
2 be paid to the taxing districts in the development area in
3 proportion to the then current levy rates of such taxing
4 districts that are attributable to economic activity taxes.
5 Surplus other net new revenues shall be paid to the state. Any
6 other funds remaining in the special allocation fund following
7 the adoption of an ordinance terminating development financing in
8 accordance with this section shall be deposited to the general
9 fund of the municipality.

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

15 3. Nothing in sections 99.915 to 99.984 shall be construed
16 as relieving property in such areas from paying a uniform rate of
17 taxes, as required by article X, section 3 of the Missouri
18 Constitution.

19 99.975. In each of the twenty-five calendar years following
20 the adoption of an ordinance or resolution adopting development
21 financing for a development project area, unless and until
22 development financing for such development project area is
23 terminated by ordinance of the municipality, then, in respect to
24 every taxing district containing such development project area,
25 the county clerk, or any other official required by law to
26 ascertain the amount of the equalized assessed value of all
27 taxable property within such development project area for the
28 purpose of computing any debt service levies to be extended upon

1 taxable property within such development project area, shall in
2 every year that development financing is in effect ascertain the
3 amount of value of taxable property in such development project
4 area by including in such amount the certified total initial
5 equalized assessed value of all taxable real property in such
6 development project area in lieu of the equalized assessed value
7 of all taxable real property in such development project area.
8 For the purpose of measuring the size of payments in lieu of
9 taxes under sections 99.915 to 99.984, all tax levies shall then
10 be extended to the current equalized assessed value of all
11 property in the development project area in the same manner as
12 the tax rate percentage is extended to all other taxable property
13 in the taxing district.

14 99.981. Beginning in 2004, and every five years thereafter,
15 a joint committee of the general assembly, comprised of five
16 members appointed by the speaker of the house of representatives
17 and five members appointed by the president pro tempore of the
18 senate, shall review sections 99.915 to 99.984. A report based
19 on such review, with any recommended legislative changes, shall
20 be submitted to the speaker of the house of representatives and
21 the president pro tempore of the senate no later than February
22 first following the year in which the review is conducted.

23 99.984. 1. By the last day of February each year, the
24 authority shall report to the director of the department of
25 economic development the name, address, phone number, and primary
26 line of business of any business which relocates to the
27 development area.

28 2. Each year the governing body of the municipality, or its

1 designee, shall prepare a report concerning the status of the
2 development plan, the development area, and the included
3 development projects, and shall submit a copy of such report to
4 the director of the department of economic development. The
5 report shall include the following:

6 (1) The amount and source of revenue in the special
7 allocation fund;

8 (2) The amount and purpose of expenditures from the special
9 allocation fund;

10 (3) The amount of any pledge of revenues, including
11 principal and interest on any outstanding bonded indebtedness;

12 (4) The original assessed value of the development area;

13 (5) The assessed valuation added to the development area;

14 (6) Payments made in lieu of taxes received and expended;

15 (7) The economic activity taxes generated within the
16 development area in the baseline year;

17 (8) The economic activity taxes generated within the
18 development area after the baseline year;

19 (9) Reports on contracts made incident to the
20 implementation and furtherance of a development area, the
21 development plan, and the included development projects;

22 (10) A copy of the development plan;

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

25 (12) The number of parcels acquired by or through
26 initiation of eminent domain proceedings;

27 (13) For municipalities with more than four hundred
28 thousand inhabitants, the number of development projects

1 developed in connection with community development corporations
2 and the amount of funds generated pursuant to section 99.966
3 which are expended in connection with such project; and

4 (14) Any additional information the department of economic
5 development deems necessary.

6 3. Data contained in the report mandated pursuant to the
7 provisions of subsection 1 of this section and any information
8 regarding amounts disbursed to municipalities pursuant to the
9 provisions of section 99.966 and 99.969 shall be deemed a public
10 record, as defined in section 610.010, RSMo.

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

17 5. An annual statement showing the payments made in lieu of
18 taxes received and expended in that year, the status of the
19 development area, the development plan, and the included
20 development projects therein, amount of outstanding obligations,
21 and any additional information the municipality deems necessary
22 shall be published in a newspaper of general circulation in the
23 municipality.

24 6. Five years after the establishment of the development
25 area and the development plan and every five years thereafter the
26 governing body of the authority shall hold a public hearing
27 regarding the development area and the development plan and the
28 development projects adopted pursuant to sections 99.915 to

1 99.984. The purpose of the hearing shall be to determine if
2 the development area, development plan, and the included
3 development projects are making satisfactory progress under the
4 proposed time schedule contained within the approved development
5 plan for completion of such development projects. Notice of such
6 public hearing shall be given in a newspaper of general
7 circulation in the area served by the authority once each week
8 for four weeks immediately prior to the hearing.

9 135.207. 1. (1) Any city with a population of at least
10 three hundred fifty thousand inhabitants which is located in more
11 than one county and any city not within a county, which includes
12 an existing state designated enterprise zone within the corporate
13 limits of the city may each, upon approval of the local governing
14 authority of the city and the director of the department of
15 economic development, designate up to three satellite zones
16 within its corporate limits. A prerequisite for the designation
17 of a satellite zone shall be the approval by the director of a
18 plan submitted by the local governing authority of the city
19 describing how the satellite zone corresponds to the city's
20 overall enterprise zone strategy.

21 (2) Any Missouri community classified as a village whose
22 borders lie adjacent to a city with a population in excess of
23 three hundred fifty thousand inhabitants as described in
24 subdivision (1) of this subsection, and which has within the
25 corporate limits of the village a factory, mining operation,
26 office, mill, plant or warehouse which has at least three
27 thousand employees and has an investment in plant, machinery and
28 equipment of at least two hundred million dollars may, upon

1 securing approval of the director and the local governing
2 authorities of the village and the adjacent city which contains
3 an existing state designated enterprise zone, designate one
4 satellite zone to be located within the corporate limits of the
5 village, such zone to be in addition to the six authorized in
6 subdivision (1) of this subsection.

7 (3) Any geographical area partially contained within any
8 city not within a county and partially contained within any
9 county of the first classification with a charter form of
10 government with a population of nine hundred thousand or more
11 inhabitants, which area is comprised of a total population of at
12 least four thousand inhabitants but not more than seventy-two
13 thousand inhabitants, and which area consists of at least one
14 fourth class city, and has within its boundaries a military
15 reserve facility and a utility pumping station having a capacity
16 of ten million cubic feet, may, upon securing approval of the
17 director and the appropriate local governing authorities as
18 provided for in section 135.210, be designated as a satellite
19 zone, such zone to be in addition to the six authorized in
20 subdivision (1) of this subsection.

21 (4) Any city with a population of at least one hundred
22 fifty thousand inhabitants that is located in a county of the
23 first classification without a charter form of government with a
24 population of more than two hundred forty thousand which includes
25 an existing state designated enterprise zone within the corporate
26 limits of the city may, upon approval of the local governing
27 authority of the city and the director of the department of
28 economic development, designate one satellite zone within its

1 corporate limits which shall be on land owned by the city which
2 contains a wastewater treatment plant with a treatment capacity
3 of five million six hundred thousand cubic feet per day and an
4 electric power plant having a capacity of at least two hundred
5 seventy-five megawatts. A prerequisite for the designation of
6 the satellite zone shall be the approval by the director of a
7 plan submitted by the local governing authority of the city
8 describing how the satellite zone corresponds to the city's
9 overall enterprise zone strategy.

10 2. For satellite zones designated pursuant to the
11 provisions of subdivisions (1) and (3) of subsection 1 of this
12 section, the satellite zones, in conjunction with the existing
13 state-designated enterprise zone shall meet the following
14 criteria:

15 (1) The area is one of pervasive poverty, unemployment, and
16 general distress, or one in which a large number of jobs have
17 been lost, a large number of employers have closed, or in which a
18 large percentage of available production capacity is idle. For
19 the purpose of this subdivision, "large number of jobs" means one
20 percent or more of the area's population according to the most
21 recent decennial census, and "large number of employers" means
22 over five;

23 (2) At least fifty percent of the residents living in the
24 area have incomes below eighty percent of the median income of
25 all residents within the state of Missouri according to the last
26 decennial census or other appropriate source as approved by the
27 director;

28 (3) The resident population of the existing state

1 designated enterprise zone and its satellite zones must be at
2 least four thousand but not more than seventy-two thousand at the
3 time of designation;

4 (4) The level of unemployment of persons, according to the
5 most recent data available from the division of employment
6 security or from the United States Bureau of Census and approved
7 by the director, within the area exceeds one and one-half times
8 the average rate of unemployment for the state of Missouri over
9 the previous twelve months, or the percentage of area residents
10 employed on a full-time basis is less than sixty percent of the
11 statewide percentage of residents employed on a full-time basis.

12 3. A qualified business located within a satellite zone
13 shall be subject to the same eligibility criteria and can be
14 eligible to receive the same benefits as a qualified facility in
15 sections 135.200 to 135.255.

