

HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 1186

1 AN ACT

2 To repeal sections 72.080, 72.130, 141.610,  
3 141.720, 141.750, 141.770, 141.790, and  
4 392.410, RSMo, and to enact in lieu thereof  
5 sixty-one new sections relating to  
6 improvements in services offered by cities.

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

9 Section A. Sections 72.080, 72.130, 141.610, 141.720,  
10 141.750, 141.770, 141.790, and 392.410, RSMo, are repealed and  
11 sixty-one new sections added in lieu thereof, to be known as  
12 sections 67.320, 67.1800, 67.1802, 67.1804, 67.1806, 67.1808,  
13 67.1810, 67.1812, 67.1814, 67.1816, 67.1818, 67.1820, 67.1822,  
14 72.080, 72.130, 82.293, 82.294, 99.915, 99.918, 99.921, 99.924,  
15 99.927, 99.930, 99.933, 99.936, 99.939, 99.944, 99.945, 99.948,  
16 99.951, 99.954, 99.957, 99.960, 99.963, 99.965, 99.966, 99.969,  
17 99.970, 99.972, 99.975, 99.981, 99.984, 99.990, 141.610, 141.720,  
18 141.750, 141.770, 141.790, 198.199, 227.321, 392.410, 650.350,  
19 650.390, 650.393, 650.396, 650.399, 650.402, 650.405, 650.408,  
20 650.411, and 1, to read as follows:

21 67.320. In the event that any political subdivision

1 requires a private owner to set aside a portion of the private  
2 owner's land for future public works and thereafter purchases  
3 such land, the political subdivision shall pay the owner the fair  
4 market value of the property at the time of purchase.

5 67.1800. As used in sections 67.1800 to 67.1822, the  
6 following terms mean:

7 (1) "Airport authority", an entity established by city  
8 ordinance regarding governance of the airport with  
9 representatives appointed by the chief executives of the city,  
10 county, and other approximate counties within the region;

11 (2) "Airport", Lambert-St. Louis International Airport and  
12 any other airport located within the district and designated by a  
13 chief executive;

14 (3) "Airport taxicab", a taxicab which picks up passengers  
15 for hire at the airport, transports them to places they designate  
16 by no regular specific route, and the charge is made on the basis  
17 of distance traveled as indicated by the taximeter;

18 (4) "Chief executive", the mayor of the city and the county  
19 executive of the county;

20 (5) "City", a city not within a county;

21 (6) "Commission", the regional taxicab commission created  
22 in section 67.1804;

23 (7) "County", a county with a charter form of government  
24 and with more than one million inhabitants;

1           (8) "District", the geographical area encompassed by the  
2 regional taxicab commission;

3           (9) "Driver", an individual operator of a motor vehicle and  
4 may be an employee or independent contractor;

5           (10) "Hotel and restaurant industry", the group of  
6 enterprises actively engaged in the business of operating lodging  
7 and dining facilities for transient guests;

8           (11) "Municipality", a city, town, or village which has  
9 been incorporated in accordance with the laws of the state of  
10 Missouri;

11           (12) "On-call/reserve taxicab", any motor vehicle or  
12 nonmotorized carriage engaged in the business of carrying persons  
13 for hire on the streets of the district, whether the same is  
14 hailed on the streets by a passenger or is operated from a street  
15 stand, from a garage on a regular route, or between fixed termini  
16 on a schedule, and where no regular or specific route is  
17 traveled, passengers are taken to and from such places as they  
18 designate, and the charge is made on the basis of distance  
19 traveled as indicated by a taximeter;

20           (13) "Premium sedan", any motor vehicle engaged in the  
21 business of carrying persons for hire on the streets of the  
22 district which seats a total of five or less passengers in  
23 addition to a driver and which carries in each vehicle a manifest  
24 or trip ticket containing the name and pickup address of the

1 passenger or passengers who have arranged for the use of the  
2 vehicle, and the charge is a prearranged fixed contract price  
3 quoted for transportation between termini selected by the  
4 passenger;

5 (14) "Taxicab", airport taxicabs, on-call/reserve taxicabs  
6 and premium sedans referred to collectively as taxicabs;

7 (15) "Taxicab company", the use of one or more taxicabs  
8 operated as a business carrying persons for hire;

9 (16) "Taximeter", a meter instrument or device attached to  
10 an on-call taxicab or airport taxicab which measures mechanically  
11 or electronically the distance driven and the waiting time upon  
12 which the fare is based.

13 67.1802. There is hereby established a "Regional Taxicab  
14 District", with boundaries which shall encompass any city not  
15 within a county and any county with a charter form of government  
16 and with more than one million inhabitants, including all  
17 incorporated municipalities located within such county.

18 67.1804. For the regional taxicab district, there is hereby  
19 established a "Regional Taxicab Commission", which shall be a  
20 body politic and corporate vested with all the powers expressly  
21 granted to it herein and created for the public purposes of  
22 recognizing taxicab service as a public transportation system,  
23 improving the quality of the system, and exercising primary  
24 authority over the provision of licensing, control and

1 regulations of taxicab services within the district.

2 67.1806. 1. The regional taxicab commission shall consist  
3 of a chairperson plus eight members, four of whom shall be  
4 appointed by the chief executive of the city with approval of the  
5 board of aldermen, and four of whom shall be appointed by the  
6 chief executive of the county with approval of the governing body  
7 of the county. Of the eight members first appointed, one city  
8 appointee and one county appointee shall be appointed to a four-  
9 year term, two city appointees and two county appointees shall be  
10 appointed to a three-year term, and one city appointee and one  
11 county appointee shall be appointed to a one-year term. Members  
12 appointed after the expiration of these initial terms shall serve  
13 a four-year term. The chief executive officer of the city and  
14 the chief executive officer of the county shall alternately  
15 appoint a chairperson who shall serve a term of three years. The  
16 respective chief executive who appoints the members of the  
17 commission shall appoint members to fill unexpired terms  
18 resulting from any vacancy of a person appointed by that chief  
19 executive. All members and the chairperson must reside within  
20 the district while serving as a member. All members shall serve  
21 without compensation. Nothing shall prohibit a representative of  
22 the taxicab industry from being chairperson.

23 2. In making the eight appointments set forth in subsection  
24 1 of this section, the chief executive officer of the city and

1 the chief executive officer of the county shall collectively  
2 select four representatives of the taxicab industry. Such four  
3 representatives of the taxicab industry shall include at least  
4 one from each of the following:

5 (1) An owner or designated assignee of a taxicab company  
6 which holds at least one but no more than one hundred taxicab  
7 licenses;

8 (2) An owner or designated assignee of a taxicab company  
9 which holds at least one hundred one taxicab licenses or more;

10 (3) A taxicab driver, excluding any employee or independent  
11 contractor of a company currently represented on the commission.

12 The remaining five commission members shall be designated "at  
13 large" and shall not be a representative of the taxicab industry  
14 or be the spouse of any such person nor be an individual who has  
15 a direct material or financial interest in such industry. If any  
16 representative of the taxicab industry resigns or is otherwise  
17 unable to serve out the term for which such representative was  
18 appointed, a similarly situated representative of the taxicab  
19 industry shall be appointed to complete the specified term.

20 67.1808. The regional taxicab commission is empowered to:

21 (1) Develop and implement plans, policies, and programs to  
22 improve the quality of taxicab service and encourage minority  
23 participation within the district;

1           (2) Cooperate and collaborate with the hotel and restaurant  
2 industry to:

3           (a) Restrict the activities of those doormen employed by  
4 hotels and restaurants who accept payment from taxicab drivers or  
5 taxicab companies in exchange for the doormen's assistance in  
6 obtaining passengers for such taxicab drivers and companies; and

7           (b) Obtain the adherence of hotel shuttle vehicles to the  
8 requirement that they operate solely on scheduled trips between  
9 fixed termini and shall have authority to create guidelines for  
10 hotel and commercial shuttles;

11           (3) Cooperate and collaborate with other governmental  
12 entities, including the government of the United States, this  
13 state, and political subdivisions of this and other states;

14           (4) Cooperate and collaborate with governmental entities  
15 whose boundaries adjoin those of the district to assure that any  
16 taxicab or taxicab company neither licensed by the commission nor  
17 officed within its boundaries shall nonetheless be subject to  
18 those aspects of the taxicab code applicable to taxicabs  
19 operating within the district's boundaries;

20           (5) Contract with any public or private agency, individual,  
21 partnership, association, corporation or other entity, consistent  
22 with law, for the provision of services necessary to improve the  
23 quality of taxicab service within the district;

24           (6) Accept grants and donations from public or private

1 entities for the purpose of improving the quality of taxicab  
2 service within the district;

3 (7) Execute contracts, sue, and be sued;

4 (8) Adopt a taxicab code to license and regulate taxicab  
5 companies and individual taxicabs within the district consistent  
6 with existing ordinances, and to provide for the enforcement of  
7 such code for the purpose of improving the quality of taxicab  
8 service within the district;

9 (9) Collect reasonable fees in an amount sufficient to fund  
10 the commission's licensing, regulatory, inspection, and  
11 enforcement functions; except that, for the first year after the  
12 regional taxicab commission's taxicab code becomes effective, any  
13 increase in fees shall not exceed twenty percent of the total  
14 fees collected and for subsequent years, the fees may be adjusted  
15 annually based on the rate of inflation according to the Consumer  
16 Price Index; and

17 (10) Establish accounts with appropriate banking  
18 institutions, borrow money, buy, sell, or lease property for the  
19 necessary functions of the commission.

20 67.1810. 1. To implement internally the powers which it  
21 has been granted, the commission shall:

22 (1) Elect its own vice chair, secretary, and such other  
23 officers as it deems necessary, make such rules as are necessary  
24 and consistent with the commission's powers;

1           (2) Provide for the expenditure of funds necessary for the  
2 proper administration of the commission's assigned duties;

3           (3) Convene monthly meetings of the entire commission or  
4 more often if deemed necessary by the commission members;

5           (4) Make decisions by affirmative vote of the majority of  
6 the commission; provided that each of the commissioners,  
7 including the chairperson, shall be entitled to one vote on each  
8 matter presented for vote and provided further that at least two  
9 city appointees and two county appointees, excluding the  
10 chairperson, must be included in each majority vote of the  
11 commission.

12           2. The commission shall not exceed or expend moneys in  
13 excess of any fees collected and any moneys provided to the  
14 commission pursuant to section 67.1820.

15           67.1812. Following the appointment of the commissioners,  
16 the regional taxicab commission shall meet for the purpose of  
17 establishing and adopting a district-wide taxicab code. In  
18 promulgating the taxicab code, the commission shall seek, to the  
19 extent reasonably practical, to preserve within the code  
20 provisions similar to those contained in chapter 8.98 of the  
21 city's municipal ordinance and chapter 806 of the county  
22 ordinances, both relating to taxicab issues such as licensing,  
23 regulation, inspection, and enforcement while avoiding  
24 unnecessary overlaps or inconsistencies between the ordinances.

1 The commission shall present a draft of its district-wide taxicab  
2 code at public hearings, one of which will be held in the city  
3 and another in the county, following prior public notice of same.  
4 Notice of the public hearing shall be given by publication at  
5 least twice, the first publication to be not more than thirty  
6 days and the second publication to be not more than ten days  
7 prior to each hearing in a newspaper of general circulation in  
8 the city and county. The commission shall adopt its taxicab code  
9 no later than one hundred eighty days after the appointment of  
10 the initial commission members. The commission shall have the  
11 power to amend the taxicab code from time to time following the  
12 initial adoption without the requirement of public notice or  
13 hearings.

