

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 741

94TH GENERAL ASSEMBLY

1592S.08T

2007

AN ACT

To repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 135.535, 142.031, RSMo, and sections 99.820 and 99.825 as truly agreed to and finally passed in senate substitute for senate committee substitute for house committee substitute for house bill no. 327, ninety-fourth general assembly, first regular session, and to enact in lieu thereof twenty-three new sections relating to programs administered by the department of economic development, with penalty provisions.

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

Section A. Sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 135.535, 142.031, RSMo, and sections 99.820 and 99.825 as truly agreed to and finally passed in senate substitute for senate committee substitute for house committee substitute for house bill no. 327, ninety-fourth general assembly, first regular session, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 99.820, 99.825, 99.1100, 135.535, 135.562, 142.031, 251.600, 251.603, 251.605, 251.610, 251.615, 251.618, 251.621, 251.624, 251.627, 251.630, and 265.525, to read as follows:

30.750. As used in sections 30.750 to 30.767, the following terms mean:

- (1) "Eligible agribusiness", a person engaged in the processing or adding of value to agricultural products produced in Missouri;
- (2) "Eligible beginning farmer",
 - (a) For any beginning farmer who seeks to participate in the linked deposit program alone, a farmer who:

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

- 7 a. Is a Missouri resident;
- 8 b. Wishes to borrow for a farm operation located in Missouri;
- 9 c. Is at least eighteen years old; and
- 10 d. In the preceding five years has not owned, either directly or indirectly, farm land
- 11 greater than fifty percent of the average size farm in the county where the proposed farm
- 12 operation is located or farm land with an appraised value greater than four hundred fifty thousand
- 13 dollars.

14

15 A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a

16 linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment,

17 livestock and working capital;

18 (b) For any beginning farmer who is participating in both the linked deposit program and

19 the beginning farmer loan program administered by the Missouri agriculture and small business

20 development authority, a farmer who:

21 a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal

22 tax-exempt financing, including the limitations on the use of loan proceeds; and

23 b. Meets all other requirements established by the Missouri agriculture and small

24 business development authority;

25 (3) "Eligible facility borrower", a borrower qualified under section 30.860 to apply for

26 a reduced-rate loan under sections 30.750 to 30.767;

27 (4) "Eligible farming operation", any person engaged in farming in an authorized farm

28 corporation, family farm, or family farm corporation as defined in section 350.010, RSMo, that

29 has all of the following characteristics:

30 (a) Is headquartered in this state;

31 (b) Maintains offices, operating facilities, or farming operations and transacts business

32 in this state;

33 (c) Employs less than ten employees;

34 (d) Is organized for profit;

35 (e) Possesses not more than sixty percent equity, where "percent equity" is defined as

36 total assets minus total liabilities divided by total assets, except that an otherwise eligible

37 farming operation applying for a loan for the purpose of installing or improving a waste

38 management practice in order to comply with environmental protection regulations shall be

39 exempt from this eligibility requirement;

40 (5) "Eligible higher education institution", any approved public or private institution as

41 defined in section 173.205, RSMo;

42 (6) "Eligible job enhancement business", a new, existing, or expanding firm operating
43 in Missouri, or as a condition of accepting the linked deposit, will locate a facility or office in
44 Missouri associated with said linked deposit, which employs ten or more employees in Missouri
45 on a yearly average and which, as nearly as possible, is able to establish or retain at least one job
46 in Missouri for each fifty thousand dollars received from a linked deposit loan;

47 (7) "Eligible lending institution", a financial institution that is eligible to make
48 commercial or agricultural or student loans or discount or purchase such loans, is a public
49 depository of state funds or obtains its funds through the issuance of obligations, either directly
50 or through a related entity, eligible for the placement of state funds under the provisions of
51 section 15, article IV, Constitution of Missouri, and agrees to participate in the linked deposit
52 program;

53 (8) "Eligible livestock operation", any person engaged in production of livestock or
54 poultry in an authorized farm corporation, family farm, or family farm corporation as defined in
55 section 350.010, RSMo;

56 (9) **"Eligible locally owned business", any person, seeking to establish a new firm,
57 partnership, cooperative company, or corporation that shall retain at least fifty-one
58 percent ownership by residents in a county in which the business is headquartered, that
59 consists of the following characteristics:**

60 (a) **The county has a median population of twelve thousand five hundred or less;
61 and**

62 (b) **The median income of residents in the county are equal to or less than the state
63 median income; or**