16 135.230. 1. The exemption or credit established and
17 allowed by section 135.220 and the credits allowed and
18 established by subdivisions (1), (2), (3) and (4) of subsection 1
19 of section 135.225 shall be granted with respect to any new
20 business facility located within an enterprise zone for a vested
21 period not to exceed ten years following the date upon which the
22 new business facility commences operation within the enterprise
23 zone and such exemption shall be calculated, for each succeeding
24 year of eligibility, in accordance with the formulas applied in
25 the initial year in which the new business facility is certified
26 as such, subject, however, to the limitation that all such
27 credits allowed in sections 135.225 and 135.235 and the exemption
28 allowed in section 135.220 shall be removed not later than

1 fifteen years after the enterprise zone is designated as such.
2 No credits shall be allowed pursuant to subdivision (1), (2), (3)
3 or (4) of subsection 1 of section 135.225 or section 135.235 and
4 no exemption shall be allowed pursuant to section 135.220 unless
5 the number of new business facility employees engaged or
6 maintained in employment at the new business facility for the
7 taxable year for which the credit is claimed equals or exceeds
8 two or the new business facility is a revenue-producing
9 enterprise as defined in paragraph (d) of subdivision (6) of
10 section 135.200. In order to qualify for either the exemption
11 pursuant to section 135.220 or the credit pursuant to subdivision
12 (4) of subsection 1 of section 135.225, or both, it shall be
13 required that at least thirty percent of new business facility
14 employees, as determined by subsection 4 of section 135.110, meet
15 the criteria established in section 135.240 or are residents of
16 an enterprise zone or some combination thereof, except taxpayers
17 who establish a new business facility by operating a
18 revenue-producing enterprise as defined in paragraph (d) of
19 subdivision (6) of section 135.200 or any taxpayer that is an
20 insurance company that established a new business facility
21 satisfying the requirements of subdivision (8) of section 135.100
22 located within an enterprise zone after June 30, 1993, and before
23 December 31, 1994, and that employs in excess of three hundred
24 fifty new business facility employees at such facility each tax
25 period for which the credits allowable pursuant to subdivisions
26 (1) to (4) of subsection 1 of section 135.225 are claimed shall
27 not be required to meet such requirement. A new business
28 facility described as SIC 3751 shall be required to employ

1 fifteen percent of such employees instead of the required thirty
2 percent. For the purpose of satisfying the thirty-percent
3 requirement, residents must have lived in the enterprise zone for
4 a period of at least one full calendar month and must have been
5 employed at the new business facility for at least one full
6 calendar month, and persons qualifying because they meet the
7 requirements of section 135.240 must have satisfied such
8 requirement at the time they were employed by the new business
9 facility and must have been employed at the new business facility
10 for at least one full calendar month. The director may
11 temporarily reduce or waive this requirement for any business in
12 an enterprise zone with ten or less full-time employees, and for
13 businesses with eleven to twenty full-time employees this
14 requirement may be temporarily reduced. No reduction or waiver
15 may be granted for more than one tax period and shall not be
16 renewable. The exemptions allowed in sections 135.215 and
17 135.220 and the credits allowed in sections 135.225 and 135.235
18 and the refund established and authorized in section 135.245
19 shall not be allowed to any "public utility", as such term is
20 defined in section 386.020, RSMo. For the purposes of achieving
21 the fifteen-percent employment requirement set forth in this
22 subsection, a new business facility described as NAICS 336991 may
23 count employees who were residents of the enterprise zone at the
24 time they were employed by the new business facility and for at
25 least ninety days thereafter, regardless of whether such
26 employees continue to reside in the enterprise zone, so long as
27 the employees remain employed by the new business facility and
28 residents of the state of Missouri.

1 2. Notwithstanding the provisions of subsection 1 of this
2 section, motor carriers, barge lines or railroads engaged in
3 transporting property for hire or any interexchange
4 telecommunications company that establish a new business facility
5 shall be eligible to qualify for the exemptions allowed in
6 sections 135.215 and 135.220, and the credits allowed in sections
7 135.225 and 135.235 and the refund established and authorized in
8 section 135.245, except that trucks, truck-trailers, truck
9 semitrailers, rail or barge vehicles or other rolling stock for
10 hire, track, switches, bridges, barges, tunnels, rail yards and
11 spurs shall not constitute new business facility investment nor
12 shall truck drivers or rail or barge vehicle operators constitute
13 new business facility employees.

14 3. Notwithstanding any other provision of sections 135.200
15 to 135.256 to the contrary, motor carriers establishing a new
16 business facility on or after January 1, 1993, but before January
17 1, 1995, may qualify for the tax credits available pursuant to
18 sections 135.225 and 135.235 and the exemption provided in
19 section 135.220, even if such new business facility has not
20 satisfied the employee criteria, provided that such taxpayer
21 employs an average of at least two hundred persons at such
22 facility, exclusive of truck drivers and provided that such
23 taxpayer maintains an average investment of at least ten million
24 dollars at such facility, exclusive of rolling stock, during the
25 tax period for which such credits and exemption are being
26 claimed.

27 4. Any governing authority having jurisdiction of an area
28 that has been designated an enterprise zone may petition the

1 department to expand the boundaries of such existing enterprise
2 zone. The director may approve such expansion if the director
3 finds that:

4 (1) The area to be expanded meets the requirements
5 prescribed in section 135.207 or 135.210, whichever is
6 applicable;

7 (2) The area to be expanded is contiguous to the existing
8 enterprise zone; and

9 (3) The number of expansions do not exceed three after
10 August 28, 1994, provided that where an enterprise zone is
11 situated in more than one county, the number of expansions shall
12 not exceed three in each county in which the enterprise zone is
13 situated.

14 5. Notwithstanding the fifteen-year limitation as
15 prescribed in subsection 1 of this section, any governing
16 authority having jurisdiction of an area that has been designated
17 as an enterprise zone by the director, except one designated
18 pursuant to this subsection, may file a petition, as prescribed
19 by the director, for redesignation of such area for an additional
20 period not to exceed seven years following the fifteenth
21 anniversary of the enterprise zone's initial designation date;
22 provided:

23 (1) The petition is filed with the director within three
24 years prior to the date the tax credits authorized in sections
25 135.225 and 135.235 and the exemption allowed in section 135.220
26 are required to be removed pursuant to subsection 1 of this
27 section;

28 (2) The governing authority identifies and conforms the

1 boundaries of the area to be designated a new enterprise zone to
2 the political boundaries established by the latest decennial
3 census, unless otherwise approved by the director;

4 (3) The area satisfies the requirements prescribed in
5 subdivisions (3), (4) and (5) of section 135.205 according to the
6 latest decennial census or other appropriate source as approved
7 by the director;

8 (4) The governing authority satisfies the requirements
9 prescribed in sections 135.210, 135.215 and 135.255;

10 (5) The director finds that the area is unlikely to support
11 reasonable tax assessment or to experience reasonable economic
12 growth without such designation; and

13 (6) The director's recommendation that the area be
14 designated as an enterprise zone is approved by the joint
15 committee on economic development policy and planning, as
16 otherwise required in subsection 3 of section 135.210.

17 6. Any taxpayer having established a new business facility
18 in an enterprise zone except one designated pursuant to
19 subsection 5 of this section, who did not earn the tax credits
20 authorized in sections 135.225 and 135.235 and the exemption
21 allowed in section 135.220 for the full ten-year period because
22 of the fifteen-year limitation as prescribed in subsection 1 of
23 this section, shall be granted such benefits for ten tax years,
24 less the number of tax years the benefits were claimed or could
25 have been claimed prior to the expiration of the original
26 fifteen-year period, except that such tax benefits shall not be
27 earned for more than seven tax periods during the ensuing
28 seven-year period, provided the taxpayer continues to operate the

1 new business facility in an area that is designated an enterprise
2 zone pursuant to subsection 5 of this section. Any taxpayer who
3 establishes a new business facility subsequent to the
4 commencement of the ensuing seven-year period, as authorized in
5 subsection 5 of this section, may qualify for the tax credits
6 authorized in sections 135.225 and 135.235, and the exemptions
7 authorized in sections 135.215 and 135.220, pursuant to the same
8 terms and conditions as prescribed in sections 135.100 to
9 135.256. The designation of any enterprise zone pursuant to
10 subsection 5 of this section shall not be subject to the fifty
11 enterprise zone limitation imposed in subsection 4 of section
12 135.210.

13 135.259. In addition to the number of enterprise zones
14 authorized pursuant to the provisions of sections 135.206,
15 135.210, 135.256, and 135.257, the department of economic
16 development shall designate one such zone for any county of the
17 third classification without a township form of government with a
18 population of less than eighteen thousand and more than seventeen
19 thousand nine hundred and such zone for any county of the third
20 classification without a township form of government and with a
21 population of more than forty-one thousand one hundred
22 inhabitants but less than forty-one thousand two hundred
23 inhabitants. Such enterprise zone designation shall only be made
24 if such area which is to be included in the enterprise zone meets
25 all the requirements of section 135.205.