14 67.1814. The commission shall further seek the input of the  
15 city, county, and airport authority generally regarding the  
16 taxicab code and, in particularly with reference to airport  
17 taxicabs, shall seek to ensure:

18 (1) Continuous, smooth airport service during any  
19 transition period from the current city and county operation to  
20 the new regional taxicab commission;

21 (2) The need of the airport authority to provide services  
22 at the airport's passenger terminals; and

23 (3) Airport authority involvement as to the servicing of  
24 the airport by airport taxicabs.

1 The commission shall not regulate the airport or airport taxicabs  
2 as to cab parking, circulation, cab stands, or passenger loading  
3 at the airport, or the payment by airport taxicabs for use of the  
4 airport or its facilities.

5 67.1816. The city and county's ordinances relating to  
6 taxicabs shall remain in full force and effect and be enforced as  
7 such by the city and county until one hundred twenty days after  
8 the regional taxicab commission adopts its taxicab code, at which  
9 time such city and county ordinances shall be deemed to be  
10 rescinded as well as ordinances adopted by municipalities within  
11 the county. Upon the effective date of the taxicab code:

12 (1) All licensing, regulations, inspections, inspections of  
13 taxicabs, and enforcement of the taxicab code shall rest  
14 exclusively with the regional taxicab commission;

15 (2) All taxicabs subject to the taxicab code shall be  
16 required to comply fully with the taxicab code, notwithstanding  
17 any previously issued licenses or certificates of convenience;

18 (3) All permits valid and effective as of August 28, 2002,  
19 shall remain valid and effective until the date of expiration or  
20 renewal of such permit; and

21 (4) All available taxicab licensing, inspection, and  
22 related fees previously collected and remaining unspent by other  
23 jurisdictions shall be immediately paid over the regional taxicab  
24 commission for its future use in administering the taxicab code.

1 The provisions of this section notwithstanding, existing  
2 municipal regulations relating to taxicab curb locations and curb  
3 fees as well as local business licenses which do not seek to  
4 regulate taxicab use shall not be preempted by the taxicab code  
5 except by agreement between the commission and applicable  
6 municipality.

7 67.1818. The commission shall establish as part of the  
8 taxicab code its own internal, administrative procedure for  
9 decisions involving the granting, denying, suspending, or  
10 revoking of licenses. The commission shall study and take into  
11 account rate and fee structures as well as the number of existing  
12 taxicab licenses within the district in considering new  
13 applications for such licenses. The internal procedures set  
14 forth in the taxicab code shall allow appeals from license-  
15 related decisions to be conducted by independent hearing  
16 officers.

17 67.1820. The regional taxicab commission shall initially  
18 establish, subject to public hearings thereon, an annual fee-  
19 generated budget required for the effective implementation and  
20 enforcement of the taxicab code, taking into account staffing  
21 requirements and related expenses as well as all revenue sources,  
22 including collection of fees previously paid to and unspent by  
23 other enforcing jurisdictions and future fees projected to be  
24 collected by the commission. Recognizing the elimination of

1 duties and costs associated with the regulatory and enforcement  
2 functions of taxicab administration previously borne by the city  
3 and county and being assumed by the commission, the city and  
4 county shall have the authority to appropriate additional  
5 budgetary funding for the commission's needs.

6 67.1822. 1. Before the second Monday in April of each  
7 year, the regional taxicab commission shall make an annual report  
8 to the chief executive officers and to the governing bodies of  
9 the city and county stating the conditions of the commission as  
10 of the first day of January of that year, and the sums of money  
11 received and distributed by it during the preceding calendar  
12 year.

13 2. Before the close of the regional taxicab commission's  
14 first fiscal year and at the close of each fiscal year  
15 thereafter, the chief executives of the city and the county shall  
16 appoint one or more certified public accountants who shall  
17 annually examine the books, papers, documents, accounts, and  
18 vouchers of the commission, and who shall report thereon to the  
19 chief executives of the city and the county and to the regional  
20 taxicab commission. The commission shall produce and submit for  
21 examination all books, papers, documents, accounts, and vouchers,  
22 and shall in every way assist such certified public accountants  
23 in the performance of their duties pursuant to this section.

24 72.080. 1. Any unincorporated city, town or other area of

1 the state may, except as otherwise provided in sections 72.400 to  
2 72.420, become a city of the class to which its population would  
3 entitle it pursuant to this chapter, and be incorporated pursuant  
4 to the law for the government of cities of that class, in the  
5 following manner: whenever a number of voters equal to fifteen  
6 percent of the votes cast in the last gubernatorial election in  
7 the area proposed to be incorporated shall present a petition to  
8 the governing body of the county in which such city or town or  
9 area is situated, such petition shall describe, by metes and  
10 bounds, the area to be incorporated and be accompanied by a plat  
11 thereof, shall state the approximate population and the assessed  
12 valuation of all real and personal property in the area and shall  
13 state facts showing that the proposed city shall have the ability  
14 to furnish normal municipal services within a reasonable time  
15 after its incorporation is to become effective and praying that  
16 the question be submitted to determine if it may be incorporated.  
17 If the governing body shall be satisfied that a number of voters  
18 equal to fifteen percent of the votes cast in the last  
19 gubernatorial election in the area proposed to be incorporated  
20 have signed such petition, the governing body shall submit the  
21 question to the voters.

22 2. The county may make changes in the petition to correct  
23 technical errors or to redefine the metes and bounds of the area  
24 to be incorporated to reflect other boundary changes occurring

1 within six months prior to the time of filing the petition.  
2 Petitions submitted by proposing agents may be submitted with  
3 exclusions for the signatures collected in areas originally  
4 included in the proposal but subsequently annexed or incorporated  
5 separately as a city, town or village, although the governing  
6 body shall be satisfied as to the sufficiency of the signatures  
7 for the final proposed area. If a majority of the voters voting  
8 on the question vote for incorporation, the governing body shall  
9 declare such city, town or other area incorporated, designating  
10 in such order the metes and bounds thereof, and thenceforth the  
11 inhabitants within such bounds shall be a body politic and  
12 incorporate, by the name and style of "the city of .....",  
13 or "the town of .....", and the first officers of such city  
14 or town shall be designated by the order of the governing body,  
15 who shall hold their offices until the next municipal election  
16 and until their successors shall be duly elected and qualified.  
17 The county shall pay the costs of the election.

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

22 4. Any unincorporated area located within any county of the  
23 first classification without a charter form of government and  
24 with more than eighty-two thousand but less than eighty-two

1 thousand one hundred inhabitants may incorporate as a city of the  
2 class to which its population would entitle it pursuant to this  
3 chapter notwithstanding any proposed annexation of the  
4 unincorporated area by any city of the third or fourth  
5 classification or any home rule city with more than four hundred  
6 thousand inhabitants and located in more than one county. If any  
7 city of the third or fourth classification or any home rule city  
8 with more than four hundred thousand inhabitants and located in  
9 more than one county proposes annexation by ordinance or  
10 resolution of any unincorporated area as defined in this  
11 subsection, no such annexation shall become effective until after  
12 the qualified voters in the unincorporated area proposed to be  
13 incorporated fail to approve the proposed incorporation by a  
14 majority vote in the election described in subsection 2 of this  
15 section.

16 5. Prior to the election described in subsection 2 of this  
17 section, if the owner or owners of either the majority of the  
18 commercial or the majority of the agricultural classification of  
19 real property in the proposed area to be incorporated object to  
20 such incorporation, such owner or owners may file an action in  
21 the circuit court of the county in which such unincorporated area  
22 is situated, pursuant to [the provisions of] chapter 527, RSMo,  
23 praying for a declaratory judgment requesting that such  
24 incorporation be declared unreasonable by the court. As used in

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

15 72.130. Except as provided in sections 72.400 to 72.420, no  
16 city, town, village or other area shall be organized within this  
17 state under and by virtue of any law thereof, adjacent to or  
18 within two miles of the limits of any city of the first, second,  
19 third or fourth classification or any constitutional charter  
20 city, unless the city, town, village or other area be in a  
21 different county from the city or unless the city, town, or  
22 village is located within any county of the first classification  
23 without a charter form of government and with more than  
24 eighty-two thousand but less than eighty-two thousand one hundred

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

13 82.293. 1. Absent explicit statutory authority, no  
14 constitutional charter city with more than seventy thousand five  
15 hundred but less than seventy-one thousand inhabitants located at  
16 least in part within a county of the first classification with  
17 more than eighty-two thousand but less than eighty-two thousand  
18 one hundred inhabitants shall enact any ordinance, regulation, or  
19 resolution that would impose a surcharge or other fee to  
20 compensate any political subdivision organized pursuant to  
21 chapter 162, RSMo.

22 2. If any provision of this section or the application  
23 thereof to anyone or to any circumstances is held invalid, the  
24 remainder of section A of this act and the application of such

1 provisions to others or other circumstances shall not be affected  
2 thereby.

3 82.294. 1. Absent explicit statutory authority, no city  
4 shall enact any ordinance, regulation, or resolution that would  
5 impose a surcharge or other fee to compensate any political  
6 subdivision organized pursuant to chapter 162, RSMo.

7 2. If any provision of this section or the application  
8 thereof to anyone or to any circumstances is held invalid, the  
9 remainder of section A of this act and the application of such  
10 provisions to others or other circumstances shall not be affected  
11 thereby.

12 99.915. 1. Sections 99.915 to 99.984 shall be known and  
13 may be cited as the "Missouri Downtown Economic Stimulus Act".

14 2. Nothing in sections 99.915 to 99.984 shall be construed  
15 to provide any funding for the construction, maintenance, or  
16 operation of any sports stadium or related facility.

17 99.918. Each municipality may create an authority to be  
18 known as a "Downtown Economic Stimulus Authority"; provided,  
19 however:

20 (1) No such authority shall transact any business or  
21 exercise its powers under sections 99.915 to 99.984 until and  
22 unless the governing body of such municipality shall, in  
23 accordance with subsection 1 of section 99.954, approve by  
24 ordinance the exercise of the powers, functions, and duties of an

1 authority under sections 99.915 to 99.984;

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

5 (a) That it would be in the interest of the public to  
6 consider the establishment of a development area in accordance  
7 with sections 99.915 to 99.984;

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

11 (c) That it is anticipated that such a development area can  
12 be renovated through a series of one or more development  
13 projects.

14 99.921. 1. Each authority shall be governed by a board of  
15 commissioners. The number of commissioners serving on the board  
16 of each authority shall be no less than five and no more than  
17 thirteen, which number shall be established by ordinance of the  
18 municipality of which one shall be a member of any local  
19 community development corporation, if one exists in the  
20 municipality, and one shall be an owner of a minority business in  
21 the municipality and one member shall be appointed by the school  
22 boards whose districts are included within the development plan  
23 or development area. In addition to the members of the board of  
24 commissioners established pursuant to this subsection, in all

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

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

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

1 cities in the county which have tax increment financing districts  
2 in a manner in which the cities shall agree.

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

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

24 99.927. A commissioner of an authority shall receive no

1 compensation for his or her services, but may receive the  
2 necessary expenses, including traveling expenses, incurred in the  
3 discharge of his or her duties. Each commissioner shall hold  
4 office until a successor has been appointed.

5 99.930. A commissioner of an authority may be removed by  
6 the mayor or chief executive officer of the municipality for  
7 inefficiency or neglect of duty or misconduct in office.