64 (c) **The unemployment rate of the county is equal to or greater than the state's
65 unemployment rate;**

66 (10) "Eligible marketing enterprise", a business enterprise operating in this state which
67 is in the process of marketing its goods, products or services within or outside of this state or
68 overseas, which marketing is designed to increase manufacturing, transportation, mining,
69 communications, or other enterprises in this state, which has proposed its marketing plan and
70 strategy to the department of economic development and which plan and strategy has been
71 approved by the department for purposes of eligibility pursuant to sections 30.750 to 30.767.
72 Such business enterprise shall conform to the characteristics of paragraphs (a), (b) and (d) of
73 subdivision (4) of this section and also employ less than twenty-five employees;

74 [(10)](11) "Eligible multitenant development enterprise", a new enterprise that develops
75 multitenant space for targeted industries as determined by the department of economic
76 development and approved by the department for the purposes of eligibility pursuant to sections
77 30.750 to 30.767;

78 [(11)] (12) "Eligible residential property developer", an individual who purchases and
79 develops a residential structure of either two or four units, if such residential property developer
80 uses and agrees to continue to use, for at least the five years immediately following the date of
81 issuance of the linked deposit loan, one of the units as his principal residence or if such person's
82 principal residence is located within one-half mile from the developed structure and such person
83 agrees to maintain the principal residence within one-half mile of the developed structure for at
84 least the five years immediately following the date of issuance of the linked deposit loan;

85 [(12)] (13) "Eligible residential property owner", a person, firm or corporation who
86 purchases, develops or rehabilitates a multifamily residential structure;

87 [(13)] (14) "Eligible small business", a person engaged in an activity with the purpose
88 of obtaining, directly or indirectly, a gain, benefit or advantage and which conforms to the
89 characteristics of paragraphs (a), (b) and (d) of subdivision (4) of this section, and also employs
90 less than twenty-five employees;

91 [(14)] (15) "Eligible student borrower", any person attending, or the parent of a
92 dependent undergraduate attending, an eligible higher education institution in Missouri who may
93 or may not qualify for need-based student financial aid calculated by the federal analysis called
94 Congressional Methodology Formula pursuant to 20 U.S.C. 1078, as amended (the Higher
95 Education Amendments of 1986);

96 [(15)] (16) "Eligible water supply system", a water system which serves fewer than fifty
97 thousand persons and which is owned and operated by:

98 (a) A public water supply district established pursuant to chapter 247, RSMo; or

99 (b) A municipality or other political subdivision; or

100 (c) A water corporation;

101

102 and which is certified by the department of natural resources in accordance with its rules and
103 regulations to have suffered a significant decrease in its capacity to meet its service needs as a
104 result of drought;

105 [(16)] (17) "Farming", using or cultivating land for the production of agricultural crops,
106 livestock or livestock products, forest products, poultry or poultry products, milk or dairy
107 products, or fruit or other horticultural products;

108 [(17)] (18) "Linked deposit", a certificate of deposit, or in the case of production credit
109 associations, the subscription or purchase outright of obligations described in section 15, article
110 IV, Constitution of Missouri, placed by the state treasurer with an eligible lending institution at
111 rates otherwise provided by law in section 30.758, provided the institution agrees to lend the
112 value of such deposit, according to the deposit agreement provided in sections 30.750 to 30.767,
113 to eligible small businesses, **eligible locally owned businesses**, farming operations, eligible job

114 enhancement businesses, eligible marketing enterprises, eligible residential property developers,
115 eligible residential property owners, eligible agribusinesses, eligible beginning farmers, eligible
116 livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water
117 supply systems at below the present borrowing rate applicable to each small business, farming
118 operation, eligible job enhancement business, eligible marketing enterprise, eligible residential
119 property developer, eligible residential property owner, eligible agribusiness, eligible beginning
120 farmer, eligible livestock operation, eligible student borrower, or supply system at the time of
121 the deposit of state funds in the institution;

122 [(18)] (19) "Market rate", the interest rate tied to federal government securities and more
123 specifically described in subsection 4 of section 30.260;

124 [(19)] (20) "Water corporation", as such term is defined in section 386.020, RSMo;

125 [(20)] (21) "Water system", as such term is defined in section 386.020, RSMo.