26 135.400. As used in sections 135.400 to 135.430, the
27 following terms mean:

28 (1) "Certificate", a tax credit certificate issued by the

1 department of economic development in accordance with sections
2 135.400 to 135.430;

3 (2) "Community bank", either a bank community development
4 corporation or development bank, which are financial
5 organizations which receive investments from commercial financial
6 institutions regulated by the federal reserve, the office of the
7 comptroller of the currency, the office of thrift supervision, or
8 the Missouri division of finance. Community banks, in addition
9 to their other privileges, shall be allowed to make loans to
10 businesses or equity investments in businesses or in real estate
11 provided that such transactions have associated public benefits;

12 (3) "Community development corporation", a not-for-profit
13 corporation [and a recipient of Community Development Block Grant
14 (CDBG) funds pursuant to the Housing Community Development Act of
15 1974. Such corporations design specific, comprehensive programs
16 to stimulate economic development, housing or other public
17 benefits leading to the development of economically sustainable
18 neighborhoods or communities] whose board of directors is
19 composed of business, civic and community leaders, and whose
20 primary purpose is to encourage and promote the industrial,
21 economic, entrepreneurial, commercial and civic development or
22 redevelopment of a community or area, including the provision of
23 housing and community development projects that benefit low-
24 income individuals and communities;

25 (4) "Department", the Missouri department of economic
26 development;

27 (5) "Director", the director of the department of economic
28 development, or a person acting under the supervision of the

1 director;

2 (6) "Investment", a transaction in which a Missouri small
3 business or a community bank receives a monetary benefit from an
4 investor pursuant to the provisions of sections 135.403 to
5 135.414;

6 (7) "Investor", an individual, partnership, financial
7 institution, trust or corporation meeting the eligibility
8 requirements of sections 135.403 to 135.414. In the case of
9 partnerships and nontaxable trusts, the individual partners or
10 beneficiaries shall be treated as the investors;

11 (8) "Missouri small business", an independently owned and
12 operated business as defined in Title 15 U.S.C. Section 632(a)
13 and as described by Title 13 CFR Part 121, which is headquartered
14 in Missouri and which employs at least eighty percent of its
15 employees in Missouri, except that no such small business shall
16 employ more than one hundred employees. Such businesses must be
17 involved in interstate or intrastate commerce for the purpose of
18 manufacturing, processing or assembling products, conducting
19 research and development, or providing services in interstate
20 commerce, but excluding retail, real estate, insurance or
21 professional services. For the purpose of qualifying for the tax
22 credit pursuant to sections 135.400 to 135.430, "Missouri small
23 business" shall include cooperative marketing associations
24 organized pursuant to chapter 274, RSMo, which are engaged in the
25 business of producing and marketing fuels derived from
26 agriculture commodities, without regard for whether a cooperative
27 marketing association has more than one hundred employees.
28 Cooperative marketing associations organized pursuant to chapter

1 274, RSMo, shall not be required to comply with the requirements
2 of section 135.414;

3 (9) "Primary employment", work which pays at least the
4 minimum wage and which is not seasonal or part-time;

5 (10) "Principal owners", one or more persons who own an
6 aggregate of ~~[fifty]~~ thirty-five percent or more of the Missouri
7 small business and who are involved in the operation of the
8 business as a full-time professional activity;

9 (11) "Project", any commercial or industrial business or
10 other economic development activity undertaken in a target area,
11 designed to reduce conditions of blight, unemployment or
12 widespread reliance on public assistance which creates permanent
13 primary employment opportunities;

14 (12) "State tax liability", any liability incurred by a
15 taxpayer pursuant to the provisions of chapter 143, RSMo, chapter
16 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter
17 153, RSMo, exclusive of the provisions relating to the
18 withholding of tax as provided for in sections 143.191 to
19 143.265, RSMo, and related provisions[;

20 (13) "Target area", a group of blocks or a self-defined
21 neighborhood where the rate of poverty in the area is greater
22 than twice the national poverty rate and as defined by the
23 department of social services in conjunction with the department
24 of economic development. Areas of the state satisfying the
25 criteria of this subdivision may be designated as a "target area"
26 following appropriate findings made and certified by the
27 departments of economic development and social services. In
28 making such findings, the departments of economic development and

1 social services may use any commonly recognized records and
2 statistical indices published or made available by any agency or
3 instrumentality of the federal or state government. No area of
4 the state shall be a target area until so certified by the
5 department of social services and the revitalization plan
6 submitted pursuant to section 208.335, RSMo, has received
7 approval].

8 135.403. 1. Any investor who makes a qualified investment
9 in a Missouri small business shall be entitled to receive a tax
10 credit equal to forty percent of the amount of the investment or,
11 in the case of a qualified investment in a Missouri small
12 business in a distressed community as defined by section 135.530,
13 a credit equal to sixty percent of the amount of the investment,
14 and any investor who makes a qualified investment in a community
15 bank or a community development corporation shall be entitled to
16 receive a tax credit equal to fifty percent of the amount of the
17 investment if the investment is made in a community bank or
18 community development corporation for direct investment. The
19 total amount of tax credits available for qualified investments
20 in Missouri small businesses shall not exceed thirteen million
21 dollars and at least four million dollars of the amount
22 authorized by this section and certified by the department of
23 economic development shall be for investment in Missouri small
24 businesses in distressed communities. Authorization for all or
25 any part of this four-million-dollar amount shall in no way
26 restrict the eligibility of Missouri small businesses in
27 distressed communities, as defined in section 135.530, for the
28 remaining amounts authorized within this section. No more than

1 twenty percent of the tax credits available each year for
2 investments in community banks or community development
3 corporations for direct investment shall be certified for any one
4 project, as defined in section 135.400. The tax credit shall be
5 evidenced by a tax credit certificate in accordance with the
6 provisions of sections 135.400 to 135.430 and may be used to
7 satisfy the state tax liability of the owner of the certificate
8 that becomes due in the tax year in which the qualified
9 investment is made, or in any of the ~~ten~~ five tax years
10 thereafter. When the qualified small business is in a distressed
11 community, as defined in section 135.530, the tax credit may also
12 be used to satisfy the state tax liability of the owner of the
13 certificate that was due during each of the previous three years
14 in addition to the year in which the investment is made and any
15 of the ~~ten~~ five years thereafter. No investor may receive a
16 tax credit pursuant to sections 135.400 to 135.430 unless that
17 person presents a tax credit certificate to the department of
18 revenue for payment of such state tax liability. The department
19 of revenue shall grant tax credits in the same order as
20 established by subsection 1 of section 32.115, RSMo. Subject to
21 the provisions of sections 135.400 to 135.430, certificates of
22 tax credit issued in accordance with these sections may be
23 transferred, sold or assigned by filing a notarized endorsement
24 thereof with the department which names the transferee and the
25 amount of tax credit transferred.

26 2. Five hundred thousand dollars in tax credits shall be
27 available annually from the total amount of tax credits
28 authorized by section 32.110, RSMo, and subdivision (4) of

1 subsection 2 of section 32.115, RSMo, as a result of investments
2 in community banks or community development corporations.
3 Aggregate investments eligible for tax credits in any one
4 Missouri small business shall not be more than one million
5 dollars. Aggregate investments eligible for tax credits in any
6 one Missouri small business shall not be less than five thousand
7 dollars as of the date of issuance of the first tax credit
8 certificate for investment in that business.

9 3. This section and section 620.1039, RSMo, shall become
10 effective January 1, 2001.

11 135.408. A qualified investment in a Missouri small
12 business may be made either through an unsecured loan or the
13 purchase of equity or unsecured debt securities of such business.
14 Investors in a small business qualifying for tax credits [under]
15 pursuant to the provisions of sections 135.400 to 135.430,
16 however, must collectively own less than [fifty] sixty-five
17 percent of a business after their investments are made.
18 Qualified investments in a Missouri small business must be
19 expended for capital improvements, plant, equipment, research and
20 development, or working capital for the business or such business
21 activity as may be approved by the department.

22 135.411. The amount of the qualified investment made in a
23 Missouri small business must remain in that business for a
24 minimum of [five] three years and, if the business is in a
25 distressed community, it must remain in the distressed community
26 for a minimum of five years. Withdrawal of the investment prior
27 to the minimum [five-year] period shall result in revocation of
28 the tax credit, and repayment of any amounts of the tax credit

1 already applied against the investor's state tax liability, but
2 the department may pro rate the revocation or repayment
3 authorized by this section. The sale, change in control or going
4 public of a business shall not trigger such a revocation if the
5 business continues to operate.

6 135.423. Except as otherwise provided in this section, the
7 department may revoke a tax credit certificate issued pursuant to
8 sections 135.400 to 135.430 or enforce repayment of any amounts
9 of the tax credit already applied against the investor's state
10 liability if any representation to the department in connection
11 with the application proves to have been false when made or if
12 the application violates any conditions established by the
13 department and stated in the tax credit certificate. The
14 revocation may be in full or in part as the department may
15 determine. The department shall specify the amount of credit
16 being revoked and shall send notice of the revocation to the
17 investor and to the state department of revenue. Any revocation,
18 partial revocation or repayment of a tax credit issued pursuant
19 to sections 135.400 to 135.430 shall apply only to the original
20 applicant for the tax credit and not to a good faith subsequent
21 purchaser or transferee thereof.