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

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

23 99.936. 1. The authority shall constitute a public body  
24 corporate and politic, exercising public and essential

1 governmental functions and having all the powers necessary or  
2 convenient to carry out and effectuate the purposes and  
3 provisions of sections 99.915 to 99.984, including the following  
4 powers in addition to others granted pursuant to sections 99.915  
5 to 99.984:

6 (1) To sue and to be sued; to have a seal and to alter the  
7 same at pleasure; to have perpetual succession; to make and  
8 execute contracts and other instruments necessary or convenient  
9 to the exercise of the powers of the authority; and to make and  
10 from time to time amend and repeal bylaws, rules, and  
11 regulations, not inconsistent with sections 99.915 to 99.984, to  
12 carry out the provisions of sections 99.915 to 99.984;

13 (2) To prepare or cause to be prepared and approved  
14 development plans and development projects to be considered at  
15 public hearings in accordance with sections 99.915 to 99.984 and  
16 to undertake and carry out development plans and development  
17 projects which have been adopted by ordinance;

18 (3) To arrange or contract for the furnishing or repair, by  
19 any person or agency, public or private, of services, privileges,  
20 streets, roads, public utilities, or other facilities for or in  
21 connection with any development project; and notwithstanding  
22 anything to the contrary contained in sections 99.915 to 99.984  
23 or any other provision of law, to agree to any conditions that it  
24 may deem reasonable and appropriate attached to federal financial

1 assistance and imposed pursuant to federal law relating to the  
2 determination of prevailing salaries or wages or compliance with  
3 labor standards in the undertaking or carrying out of any  
4 development project, and to include in any contract let in  
5 connection with any such development project provisions to  
6 fulfill such of the conditions as it may deem reasonable and  
7 appropriate;

8 (4) Within a development area, to acquire by purchase,  
9 lease, gift, grant, bequest, devise, or otherwise, or obtain  
10 options upon, any real or personal property or any interest  
11 therein, necessary or incidental to a development project, all in  
12 the manner and at such price as the authority determines is  
13 reasonably necessary to achieve the objectives of a development  
14 plan;

15 (5) Within a development area, subject to provisions of  
16 section 99.939 with regard to the disposition of real property,  
17 to sell, lease, exchange, transfer, assign, subdivide, retain for  
18 its own use, mortgage, pledge, hypothecate, or otherwise encumber  
19 or dispose of any real or personal property or any interest  
20 therein, all in the manner and at such price and subject to any  
21 covenants, restrictions, and conditions as the authority  
22 determines is reasonably necessary to achieve the objectives of a  
23 development plan; to make any such covenants, restrictions, or  
24 conditions as covenants running with the land, and to provide

1 appropriate remedies for any breach of any such covenants,  
2 restrictions, or conditions, including the right in the authority  
3 to terminate such contracts and any interest in the property  
4 created pursuant thereto;

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

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

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

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

18 (10) In accordance with section 99.939, to select one or  
19 more developers to implement a development plan, or one or more  
20 development projects, or any portion thereof;

21 (11) To charge as a development project cost the reasonable  
22 costs incurred by the authority or the evaluation departments in  
23 evaluating, administering, or implementing the development plan  
24 or any development project;

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

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

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

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

19           (16) To borrow money and to apply for and accept advances,  
20 loans, grants, contributions, and any other form of financial  
21 assistance from the federal government, the state, county,  
22 municipality, or other public body or from any sources, public or  
23 private, for the purposes of implementing a development plan, to  
24 give such security as may be required and to enter into and carry

1 out contracts in connection therewith. Notwithstanding the  
2 provisions of any other law, an authority, may include in any  
3 contract for financial assistance with the federal government for  
4 a project such conditions imposed pursuant to federal law as the  
5 authority may deem reasonable and appropriate and which are not  
6 inconsistent with the purposes of sections 99.915 to 99.984;

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

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

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

22 (20) To loan the proceeds of obligations issued pursuant to  
23 sections 99.915 to 99.984 for the purpose of providing for the  
24 purchase, construction, extension, and improvement of public

1 infrastructure related to a development project by a developer  
2 pursuant to a development contract approved by the authority in  
3 accordance with subdivision (2) of section 99.939;

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

14 (22) To pledge or otherwise expend funds deposited to the  
15 special allocation fund, or any portion thereof, except any  
16 portion that constitutes baseline state sales taxes or baseline  
17 state withholding taxes, for the payment or reimbursement of  
18 development project costs incurred by the authority, the  
19 municipality, a developer selected by the authority in accordance  
20 with the provisions of section 99.939, or any other entity with  
21 the consent of the authority; to pledge or otherwise expend funds  
22 deposited to the special allocation fund, or any portion thereof,  
23 except any portion that constitutes baseline state sales taxes or  
24 baseline state withholding taxes; or to mortgage or otherwise

1 encumber its property, or any portion thereof, for the payment of  
2 obligations issued to finance development project costs;  
3 provided, however, any such pledge or expenditure of economic  
4 activity taxes or other net new revenues shall be subject to  
5 annual appropriation by the municipality; and

6 (23) To exercise all powers or parts or combinations of  
7 powers necessary, convenient, or appropriate to undertake and  
8 carry out development plans and any development projects and all  
9 the powers granted pursuant to sections 99.915 to 99.984,  
10 excluding powers of eminent domain.

11 2. If any member of the governing body of the municipality,  
12 a commissioner of the authority, or an employee or consultant of  
13 the municipality or authority involved in the planning and  
14 preparation of a development project owns or controls an  
15 interest, direct or indirect, in any property included in a  
16 development project area, the member shall disclose the same in  
17 writing to the clerk of the municipality, and shall also so  
18 disclose the dates, terms, and conditions of any disposition of  
19 any such interest, which disclosures shall be acknowledged by the  
20 governing body of the municipality and entered upon the minutes  
21 books of the governing body of the municipality. If an  
22 individual holds such an interest, such individual shall refrain  
23 from any further official involvement in regard to a development  
24 project and from voting on any matter pertaining to such

1 development project or communicating with other commissioners or  
2 members of the authority or the municipality concerning any  
3 matter pertaining to such development project. Furthermore, no  
4 such member, commissioner, employee, or consultant shall acquire  
5 any interest, direct or indirect, in any property in a  
6 development project area or proposed development project area,  
7 after either such individual obtains knowledge of a development  
8 project or first public notice of such development project, or  
9 development project area pursuant to section 99.960, whichever  
10 first occurs.

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

15 99.939. Real property in a development area may be disposed  
16 of as follows:

17 (1) Within a development area, the authority may sell,  
18 lease, exchange, or otherwise transfer real property, including  
19 land, improvements, and fixtures, or any interest therein, to any  
20 developer selected for a development project, or any portion  
21 thereof, in accordance with the development plan, subject to such  
22 covenants, conditions, and restrictions as may be deemed to be in  
23 the public interest or to carry out the purposes of sections  
24 99.915 to 99.984. Such real property shall be sold, leased, or

1 transferred at its fair value for uses in accordance with the  
2 development plan; provided that such fair market value may be  
3 less than the cost of such property to the authority. In  
4 determining the fair market value of real property for uses in  
5 accordance with a development plan, the authority shall take into  
6 account and give consideration to the uses and purposes required  
7 by the development plan; the restrictions upon, and the  
8 covenants, conditions, and obligations assumed by the developer  
9 of such property; the objectives of the development plan; and  
10 such other matters as the authority shall specify as being  
11 appropriate. In fixing rental and sale prices, an authority  
12 shall give consideration to appraisals of the property for such  
13 uses made by experts employed by the authority;

14 (2) The authority shall, by public notice published in a  
15 newspaper having a general circulation in a development area and  
16 prior to selecting one or more developers for any development  
17 project or any portion thereof, invite proposals from and make  
18 available all pertinent information to private developers or any  
19 persons interested in undertaking the development of such  
20 development project or any portion thereof. Such notice shall be  
21 published at least once each week during the two weeks preceding  
22 the selection of a developer, shall identify the area of the  
23 development project or development projects or any portion  
24 thereof for which one or more developers are to be selected, and

1 shall state that such further information as is available and may  
2 be obtained at the office of the authority. The authority shall  
3 consider all proposals and the financial and legal ability of the  
4 prospective developers to carry out their proposals. The  
5 authority may negotiate and enter into one or more contracts with  
6 any developer selected for the development of any such area for  
7 the development of such area by such developer in accordance with  
8 a development plan or for the sale or lease of any real property  
9 to any such developer in any such area for the purpose of  
10 developing such property in accordance with the development plan.  
11 The authority may enter into any such contract as it deems to be  
12 in the public interest and in furtherance of the purposes of  
13 sections 99.915 to 99.984; provided that the authority has, not  
14 less than ten days prior thereto, notified the governing body in  
15 writing of its intention to enter into such contract.  
16 Thereafter, the authority may execute such contract in accordance  
17 with the provisions of subdivision (1) of this section and  
18 deliver deeds, leases, and other instruments and take all steps  
19 necessary to effectuate such contract. In its discretion, the  
20 authority may, in accordance with the provisions of this  
21 subdivision, dispose of any real property in an area selected for  
22 a development project or any portion thereof to private  
23 developers for development under such reasonable competitive  
24 bidding procedures as it shall prescribe, subject to the

1 provisions of subdivision (1) of this section;

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

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

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

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

17 (4) The authority may operate and maintain real property in  
18 the development area pending the disposition or development of  
19 the property in accordance with a development plan, without  
20 regard to the provisions of subdivisions (1) and (2) of this  
21 section, for such uses and purposes as may be deemed desirable  
22 even though not in conformity with the development plan.

23 99.944. 1. Any home rule city with more than four hundred  
24 thousand inhabitants and located in more than one county, any

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

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

1 and reasonable expenses, including travel expenses, incurred in  
2 the discharge of the member's duties.

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

1 annually.

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

19 99.945. As used in sections 99.915 to 99.984, unless the  
20 context clearly requires otherwise, the following terms shall  
21 mean:

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

24 (2) "Baseline year", the calendar year prior to the

1 adoption of an ordinance by the municipality designating the  
2 development project area;

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

12 (4) "Collecting officer", the officer of the municipality  
13 responsible for receiving and processing payments in lieu of  
14 taxes, economic activity taxes, and other net new revenues from  
15 taxpayers and, as to local sales taxes, the department of  
16 revenue;

17 (5) "Conservation area", any improved area within the  
18 boundaries of a redevelopment area located within the territorial  
19 limits of a municipality in which fifty percent or more of the  
20 structures in the area have an age of thirty-five years or more,  
21 and such an area is not yet a blighted area but is detrimental to  
22 the public health, safety, morals, or welfare and may become a  
23 blighted area because of any one or more of the following  
24 factors: dilapidation; obsolescence; deterioration; illegal use

1 of individual structures; presence of structures below minimum  
2 code standards; abandonment; excessive vacancies; overcrowding of  
3 structures and community facilities; lack of ventilation, light  
4 or sanitary facilities; inadequate utilities; excessive land  
5 coverage; deleterious land use or layout; depreciation of  
6 physical maintenance; and lack of community planning;

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

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

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

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

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

22 (e) It shall be contiguous; provided, however that a  
23 development area may include up to three noncontiguous areas  
24 selected for development projects provided that each

1 noncontiguous area meets the requirements of paragraphs (a) to  
2 (d) of this subdivision;

3 The development area shall not exceed ten percent of the entire  
4 area of the municipality. Subject to the limitation set forth in  
5 this subdivision, the development area may be enlarged or  
6 modified as provided in section 99.957;

7 (7) "Development plan", the comprehensive program of a  
8 municipality to reduce or eliminate those conditions which  
9 qualified a development area as a blighted area or a conservation  
10 area, and to thereby enhance the tax bases of the taxing  
11 districts which extend into the development area through the  
12 reimbursement, payment, or other financing of development project  
13 costs in accordance with sections 99.915 to 99.984 and through  
14 the exercise of the powers set forth in sections 99.915 to  
15 99.984. The development plan shall conform to the requirements  
16 of section 99.948;