30.753. 1. The state treasurer may invest in linked deposits; however, the total amount
2 so deposited at any one time shall not exceed, in the aggregate, seven hundred twenty million
3 dollars. No more than three hundred thirty million dollars of the aggregate deposit shall be used
4 for linked deposits to eligible farming operations, **eligible locally owned businesses**, eligible
5 agribusinesses, eligible beginning farmers, eligible livestock operations, and eligible facility
6 borrowers, no more than one hundred ten million of the aggregate deposit shall be used for
7 linked deposits to small businesses, no more than twenty million dollars shall be used for linked
8 deposits to eligible multitenant development enterprises, and no more than twenty million dollars
9 of the aggregate deposit shall be used for linked deposits to eligible residential property
10 developers and eligible residential property owners, no more than two hundred twenty million
11 dollars of the aggregate deposit shall be used for linked deposits to eligible job enhancement
12 businesses and no more than twenty million dollars of the aggregate deposit shall be used for
13 linked deposit loans to eligible water systems. Linked deposit loans may be made to eligible
14 student borrowers from the aggregate deposit. If demand for a particular type of linked deposit
15 exceeds the initial allocation, and funds initially allocated to another type are available and not
16 in demand, the state treasurer may commingle allocations among the types of linked deposits.

17 2. The minimum deposit to be made by the state treasurer to an eligible lending
18 institution for eligible job enhancement business loans shall be ninety thousand dollars. Linked
19 deposit loans for eligible job enhancement businesses may be made for the purposes of assisting
20 with relocation expenses, working capital, interim construction, inventory, site development,
21 machinery and equipment, or other expenses necessary to create or retain jobs in the recipient
22 firm.

30.756. 1. An eligible lending institution that desires to receive a linked deposit shall
2 accept and review applications for linked deposit loans from eligible multitenant enterprises,

3 eligible farming operations, **eligible locally owned businesses**, eligible small businesses, eligible
4 job enhancement businesses, eligible marketing enterprises, eligible agribusinesses, eligible
5 beginning farmers, eligible livestock operations, eligible residential property developers, eligible
6 residential property owners, eligible student borrowers, eligible facility borrowers, and eligible
7 water supply systems. An eligible residential property owner shall certify on his or her loan
8 application that the reduced rate loan will be used exclusively to purchase, develop or rehabilitate
9 a multifamily residential property. The lending institution shall apply all usual lending standards
10 to determine the credit worthiness of each eligible multitenant enterprise, eligible farming
11 operation, **eligible locally owned business**, eligible small business, eligible job enhancement
12 business, eligible marketing enterprise, eligible residential property developer, eligible residential
13 property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation,
14 eligible student borrower, eligible facility borrower, or eligible water supply system. No linked
15 deposit loan made to any eligible farming operation, **eligible locally owned business**, eligible
16 livestock operation, eligible agribusiness or eligible small business shall exceed a dollar limit
17 determined by the state treasurer in the state treasurer's best judgment, except as otherwise
18 limited. Any link deposit loan made to an eligible facility borrower shall be in accordance with
19 the loan amount and loan term requirements in section 30.860.

20 2. An eligible farming operation, small business or job enhancement business shall
21 certify on its loan application that the reduced rate loan will be used exclusively for necessary
22 production expenses or the expenses listed in subsection 2 of section 30.753 or the refinancing
23 of an existing loan for production expenses or the expenses listed in subsection 2 of section
24 30.753 of an eligible farming operation, small business or job enhancement business. Whoever
25 knowingly makes a false statement concerning such application is guilty of a class A
26 misdemeanor. An eligible water supply system shall certify on its loan application that the
27 reduced rate loan shall be used exclusively to pay the costs of upgrading or repairing an existing
28 water system, constructing a new water system, or making other capital improvements to a water
29 system which are necessary to improve the service capacity of the system.

30 3. In considering which eligible farming operations should receive reduced rate loans,
31 the eligible lending institution shall give priority to those farming operations which have suffered
32 reduced yields due to drought or other natural disasters and for which the receipt of a reduced
33 rate loan will make a significant contribution to the continued operation of the recipient farming
34 operation.

35 4. The eligible financial institution shall forward to the state treasurer a linked deposit
36 loan package, in the form and manner as prescribed by the state treasurer. The package shall
37 include such information as required by the state treasurer, including the amount of each loan
38 requested. The institution shall certify that each applicant is an eligible farming operation,

39 **eligible locally owned business**, eligible small business, eligible job enhancement business,
40 eligible marketing enterprise, eligible residential property developer, eligible residential property
41 owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible
42 student borrower, eligible facility borrower, or eligible water supply system, and shall, for each
43 eligible farming operation, small business, eligible job enhancement business, eligible marketing
44 enterprise, eligible residential property developer, eligible residential property owner, eligible
45 agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower,
46 eligible facility borrower, or eligible water supply system, certify the present borrowing rate
47 applicable.