22 135.431. 1. The department of economic development shall
23 identify active community development corporations operating
24 within the state and assist them in the formation of a Missouri
25 community development corporation association. [With the
26 assistance of the department,] The department shall assist the
27 community development corporation association in an amount up to
28 fifteen percent of its total appropriation for community

1 development corporations to cover the cost associated with the
2 activities of the association. The association shall serve as a
3 clearinghouse for information for community development
4 corporations. The association shall help staff members of
5 community development corporations develop administrative skills
6 in such areas as entrepreneurial development, grant writing, real
7 estate analysis, financial deals structuring, negotiations, human
8 resource development, strategic planning and community needs
9 assessment. The association shall sponsor conferences which
10 allow community development corporations to learn about community
11 development activities statewide and at the federal level.

12 2. The Missouri community development corporation
13 association shall be funded by dues assessed against
14 participating community development corporations. The
15 association shall adopt, alter or repeal its own bylaws, rules
16 and regulations governing the manner in which its business may be
17 transacted; elect officers; make expenditures which are
18 incidental and necessary to carry out its purposes and powers;
19 and do all things necessary to ensure full participation by
20 Missouri community development corporations in any federal
21 program relating to community development needs.

22 135.478. As used in sections 135.481 to 135.487, the
23 following terms mean:

- 24 (1) "Department", the department of economic development;
25 (2) "Director", the director of the department of economic
26 development;
27 (3) "Distressed community", as defined in section 135.530;
28 (4) "Eligible costs for a new residence", expenses incurred

1 for property acquisition, development, site preparation [other
2 than demolition], surveys, architectural and engineering services
3 and construction and all other necessary and incidental expenses
4 incurred for constructing a new market rate residence, which is
5 or will be owner-occupied, which is not replacing a national
6 register listed or local historic structure; except that, costs
7 paid for by the taxpayer with grants or forgivable loans, other
8 than tax credits, provided pursuant to state or federal
9 governmental programs are ineligible;

10 (5) "Eligible costs for rehabilitation", expenses incurred
11 for the renovation or rehabilitation of an existing residence or
12 structure including site preparation, surveys, architectural and
13 engineering services, construction, modification, expansion,
14 remodeling, structural alteration, replacements and alterations;
15 except that, costs paid for by the taxpayer with grants or
16 forgivable loans other than tax credits provided pursuant to
17 state or federal governmental programs are ineligible;

18 (6) "Eligible residence", a single-family residence or a
19 condominium or residence within a multiple residential structure
20 or a structure containing multiple single-family residences forty
21 years of age or older, located in this state and not within a
22 distressed community as defined by section 135.530, which is
23 occupied or intended to be or occupied long-term by the owner or
24 offered for sale at market rate for owner-occupancy and which is
25 either located within a United States census block group which,
26 if in a metropolitan statistical area, has a median household
27 income of less than ninety percent, but greater than or equal to
28 seventy percent of the median household income for the

1 metropolitan statistical area in which the census block group is
2 located, or which, if located within a United States census block
3 group in a [nonmetropolitan] county that is not located in a
4 metropolitan statistical area, has a median household income of
5 less than ninety percent, but greater than or equal to seventy
6 percent of the median household income for [the nonmetropolitan
7 areas in the state] all counties not located within a
8 metropolitan statistical area;

9 (7) "Flood plain", any land or area susceptible to being
10 inundated by water from any source or located in a one
11 hundred-year flood plain area determined by Federal Emergency
12 Management Agency mapping as subject to flooding;

13 (8) "New residence", a residence constructed on land which
14 if located within a distressed community has either been vacant
15 for at least two years or is or was occupied by a structure which
16 has been condemned by the local entity in which the structure is
17 located or which, if located outside of a distressed community
18 but within a census block group as described in subdivision (6)
19 or (10) of this section, either replaces a residence forty years
20 of age or older demolished for purposes of constructing a
21 replacement residence, or which is constructed on vacant property
22 which has been classified for not less than forty continuous
23 years as residential or utility, commercial, railroad or other
24 real property pursuant to article X, section 4(b) of the Missouri
25 Constitution, as defined in section 137.016, RSMo; or, if in a
26 county of the third classification without a township form of
27 government and with more than fifty-four thousand two hundred but
28 not less than fifty-four thousand three hundred inhabitants, or a

1 county of the first classification without a charter form of
2 government with a population of more than two hundred forty
3 thousand three hundred but less than two hundred forty thousand
4 four hundred inhabitants, vacant property classified as
5 residential or agricultural and horticultural property, as
6 defined in section 137.016, RSMo, and is located within the
7 limits of a city or is served by a municipal sanitary sewer
8 service; except that, no new residence shall be constructed in a
9 flood plain or on property used for agricultural purposes, except
10 as otherwise provided herein. In a distressed community, the
11 term "new residence" shall include condominiums, owner-occupied
12 units or other units intended to be owner-occupied in multiple
13 unit structures or as separate adjacent single-family units;

14 (9) "Project", new construction, rehabilitation or
15 substantial rehabilitation of a residence or residences, whether
16 comprised of one structure containing multiple single-family
17 residences or multiple individual structures that [qualifies]
18 qualify for a tax credit pursuant to sections 135.475 to 135.487;

19 (10) "Qualifying residence", a single-family residence,
20 forty years of age or older, located in this state which is
21 occupied or intended to be occupied long-term by the owner or
22 offered for sale at market rate for owner-occupancy and which is
23 either located within a United States census block group which,
24 if in a metropolitan statistical area [or nonmetropolitan
25 statistical area within a United States census block group which
26 has a median household income of less than seventy percent of the
27 median household income for the metropolitan statistical area or
28 nonmetropolitan area, respectively], has a median household

1 income of less than seventy percent of the median household
2 income for the metropolitan statistical area in which the census
3 block group is located, or which, if located within a United
4 States census block group that is located in a county that is not
5 located in a metropolitan statistical area, has a median
6 household income of less than seventy percent of the median
7 household income for all counties not located within a
8 metropolitan statistical area or which is located within a
9 distressed community. A qualifying residence shall include a
10 condominium or residence within a multiple residential structure
11 or a structure containing multiple single-family residences which
12 is located within a distressed community;

13 (11) "Substantial rehabilitation", rehabilitation the costs
14 of which exceed fifty percent of either the purchase price or the
15 cost basis of the structure immediately prior to rehabilitation;
16 provided that, the structure is at least fifty years old
17 notwithstanding any provision of sections 135.475 to 135.487 to
18 the contrary;

19 (12) "Tax liability", the tax due pursuant to chapter 143,
20 147 or 148, RSMo, other than taxes withheld pursuant to sections
21 143.191 to 143.265, RSMo;

22 (13) "Taxpayer", any person, partnership, corporation,
23 trust or limited liability company.

24 135.481. 1. (1) Any taxpayer who incurs eligible costs
25 for a new residence located in a distressed community or within a
26 census block group as described in subdivision (6) or (10) of
27 section 135.478, or for a multiple unit condominium described in
28 subdivision (2) of this subsection, shall receive a tax credit

1 equal to [fifteen] twenty percent of such costs against his or
2 her tax liability. The tax credit shall not exceed forty
3 thousand dollars per new residence in any ten-year period.

4 (2) For the purposes of this section, a "multiple unit
5 condominium" is one that is intended to be owner occupied, which
6 is constructed on property which has received a certificate of
7 existence of dangerous building as defined by the municipal
8 building code or, is subject to an industrial development
9 contract as defined in section 100.310, RSMo, and which lies
10 within an area with a city zoning classification of urban
11 redevelopment district [established after January 1, 2000, and
12 before December 31, 2001] or for condominium use, and which is
13 constructed in connection with the qualified rehabilitation of a
14 structure more than ninety years old eligible for the historic
15 structures rehabilitation tax credit described in sections
16 253.545 to 253.559, RSMo, [and] which is under way by January 1,
17 [2000] 2002, and completed by January 1, [2002] 2003.

18 2. [Any taxpayer who incurs eligible costs for a new
19 residence located within a census block as described in
20 subdivision (6) of section 135.478 shall receive a tax credit
21 equal to fifteen percent of such costs against his or her tax
22 liability. The tax credit shall not exceed twenty-five thousand
23 dollars per new residence in any ten-year period.

24 3.] Any taxpayer who is not performing substantial
25 rehabilitation and who incurs eligible costs for rehabilitation
26 of an eligible residence or a qualifying residence shall receive
27 a tax credit equal to twenty-five percent of such costs against
28 his or her tax liability. The minimum eligible costs for

1 rehabilitation of an eligible residence shall be ten thousand
2 dollars. The minimum eligible costs for rehabilitation of a
3 qualifying residence shall be five thousand dollars. The tax
4 credit shall not exceed twenty-five thousand dollars in any
5 ten-year period.