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

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

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

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

11           (b) Professional service costs, including but not limited  
12 to architectural, engineering, legal, marketing, financial,  
13 planning, or special services. Except for the reasonable costs  
14 incurred by the authority for the administration of sections  
15 99.915 to 99.984, such costs shall be allowed only as an initial  
16 expense which to be recoverable shall be included in the costs of  
17 a development plan or development project;

18           (c) Property assembly costs, including but not limited to  
19 acquisition of land and other property, real or personal, or  
20 rights or interests therein, demolition of buildings, and the  
21 clearing and grading of land;

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

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

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

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

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

15           (i) Payments in lieu of taxes;

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

22           (k) Endowment of governmental or public institutions of  
23 research or higher education;

24           (11) "Economic activity taxes", the total additional

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

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

1 or licensed to operate an excursion gambling boat as provided in  
2 sections 313.800 to 313.850, RSMo;

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

4 (a) Promotes tourism, cultural activities, arts,  
5 entertainment, education, research, arenas, multipurpose  
6 facilities, libraries, ports, mass transit, museums, or  
7 conventions, the estimated cost of which is in excess of the  
8 amount set forth in paragraph (b) of this subdivision for the  
9 municipality, as applicable; or

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

<u>Population of</u>	<u>Estimated</u>	<u>New Jobs</u>
<u>Municipality</u>	<u>Project Cost</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>

20 (14) "Municipality", any city, village, incorporated town,  
21 or any county of this state established on or prior to January 1,  
22 2001;

23 (15) "Obligations", bonds, loans, debentures, notes,  
24 special certificates, or other evidences of indebtedness issued

1 by the authority or other public entity authorized to issue such  
2 obligations pursuant to sections 99.915 to 99.984 to carry out a  
3 development project;

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

8 (17) "Other net new revenues", some portion of state sales  
9 tax increment or state income tax increment or some combination  
10 of a portion of each such increment, as determined under section  
11 99.969;

12 (18) "Payment in lieu of taxes", those revenues from real  
13 property in each development project area, which taxing districts  
14 would have received had the municipality not adopted a  
15 development plan and the authority not adopted development  
16 financing, and which would result from levies made after the time  
17 of the adoption of development financing during the time the  
18 current equalized value of real property in such development  
19 project area exceeds the total equalized value of real property  
20 in such development project area during the calendar year  
21 preceding the adoption of the ordinance designating the  
22 development project area until the designation is terminated  
23 pursuant to subsection 2 of section 99.972 or twenty-five years  
24 thereafter, whichever is first;

1           (19) "Special allocation fund", the fund of the  
2 municipality or its authority required to be established pursuant  
3 to section 99.954, which special allocation fund shall contain at  
4 least four separate segregated accounts into which payments in  
5 lieu of taxes are deposited in one account, economic activity  
6 taxes are deposited in a second account, other net new revenues  
7 are deposited in a third account, and other revenues, if any,  
8 received by the authority or the municipality for the purpose of  
9 implementing a development plan or a development project are  
10 deposited in a fourth account;

11           (20) "State income tax increment", the estimate of the  
12 income tax due the state for salaries or wages paid to new  
13 employees in new jobs at a business located in the development  
14 project area and created by the development project. The  
15 estimate shall be a percentage of the gross payroll which  
16 percentage shall be based upon an analysis by the department of  
17 revenue of the practical tax rate on gross payroll as a factor in  
18 overall taxable income. In no event shall the percentage exceed  
19 two percent;

20           (21) "State sales tax increment", the incremental increase  
21 in the state sales tax revenue in the development project area.  
22 The incremental increase for an existing facility shall be the  
23 amount that the state sales tax revenue of the facility exceeds  
24 the state sales tax revenue of the facility in the baseline year.

1 The incremental increase for a relocating facility shall be the  
2 amount that the state sales tax revenue of the facility exceeds  
3 the state sales tax revenue for the facility in the calendar year  
4 prior to relocation;

5 (22) "State sales tax revenues", the general revenue  
6 portion of state sales tax revenues received pursuant to section  
7 144.020, RSMo, excluding sales taxes that are constitutionally  
8 dedicated, taxes deposited to the school district trust fund in  
9 accordance with section 144.701, RSMo, sales and use taxes on  
10 motor vehicles, trailers, boats and outboard motors and future  
11 sales taxes earmarked by law;

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

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

18 99.948. 1. A development plan shall set forth in writing a  
19 general description of the program to be undertaken to accomplish  
20 the development projects and related objectives and shall  
21 include, but need not be limited to:

22 (1) The estimated development project costs;

23 (2) The anticipated sources of funds to pay such  
24 development project costs;

1           (3) Evidence of the commitments to finance such development  
2 project costs;

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

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

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

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

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

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

23           3. The development plan may be adopted by a municipality in  
24 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

1 assistance for businesses and residences;

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

13 (7) A finding that the development plan does not include  
14 the initial development or redevelopment of any gambling  
15 establishment.

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

21 99.954. 1. A municipality may:

22 (1) Approve by ordinance the exercise by the authority of  
23 the powers, functions, and duties of the authority under sections  
24 99.915 to 99.984;

1           (2) After adopting an ordinance in accordance with  
2 subdivision (1) of this subsection and after receipt of  
3 recommendations from the authority in accordance with subsection  
4 2 of this section, by ordinance designate development areas and  
5 adopt the development plans, development projects, designate a  
6 development project area for each development project adopted,  
7 and adopt development financing for each such development project  
8 area. No development plan may be adopted until the development  
9 area is designated. No development project shall be adopted  
10 until the development plan is adopted and the development project  
11 area for each development project shall be designated at the time  
12 of adopting the development project; and

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

15           2. The authority shall hold public hearings and provide  
16 notice pursuant to sections 99.957 and 99.960. Within ten days  
17 following the completion of any such public hearing, the  
18 authority shall vote on and make recommendation to the governing  
19 body of the municipality with regard to any development plan,  
20 development projects, designation of a development area or  
21 amendments thereto which were proposed at such public hearing.

22           99.957. Prior to the adoption of the ordinance designating  
23 a development area, adopting a development plan, or adopting a  
24 development project, the authority shall fix a time and place for

1 a public hearing and notify each taxing district located wholly  
2 or partially within the boundaries of the proposed development  
3 area or development project area affected. Such notice shall  
4 comply with the provisions of section 99.960. At the public  
5 hearing any interested person or affected taxing district may  
6 file with the authority written objections to, or comments on,  
7 and may be heard orally in respect to, any issues embodied in the  
8 notice. The authority shall hear and consider all protests,  
9 objections, comments, and other evidence presented at the  
10 hearing. The hearing may be continued to another date without  
11 further notice other than a motion to be entered upon the minutes  
12 fixing the time and place of the subsequent hearing. Prior to  
13 the conclusion of the hearing, changes may be made in the  
14 development plan or development area, provided that written  
15 notice of such changes is available at the public hearing. After  
16 the public hearing but prior to the adoption of an ordinance  
17 designating a development area, adopting a development plan or  
18 adopting a development project, whichever the case may be,  
19 changes may be made to any such proposed development plan,  
20 development project, or development area without a further  
21 hearing if such changes do not enlarge the exterior boundaries of  
22 the development area and do not substantially affect the general  
23 land uses established in a development plan or development  
24 project; provided that notice of such changes shall be given by

1 mail to each affected taxing district and by publication in a  
2 newspaper of general circulation in the development area or  
3 development project area, as applicable, not less than ten days  
4 prior to the adoption of the changes by ordinance. After the  
5 adoption of an ordinance designating the development area and  
6 adopting a development plan or a development project, no  
7 ordinance shall be adopted altering the exterior boundaries of  
8 the development area or a development project area, or affecting  
9 the general land uses established pursuant to the development  
10 plan or the general nature of a development project without  
11 holding a public hearing in accordance with this section. One  
12 public hearing may be held for the simultaneous consideration of  
13 a development area, development plan, or development project.

14 99.960. 1. Notice of the public hearing required by  
15 section 99.957 shall be given by publication and mailing. Notice  
16 by publication shall be given by publication at least twice, the  
17 first publication to be not more than thirty days and the second  
18 publication to be not more than ten days prior to the hearing, in  
19 a newspaper of general circulation in the proposed development  
20 area or development project area, as applicable, and in two  
21 minority newspapers, if such newspapers are published in the  
22 municipality, of which one shall be published in the Spanish  
23 language, if such a newspaper is published in the municipality.  
24 Notice by mailing shall be given by depositing such notice in the

1 United States mail by certified mail addressed to the person or  
2 persons in whose name the general taxes for the last preceding  
3 year were paid on each lot, block, tract, or parcel of land lying  
4 within the proposed development area or development project area,  
5 as applicable, which is to be subjected to the payment or  
6 payments in lieu of taxes and economic activity taxes pursuant to  
7 section 99.966. Such notice shall be mailed not less than ten  
8 days prior to the date set for the public hearing. In the event  
9 taxes for the last preceding year were not paid, the notice shall  
10 also be sent to the persons last listed on the tax rolls within  
11 the preceding three years as the owners of such property.

12 2. The notices issued pursuant to this section shall  
13 include the following:

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

15 (2) The general boundaries of the proposed development area  
16 or development project area, as applicable, by street location,  
17 where possible;

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

20 (4) A description of the development plan and the proposed  
21 development projects and a location and time where the entire  
22 development plan or development projects proposed may be reviewed  
23 by any interested party;

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

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

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

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

16           99.963. 1. For the purpose of financing development  
17 project costs, obligations may be issued by the municipality, or,  
18 at the request of the municipality, by the authority or any other  
19 public entity authorized to issue bonds, to pay or reimburse  
20 development project costs. Such obligations when so issued shall  
21 be retired in the manner provided in the ordinance or resolution  
22 authorizing the issuance of such obligations.

23           2. Obligations issued pursuant to sections 99.915 to 99.984  
24 may be issued in one or more series bearing interest at such rate

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

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

19 4. Neither the municipality, the authority, or any other  
20 entity issuing such obligations, or the members, commissioners,  
21 directors, or the officers of any such entities nor any person  
22 executing any obligation shall be personally liable for such  
23 obligation by reason of the issuance thereof. The obligations  
24 issued pursuant to sections 99.915 to 99.984 shall not be a

1 general obligation of the state, the municipality, county, or any  
2 political subdivision thereof, nor in any event shall such  
3 obligation be payable out of any funds or properties other than  
4 those specifically pledged as security for such obligations. The  
5 obligations shall not constitute indebtedness within the meaning  
6 of any constitutional, statutory, or charter debt limitation or  
7 restriction.

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

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

22 3. State supplemental downtown development financing shall  
23 not be used for retiring debt or refinancing pursuant to  
24 subsections 1 and 2 of this section without express approval from

1 the director of the department of economic development and the  
2 commissioner of the office of administration. No approval shall  
3 be granted unless the application for state supplemental downtown  
4 development financing contains development projects that are new  
5 projects and were not a part of the development projects for  
6 which obligations were issued as described in subsections 1 and 2  
7 of this section.

8 99.966. 1. A municipality, after designating a development  
9 area, adopting a development plan, and adopting any development  
10 project in conformance with the procedures of sections 99.915 to  
11 99.984, may adopt development financing for the development  
12 project area selected for any such development project by passing  
13 an ordinance. Upon the adoption of the first of any such  
14 ordinances, the municipality shall establish, or shall direct the  
15 authority to establish, a special allocation fund for the  
16 development area.