48 5. The eligible lending institution shall be responsible for determining if a student
49 borrower is an eligible student borrower. A student borrower shall be eligible for an initial or
50 renewal reduced rate loan only if, at the time of the application for the loan, the student is a
51 citizen or permanent resident of the United States, a resident of the state of Missouri as defined
52 by the coordinating board for higher education, is enrolled or has been accepted for enrollment
53 in an eligible higher education institution, and establishes that the student has financial need.
54 In considering which eligible student borrowers may receive reduced rate loans, the eligible
55 lending institution may give priority to those eligible student borrowers whose income, or whose
56 family income, if the eligible student borrower is a dependent, is such that the eligible student
57 borrower does not qualify for need-based student financial aid pursuant to 20 U.S.C. 1078, as
58 amended (the Higher Education Amendments of 1986). The eligible lending institution shall
59 require the eligible student borrower to document that the student has applied for and has
60 obtained all need-based student financial aid for which the student is eligible prior to application
61 for a reduced rate loan pursuant to this section. In no case shall the combination of all financial
62 aid awarded to any student in any particular enrollment period exceed the total cost of attendance
63 at the institution in which the student is enrolled. No eligible lending institution shall charge any
64 additional fees, including but not limited to an origination, service or insurance fee on any loan
65 agreement under the provisions of sections 30.750 to 30.765.

66 6. The eligible lending institution making an initial loan to an eligible student borrower
67 may make a renewal loan or loans to the student. The total of such reduced rate loans from
68 eligible lending institutions made pursuant to this section to any individual student shall not
69 exceed the cumulative totals established by 20 U.S.C. 1078, as amended. An eligible student
70 borrower shall certify on his or her loan application that the reduced rate loan shall be used
71 exclusively to pay the costs of tuition, incidental fees, books and academic supplies, room and
72 board and other fees directly related to enrollment in an eligible higher education institution. The
73 eligible lending institution shall make the loan payable to the eligible student borrower and the

74 eligible higher education institution as copayees. The method of repayment of the loan shall be
75 the same as for repayment of loans made pursuant to sections 173.095 to 173.186, RSMo.

76 7. Beginning August 28, 2005, in considering which eligible multitenant enterprise,
77 eligible farming operation, **eligible locally owned business**, eligible small business, eligible job
78 enhancement business, eligible marketing enterprise, eligible residential property developer,
79 eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible
80 livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply
81 system should receive reduced-rate loans, the eligible lending institution shall give priority to an
82 eligible multitenant enterprise, eligible farming operation, **eligible locally owned business**,
83 eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible
84 residential property developer, eligible residential property owner, eligible agribusiness, eligible
85 beginning farmer, eligible livestock operation, eligible student borrower, eligible facility
86 borrower, or eligible water supply system that has not previously received a reduced-rate loan
87 through the linked deposit program. However, nothing shall prohibit an eligible lending
88 institution from making a reduced-rate loan to any entity that previously has received such a loan,
89 if such entity otherwise qualifies for such a reduced-rate loan.

30.758. 1. The state treasurer may accept or reject a linked deposit loan package or any
2 portion thereof.

3 2. The state treasurer shall make a good faith effort to ensure that the linked deposits are
4 placed with eligible lending institutions to make linked deposit loans to minority- or
5 female-owned eligible multitenant enterprises, eligible farming operations, **eligible locally**
6 **owned businesses**, eligible small businesses, eligible job enhancement businesses, eligible
7 marketing enterprises, eligible residential property developers, eligible residential property
8 owners, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible
9 student borrowers, eligible facility borrowers, or eligible water supply systems. Results of such
10 effort shall be included in the linked deposit review committee's annual report to the governor.

11 3. Upon acceptance of the linked deposit loan package or any portion thereof, the state
12 treasurer may place linked deposits with the eligible lending institution as follows: when market
13 rates are five percent or above, the state treasurer shall reduce the market rate by up to three
14 percentage points to obtain the linked deposit rate; when market rates are less than five percent,
15 the state treasurer shall reduce the market rate by up to sixty percent to obtain the linked deposit
16 rate, provided that the linked deposit rate is not below one percent. All linked deposit rates are
17 determined and calculated by the state treasurer. When necessary, the treasurer may place linked
18 deposits prior to acceptance of a linked deposit loan package.

