SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 1434 & 1600

98TH GENERAL ASSEMBLY

4473S.04T 2016

AN ACT


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

Section A. Sections 99.805, 99.820, 99.825, 99.845, and 99.865, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 99.805, 99.820, 99.825, 99.845, and 99.865, to read as follows:

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

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

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

3. "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;

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

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or
(b) Result in increased employment in the municipality; or
(c) Result in preservation or enhancement of the tax base of the municipality;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Demolition of buildings;

c. The clearing and grading of land;

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

(e) Initial costs for an economic development area;

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

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

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

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

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

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

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

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

99.820. 1. A municipality may:

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

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

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement
24 relating to the development of property shall be made without making public disclosure of the
terms of the disposition and all bids and proposals made in response to the municipality’s
request. Such procedures for obtaining such bids and proposals shall provide reasonable
opportunity for any person to submit alternative proposals or bids;
28 (4) Within a redevelopment area, clear any area by demolition or removal of existing
buildings and structures;
29 (5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or
building;
30 (6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site
improvements essential to the preparation of the redevelopment area for use in accordance with
a redevelopment plan;
31 (7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges
for the use of any building or property owned or leased by it or any part thereof, or facility
therein;
38 (8) Accept grants, guarantees, and donations of property, labor, or other things of value
from a public or private source for use within a redevelopment area;
39 (9) Acquire and construct public facilities within a redevelopment area;
40 (10) Incur redevelopment costs and issue obligations;
41 (11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;
43 (12) Disburse surplus funds from the special allocation fund to taxing districts as
follows:
45 (a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within
the redevelopment area which impose ad valorem taxes on a basis that is proportional to the
current collections of revenue which each taxing district receives from real property in the
redevelopment area;
46 (b) Surplus economic activity taxes shall be distributed to taxing districts in the
redevelopment area which impose economic activity taxes, on a basis that is proportional to the
amount of such economic activity taxes the taxing district would have received from the
redevelopment area had tax increment financing not been adopted;
49 (c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes,
deposited in the special allocation fund, shall be distributed on a basis that is proportional to the
total receipt of such other revenues in such account in the year prior to disbursement;
53 (13) If any member of the governing body of the municipality, a member of a
commission established pursuant to subsection 2 or 3 of this section, or an employee or
consultant of the municipality, involved in the planning and preparation of a redevelopment plan,
or redevelopment project for a redevelopment area or proposed redevelopment area, owns or
controls an interest, direct or indirect, in any property included in any redevelopment area, or
proposed redevelopment area, which property is designated to be acquired or improved pursuant
to a redevelopment project, he or she shall disclose the same in writing to the clerk of the
municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any
such interest, which disclosures shall be acknowledged by the governing body of the
municipality and entered upon the minutes books of the governing body of the municipality. If
an individual holds such an interest, then that individual shall refrain from any further official
involvement in regard to such redevelopment plan, redevelopment project or redevelopment area,
from voting on any matter pertaining to such redevelopment plan, redevelopment project or
redevelopment area, or communicating with other members concerning any matter pertaining
to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such
member or employee shall acquire any interest, direct or indirect, in any property in a
redevelopment area or proposed redevelopment area after either (a) such individual obtains
knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant
to section 99.830, whichever first occurs;

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

2. Prior to adoption of an ordinance approving the designation of a redevelopment area
or approving a redevelopment plan or redevelopment project, the municipality shall create a
commission of nine persons if the municipality is a county or a city not within a county and not
a first class county with a charter form of government with a population in excess of nine
hundred thousand, and eleven persons if the municipality is not a county and not in a first class
county with a charter form of government having a population of more than nine hundred
thousand, and twelve persons if the municipality is located in or is a first class county with a
charter form of government having a population of more than nine hundred thousand, to be
appointed as follows:

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

(2) In all municipalities one member shall be appointed, in any manner agreed upon by
the affected districts, to represent all other districts levying ad valorem taxes within the area
selected for a redevelopment project or the redevelopment area, excluding representatives of the
governing body of the municipality;
(3) In all municipalities six members shall be appointed by the chief elected officer of
the municipality, with the consent of the majority of the governing body of the municipality;

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

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

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

(7) At the option of the members appointed by the municipality, the members who are
appointed by the school boards and other taxing districts may serve on the commission for a term
to coincide with the length of time a redevelopment project, redevelopment plan or designation
of a redevelopment area is considered for approval by the commission, or for a definite term
pursuant to this subdivision. If the members representing school districts and other taxing
districts are appointed for a term coinciding with the length of time a redevelopment project, plan
or area is approved, such term shall terminate upon final approval of the project, plan or
designation of the area by the governing body of the municipality. Thereafter the commission
shall consist of the six members appointed by the municipality, except that members representing
school boards and other taxing districts shall be appointed as provided in this section prior to any
amendments to any redevelopment plans, redevelopment projects or designation of a
redevelopment area. If any school district or other taxing jurisdiction fails to appoint members
of the commission within thirty days of receipt of written notice of a proposed redevelopment
plan, redevelopment project or designation of a redevelopment area, the remaining members may
proceed to exercise the power of the commission. Of the members first appointed by the
municipality, two shall be designated to serve for terms of two years, two shall be designated to
serve for a term of three years and two shall be designated to serve for a term of four years from
the date of such initial appointments. Thereafter, the members appointed by the municipality
shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms
in the same manner as were the original appointments. Members appointed by the county
executive or presiding commissioner prior to August 28, 2008, shall continue their service on
the commission established in subsection 3 of this section without further appointment unless
the county executive or presiding commissioner appoints a new member or members.