17 2. Immediately upon the adoption of a resolution or  
18 ordinance adopting development financing for a development  
19 project area pursuant to subsection 1 of this section, the county  
20 assessor shall determine the total equalized assessed value of  
21 all taxable real property within such development project area by  
22 adding together the most recently ascertained equalized assessed  
23 value of each taxable lot, block, tract, or parcel of real  
24 property within such development project area as of the date of

1 the adoption of such resolution or ordinance and shall provide to  
2 the clerk of the municipality written certification of such  
3 amount as the total initial equalized assessed value of the  
4 taxable real property within such development project area.

5 3. In each of the twenty-five calendar years following the  
6 adoption of an ordinance adopting development financing for a  
7 development project area pursuant to subsection 1 of this section  
8 unless and until development financing for such development  
9 project area is terminated by ordinance of the municipality, the  
10 ad valorem taxes, and payments in lieu of taxes, if any, arising  
11 from the levies upon taxable real property in such development  
12 project area by taxing districts at the tax rates determined in  
13 the manner provided in section 99.975 shall be divided as  
14 follows:

15 (1) That portion of taxes, penalties, and interest levied  
16 upon each taxable lot, block, tract, or parcel of real property  
17 in such development project area which is attributable to the  
18 initial equalized assessed value of each such taxable lot, block,  
19 tract, or parcel of real property in such development project  
20 area as certified by the county assessor in accordance with  
21 subsection 2 of this section shall be allocated to and, when  
22 collected, shall be paid by the collecting authority to the  
23 respective affected taxing districts in the manner required by  
24 law in the absence of the adoption of development financing;

1           (2) Payments in lieu of taxes attributable to the increase  
2 in the current equalized assessed valuation of each taxable lot,  
3 block, tract, or parcel of real property in the development  
4 project area and any applicable penalty and interest over and  
5 above the initial equalized assessed value of each such taxable  
6 lot, block, tract, or parcel of real property in such development  
7 project area as certified by the county assessor in accordance  
8 with subsection 2 of this section shall be allocated to and, when  
9 collected, shall be paid to the treasurer of the municipality who  
10 shall deposit such payment in lieu of taxes into a separate  
11 segregated account for payments in lieu of taxes of the special  
12 fund established in accordance with subsection 1 of this section.  
13 Payments in lieu of taxes which are due and owing shall  
14 constitute a lien against the real property from which such  
15 payments in lieu of taxes are derived and shall be collected in  
16 the same manner as real property taxes, including the assessment  
17 of penalties and interest where applicable. The lien of payments  
18 in lieu of taxes may be foreclosed in the same manner as the lien  
19 of real property taxes. No part of the current equalized  
20 assessed valuation of each lot, block, tract, or parcel of  
21 property in any such development project area attributable to any  
22 increase above the initial equalized assessed value of each such  
23 taxable lot, block, tract, or parcel of real property in such  
24 development project area as certified by the county assessor in

1 accordance with subsection 2 of this section shall be used in  
2 calculating the general state school aid formula provided for in  
3 section 163.031, RSMo, until development financing for such  
4 development project area expires or is terminated in accordance  
5 with sections 99.915 to 99.984;

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

14 4. In each of the twenty-five calendar years following the  
15 adoption of an ordinance or resolution adopting development  
16 financing for a development project area pursuant to subsection 1  
17 of this section unless and until development financing for such  
18 development project area is terminated by ordinance of the  
19 municipality, fifty percent of the economic activity taxes from  
20 such development project area shall be allocated to and paid by  
21 the collecting officer of any such economic activity tax to the  
22 treasurer or other designated financial officer of the  
23 municipality, who shall deposit such funds in a separate  
24 segregated account for economic activity taxes within the special

1 allocation fund.

2 99.969. 1. A municipality may submit an application to the  
3 department of economic development for approval of the use of  
4 other net new revenues to fund one or more development projects  
5 through state supplemental downtown development financing. An  
6 application submitted to the department of economic development  
7 shall contain the following, in addition to the items set forth  
8 in section 99.948:

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

18 (2) Identification of the existing businesses located  
19 within the development project area and the development area,  
20 respectively;

21 (3) The baseline year amount of state sales tax revenues  
22 and the baseline year amount of state income tax withheld on  
23 behalf of existing employees, reported by existing businesses  
24 within the development project area;

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

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

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

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

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

22           (9) An economic feasibility analysis including a pro forma  
23 financial statement indicating a return on investment that may be  
24 expected without public assistance, both local and via state

1 supplemental downtown development financing through the  
2 appropriation of some amount of other net new revenues. The  
3 financial statement shall detail any assumptions made and a pro  
4 forma statement analysis demonstrating the amount of assistance  
5 required to bring the return into a range deemed attractive to  
6 private investors; and

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

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

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



1 event development financing for such development project is  
2 terminated by ordinance of the municipality.

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

6 8. A reasonable fee may be charged, to be submitted with an  
7 application for state supplemental downtown development  
8 financing, the amount of which shall be an estimate of the amount  
9 needed to recover the costs for personnel and other expenses  
10 incurred by the department of economic development in processing  
11 the application. Such fees shall be deposited into the state  
12 supplemental downtown development fund created under section  
13 99.970.

14 9. Development project costs may include, at the  
15 prerogative of the state, the portion of salaries and expenses of  
16 the department of economic development reasonably allocable to  
17 each project approved for state supplemental downtown development  
18 financing for the ongoing administrative functions associated  
19 with such project. Such amounts shall be deposited into the  
20 state supplemental downtown development fund created under  
21 section 99.970.

22 10. A development project approved for state supplemental  
23 downtown development financing shall not thereafter elect to  
24 switch to tax increment financing pursuant to the real property

1 tax increment allocation redevelopment act, sections 99.800 to  
2 99.865, and continue to receive state supplemental downtown  
3 development financing pursuant to sections 99.915 to 99.984.

4 99.970. 1. There is hereby established within the state  
5 treasury a special fund to be known as the "State Supplemental  
6 Downtown Development Fund", to be administered by the department  
7 of economic development. The fund shall consist of moneys  
8 appropriated from the general revenue fund; received from fees  
9 charged pursuant to subsection 8 of section 99.969; received from  
10 costs charged pursuant to subsection 9 of section 99.969; and  
11 from any gifts, contributions, grants or bequests received from  
12 federal, private, or other sources.

13 2. The department of economic development shall annually  
14 disburse state supplemental downtown development financing from  
15 the state supplemental downtown development fund in amounts  
16 determined pursuant to the certificates of approval for projects,  
17 providing all of the conditions of sections 99.915 to 99.984 are  
18 met.

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

23 4. No municipality shall commit any other net new revenues  
24 prior to receiving a certificate of approval for that development

1 project.

2 99.972. 1. When all development project costs and all  
3 obligations issued to finance development project costs have been  
4 paid in full, the municipality shall adopt an ordinance  
5 terminating development financing for all development project  
6 areas. Immediately upon the adoption of such ordinance, all  
7 payments in lieu of taxes, all economic activity taxes, and other  
8 net new revenues then remaining in the special allocation fund  
9 shall be deemed to be surplus funds; and thereafter, the rates of  
10 the taxing districts shall be extended and taxes levied,  
11 collected, and distributed in the manner applicable in the  
12 absence of the adoption of development financing. Surplus  
13 payments in lieu of taxes shall be paid to the county collector  
14 who shall immediately thereafter pay such funds to the taxing  
15 districts in the development area selected in the same manner and  
16 proportion as the most recent distribution by the collector to  
17 the affected districts of real property taxes from real property  
18 in the development area. Surplus economic activity taxes shall  
19 be paid to the taxing districts in the development area in  
20 proportion to the then current levy rates of such taxing  
21 districts that are attributable to economic activity taxes.  
22 Surplus other net new revenues shall be paid to the state. Any  
23 other funds remaining in the special allocation fund following  
24 the adoption of an ordinance terminating development financing in

1 accordance with this section shall be deposited to the general  
2 fund of the municipality.

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

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

12 99.975. In each of the twenty-five calendar years following  
13 the adoption of an ordinance or resolution adopting development  
14 financing for a development project area, unless and until  
15 development financing for such development project area is  
16 terminated by ordinance of the municipality, then, in respect to  
17 every taxing district containing such development project area,  
18 the county clerk, or any other official required by law to  
19 ascertain the amount of the equalized assessed value of all  
20 taxable property within such development project area for the  
21 purpose of computing any debt service levies to be extended upon  
22 taxable property within such development project area, shall in  
23 every year that development financing is in effect ascertain the  
24 amount of value of taxable property in such development project

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

11 99.981. Beginning in 2004, and every five years thereafter,  
12 a joint committee of the general assembly, comprised of five  
13 members appointed by the speaker of the house of representatives  
14 and five members appointed by the president pro tempore of the  
15 senate, shall review sections 99.915 to 99.984. A report based  
16 on such review, with any recommended legislative changes, shall  
17 be submitted to the speaker of the house of representatives and  
18 the president pro tempore of the senate no later than February  
19 first following the year in which the review is conducted.

20 99.984. 1. By the last day of February each year, the  
21 authority shall report to the director of the department of  
22 economic development the name, address, phone number, and primary  
23 line of business of any business which relocates to the  
24 development area.

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

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

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

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

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

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

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

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

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

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

23           (10) A copy of the development plan;

24           (11) The cost of any property acquired, disposed of,

1 rehabilitated, reconstructed, repaired, or remodeled;

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

4 (13) For municipalities with more than four hundred  
5 thousand inhabitants, the number of development projects  
6 developed in connection with community development corporations  
7 and the amount of funds generated pursuant to section 99.966  
8 which are expended in connection with such project; and

9 (14) Any additional information the department of economic  
10 development deems necessary.

11 3. Data contained in the report required in subsection 1 of  
12 this section and any information regarding amounts disbursed to  
13 municipalities pursuant to sections 99.966 and 99.969 shall be  
14 deemed a public record, as defined in section 610.010, RSMo.

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

21 5. An annual statement showing the payments made in lieu of  
22 taxes received and expended in that year, the status of the  
23 development area, the development plan, and the included  
24 development projects therein, amount of outstanding obligations,

1 and any additional information the municipality deems necessary  
2 shall be published in a newspaper of general circulation in the  
3 municipality.

4 6. Five years after the establishment of the development  
5 area and the development plan and every five years thereafter the  
6 governing body of the authority shall hold a public hearing  
7 regarding the development area and the development plan and the  
8 development projects adopted pursuant to sections 99.915 to  
9 99.984. The purpose of the hearing shall be to determine if the  
10 development area, development plan, and the included development  
11 projects are making satisfactory progress under the proposed time  
12 schedule contained within the approved development plan for  
13 completion of such development projects. Notice of such public  
14 hearing shall be given in a newspaper of general circulation in  
15 the area served by the authority once each week for four weeks  
16 immediately prior to the hearing.

17 99.990. 1. Notwithstanding any provision of sections  
18 99.800 to 99.865, to the contrary, for redevelopment plans and  
19 projects adopted or redevelopment projects approved by ordinance  
20 in blighted areas or conservation areas located in an enterprise  
21 zone pursuant to sections 135.200 to 135.256, RSMo, or located in  
22 a business district, or located on property owned by a public  
23 authority organized pursuant to sections 64.920 to 64.950, RSMo,  
24 which project or projects include total redevelopment project

1 costs exceeding two hundred million dollars, one hundred percent  
2 of the total additional revenue from taxes, penalties, and  
3 interest which are imposed by the municipality or other taxing  
4 districts, and which are generated by economic activities within  
5 the area of the redevelopment projects over the amount of such  
6 taxes generated by economic activities within the area of the  
7 redevelopment projects in the third calendar year before the  
8 approval of the redevelopment projects by ordinance, while tax  
9 increment financing remains in effect, but excluding personal  
10 property taxes, taxes imposed on sales or charges for sleeping  
11 rooms paid by transient guests of hotels and motels, taxes levied  
12 pursuant to section 70.500, RSMo, or effective January 1, 1998,  
13 licenses, fees, or special assessments other than payments in  
14 lieu of taxes and penalties and interest thereon, shall be  
15 allocated to, and paid by the local political subdivision  
16 collecting officer to the treasurer or other designated financial  
17 officer of the municipality, who shall deposit such funds in a  
18 separate segregated account within the special allocation fund,  
19 for a period up to thirty-five years. Notwithstanding any  
20 provision of sections 99.800 to 99.865, to the contrary, for  
21 redevelopment plans and projects funded in part pursuant to this  
22 subsection, obligations issued pursuant to sections 99.800 to  
23 99.865, shall mature at such time or times not exceeding thirty-  
24 five years from their respective issuance dates. Unless

1 otherwise indicated, terms in this section shall be defined as  
2 such terms are defined in sections 99.800 to 99.865.