19 4. The eligible lending institution shall enter into a deposit agreement with the state
20 treasurer, which shall include requirements necessary to carry out the purposes of sections 30.750

21 to 30.767. The deposit agreement shall specify the length of time for which the lending
22 institution will lend funds upon receiving a linked deposit, and the original deposit plus renewals
23 shall not exceed five years, except as otherwise provided in this chapter. The agreement shall
24 also include provisions for the linked deposit of a linked deposit for an eligible facility borrower,
25 eligible multitenant enterprise, eligible farming operation, **eligible locally owned business**,
26 small business, eligible marketing enterprise, eligible residential property developer, eligible
27 residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock
28 operation, eligible student borrower or job enhancement business. Interest shall be paid at the
29 times determined by the state treasurer.

30 5. The period of time for which such linked deposit is placed with an eligible lending
31 institution shall be neither longer nor shorter than the period of time for which the linked deposit
32 is used to provide loans at reduced interest rates. The agreement shall further provide that the
33 state shall receive market interest rates on any linked deposit or any portion thereof for any
34 period of time for which there is no corresponding linked deposit loan outstanding to an eligible
35 multitenant enterprise, eligible farming operation, **eligible locally owned business**, eligible
36 small business, eligible job enhancement business, eligible marketing enterprise, eligible
37 residential property developer, eligible residential property owner, eligible agribusiness, eligible
38 beginning farmer, eligible livestock operation, eligible student borrower, eligible facility
39 borrower, or eligible water supply system, except as otherwise provided in this subsection.
40 Within thirty days after the annual anniversary date of the linked deposit, the eligible lending
41 institution shall repay the state treasurer any linked deposit principal received from borrowers
42 in the previous yearly period and thereafter repay such principal within thirty days of the yearly
43 anniversary date calculated separately for each linked deposit loan, and repaid at the linked
44 deposit rate. Such principal payment shall be accelerated when more than thirty percent of the
45 linked deposit loan is repaid within a single monthly period. Any principal received and not
46 repaid, up to the point of the thirty percent or more payment, shall be repaid within thirty days
47 of that payment at the linked deposit rate. Finally, when the linked deposit is tied to a revolving
48 line of credit agreement between the banking institution and its borrower, the full amount of the
49 line of credit shall be excluded from the repayment provisions of this subsection.

30.760. 1. Upon the placement of a linked deposit with an eligible lending institution,
2 such institution is required to lend such funds to each approved eligible multitenant enterprise,
3 eligible farm operation, **eligible locally owned business**, eligible small business, eligible job
4 enhancement business, eligible marketing enterprise, eligible residential property developer,
5 eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible
6 livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply
7 system listed in the linked deposit loan package required by section 30.756 and in accordance

8 with the deposit agreement required by section 30.758. The loan shall be at a fixed rate of
9 interest reduced by the amount established under subsection 3 of section 30.758 to each eligible
10 multitenant enterprise, eligible farming operation, **eligible locally owned business**, eligible
11 small business, eligible job enhancement business, eligible marketing enterprise, eligible
12 residential property developer, eligible residential property owner, eligible agribusiness, eligible
13 beginning farmer, eligible livestock operation, eligible student borrower, eligible facility
14 borrower, or eligible water supply system as determined pursuant to rules and regulations
15 promulgated by the state treasurer under the provisions of chapter 536, RSMo, including
16 emergency rules issued pursuant to section 536.025, RSMo. In addition, the loan agreement
17 shall specify that the eligible multitenant enterprise, eligible farming operation, **eligible locally**
18 **owned business**, eligible small business, eligible job enhancement business, eligible marketing
19 enterprise, eligible residential property developer, eligible residential property owner, eligible
20 agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower,
21 eligible facility borrower, or eligible water supply system shall use the proceeds as required by
22 sections 30.750 to 30.765, and that in the event the loan recipient does not use the proceeds in
23 the manner prescribed by sections 30.750 to 30.765, the remaining proceeds shall be immediately
24 returned to the lending institution and that any proceeds used by the loan recipient shall be repaid
25 to the lending institution as soon as practicable. All records and documents pertaining to the
26 programs established by sections 30.750 to 30.765 shall be segregated by the lending institution
27 for ease of identification and examination. A certification of compliance with this section in the
28 form and manner as prescribed by the state treasurer shall be required of the eligible lending
29 institution. Any lender or lending officer of an eligible lending institution who knowingly
30 violates the provisions of sections 30.750 to 30.765 is guilty of a class A misdemeanor.