3. Beginning August 28, 2008:

(1) In lieu of a commission created under subsection 2 of this section, any city, town,
or village in a county with a charter form of government and with more than one million
inhabitants, in a county with a charter form of government and with more than two hundred fifty
thousand but fewer than three hundred fifty thousand inhabitants, or in a county of the first
classification with more than one hundred eighty-five thousand but fewer than two hundred
thousand inhabitants shall, prior to adoption of an ordinance approving the designation of a
redevelopment area or approving a redevelopment plan or redevelopment project, create a
commission consisting of twelve persons to be appointed as follows:

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

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

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

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

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

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

4. (1) Any commission created under this section, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830.

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

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

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

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a
redevelopment area, or approving a redevelopment plan or redevelopment project, the
commission shall fix a time and place for a public hearing as required in subsection 4 of section
99.820 and notify each taxing district located wholly or partially within the boundaries of the
proposed redevelopment area, plan or project. At the public hearing any interested person or
affected taxing district may file with the commission written objections to, or comments on, and
may be heard orally in respect to, any issues embodied in the notice. The commission shall hear
and consider all protests, objections, comments and other evidence presented at the hearing. The
hearing may be continued to another date without further notice other than a motion to be entered
upon the minutes fixing the time and place of the subsequent hearing; provided, if the
commission is created under subsection 3 of section 99.820, the hearing shall not be continued
for more than thirty days beyond the date on which it is originally opened unless such longer
period is requested by the chief elected official of the municipality creating the commission and
approved by a majority of the commission. Prior to the conclusion of the hearing, changes may
be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that
each affected taxing district is given written notice of such changes at least seven days prior to
the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance
approving a redevelopment plan or redevelopment project, or designating a redevelopment area,
changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas
without a further hearing, if such changes do not enlarge the exterior boundaries of the
redevelopment area or areas, and do not substantially affect the general land uses established in
the redevelopment plan or substantially change the nature of the redevelopment projects,
provided that notice of such changes shall be given by mail to each affected taxing district and
by publication in a newspaper of general circulation in the area of the proposed redevelopment
not less than ten days prior to the adoption of the changes by ordinance. After the adoption of
an ordinance approving a redevelopment plan or redevelopment project, or designating a
redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the
general land uses established pursuant to the redevelopment plan or changing the nature of the
redevelopment project without complying with the procedures provided in this section pertaining
to the initial approval of a redevelopment plan or redevelopment project and designation of a
redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or
redevelopment plan may be held simultaneously.

2. [Effective January 1, 2008.] If, after concluding the hearing required under this
section, the commission makes a recommendation under section 99.820 in opposition to a
proposed redevelopment plan, redevelopment project, or designation of a redevelopment area,
or any amendments thereto, a municipality desiring to approve such project, plan, designation,
or amendments shall do so only upon a two-thirds majority vote of the governing body of such
municipality. For plans, projects, designations, or amendments approved by a municipality
over the recommendation in opposition by the commission formed under subsection 3 of
section 99.820, the economic activity taxes and payments in lieu of taxes generated by such
plan, project, designation, or amendment shall be restricted to paying only those
redevelopment project costs contained in subparagraphs b and c of paragraph (c) of
subdivision (15) of section 99.805 per redevelopment project.

3. Tax incremental financing projects within an economic development area shall apply
to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers,
traffic control systems and devices, water distribution and supply systems, curbing, sidewalks
and any other similar public improvements, but in no case shall it include buildings.

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

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

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

(b) Notwithstanding any provisions of this section to the contrary, for purposes of
determining the limitation on indebtedness of local government pursuant to Article VI, Section
26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area
selected for redevelopment attributable to the increase above the total initial equalized assessed
valuation shall be included in the value of taxable tangible property as shown on the last
completed assessment for state or county purposes.
(c) The county assessor shall include the current assessed value of all property within
the taxing district in the aggregate valuation of assessed property entered upon the assessor's
book and verified pursuant to section 137.245, and such value shall be utilized for the purpose
of the debt limitation on local government pursuant to Article VI, Section 26(b) of the Missouri
Constitution;