3 2. Notwithstanding any provision of sections 99.800 to  
4 99.865, to the contrary, for redevelopment plans and projects  
5 adopted or redevelopment projects approved by ordinance in  
6 blighted areas or conservation areas located in an enterprise  
7 zone pursuant to sections 135.200 to 135.256, RSMo, or located in  
8 a business district, or located on property owned by a public  
9 authority organized pursuant to sections 64.920 to 64.950, RSMo,  
10 which project or projects include total redevelopment project  
11 costs exceeding two hundred million dollars and which have met  
12 the conditions and obtained the approvals set forth in paragraphs  
13 (a) to (f) of subdivision(1) of subsection 10 of section 99.845,  
14 one hundred percent of new state revenues for the businesses and  
15 other economic activities within the project areas, and up to one  
16 hundred percent of state revenues for a project located on  
17 property owned by a public authority organized pursuant to  
18 section 64.920 to 64.950, RSMo, and identified by the  
19 municipality in the application required by paragraphs (a) to (f)  
20 of subdivision (1) of subsection 10 of section 99.845, over and  
21 above the amount of such taxes reported by businesses and  
22 economic activities within the project areas as identified by the  
23 municipality in their application in the third calendar year  
24 before the approval of the redevelopment projects by ordinance,

1 while tax increment financing remains in effect, shall be  
2 available for appropriation by the general assembly to the  
3 department of economic development supplemental tax increment  
4 financing fund, from the general revenue fund, for distribution  
5 by the department of economic development to the treasurer or  
6 other designated financial officer of the municipality with  
7 approved plans or projects, for a period up to thirty-five years.  
8 Notwithstanding any provision of sections 99.800 to 99.965, to  
9 the contrary, for redevelopment plans and projects funded in part  
10 pursuant to this subsection, obligations issued pursuant to  
11 sections 99.800 to 99.865, shall mature at such time or times not  
12 exceeding thirty-five years from their respective issuance dates.

13 For purposes of this subsection, "new state revenues" means:

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

21 (2) The state income tax withheld on behalf of new  
22 employees by the employer pursuant to section 143.221, RSMo, at  
23 the business located within the projects as identified by the  
24 municipality.

1           141.610. Each court administrator's or sheriff's deed given  
2 pursuant to the provisions of the land tax collection law shall  
3 be presumptive evidence that the suit and all proceedings therein  
4 and all proceedings prior thereto from and including assessment  
5 of the lands affected thereby and all notices required by law  
6 were regular and in accordance with all provisions of the law  
7 relating thereto. The court administrator or sheriff shall  
8 record its deed and shall collect said recording fee at the time  
9 of sale. After [two years] one year from the date of the  
10 [recording of such] court administrator's [or sheriff's deed]  
11 foreclosure sale, the presumption shall be conclusive pursuant to  
12 sections 141.210 to 141.810. Notwithstanding section 516.010,  
13 RSMo, no suit to set aside or to attack the validity of any such  
14 court administrator's or sheriff's deed shall be commenced or  
15 maintained unless the suit is filed within [two years] one year  
16 from the date of the court administrator's [or sheriff's deed is  
17 recorded] foreclosure sale.

18           141.720. 1. The land trust shall be composed of three  
19 members, one of whom shall be appointed by the county executive,  
20 or if the county does not have a county executive, the county  
21 commission of the county, one of whom shall be appointed by the  
22 city council of that city in the county which then has the  
23 largest population according to the last preceding federal  
24 decennial census, and one of whom shall be appointed by the board

1 of directors of the school district which then has the largest  
2 population according to such census in the county.

3 2. The terms of office of the land trustees shall be for  
4 four years each, except the terms of the first land trustees who  
5 shall be appointed by the foregoing appointing authorities,  
6 respectively, not sooner than twelve months and not later than  
7 eighteen months after sections 141.210 to 141.810 take effect.

8 3. Each land trustee shall have been a resident of the  
9 county for at least five years next prior to appointment, shall  
10 not hold other salaried or compensated public office by election  
11 or appointment during service as land trustee, the duties of  
12 which would in any way conflict with his duties as land trustee,  
13 and shall have had at least ten years experience in the  
14 management or sale of real estate.

15 4. Of the first land trustees appointed under sections  
16 141.210 to 141.810, the land trustee appointed by the county  
17 commission shall serve for a term ending February 1, 1946, the  
18 land trustee appointed by the board of directors of the school  
19 district then having the largest population in the county shall  
20 serve for a term expiring February 1, 1947, and the land trustee  
21 appointed by the city council of the city then having the largest  
22 population in the county shall serve for a term expiring February  
23 1, 1948. Each land trustee shall serve until his successor has  
24 been appointed and qualified.

1           5. Any vacancy in the office of land trustee shall be  
2 filled for the unexpired term by the same appointing authority  
3 which made the original appointment. If any appointing authority  
4 fails to make any appointment of a land trustee within the time  
5 the first appointments are required by sections 141.210 to  
6 141.810 to be made, or within thirty days after any term expires  
7 or vacancy occurs, then the appointment shall be made by the  
8 mayor of that city in the county then having the largest  
9 population, according to the last preceding federal decennial  
10 census.

11           6. The members shall receive for their services as land  
12 trustees a salary of two thousand four hundred dollars per year.

13           7. Each land trustee may be removed for cause by the  
14 respective appointing authority, after public hearing, if  
15 requested by the land trustee, and an opportunity to be  
16 represented by counsel and to present evidence is afforded the  
17 trustee.

18           141.750. 1. Such land trust shall be a continuing body and  
19 shall have and adopt an official seal which shall bear on its  
20 face the words "Land Trust of ..... County, Missouri",  
21 "Seal", and shall have the power to sue and issue deeds in its  
22 name, which deed shall be signed by the chairman or vice  
23 chairman, and attested by the secretary or assistant secretary  
24 and the official seal of the land trust affixed thereon, and

1 shall have the general power to administer its business as any  
2 other corporate body.

3 2. The land trust may convey title to any real estate sold  
4 or conveyed by it by general or special warranty deed, and may  
5 convey an absolute title in fee simple, without in any case  
6 procuring any consent, conveyance or other instrument from the  
7 beneficiaries for which it acts; provided, however, that each  
8 such deed shall recite whether the selling price represents a  
9 consideration equal to or in excess of two-thirds of the  
10 appraised value of such real estate so sold or conveyed, and if  
11 such selling price represents a consideration less than  
12 two-thirds of the appraised value of said real estate, then the  
13 land trustees shall first procure the consent thereto of not less  
14 than two of the three appointing authorities, which consent shall  
15 be evidenced by a copy of the action of each such appointing  
16 authority duly certified to by its clerk or secretary attached to  
17 and made a part of said deed, except the land trust may sell or  
18 convey a vacant residential tract of land containing four  
19 thousand square feet or less with an assessed value of less than  
20 two hundred fifty dollars to the owner or owners of residential  
21 property contiguous to the tract being sold for a price equal to  
22 fifty percent of the assessed value of the tract without first  
23 obtaining an appraisal of the tract.

24 141.770. 1. Each annual budget of the land trust shall be

1 itemized as to objects and purposes of expenditure, prepared not  
2 later than December [fifteenth] tenth of each year with copies  
3 delivered to the county and city that appointed trustee members,  
4 and shall include therein only such appropriations as shall be  
5 deemed necessary to meet the reasonable expenses of the land  
6 trust during the forthcoming fiscal year. That budget shall not  
7 become the required annual budget of the land trust unless and  
8 until it has been approved by the governing bodies of the county  
9 or city that appointed trustee members. If either of the  
10 governing bodies of the county and city that appointed trustee  
11 members fail to notify the land trust in writing of any  
12 objections to the proposed annual budget on or before December  
13 twentieth, then such failure or failures to object shall be  
14 deemed approval. In the event objections have been made and a  
15 budget for the fiscal year beginning January first has not been  
16 approved by the governing bodies of the county and city on or  
17 before January first, then the budget for the previous fiscal  
18 year shall become the approved budget for that fiscal year. Any  
19 unexpended funds from the preceding fiscal year shall be deducted  
20 from the amounts needed to meet the budget requirements of the  
21 forthcoming year.

22 2. Copies of the budget shall be made available to the  
23 public on or before December [fifteenth] tenth, and a public  
24 hearing shall be had thereon prior to December twentieth, in each

1 year. The approved and adopted budget may be amended by the  
2 trustee members only with the approval of the governing bodies of  
3 the county and city that appointed trustee members.

4 3. If at any time there are not sufficient funds available  
5 to pay the salaries and other expenses of such land trust and of  
6 its employees, incident to the administration of sections 141.210  
7 to 141.810, including any expenditures authorized by section  
8 141.760, funds sufficient to pay such expenses shall be advanced  
9 and paid to the land trust upon its requisition therefor, fifty  
10 percent thereof by the county commission of such county, and the  
11 other fifty percent by all of the municipalities in such county  
12 as defined in section 141.220, in proportion to their assessed  
13 valuations at the time of their last completed assessment for  
14 state and county purposes. The land trust shall have power to  
15 requisition such funds in an amount not to exceed twenty-five  
16 [thousand dollars] percent of the total annual budget of the land  
17 trust from such sources for [each] that fiscal year of the land  
18 trust for which there are not sufficient funds otherwise  
19 available to pay the salaries and other expenses of the land  
20 trust, but any amount in excess of twenty-five [thousand dollars  
21 per] percent of the total annual budget in any fiscal year may be  
22 requisitioned by and paid to the land trust only if such  
23 additional sums are agreed to and approved by the county  
24 commission and the respective municipalities in such county so

1 desiring to make such payment. All moneys so requisitioned shall  
2 be paid in a lump sum within thirty days after such requisition  
3 or the commencement of [each] the fiscal year of the land trust  
4 for which such requisition is made, whichever is later, and shall  
5 be deposited to the credit of the land trust in some bank or  
6 trust company, subject to withdrawal by warrant as herein  
7 provided.

8 4. The fiscal year of the land trust shall commence on  
9 January first of each year. [Said] Such land trust shall audit  
10 all claims for the expenditure of money, and shall, acting by the  
11 chairman or vice chairman thereof, draw warrants therefor from  
12 time to time.

13 5. No warrant for the payment of any claim shall be drawn  
14 by such land trust until such claim shall have been approved by  
15 the land commissioner and shall bear [his] the commissioner's  
16 certificate that there is a sufficient unencumbered balance in  
17 the proper appropriation and sufficient unexpended cash available  
18 for the payment thereof. For any certification contrary thereto,  
19 such land commissioner shall be liable personally and on [his]  
20 the commissioner's official bond for the amounts so certified,  
21 and shall thereupon be promptly removed from office by the land  
22 trustees.