6 [4.] 3. Any taxpayer who incurs eligible costs for
7 substantial rehabilitation of a qualifying residence shall
8 receive a tax credit equal to thirty-five percent of such costs
9 against his or her tax liability. The minimum eligible costs for
10 substantial rehabilitation of a qualifying residence shall be ten
11 thousand dollars. The tax credit shall not exceed seventy
12 thousand dollars in any ten-year period.

13 [5.] 4. A taxpayer shall be eligible to receive tax
14 credits for new construction or rehabilitation pursuant to only
15 one subsection of this section.

16 [6.] 5. No tax credit shall be issued pursuant to this
17 section for any structure which is in violation of any municipal
18 or county property, maintenance or zoning code.

19 [7.] 6. No tax credit shall be issued pursuant to sections
20 135.475 to 135.487 for the construction or rehabilitation of
21 rental property.

22 135.484. 1. Beginning January 1, 2000, tax credits shall
23 be allowed pursuant to section 135.481 in an amount not to exceed
24 sixteen million dollars per year. Of this total amount of tax
25 credits in any given year, eight million dollars shall be set
26 aside for projects in areas described in subdivision (6) of
27 section 135.478 and eight million dollars for projects in areas
28 described in subdivision (10) of section 135.478. The maximum

1 tax credit for a project consisting of multiple-unit qualifying
2 residences in a distressed community and commenced before August
3 28, 2002, shall not exceed three million dollars, and the maximum
4 tax credit for a project commenced on or after August 28, 2002,
5 shall not exceed one million five hundred thousand dollars. If,
6 by October first of any calendar year, the director has issued
7 all eight million dollars of tax credits allowed for projects in
8 areas described in subdivision (6) of section 135.478, but not
9 for projects in areas described in subdivision (10) of section
10 135.478, or vice versa, the director shall reallocate seventy
11 percent of any credits not allocated to finally approved
12 applications for issuance to taxpayers which:

13 (1) Are engaged in projects in the area in which tax
14 credits totaling eight million dollars have already been issued
15 for the same year; and

16 (2) Have already applied for, but have not yet been issued,
17 tax credits pursuant to section 135.487 for the same year.
18 Reallocated credits shall be issued pursuant to section 135.487;
19 except that, the maximum reallocated tax credit for any project
20 shall not exceed five hundred thousand dollars.

21 2. Any amount of credit which exceeds the tax liability of
22 a taxpayer for the tax year in which the credit is first claimed
23 may be carried back to any of the taxpayer's three prior tax
24 years and carried forward to any of the taxpayer's five
25 subsequent tax years. A certificate of tax credit issued to a
26 taxpayer by the department may be assigned, transferred, sold or
27 otherwise conveyed. Whenever a certificate of tax credit is
28 assigned, transferred, sold or otherwise conveyed, a notarized

1 endorsement shall be filed with the department specifying the
2 name and address of the new owner of the tax credit and the value
3 of the credit.

4 3. The tax credits allowed pursuant to sections 135.475 to
5 135.487 may not be claimed in addition to any other state tax
6 credits, with the exception of the historic structures
7 rehabilitation tax credit authorized pursuant to sections 253.545
8 to 253.559, RSMo, which insofar as sections 135.475 to 135.487
9 are concerned may be claimed only in conjunction with the tax
10 credit allowed pursuant to subsection [4] 3 of section 135.481.
11 In order for a taxpayer eligible for the historic structures
12 rehabilitation tax credit to claim the tax credit allowed
13 pursuant to subsection [4] 3 of section 135.481, the taxpayer
14 must comply with the requirements of sections 253.545 to 253.559,
15 RSMo, and in such cases, the amount of the tax credit pursuant to
16 subsection [4] 3 of section 135.481 shall be limited to the
17 lesser of twenty percent of the taxpayer's eligible costs or
18 forty thousand dollars.

19 135.487. 1. To obtain any credit allowed pursuant to
20 sections 135.475 to 135.487, a taxpayer shall submit to the
21 department, for preliminary approval, an application for tax
22 credit. The director shall, upon final approval of an
23 application and presentation of acceptable proof of substantial
24 completion of construction, issue the taxpayer a certificate of
25 tax credit. In the case of projects involving the new
26 construction, rehabilitation or substantial rehabilitation of
27 more than one residence, one application for tax credit may be
28 submitted to the department for preliminary approval for the

1 entire project, and the director shall issue the taxpayer a
2 certificate of tax credit upon final approval of an application
3 and presentation of acceptable proof of substantial completion of
4 construction for each individual residence rather than delaying
5 issuance of a tax credit pursuant to sections 135.475 to 135.487
6 until substantial completion of the entire project. The director
7 shall issue all credits allowed pursuant to sections 135.475 to
8 135.487 in the order the applications are received. In the case
9 of a taxpayer other than an owner-occupant, the director shall
10 not delay the issuance of a tax credit pursuant to sections
11 135.475 to 135.487 until the sale of a residence at market rate
12 for owner-occupancy. A taxpayer, taxpayer other than an
13 owner-occupant who receives a certificate of tax credit pursuant
14 to sections 135.475 to 135.487 shall, within thirty days of the
15 date of the sale of a residence, furnish to the director
16 satisfactory proof that such residence was sold at market rate
17 for owner-occupancy. If the director reasonably determines that
18 a residence was not in good faith intended for long-term owner
19 occupancy, the director make revoke any tax credits issued and
20 seek recovery of any tax credits issued pursuant to section
21 620.017, RSMo.

22 2. The department may cooperate with a municipality or a
23 county in which a project is located to help identify the
24 location of the project, the type and eligibility of the project,
25 the estimated cost of the project and the completion date of the
26 project.

27 3. The department may promulgate such rules or regulations
28 or issue administrative guidelines as are necessary to administer

1 the provisions of sections 135.475 to 135.487. No rule or
2 portion of a rule promulgated pursuant to the authority of this
3 section shall become effective unless it has been promulgated
4 pursuant to the provisions of chapter 536, RSMo.

5 4. The department shall conduct annually a comprehensive
6 program evaluation illustrating where the tax credits allowed
7 pursuant to sections 135.475 to 135.487 are being utilized,
8 explaining the economic impact of such program and making
9 recommendations on appropriate program modifications to ensure
10 the program's success.

11 135.530. For the purposes of sections 100.010, 100.710 and
12 100.850, RSMo, sections 135.110, 135.200, 135.258, 135.313,
13 135.403, 135.405, 135.503, 135.530 and 135.545, section 215.030,
14 RSMo, sections 348.300 and 348.302, RSMo, and sections 620.1400
15 to 620.1460, RSMo, "distressed community" means either a Missouri
16 municipality within a metropolitan statistical area which has a
17 median household income of under seventy percent of the median
18 household income for the metropolitan statistical area, according
19 to the last decennial census, or a United States census block
20 group or contiguous group of block groups within a metropolitan
21 statistical area which has a population of at least [two
22 thousand] five hundred, and each block group having a median
23 household income of under seventy percent of the median household
24 income for the metropolitan area in Missouri, according to the
25 last decennial census. In addition the definition shall include
26 municipalities not in a metropolitan statistical area, with a
27 median household income of under seventy percent of the median
28 household income for the nonmetropolitan areas in Missouri

1 according to the last decennial census or a census block group or
2 contiguous group of block groups which has a population of at
3 least [two thousand] five hundred each block group having a
4 median household income of under seventy percent of the median
5 household income for the nonmetropolitan areas of Missouri,
6 according to the last decennial census. In metropolitan
7 statistical areas, the definition shall include areas that are
8 designated as either a federal empowerment zone; or a federal
9 enhanced enterprise community; or a state enterprise zone that
10 was originally designated before January 1, 1986, but will not
11 include expansions of such state enterprise zones done after
12 March 16, 1988.

13 135.535. 1. A corporation, limited liability corporation,
14 partnership or sole proprietorship, which moves its operations
15 from outside Missouri or outside a distressed community into a
16 distressed community, or which commences operations in a
17 distressed community on or after January 1, 1999, and in either
18 case has more than [seventy-five] sixty percent of its employees
19 at [the facility] facilities in [the] distressed [community]
20 communities, and which has fewer than one hundred fifty employees
21 for whom payroll taxes are paid, and which is a manufacturing,
22 biomedical, medical devices, scientific research, animal
23 research, computer software design or development, computer
24 programming, telecommunications or a professional firm shall
25 receive a forty percent credit against income taxes owed pursuant
26 to chapter 143, 147 or 148, RSMo, other than taxes withheld
27 pursuant to sections 143.191 to 143.265, RSMo, for each of the
28 three years after such move, if approved by the department of

1 economic development, which shall issue a certificate of
2 eligibility if the department determines that the taxpayer is
3 eligible for such credit. The maximum amount of credits per
4 taxpayer set forth in this subsection shall not exceed one
5 hundred twenty-five thousand dollars for each of the three years
6 for which the credit is claimed. The department of economic
7 development, by means of rule or regulation promulgated pursuant
8 to the provisions of chapter 536, RSMo, shall [assign] specify
9 which appropriate standard industrial classification numbers [to
10 the companies which are], or North American Industrial
11 Classification System numbers assigned to a business make the
12 business eligible for the tax credits provided for in this
13 section. Such three-year credits shall be awarded only one time
14 to any company which moves its operations from outside of
15 Missouri or outside of a distressed community into a distressed
16 community or to a company which commences operations within a
17 distressed community. A taxpayer shall file an application for
18 certification of the tax credits for the first year in which
19 credits are claimed and for each of the two succeeding taxable
20 years for which credits are claimed.