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

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

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection
1 of this section, for redevelopment plans and projects adopted or redevelopment projects
approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from
taxes, penalties and interest which are imposed by the municipality or other taxing districts, and
which are generated by economic activities within the area of the redevelopment project over the
amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales under and pursuant to section 67.700 or 650.399 for the purpose of emergency communication systems, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's sales tax or use tax, other than the renewal of an expiring sales or use tax, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered economic activity taxes subject to deposit into a special allocation fund without the consent of such taxing district.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.
5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The tax increment financing district or redevelopment area, including the businesses
identified within the redevelopment area;
(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

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

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

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

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

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

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

(i) The street address of the development site;

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

(k) The estimated development project costs;

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

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

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

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

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

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

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

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

(t) The total number of full-time equivalent positions in the development area;
(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

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

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

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

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

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

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

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

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

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

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;
(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars; provided, however, that such thirty-two million dollar cap shall not apply to redevelopment plans or projects initially listed by name in the applicable appropriations bill after August 28, 2015, which involve either:

(a) A former automobile manufacturing plant; or
(b) The retention of a federal employer employing over two thousand geospatial intelligence jobs.

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

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

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

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

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

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

15. Notwithstanding any other provision of the law to the contrary, the adoption of any tax increment financing authorized under sections 99.800 to 99.865 shall not supersede, alter, or reduce in any way a property tax levied under section 205.971.
99.865. 1. **No later than November fifteen of** each year, the governing body of the municipality, or its designee, shall prepare a report concerning the status of each redevelopment plan and redevelopment project **existing as of December thirty-first of the preceding year**, and shall submit a copy of such report to the director of the department of [economic development] revenue. The report shall include the following:

1. The amount and source of revenue in the special allocation fund;
2. The amount and purpose of expenditures from the special allocation fund;
3. The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;
4. The original assessed value of the redevelopment project;
5. The assessed valuation added to the redevelopment project;
6. Payments made in lieu of taxes received and expended;
7. The economic activity taxes generated within the redevelopment area in the calendar year prior to the approval of the redevelopment plan, to include a separate entry for the state sales tax revenue base for the redevelopment area or the state income tax withheld by employers on behalf of existing employees in the redevelopment area prior to the redevelopment plan;
8. The economic activity taxes generated within the redevelopment area after the approval of the redevelopment plan, to include a separate entry for the increase in state sales tax revenues for the redevelopment area or the increase in state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;
9. Reports on contracts made incident to the implementation and furtherance of a redevelopment plan or project;
10. A copy of any redevelopment plan, which shall include the required findings and cost-benefit analysis pursuant to subdivisions (1) to (6) of section 99.810;
11. The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired or remodeled;
12. The number of parcels acquired by or through initiation of eminent domain proceedings; and
13. Any additional information the municipality deems necessary.

2. Data contained in the report mandated pursuant to the provisions of subsection 1 of this section **and** shall be made available to the commissioner of administration, who shall publish such reports on the Missouri accountability portal pursuant to section 37.850. Any information regarding amounts disbursed to municipalities pursuant to the provisions of section 99.845 shall be deemed a public record, as defined in section 610.010. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the redevelopment plan and projects therein, amount of outstanding bonded indebtedness and any
additional information the municipality deems necessary shall be published in a newspaper of
general circulation in the municipality.

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

4. The director of the department of [economic development] revenue shall submit a
report to the state auditor, the speaker of the house of representatives, and the president pro tem
of the senate no later than February first of each year. The report shall contain a summary of all
information received by the director pursuant to subsection 1 of this section.

5. For the purpose of coordinating all tax increment financing projects using new state
revenues, the director of the department of economic development may promulgate rules and
regulations to ensure compliance with this section. Such rules and regulations may include
methods for enumerating all of the municipalities which have established commissions pursuant
to section 99.820. No rule or portion of a rule promulgated under the authority of sections
99.800 to 99.865 shall become effective unless it has been promulgated pursuant to the
provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no
force and effect and repealed; however, nothing in this section shall be interpreted to repeal or
affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with
the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable
and if any of the powers vested with the general assembly pursuant to chapter 536, including the
ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a
rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and
any rule so proposed and contained in the order of rulemaking shall be invalid and void.

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

7. [Any municipality which fails] The department of revenue shall provide notice
of any failure to comply with the reporting requirements provided in subsection 1 of this
section to the applicable municipality, specifying any required corrections, by certified mail
addressed to the municipality's chief elected officer. If such municipality does not satisfy
the reporting requirements for which it previously did not comply, as specified in the
notice from the department of revenue, within sixty days of the receipt of the notice, the municipality shall be prohibited from implementing any new tax increment finance project plan for a period of no less than five years from such municipality's failure to comply the date of the department of revenue's notice. All reports filed pursuant to subsection 1 of this section or in response to a notice from the department of revenue pursuant to this subsection shall be deemed accepted by the department of revenue unless the department of revenue provides the applicable municipality with a written objection thereto, specifying any required corrections, by certified mail addressed to the chief elected officer of the municipality within sixty days of the municipality's submission of such report.

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