31 2. The state treasurer shall take any and all steps necessary to implement the linked
32 deposit program and monitor compliance of eligible multitenant enterprises, eligible lending
33 institutions, eligible farming operations, **eligible locally owned businesses**, eligible small
34 businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible
35 residential property developers, eligible residential property owners, eligible agribusinesses,
36 eligible beginning farmers, eligible livestock operations, eligible facility borrowers, or eligible
37 water supply systems.

30.765. The state and the state treasurer are not liable to any eligible lending institution
2 in any manner for payment of the principal or interest on the loan to an eligible multitenant
3 enterprise, eligible farm operation, **eligible locally owned business**, eligible small business,
4 eligible job enhancement business, eligible marketing enterprise, eligible residential property
5 developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer,
6 eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water

7 supply system. Any delay in payments or default on the part of an eligible multitenant enterprise,
8 eligible farming operation, **eligible locally owned business**, eligible small business, eligible job
9 enhancement business, eligible marketing enterprise, eligible residential property developer,
10 eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible
11 livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply
12 system does not in any manner affect the deposit agreement between the eligible lending
13 institution and the state treasurer.

99.820. 1. A municipality may:

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

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

13 (3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire
14 by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own,
15 convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or
16 interests therein, and grant or acquire licenses, easements and options with respect thereto, all
17 in the manner and at such price the municipality or the commission determines is reasonably
18 necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage,
19 disposition of land or other property, acquired by the municipality, or agreement relating to the
20 development of the property shall be made except upon the adoption of an ordinance by the
21 governing body of the municipality. Each municipality or its commission shall establish written
22 procedures relating to bids and proposals for implementation of the redevelopment projects.
23 Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating
24 to the development of property shall be made without making public disclosure of the terms of
25 the disposition and all bids and proposals made in response to the municipality's request. Such
26 procedures for obtaining such bids and proposals shall provide reasonable opportunity for any
27 person to submit alternative proposals or bids;

28 (4) Within a redevelopment area, clear any area by demolition or removal of existing
29 buildings and structures;

30 (5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or
31 building;

32 (6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site
33 improvements essential to the preparation of the redevelopment area for use in accordance with
34 a redevelopment plan;

35 (7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges
36 for the use of any building or property owned or leased by it or any part thereof, or facility
37 therein;

38 (8) Accept grants, guarantees, and donations of property, labor, or other things of value
39 from a public or private source for use within a redevelopment area;

40 (9) Acquire and construct public facilities within a redevelopment area;

41 (10) Incur redevelopment costs and issue obligations;

42 (11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

43 (12) Disburse surplus funds from the special allocation fund to taxing districts as
44 follows:

45 (a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within
46 the redevelopment area which impose ad valorem taxes on a basis that is proportional to the
47 current collections of revenue which each taxing district receives from real property in the
48 redevelopment area;

49 (b) Surplus economic activity taxes shall be distributed to taxing districts in the
50 redevelopment area which impose economic activity taxes, on a basis that is proportional to the
51 amount of such economic activity taxes the taxing district would have received from the
52 redevelopment area had tax increment financing not been adopted;

53 (c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes,
54 deposited in the special allocation fund, shall be distributed on a basis that is proportional to the
55 total receipt of such other revenues in such account in the year prior to disbursement;

56 (13) If any member of the governing body of the municipality, a member of a
57 commission established pursuant to subsection 2 of this section, or an employee or consultant
58 of the municipality, involved in the planning and preparation of a redevelopment plan, or
59 redevelopment project for a redevelopment area or proposed redevelopment area, owns or
60 controls an interest, direct or indirect, in any property included in any redevelopment area, or
61 proposed redevelopment area, which property is designated to be acquired or improved pursuant
62 to a redevelopment project, he or she shall disclose the same in writing to the clerk of the
63 municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any
64 such interest, which disclosures shall be acknowledged by the governing body of the
65 municipality and entered upon the minutes books of the governing body of the municipality. If