21 2. Employees of such facilities physically working and
22 earning wages for that work within a distressed community whose
23 employers have been approved for tax credits pursuant to
24 subsection 1 of this section by the department of economic
25 development for whom payroll taxes are paid shall, also be
26 eligible to receive a tax credit against individual income tax,
27 imposed pursuant to chapter 143, RSMo, equal to one and one-half
28 percent of their gross salary paid at such facility earned for

1 each of the three years that the facility receives the tax credit
2 provided by this section, so long as they were qualified
3 employees of such entity. The employer shall calculate the
4 amount of such credit and shall report the amount to the employee
5 and the department of revenue.

6 3. A tax credit against income taxes owed pursuant to
7 chapter 143, 147 or 148, RSMo, other than the taxes withheld
8 pursuant to sections 143.191 to 143.265, RSMo, in lieu of the
9 credit against income taxes as provided in subsection 1 of this
10 section, may be taken by such an entity in a distressed community
11 in an amount of forty percent of the amount of funds expended for
12 the purchase of or at least a two-year lease of computer
13 equipment and its maintenance, medical laboratories and
14 equipment, research laboratory equipment, manufacturing
15 equipment, fiber optic equipment, high speed telecommunications,
16 wiring or software development expense up to a maximum of
17 seventy-five thousand dollars in tax credits for such equipment
18 or expense per year per entity and for each of three years after
19 commencement in or moving operations into a distressed community.
20 The maximum tax credit allowed pursuant to this subsection shall
21 apply to entities which have previously qualified for a tax
22 credit pursuant to this subsection for future tax years for which
23 such entities qualify.

24 4. A corporation, partnership or sole partnership, which
25 has no more than one hundred employees for whom payroll taxes are
26 paid, which is already located in a distressed community and
27 which expends funds for such equipment pursuant to subsection 3
28 of this section in an amount exceeding its average of the prior

1 two years for such equipment, shall be eligible to receive a tax
2 credit against income taxes owed pursuant to chapters 143, 147
3 and 148, RSMo, in an amount equal to the lesser of seventy-five
4 thousand dollars or twenty-five percent of the funds expended for
5 such additional equipment per such entity. Tax credits allowed
6 pursuant to this subsection or subsection 1 of this section may
7 be carried back to any of the three prior tax years and carried
8 forward to any of the five tax years.

9 5. An existing corporation, partnership or sole
10 proprietorship that is located within a distressed community and
11 that relocates employees from another facility outside of the
12 distressed community to its facility within the distressed
13 community, and an existing business located within a distressed
14 community that hires new employees for that facility may both be
15 eligible for the tax credits allowed by subsections 1 and 3 of
16 this section. To be eligible for such tax credits, such a
17 business, during one of its tax years, shall employ within a
18 distressed community at least twice as many employees as were
19 employed at the beginning of that tax year. A business hiring
20 employees shall have no more than ~~[one]~~ two hundred employees in
21 the distressed community before the addition of the new
22 employees. This subsection shall only apply to a business which
23 is a manufacturing, biomedical, medical devices, scientific
24 research, animal research, computer software design or
25 development, computer programming or telecommunications business,
26 or a professional firm.

27 6. Tax credits shall be approved for applicants meeting the
28 requirements of this section in the order that such applications

1 are received. Certificates of tax credits issued in accordance
2 with this section may be transferred, sold or assigned by filing
3 a notarized endorsement thereof with the department which names
4 the transferee and the amount of tax credits transferred, and any
5 revocation, partial revocation or repayment of a tax credit
6 issued pursuant to this section shall apply only to the original
7 applicant for the tax credit and not to a good faith subsequent
8 purchaser or transferee thereof.

9 7. The tax credits allowed pursuant to subsections 1, 2, 3,
10 4 and 5 of this section shall be for an amount of no more than
11 ten million dollars for each year beginning in 1999. The total
12 maximum credit for all entities already located in distressed
13 communities and claiming credits pursuant to subsection 4 of this
14 section shall be seven hundred and fifty thousand dollars. The
15 department of economic development in approving taxpayers for the
16 credit as provided for in subsection 6 of this section shall use
17 information provided by the department of revenue regarding taxes
18 paid in the previous year, or projected taxes for those entities
19 newly established in the state, as the method of determining when
20 this maximum will be reached and shall maintain a record of the
21 order of approval. Any tax credit not used in the period for
22 which the credit was approved may be carried over until the full
23 credit has been allowed. If the total amount of tax credits
24 authorized pursuant to subsections 1, 2 and 3 of this section is
25 not used in a given year, then such excess portion shall be added
26 to the maximum amount of tax credits available pursuant to
27 subsection 2 of section 348.302, RSMo, for the following year.

28 8. A Missouri employer relocating into a distressed

1 community and having employees covered by a collective bargaining
2 agreement at the facility from which it is relocating shall not
3 be eligible for the credits in subsection 1, 3, 4 or 5 of this
4 section, and its employees shall not be eligible for the credit
5 in subsection 2 of this section if the relocation violates or
6 terminates a collective bargaining agreement covering employees
7 at the facility, unless the affected collective bargaining unit
8 concurs with the move.

9 9. Notwithstanding any provision of law to the contrary, no
10 taxpayer shall earn the tax credits allowed in this section and
11 the tax credits otherwise allowed in section 135.110, or the tax
12 credits, exemptions, and refund otherwise allowed in sections
13 135.200, 135.220, 135.225 and 135.245, respectively, for the same
14 business for the same tax period. A change in ownership or
15 control of a taxpayer shall not revoke or otherwise restrict the
16 tax credits allowed pursuant to this section.

17 143.811. 1. Under regulations prescribed by the director
18 of revenue, interest shall be allowed and paid at the rate
19 determined by section 32.065, RSMo, on any overpayment in respect
20 of the tax imposed by sections 143.011 to 143.996; except that,
21 where the overpayment resulted from the filing of an amendment of
22 the tax by the taxpayer after the last day prescribed for the
23 filing of the return, interest shall be allowed and paid at the
24 rate of six percent per annum. With respect to the part of an
25 overpayment attributable to a deposit made pursuant to subsection
26 2 of section 143.631, interest shall be paid thereon at the rate
27 in section 32.065, RSMo, from the date of the deposit to the date
28 of refund. No interest shall be allowed or paid if the amount

1 thereof is less than one dollar.

2 2. For purposes of this section:

3 (1) Any return filed before the last day prescribed for the
4 filing thereof shall be considered as filed on such last day
5 determined without regard to any extension of time granted the
6 taxpayer;

7 (2) Any tax paid by the taxpayer before the last day
8 prescribed for its payment, any income tax withheld from the
9 taxpayer during any calendar year, and any amount paid by the
10 taxpayer as estimated income tax for a taxable year shall be
11 deemed to have been paid by him on the fifteenth day of the
12 fourth month following the close of his taxable year to which
13 such amount constitutes a credit or payment.

14 3. For purposes of this section with respect to any
15 withholding tax:

16 (1) If a return for any period ending with or within a
17 calendar year is filed before April fifteenth of the succeeding
18 calendar year, such return shall be considered filed April
19 fifteenth of such succeeding calendar year; and

20 (2) If a tax with respect to remuneration paid during any
21 period ending with or within a calendar year is paid before April
22 fifteenth of the succeeding calendar year, such tax shall be
23 considered paid on April fifteenth of such succeeding calendar
24 year.

25 4. If any overpayment of tax imposed by sections 143.011 to
26 143.996 is refunded within four months after the last date
27 prescribed (or permitted by extension of time) for filing the
28 return of such tax or within four months after the return was

1 filed, whichever is later, no interest shall be allowed under
2 this section on overpayment.

3 5. Any overpayment resulting from a carryback, including a
4 net operating loss and a corporate capital loss, shall be deemed
5 not to have been made prior to the close of the taxable year in
6 which the loss arises.

7 166.550. 1. There is hereby established in the state
8 treasury a special trust fund, to be known as the "Missouri Bio-
9 Medical Incentive Trust". The Missouri bio-medical incentive
10 trust shall be divided into separate accounts to be known as the
11 "MBIT Capital Account" and the "MBIT Operating Account". The
12 state treasurer shall credit to, and deposit in, the Missouri
13 bio-medical incentive trust capital account all amounts received
14 from federal, state, county and municipal government or political
15 subdivision appropriations and from grants, gifts, bequests, or
16 other private or public sources as granted or given for this
17 specific purpose. The state treasurer shall invest money in the
18 MBIT capital account in the same manner as surplus state funds
19 are invested pursuant to section 30.260, RSMo. Contributors or
20 donors to the Missouri bio-medical incentive trust may specify
21 that all or a portion of their donation be deposited directly
22 into the MBIT operating account.