23 6. In addition to the annual audit provided for in section  
24 141.760, the land trust may be performance audited at any time by

1 the state auditor or by the auditor of any home rule city with  
2 more than four hundred thousand inhabitants and located in more  
3 than one county that is a member of the land trust. The cost of  
4 such audit shall be paid by the land trust, and copies shall be  
5 made available to the public within thirty days of the completion  
6 of the audit.

7 141.790. 1. Such land trust shall set up accounts on its  
8 books relating to the operation, management, or other expense of  
9 each individual parcel of real estate.

10 2. When any parcel of real estate is sold or otherwise  
11 disposed of by the land trust, the proceeds therefrom shall be  
12 applied and distributed in the following order:

13 (1) To the payment of the expenses of sale;

14 (2) To the payment of any penalties, attorney's fees or  
15 costs which were included in the judgment originally entered  
16 against said parcel of real estate, plus its proportional part of  
17 the costs of sheriff's foreclosure sale, as shown on the books of  
18 the collector;

19 (3) To the payment of the costs of the care, improvement,  
20 operation, and management of such parcel of real estate as  
21 determined by the land trustees and apportioned to such parcel;

22 (4) The balance to be retained by the land trust to pay the  
23 salaries and other expenses of such land trust and of its  
24 employees, incident to the administration of sections 141.210 to

1 141.810, including any expenditures authorized by section  
2 141.760, as provided for in its annual budget;

3 (5) Any funds in excess of those necessary to meet the  
4 expenses of the annual budget of the land trust in any fiscal  
5 year, and including a reasonable sum to carry over into the next  
6 fiscal year to assure that sufficient funds will be available to  
7 meet initial expenses for that next fiscal year, may be paid to  
8 the respective taxing authorities and tax bill owners, if any, in  
9 the proportion that the principal amounts of the tax bills of  
10 each such party bears to the total principal amount of all the  
11 tax bills included in the original judgment relating to such  
12 parcel of real estate and in the order of their respective  
13 priorities. After deduction of all sums charged to each account  
14 for various expenses, distribution shall be made to the  
15 respective taxing authorities and to tax bill owners having an  
16 interest in such parcel of real estate, on January first and July  
17 first of each year, and at such other times as the land trustees  
18 in their discretion may determine.

19 198.199. Notwithstanding any provision of law to the  
20 contrary, the licensing or certification provisions of sections  
21 198.003 to 198.186, shall not apply to any entity that:

22 (1) Has presented its operating model to the department of  
23 health and senior services or the department of social services  
24 before beginning operation;

1           (2) Has received a letter from the department confirming  
2 that no licensure or certification is required for such operating  
3 model;

4           (3) Continues to follow the model presented to the  
5 department; and

6           (4) Has received zoning or other governmental approval  
7 before April 20, 2001, for no more than two additional properties  
8 to be operated according to the previously approved model.

9           227.321. The Missouri river bridge on route 364 connecting  
10 St. Louis and St. Charles counties shall be designated the  
11 "Veterans Memorial Bridge".

12           392.410. 1. A telecommunications company not possessing a  
13 certificate of public convenience and necessity from the  
14 commission at the time this section goes into effect shall have  
15 not more than ninety days in which to apply for a certificate of  
16 service authority from the commission pursuant to this chapter  
17 unless a company holds a state charter issued in or prior to the  
18 year 1913 which charter authorizes a company to engage in the  
19 telephone business. No telecommunications company not exempt  
20 from this subsection shall transact any business in this state  
21 until it shall have obtained a certificate of service authority  
22 from the commission pursuant to the provisions of this chapter,  
23 except that any telecommunications company which is providing  
24 telecommunications service on September 28, 1987, and which has

1 not been granted or denied a certificate of public convenience  
2 and necessity prior to September 28, 1987, may continue to  
3 provide that service exempt from all other requirements of this  
4 chapter until a certificate of service authority is granted or  
5 denied by the commission so long as the telecommunications  
6 company applies for a certificate of service authority within  
7 ninety days from September 28, 1987.

8 2. No telecommunications company offering or providing, or  
9 seeking to offer or provide, any interexchange telecommunications  
10 service shall do so until it has applied for and received a  
11 certificate of interexchange service authority pursuant to the  
12 provisions of subsection 1 of this section. No  
13 telecommunications company offering or providing, or seeking to  
14 offer or provide, any local exchange telecommunications service  
15 shall do so until it has applied for and received a certificate  
16 of local exchange service authority pursuant to the provisions of  
17 section 392.420.

18 3. No certificate of service authority issued by the  
19 commission shall be construed as granting a monopoly or exclusive  
20 privilege, immunity or franchise. The issuance of a certificate  
21 of service authority to any telecommunications company shall not  
22 preclude the commission from issuing additional certificates of  
23 service authority to another telecommunications company providing  
24 the same or equivalent service or serving the same geographical

1 area or customers as any previously certified company, except to  
2 the extent otherwise provided by section 392.450.

3 4. Any certificate of public convenience and necessity  
4 granted by the commission to a telecommunications company prior  
5 to September 28, 1987, shall remain in full force and effect  
6 unless modified by the commission, and such companies need not  
7 apply for a certificate of service authority in order to continue  
8 offering or providing service to the extent authorized in such  
9 certificate of public convenience and necessity. Any such  
10 carrier, however, prior to substantially altering the nature or  
11 scope of services provided under a certificate of public  
12 convenience and necessity, or adding or expanding services beyond  
13 the authority contained in such certificate, shall apply for a  
14 certificate of service authority for such alterations or  
15 additions pursuant to the provisions of this section.

16 5. The commission may review and modify the terms of any  
17 certificate of public convenience and necessity issued to a  
18 telecommunications company prior to September 28, 1987, in order  
19 to ensure its conformity with the requirements and policies of  
20 this chapter. Any certificate of service authority may be  
21 altered or modified by the commission after notice and hearing,  
22 upon its own motion or upon application of the person or company  
23 affected. Unless exercised within a period of one year from the  
24 issuance thereof, authority conferred by a certificate of service

1 authority or a certificate of public convenience and necessity  
2 shall be null and void.

3 6. The commission may issue a temporary certificate which  
4 shall remain in force not to exceed one year to assure  
5 maintenance of adequate service or to serve particular customers,  
6 without notice and hearing, pending the determination of an  
7 application for a certificate.

8 7. No political subdivision of this state shall provide or  
9 offer for sale, either to the public or to a telecommunications  
10 provider, a telecommunications service or telecommunications  
11 facility used to provide a telecommunications service for which a  
12 certificate of service authority is required pursuant to this  
13 section. Nothing in this subsection shall be construed to  
14 restrict a political subdivision from allowing the  
15 nondiscriminatory use of its rights-of-way including its poles,  
16 conduits, ducts and similar support structures by  
17 telecommunications providers or from providing to  
18 telecommunications providers, within the geographic area in which  
19 it lawfully operates as a municipal utility, telecommunications  
20 services or telecommunications facilities on a nondiscriminatory,  
21 competitively-neutral basis, and at a price which covers cost,  
22 including imputed costs that the political subdivision would  
23 incur if it were a for-profit business. Nothing in this  
24 subsection shall restrict a political subdivision from providing

1 telecommunications services or facilities:

- 2 (1) For its own use;
- 3 (2) For 911, E-911 or other emergency services;
- 4 (3) For medical or educational purposes;
- 5 (4) To students by an educational institution; or
- 6 (5) Internet-type services.

7 [The provisions of this subsection shall expire on August 28,  
8 2002.]

9 650.350. 1. There is hereby created within the department  
10 of public safety the "Missouri Sheriff Methamphetamine Relief  
11 Taskforce" (MoSMART). MoSMART shall be composed of five sitting  
12 sheriffs. Every two years, the Missouri sheriffs' association  
13 board of directors will submit twenty names of sitting sheriffs  
14 to the governor. The governor will then select five of these  
15 twenty names, no more than three from any one political party, to  
16 serve a term of two years. The members shall elect a chair from  
17 among their membership. Members shall receive no compensation  
18 for the performance of their duties pursuant to this section, but  
19 each member shall be reimbursed from the MoSMART fund for actual  
20 and necessary expenses incurred in carrying out duties pursuant  
21 to this section.

22 2. MoSMART shall meet no less than twice each calendar  
23 year, with additional meetings called by the chair upon the

1 request of at least two members. A majority of the appointed  
2 members shall constitute a quorum.

3 3. A special fund is hereby created in the state treasury,  
4 to be know as the "MoSMART Fund". The state treasurer shall  
5 invest the moneys in such fund in the manner authorized by law.  
6 All moneys received for MoSMART from appropriations, interest, or  
7 federal moneys shall be deposited to the credit of the fund. The  
8 director of the department of public safety shall distribute at  
9 least fifty percent but not more than one hundred percent of the  
10 fund annually in the form of grants approved by MoSMART.

11 4. All moneys appropriated to or received by MoSMART shall  
12 be deposited and credited to the MoSMART fund. The department of  
13 public safety shall only be reimbursed for actual and necessary  
14 expenses for the administration of MoSMART, which shall be no  
15 less than one percent and which shall not to exceed two percent  
16 of all moneys appropriated to the fund. The provisions of  
17 section 33.080, RSMo, to the contrary notwithstanding, moneys in  
18 the MoSMART fund shall not lapse to general revenue at the end of  
19 the biennium.

20 5. Any rule or portion of a rule, as that term is defined  
21 in section 536.010, RSMo, that is created under the authority  
22 delegated in this section shall become effective only if it  
23 complies with and is subject to all of the provisions of chapter  
24 536, RSMo, and, if applicable, section 536.028, RSMo. This

1 section and chapter 536, RSMo, are nonseverable and if any of the  
2 powers vested with the general assembly pursuant to chapter 536,  
3 RSMo, to review, to delay the effective date or to disapprove and  
4 annul a rule are subsequently held unconstitutional, then the  
5 grant of rulemaking authority and any rule proposed or adopted  
6 after August 28, 2002, shall be invalid and void.

7 6. Any county law enforcement entity or established task  
8 force with a memorandum of understanding and protocol may apply  
9 for grants from the MoSMART fund on an application to be  
10 developed by the department of public safety with the approval of  
11 MoSMART. All applications shall be evaluated by MoSMART and  
12 approved or denied based upon the level of funding designated for  
13 methamphetamine enforcement before 1997 and upon current need and  
14 circumstances. No applicant shall receive a MoSMART grant in  
15 excess of one hundred thousand dollars per year. The department  
16 of public safety shall monitor all MoSMART grants.

17 7. MoSMART's anti-methamphetamine funding priorities are as  
18 follows:

19 (1) Sheriffs who are participating in coordinated multi-  
20 jurisdictional task forces and have their task forces apply for  
21 funding;

22 (2) Sheriffs whose county has been designated HIDTA  
23 counties, yet have received no HIDTA or narcotics assistance  
24 program funding; and

1           (3) Sheriffs without HIDTA designations or task forces,  
2 whose application justifies the need for MoSMART funds to  
3 eliminate methamphetamine labs.

4           650.390. As used in sections 650.390 to 650.411, the  
5 following words and terms mean:

6           (1) "Board of commissioners", a board appointed by the  
7 chief executive officer of the governing body within a service  
8 area for the purpose of administering a county emergency  
9 communications system. No board of commissioners established  
10 pursuant to sections 650.390 to 650.411 shall have jurisdiction  
11 over local emergency or police dispatching agencies;

12           (2) "County", any charter county with a population of more  
13 than nine hundred thousand inhabitants;

14           (3) "Emergency communications system", a wireless radio  
15 communication network, including infrastructure hardware and  
16 software, providing communications links that permit  
17 participating governmental or public safety entities to  
18 communicate within the area served by such system which is  
19 coterminous with the geographic boundaries of the county in which  
20 the emergency communications system is situated;

21           (4) "Governing body", the legislative body of any county  
22 with a charter form of government and a population of more than  
23 nine hundred thousand inhabitants.