66 an individual holds such an interest, then that individual shall refrain from any further official
67 involvement in regard to such redevelopment plan, redevelopment project or redevelopment area,
68 from voting on any matter pertaining to such redevelopment plan, redevelopment project or
69 redevelopment area, or communicating with other members concerning any matter pertaining
70 to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such
71 member or employee shall acquire any interest, direct or indirect, in any property in a
72 redevelopment area or proposed redevelopment area after either (a) such individual obtains
73 knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant
74 to section 99.830, whichever first occurs;

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

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

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

91 (2) In all municipalities one member shall be appointed, in any manner agreed upon by
92 the affected districts, to represent all other districts levying ad valorem taxes within the area
93 selected for a redevelopment project or the redevelopment area, excluding representatives of the
94 governing body of the municipality;

95 (3) In all municipalities six members shall be appointed by the chief elected officer of
96 the municipality, with the consent of the majority of the governing body of the municipality;

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

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

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

109 (7) **Effective January 1, 2008, in a municipality which is in a county under the**
110 **authority of the East-West Gateway Council of Governments, except any municipality in**
111 **any county of the first classification with more than ninety-three thousand eight hundred**
112 **but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall**
113 **create a commission in the same manner as the commission for any county with a charter**
114 **form of government and with more than one million inhabitants, such commission shall**
115 **have twelve members with two such members appointed by the school boards whose**
116 **districts are included in the county in a manner in which such school boards agree, with**
117 **one such member to represent all other districts levying ad valorem taxes in a manner in**
118 **which all such districts agree, six such members appointed either by the county executive**
119 **or county commissioner, and three such members appointed by the cities in the county**
120 **which have tax increment financing districts in a manner in which the cities shall agree;**

121 (8) **Effective January 1, 2008, when any city, town, or village under the authority**
122 **of the East-West Gateway Council of Governments desires to implement a tax increment**
123 **financing project, such city, town, or village shall first obtain the permission of the county**
124 **tax increment financing commission created in this subsection within which the city, town,**
125 **or village is located. In the event such commission votes in opposition to the redevelopment**
126 **project, such redevelopment project shall not be approved unless at least two-thirds of the**
127 **governing body of the city, town, or village votes to approve such project;**

128 (9) At the option of the members appointed by the municipality, the members who are
129 appointed by the school boards and other taxing districts may serve on the commission for a term
130 to coincide with the length of time a redevelopment project, redevelopment plan or designation
131 of a redevelopment area is considered for approval by the commission, or for a definite term
132 pursuant to this subdivision. If the members representing school districts and other taxing
133 districts are appointed for a term coinciding with the length of time a redevelopment project, plan
134 or area is approved, such term shall terminate upon final approval of the project, plan or
135 designation of the area by the governing body of the municipality. Thereafter the commission
136 shall consist of the six members appointed by the municipality, except that members representing

137 school boards and other taxing districts shall be appointed as provided in this section prior to any
138 amendments to any redevelopment plans, redevelopment projects or designation of a
139 redevelopment area. If any school district or other taxing jurisdiction fails to appoint members
140 of the commission within thirty days of receipt of written notice of a proposed redevelopment
141 plan, redevelopment project or designation of a redevelopment area, the remaining members may
142 proceed to exercise the power of the commission. Of the members first appointed by the
143 municipality, two shall be designated to serve for terms of two years, two shall be designated to
144 serve for a term of three years and two shall be designated to serve for a term of four years from
145 the date of such initial appointments. Thereafter, the members appointed by the municipality
146 shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms
147 in the same manner as were the original appointments.

148 3. The commission, subject to approval of the governing body of the municipality, may
149 exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans,
150 projects and designation of redevelopment areas. The commission shall hold public hearings and
151 provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all
152 proposed redevelopment plans, redevelopment projects and designations of redevelopment areas,
153 and amendments thereto, within thirty days following completion of the hearing on any such
154 plan, project or designation and shall make recommendations to the governing body within
155 ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment
156 to redevelopment plans and redevelopment projects and the designation of redevelopment areas.
157 The requirements of subsection 2 of this section and this subsection shall not apply to
158 redevelopment projects upon which the required hearings have been duly held prior to August
159 31, 1991.