23 2. All earnings resulting from the investment of the money
24 in the MBIT capital account shall be credited not less than
25 quarterly to the MBIT operating account.

26 3. Money accruing to and deposited in the trust fund shall
27 not be a part of "total state revenues" as defined in sections 17
28 and 18 of article X of the constitution of the state of Missouri

1 and the expenditure of such revenue shall not be an expense of
2 state government under section 20 of Article X of the
3 constitution of Missouri. The provisions of section 33.080, RSMo
4 to the contrary notwithstanding, any unexpended balance in any
5 account of the Missouri bio-medical incentive trust shall not be
6 transferred and placed to the credit of the state general revenue
7 fund.

8 4. The Missouri bio-medical incentive trust shall foster
9 and encourage the continued development of advanced bio-medical
10 and life sciences research in Missouri and it may provide grants,
11 subsidies, fees, emoluments, awards, and incentives to private or
12 public schools, hospitals, research or scientific centers or to
13 private individuals for any of the following purposes:

14 (1) To recognize and reward outstanding achievement or
15 service in the field of life science or bio-medical research;

16 (2) To encourage and foster excellence in the field of life
17 science and bio-medical research;

18 (3) To provide incentives or grants to individuals and
19 organizations to invest in expanded research facilities and
20 programs in the field of life science and bio-medical research;

21 (4) To fund specific activities, scholarships or research
22 programs that contribute significantly to the advancement of
23 scientific knowledge in the field of life sciences or bio-medical
24 studies;

25 (5) To invest in profit or not-for-profit companies
26 incorporated in the state of Missouri or elsewhere that engage in
27 significant research activities in the field of life science or
28 bio-medical studies and research or that contribute significantly

1 to the development of the life sciences and bio-medical research
2 in the state of Missouri;

3 (6) To purchase or lease buildings or equipment or to
4 purchase land, or lease land, as may be determined useful in the
5 pursuit of the purposes of the Missouri bio-medical incentive
6 trust;

7 (7) To pay the costs of administration and organization of
8 the trust, the trustees and staff, and the MBIT capital account
9 and the MBIT operating account.

10 5. The MBIT operating account shall be administered by a
11 board of trustees, consisting of the state treasurer, two members
12 of the senate appointed by the president pro-tem and two members
13 of the house of representatives appointed by the speaker of the
14 house and four members of the life sciences and bio-medical
15 academic community, four members of the life sciences and bio-
16 medical medical community and four members appointed at large by
17 the governor with the advice and consent of the senate. The
18 trustees shall be appointed to six-year terms staggered every two
19 years. The governor shall initially appoint four members to a
20 six-year term, four members to a four-year term and four members
21 to a two-year term. Upon the expiration of the original terms
22 designated by the governor, each new appointee shall have a six-
23 year term. Upon death or resignation, the governor shall appoint
24 members to fill the unexpired term of the initial appointee. The
25 governor shall designate the chairman of the board of trustees.

26 6. The board of trustees shall, in the exercise of their
27 responsibilities and within the limits of funds deposited in the
28 MBIT operating account, have the authority to appoint an

1 executive director and other staff, invest in stocks, bonds or
2 other securities or negotiable instruments, buy, sell, or lease
3 property or equipment, enter into contracts and agreements, and
4 borrow monies, pledge collateral or otherwise commit the assets
5 and income of the MBIT operating account for such purposes as
6 deemed appropriate.

7 7. The moneys deposited and invested in the MBIT capital
8 account shall not be pledged, encumbered, appropriated or
9 diminished by any action of the state of Missouri. Any use of
10 the MBIT capital account or MBIT operating account for any
11 purposes other than those designated in subsection 4 of this
12 section shall entitle donors to such fund the immediate right to
13 a refund of their donation less interest earned thereon.

14 8. The Missouri bio-medical incentive trust shall only be
15 used for grants and activities within the state of Missouri. The
16 Missouri bio-medical incentive trust capital account shall only
17 be used to provide investment income to the MBIT operating
18 account and shall not be used for any other purpose and shall not
19 be encumbered, pledged or collateralized pursuant to any
20 agreement or action by the state of Missouri or by the Missouri
21 bio-medical incentive trust board of trustees. All expenditures
22 made pursuant to this section shall be subject to the provisions
23 of executive order 01-10, as such provisions were promulgated by
24 the governor on July 23, 2001, and regardless of whether said
25 executive order is in effect or is later amended.

26 9. The state auditor shall audit the accounts of the
27 Missouri bio-medical incentive trust annually and shall provide a
28 report of its annual audit to the general assembly and to the

1 board of trustees.

2 238.230. 1. If approved by:

3 (1) A majority of the qualified voters voting on the
4 question in the district; or

5 (2) The owners of record of all of the real property
6 located within the district who shall indicate their approval by
7 signing a special assessment petition;
8 the district may make one or more special assessments for those
9 project improvements which specially benefit the properties
10 within the district. Improvements which may confer special
11 benefits within a district include but are not limited to
12 improvements which are intended primarily to serve traffic
13 originating or ending within the district, to reduce local
14 traffic congestion or circuitry of travel, or to improve the
15 safety of motorists or pedestrians within the district.

16 2. The ballot question shall be substantially in the
17 following form:

18 Shall the Transportation Development
19 District be authorized to levy special assessments against
20 property benefited within the district for the purpose of
21 providing revenue for the development of a project (or projects)
22 in the district (insert general description of the project or
23 projects, if necessary), said special assessments to be levied
24 ratably against each tract, lot or parcel of property within the
25 district which is benefited by such project in proportion to the
26 (insert method of allocating special assessments), in an amount
27 not to exceed \$ per annum per (insert unit of
28 measurement)?

1 3. The special assessment petition shall be substantially
2 in the following form:

3 The Transportation
4 Development District shall be authorized to levy special
5 assessments against property benefited within the district for
6 the purpose of providing revenue for the development of a project
7 (or projects) in the district (insert general description of the
8 project or projects, if necessary), said special assessments to
9 be levied pro rata against each tract, lot or parcel or property
10 within the district which is benefited by such project in
11 proportion to the (insert method of allocating special
12 assessments), in an amount not to exceed \$..... per annum per
13 (insert unit of measurement).

14 4. If a proposal for making a special assessment fails, the
15 district board of directors may, with the prior approval of the
16 commission or the local transportation authority which will
17 assume ownership of the completed project, delete from the
18 project any portion which was to be funded by special assessment
19 and which is not otherwise required for project integrity.

20 5. Annual payments and total assessments may be apportioned
21 in any reasonable manner among parcels of benefited real property
22 within the district. Special assessments shall constitute a lien
23 against each parcel assessed by a district to the same extent,
24 and shall be enforced in the same manner, as a lien for general
25 real estate taxes. A default in the payment of one annual
26 special assessment payment shall not accelerate the due date of
27 subsequent annual special assessment payments.

28 6. No suit to set aside or contest special assessments made

1 pursuant to this section may be brought more than ninety days
2 after the initial notice of such assessment is given to the
3 owners of record of affected parcels of real property.

4 348.300. As used in sections 348.300 to 348.318, the
5 following terms mean:

6 (1) "Commercial activity located in Missouri", any
7 research, development, prototype fabrication, and subsequent
8 precommercialization activity, or any activity related thereto,
9 conducted in Missouri for the purpose of producing a service or a
10 product or process for manufacture, assembly or sale or
11 developing a service based on such a product or process by any
12 person, corporation, partnership, joint venture, unincorporated
13 association, trust or other organization doing business in
14 Missouri. Subsequent to January 1, 1999, a commercial activity
15 located in Missouri shall mean only such activity that is located
16 within a distressed community, as defined in section 135.530,
17 RSMo;

18 (2) "Follow-up capital", capital provided to a commercial
19 activity located in Missouri or any other Missouri business in
20 which a qualified fund has previously invested seed capital or
21 start-up capital within the previous three years and which does
22 not exceed ten times the amount of such seed and start-up
23 capital;

24 (3) "Qualified contribution", cash contribution to a
25 qualified fund;

26 (4) "Qualified economic development organization", any
27 corporation organized under the provisions of chapter 355, RSMo,
28 which has as of January 1, 1991, obtained a contract with the

1 department of economic development to operate an innovation
2 center to promote, assist and coordinate the research and
3 development of new services, products or processes in the state
4 of Missouri; and the Missouri technology corporation organized
5 pursuant to the provisions of sections 348.253 to 348.266;

6 (5) "Qualified fund", any corporation, partnership, joint
7 venture, unincorporated association, trust or other organization
8 which is established under the laws of Missouri after December
9 31, 1985, which meets all of the following requirements
10 established by this subdivision. The fund shall have as its sole
11 purpose and business the making of investments, of which at least
12 ninety percent of the dollars invested shall be qualified
13 investments. The fund shall enter into a contract with one or
14 more qualified economic development organizations which shall
15 entitle the qualified economic development organizations to
16 receive not less than ten percent of all distributions of equity
17 and dividends or other earnings of the fund. Such contracts
18 shall require the qualified fund to transfer to the Missouri
19 technology corporation organized pursuant to the provisions of
20 sections 348.253 to 348.266, this interest and make corresponding
21 distributions thereto in the event the qualified economic
22 development organization holding such interest is dissolved or
23 ceases to do business for a period of one year or more;