24           650.393. 1. The governing body of a county may establish

1 an emergency communications system commission within the  
2 geographical boundaries of such county. Each such commission  
3 shall be composed of seven commissioners appointed by the chief  
4 executive officer of the county in which the commission is  
5 established.

6 2. The commission shall include a chief of police of a  
7 municipality located within the county, the chief of the police  
8 or the sheriff of the county, a chief of a municipal fire  
9 department located within the county, a chief of a fire  
10 protection district located within the county, and three at-large  
11 commissioners, who shall be residents of the county, all subject  
12 to the confirmation of the governing body of the county. Where  
13 applicable, the member who is a municipal chief of police shall  
14 be chosen from those persons nominated by a local police chiefs  
15 association. The members who are chiefs of either a municipal  
16 fire department or a fire protection district shall be chosen  
17 from those persons nominated by a local fire chiefs association.  
18 One at-large commissioner shall be chosen from those persons  
19 nominated by a local municipal league or organization. At least  
20 two of the at-large commissioners shall be persons who are not  
21 employed by a fire department or district, a police or sheriff's  
22 department, or any emergency medical system, or who are not  
23 elected or appointed officials of a political subdivision of the  
24 state or are not employed by the state of Missouri.

1           3. The terms of office of the commissioner who is a chief  
2 of police or sheriff of the county shall be coterminous with such  
3 person's term of office as chief of police or sheriff. At the  
4 first meeting of the commission, the other commissioners shall  
5 choose the length of their terms, with two commissioners serving  
6 for two years, three commissioners serving for three years and  
7 one commissioner serving for four years. All succeeding  
8 commissioners shall serve for five years. Terms shall end on  
9 December thirty-first of the respective year. No commissioner  
10 shall serve for more than two consecutive full terms. A  
11 commissioner who is not an at-large commissioner shall remain in  
12 office only so long as he or she retains office with the  
13 department or district that such commissioner served at the time  
14 such person was appointed to the board of commissioners.  
15 Vacancies on the board of commissioners shall be filled by  
16 persons appointed by the chief executive officer of the county in  
17 the same manner by which the commissioner whose office is vacant  
18 was first appointed.

19           650.396. A county in which an emergency communications  
20 system commission has been established may, by a majority vote of  
21 the qualified voters voting thereon, levy and collect either a  
22 tax on the taxable real property in the district, not to exceed  
23 six cents per one hundred dollars of assessed valuation or a  
24 sales tax not to exceed one-tenth of one percent, to accomplish

1 any of the following purposes:

2 (1) The provision of necessary funds to establish, operate  
3 and maintain an emergency communications system to serve the  
4 county in which the commission is located; and

5 (2) The provision of funds to supplement existing funds for  
6 the operation and maintenance of an existing emergency  
7 communications system in the county in which the commission is  
8 located.

9 650.399. 1. The board of commissioners may, by a majority  
10 vote of its members, request that the governing body of the  
11 county submit to the qualified voters of such county at a  
12 general, primary or special election either of the questions  
13 contained in subsection 2 of this section. The governing body  
14 may approve or deny such request. The governing body may also  
15 vote to submit such question without a request of the board of  
16 commissioners. The county election official shall give legal  
17 notice of the election pursuant to chapter 115, RSMo.

18 2. The questions shall be put in substantially the  
19 following form:

20 (1) "Shall (name of county) establish an emergency  
21 communications system fund to establish (and/or) maintain an  
22 emergency communications system, and for which the county shall  
23 levy a tax of (insert exact amount, not to exceed six cents) per  
24 each one hundred dollars assessed valuation therefor, to be paid

1 into the fund for that purpose?"

2  YES

NO; or

3 (2) "Shall (name of county) establish an emergency  
4 communications system fund to establish (and/or) maintain an  
5 emergency communications system, and for which the county shall  
6 levy a sales tax of (insert exact amount, not to exceed one-tenth  
7 of one percent), to be paid into the fund for that purpose?"

8  YES

NO

9 3. The election shall be conducted and vote canvassed in  
10 the same manner as other county elections. If the majority of  
11 the qualified voters voting thereon vote in favor of such tax,  
12 then the county shall levy such tax in the specified amount,  
13 beginning in the tax year immediately following its approval.  
14 The tax so levied shall be collected along with other county  
15 taxes in the manner provided by law. If the majority of the  
16 qualified voters voting thereon vote against such tax, then such  
17 tax shall not be imposed unless such tax is resubmitted to the  
18 voters and a majority of the qualified voters voting thereon  
19 approve such tax.

20 650.402. All funds collected from any tax approved pursuant  
21 to section 650.399 shall be deposited in a special county fund,  
22 to be designated the "Emergency Communications System Fund". The  
23 fund shall be held and managed in the same manner as all other  
24 funds of such county. The fund shall be administered by the

1 board of commissioners to accomplish the purposes set out in  
2 sections 650.396, 650.405 and 650.411, and shall be used for no  
3 other purpose.

4 650.405. The board of commissioners shall have the  
5 following powers and responsibilities:

6 (1) To supervise and administer, within the acquisition and  
7 purchasing procedures of the county, the building, acquisitions  
8 by purchase or otherwise, construction and operation of an  
9 emergency communications system for the county in which the  
10 commission is located;

11 (2) To administratively control and manage the emergency  
12 communications system;

13 (3) To negotiate and recommend to the governing body that  
14 the county contract with such companies or other business or  
15 governmental entities, which in the opinion of the board of  
16 commissioners are necessary to provide equipment, material and  
17 professional services to establish, construct and maintain an  
18 emergency communications system and conduct the business of the  
19 commission;

20 (4) To promulgate an annual report of the financial  
21 condition and operation of the commission and the emergency  
22 communications system;

23 (5) To recommend to the governing body that the county  
24 purchase or acquire by gift such real estate and equipment and

1 materials necessary to accomplish the purposes of the commission  
2 and the emergency communications system; and

3 (6) To adopt such bylaws, rules and regulations as in the  
4 opinion of the board of commissioners shall best serve the  
5 purpose of the commission.

6 650.408. 1. The funds necessary for payment of any  
7 obligation of the county in connection with the establishment,  
8 operation and maintenance of the emergency communications system  
9 may be paid by the county out of the fund established pursuant to  
10 section 650.402, or from bonds issued pursuant to this section.

11 2. For the purpose of supporting the operation and other  
12 purposes of the commission and the emergency communications  
13 system, the county may issue bonds for and on behalf of the  
14 county, payable out of funds derived from the sales tax  
15 authorized in sections 650.396 and 650.399 or from taxation of  
16 all taxable real property in the county, up to an amount not  
17 exceeding six percent of the assessed valuation of such property,  
18 with such evaluation to be ascertained by the assessment  
19 immediately prior to the most recent assessment for state and  
20 county purposes, or from revenue generated from any other tax or  
21 fee authorized and approved by the voters pursuant to section  
22 650.399. Such bonds shall be issued in denominations of one  
23 hundred dollars, or some multiple thereof, and the provisions of  
24 section 108.170, RSMo, to the contrary notwithstanding, such

1 bonds may bear interest at a rate determined by the emergency  
2 communications system commissioners, payable semiannually, to  
3 become payable no later than twenty years after the date of the  
4 bonds.

5 3. Whenever the board of commissioners of any such  
6 emergency communications district proposes to issue bonds  
7 pursuant to subdivision (3) of subsection 2 of this section, they  
8 shall submit the question to the voters in the district pursuant  
9 to this section. The notice for any such election shall, in  
10 addition to the requirements of chapter 115, RSMo, state the  
11 amount of bonds to be issued.

12 4. The question shall be submitted in substantially the  
13 following form:

14 "Shall ..... County issue bonds in the amount of .....  
15 dollars, the purpose of which are to support the construction,  
16 repair and maintenance of the ..... Emergency Communications  
17 System?"

18  YES

NO

19 5. The result of the election on the question shall be  
20 entered upon the records of the county. If it shall appear that  
21 four-sevenths of the voters voting on the question shall have  
22 voted in favor of the issue of the bonds, the commissioners shall  
23 order and direct the execution of the bonds for and on behalf of  
24 such county and the commission. If the general law of the state

1 is such that an amount other than a four-sevenths majority is  
2 required on ballot measures of such type, the amount set by the  
3 general law of the state shall control.

4 6. The county shall not sell such bonds for less than  
5 ninety-five percent of the par value thereof, and the proceeds  
6 shall be paid over to the county treasurer, and disbursed on  
7 warrants drawn by the president or vice president of the board of  
8 commissioners and attested by the secretary. The proceeds of the  
9 sale of such bonds shall be used for the purpose only of paying  
10 the cost of holding such election, and constructing, repairing  
11 and maintaining the emergency communications system and its  
12 appurtenances.

13 7. Such bonds shall be payable and collectible only out of  
14 moneys derived from tax revenues authorized by section 650.399,  
15 from the sale of such bonds or from interest that may accrue on  
16 funds so derived while on deposit with any county depository.  
17 The county treasurer shall hold in reserve, for payment of  
18 interest on such bonds, a sufficient amount of the money so  
19 derived that may come into his or her hands in excess of the  
20 amount then necessary to pay all bonds and interest then past  
21 due, to pay all interest that will become payable before the next  
22 installment of such special tax becomes payable, and three  
23 percent of the principal amount of the bonds not then due. The  
24 county treasurer shall, whenever any of the bonds or interest

1 thereon become due, apply such money as may be in his or her  
2 custody and applicable thereto, or that may thereafter come into  
3 his or her custody and be applicable thereto, to payment of such  
4 bonds and interest as may be due and unpaid.

5 8. All money derived from the tax authorized pursuant to  
6 section 650.399 shall be used in paying the bonds and the  
7 interest thereon, except that the money that may be collected  
8 pursuant to such tax in excess of the amount necessary to pay all  
9 bonds then past due and such bonds and interest as will become  
10 payable before another assessment of such tax becomes payable  
11 may, less an amount equal to three percent of the principal  
12 amount of the bonds not then due, be used for the purposes  
13 authorized in section 650.411.

14 9. The county treasurer shall, as such bonds are sold,  
15 deliver them to the purchaser upon being ordered to do so by the  
16 commissioners. The county treasurer shall cancel bonds as such  
17 bonds are paid, and shall deliver them to the clerk of the  
18 county.

19 650.411. All money derived from the sale of bonds pursuant  
20 to section 650.408 except such portion as is required to be  
21 reserved pursuant to subsections 7 and 8 of section 650.408, all  
22 money collected on any tax authorized according to section  
23 650.399 and all interest that may accrue on moneys so derived  
24 while deposited with any county depository and not required to be

1 used in paying such bonds or interest thereon, shall be used, and  
2 warrants drawn on the treasurer therefor, to pay:

3 (1) The cost and expenses incurred by the county  
4 maintaining any real or personal property used in the operation  
5 of the emergency communications system; and

6 (2) Such working, administrative and incidental expenses,  
7 not otherwise provided by law, as may be incurred in operating  
8 such emergency communications system.

9 Section 1. 1. Notwithstanding any other provision of law  
10 to the contrary, in any action construing a consumer service  
11 contract which contains an automatic renewal provision for a  
12 period longer than one year, such provision shall be deemed  
13 unconscionable and the court shall strike the provision from the  
14 underlying service contract.

15 2. As used in this section, the term "consumer service  
16 contract" is a contract for the purchase of work, labor, or  
17 services, including services furnished in connection with the  
18 sale, maintenance, lease, rent, or repair of goods or equipment.