24 (6) "Qualified investment", any investment of seed capital,
25 start-up capital, or follow-up capital in any commercial activity
26 located in Missouri;

27 (7) "Person", any individual, corporation, partnership or
28 other entity;

1 (8) "Seed capital", capital provided to a commercial
2 activity located in Missouri for research, development and
3 precommercialization activities to prove a concept for a new
4 product or process or service, and for activities related
5 thereto;

6 (9) "Start-up capital", capital provided to a commercial
7 activity located in Missouri for use in preproduction product
8 development or service development or initial marketing thereof,
9 and for activities related thereto;

10 (10) "State tax liability", any state tax liability
11 incurred by a taxpayer under the provisions of chapters 143, 147
12 and 148, RSMo, exclusive of the provisions relating to the
13 withholding of tax as provided for in sections 143.191 to
14 143.265, RSMo, and related provisions;

15 (11) "Uninvested capital", the amount of any distribution,
16 other than of earnings, by a qualified fund made within five
17 years of the issuance of a certificate of tax credit as provided
18 by sections 348.300 to 348.318; or the portion of all qualified
19 contributions to a qualified fund which are not invested as
20 qualified investments within five years of the issuance of a
21 certificate of tax credit as provided by sections 348.300 to
22 348.318 to the extent that the amount not so invested exceeds ten
23 percent of all such qualified contributions.

24 348.302. 1. Any person who makes a qualified contribution
25 to a qualified fund shall be entitled to receive a tax credit
26 equal to [fifty] seventy-five percent of the amount of the
27 qualified contribution. The tax credit shall be evidenced by a
28 tax credit certificate in accordance with the provisions of

1 sections 348.300 to 348.318 and may be used to satisfy the state
2 tax liability of the owner of such certificate that becomes due
3 in the tax year in which the qualified contribution is made, or
4 in any of the ten tax years thereafter. No person may receive a
5 tax credit pursuant to sections 348.300 to 348.318 unless that
6 person presents a tax credit certificate to the department of
7 revenue for payment of such state tax liability.

8 2. The amount of such qualified contributions which can be
9 made is limited so that the aggregate of all tax credits
10 authorized [under] pursuant to the provisions of sections 348.300
11 to 348.318 shall not exceed nine million dollars. All tax
12 credits authorized [under] pursuant to the provisions of this
13 section may be transferred, sold or assigned.

14 [135.535. 1. A corporation, limited liability
15 corporation, partnership or sole proprietorship, which
16 moves its operations from outside Missouri or outside a
17 distressed community into a distressed community, or
18 which commences operations in a distressed community on
19 or after January 1, 1999, and in either case has more
20 than seventy-five percent of its employees at the
21 facility in the distressed community, and which has
22 fewer than one hundred employees for whom payroll taxes
23 are paid, and which is a manufacturing, biomedical,
24 medical devices, scientific research, animal research,
25 computer software design or development, computer
26 programming, telecommunications or a professional firm
27 shall receive a forty percent credit against income
28 taxes owed pursuant to chapter 143, 147 or 148, RSMo,
29 other than taxes withheld pursuant to sections 143.191
30 to 143.265, RSMo, for each of the three years after
31 such move, if approved by the department of economic
32 development, which shall issue a certificate of
33 eligibility if the department determines that the
34 taxpayer is eligible for such credit. The maximum
35 amount of credits per taxpayer set forth in this
36 subsection shall not exceed one hundred twenty-five
37 thousand dollars for each of the three years for which
38 the credit is claimed. The department of economic
39 development, by means of rule or regulation promulgated
40 pursuant to the provisions of chapter 536, RSMo, shall

1 assign appropriate standard industrial classification
2 numbers to the companies which are eligible for the tax
3 credits provided for in this section. Such three-year
4 credits shall be awarded only one time to any company
5 which moves its operations from outside of Missouri or
6 outside of a distressed community into a distressed
7 community or to a company which commences operations
8 within a distressed community. A taxpayer shall file
9 an application for certification of the tax credits for
10 the first year in which credits are claimed and for
11 each of the two succeeding taxable years for which
12 credits are claimed.

13 2. Employees of such facilities physically
14 working and earning wages for that work within a
15 distressed community whose employers have been approved
16 for tax credits pursuant to subsection 1 of this
17 section by the department of economic development for
18 whom payroll taxes are paid shall, also be eligible to
19 receive a tax credit against individual income tax,
20 imposed pursuant to chapter 143, RSMo, equal to one and
21 one-half percent of their gross salary paid at such
22 facility earned for each of the three years that the
23 facility receives the tax credit provided by this
24 section, so long as they were qualified employees of
25 such entity. The employer shall calculate the amount
26 of such credit and shall report the amount to the
27 employee and the department of revenue.

28 3. A tax credit against income taxes owed
29 pursuant to chapter 143, 147 or 148, RSMo, other than
30 the taxes withheld pursuant to sections 143.191 to
31 143.265, RSMo, in lieu of the credit against income
32 taxes as provided in subsection 1 of this section, may
33 be taken by such an entity in a distressed community in
34 an amount of forty percent of the amount of funds
35 expended for computer equipment and its maintenance,
36 medical laboratories and equipment, research laboratory
37 equipment, manufacturing equipment, fiber optic
38 equipment, high speed telecommunications, wiring or
39 software development expense up to a maximum of
40 seventy-five thousand dollars in tax credits for such
41 equipment or expense per year per entity and for each
42 of three years after commencement in or moving
43 operations into a distressed community. A corporation,
44 partnership or sole proprietorship, which has no more
45 than one hundred employees for whom payroll taxes are
46 paid, and which is already located in a distressed
47 community, which expends funds for such equipment as
48 set forth in this subsection in an amount exceeding its
49 average of the prior two years for such equipment,
50 shall be eligible to receive a twenty-five percent tax
51 credit against income taxes owed pursuant to chapters

1 143, 147 and 148, RSMo, up to a maximum of seventy-five
2 thousand dollars in tax credits for such additional
3 equipment and expense per such entity. Tax credits
4 pursuant to this subsection or subsection 1 may be used
5 to satisfy the state tax liability due in the tax year
6 the credit is certified, and that was due during the
7 previous three years, and in any of the five tax years
8 thereafter.

9 4. Tax credits shall be approved for applicants
10 meeting the requirements of this section in the order
11 that such applications are received. Certificates of
12 tax credits issued in accordance with this section may
13 be transferred, sold or assigned by notarized
14 endorsement which names the transferee.

15 5. The tax credits allowed pursuant to
16 subsections 1, 2 and 3 of this section shall be for an
17 amount of no more than ten million dollars for each
18 year beginning in 1999. The total maximum credit for
19 all entities already located in distressed communities
20 and claiming credits pursuant to subsection 3 of this
21 section shall be seven hundred and fifty thousand
22 dollars. The department of economic development in
23 approving taxpayers for the credit as provided for in
24 subsection 4 of this section shall use information
25 provided by the department of revenue regarding taxes
26 paid in the previous year, or projected taxes for those
27 entities newly established in the state, as the method
28 of determining when this maximum will be reached and
29 shall maintain a record of the order of approval. Any
30 tax credit not used in the period for which the credit
31 was approved may be carried over until the full credit
32 has been allowed.

33 6. A Missouri employer relocating into a
34 distressed community and having employees covered by a
35 collective bargaining agreement at the facility from
36 which it is relocating shall not be eligible for the
37 credits in subsection 1 or 3 of this section, and its
38 employees shall not be eligible for the credit in
39 subsection 2 of this section if the relocation violates
40 or terminates a collective bargaining agreement
41 covering employees at the facility, unless the affected
42 collective bargaining unit concurs with the move.

43 7. Notwithstanding any provision of law to the
44 contrary, no taxpayer shall earn the tax credits
45 allowed in this section and the tax credits otherwise
46 allowed in section 135.110, or the tax credits,
47 exemptions, and refund otherwise allowed in sections
48 135.200, 135.220, 135.225 and 135.245, respectively,
49 for the same business for the same tax period.

50 8. An existing business located within a
51 distressed community, that hires new employees within

1 such distressed communities may be eligible for the tax
2 credits provided in this section. In order to be
3 eligible for such tax credits, the business located
4 within the distressed community, during one of its tax
5 years, must employ within such distressed communities
6 at least twice as many workers as were employed at the
7 beginning of that tax year. Prior to the addition of
8 the new employees, the business shall have no more than
9 one hundred employees. The provisions of this section
10 shall apply only to a business which is a
11 manufacturing, biomedical, medical devices, scientific
12 research, animal research, computer software design or
13 development, computer programming, or
14 telecommunications business or a professional firm.]