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a
2 redevelopment area, or approving a redevelopment plan or redevelopment project, the
3 commission shall fix a time and place for a public hearing and notify each taxing district located
4 wholly or partially within the boundaries of the proposed redevelopment area, plan or project.
5 At the public hearing any interested person or affected taxing district may file with the
6 commission written objections to, or comments on, and may be heard orally in respect to, any
7 issues embodied in the notice. The commission shall hear and consider all protests, objections,
8 comments and other evidence presented at the hearing. The hearing may be continued to another
9 date without further notice other than a motion to be entered upon the minutes fixing the time
10 and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be
11 made in the redevelopment plan, redevelopment project, or redevelopment area, provided that
12 each affected taxing district is given written notice of such changes at least seven days prior to
13 the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance

14 approving a redevelopment plan or redevelopment project, or designating a redevelopment area,
15 changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas
16 without a further hearing, if such changes do not enlarge the exterior boundaries of the
17 redevelopment area or areas, and do not substantially affect the general land uses established in
18 the redevelopment plan or substantially change the nature of the redevelopment projects,
19 provided that notice of such changes shall be given by mail to each affected taxing district and
20 by publication in a newspaper of general circulation in the area of the proposed redevelopment
21 not less than ten days prior to the adoption of the changes by ordinance. After the adoption of
22 an ordinance approving a redevelopment plan or redevelopment project, or designating a
23 redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the
24 general land uses established pursuant to the redevelopment plan or changing the nature of the
25 redevelopment project without complying with the procedures provided in this section pertaining
26 to the initial approval of a redevelopment plan or redevelopment project and designation of a
27 redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or
28 redevelopment plan may be held simultaneously.

29 **2. Effective January 1, 2008, if, after concluding the hearing required under this**
30 **section, the commission makes a recommendation under section 99.820 in opposition to a**
31 **proposed redevelopment plan, redevelopment project, or designation of a redevelopment**
32 **area, or any amendments thereto, a municipality desiring to approve such project, plan,**
33 **designation, or amendments shall do so only upon a two-thirds majority vote of the**
34 **governing body of such municipality.**

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

99.1100. 1. The joint committee on tax policy shall conduct a study of the feasibility
2 **of creating a program to allow municipalities within the state to engage in tax increment**
3 **finance-like projects with optional tax abatement in any area of such municipality**
4 **regardless of the existence of blight. The committee shall report its findings to the general**
5 **assembly no later than December 31, 2007.**

6 **2. The provisions of this section shall expire on January 1, 2008.**

135.535. 1. A corporation, limited liability corporation, partnership or sole
2 proprietorship, which moves its operations from outside Missouri or outside a distressed
3 community into a distressed community, or which commences operations in a distressed
4 community on or after January 1, 1999, and in either case has more than seventy-five percent of
5 its employees at the facility in the distressed community, and which has fewer than one hundred

6 employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical
7 devices, scientific research, animal research, computer software design or development,
8 computer programming, including Internet, web hosting, and other information technology,
9 wireless or wired or other telecommunications or a professional firm shall receive a forty percent
10 credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes
11 withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such
12 move, if approved by the department of economic development, which shall issue a certificate
13 of eligibility if the department determines that the taxpayer is eligible for such credit. The
14 maximum amount of credits per taxpayer set forth in this subsection shall not exceed one
15 hundred twenty-five thousand dollars for each of the three years for which the credit is claimed.
16 The department of economic development, by means of rule or regulation promulgated pursuant
17 to the provisions of chapter 536, RSMo, shall assign appropriate North American Industry
18 Classification System numbers to the companies which are eligible for the tax credits provided
19 for in this section. Such three-year credits shall be awarded only one time to any company which
20 moves its operations from outside of Missouri or outside of a distressed community into a
21 distressed community or to a company which commences operations within a distressed
22 community. A taxpayer shall file an application for certification of the tax credits for the first
23 year in which credits are claimed and for each of the two succeeding taxable years for which
24 credits are claimed.

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

34 3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo,
35 other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the
36 credit against income taxes as provided in subsection 1 of this section, may be taken by such an
37 entity in a distressed community in an amount of forty percent of the amount of funds expended
38 for computer equipment and its maintenance, medical laboratories and equipment, research
39 laboratory equipment, manufacturing equipment, fiber optic equipment, high speed
40 telecommunications, wiring or software development expense up to a maximum of seventy-five

41 thousand dollars in tax credits for such equipment or expense per year per entity and for each of
42 three years after commencement in or moving operations into a distressed community.

43 4. A corporation, partnership or sole partnership, which has no more than one hundred
44 employees for whom payroll taxes are paid, which is already located in a distressed community
45 and which expends funds for such equipment pursuant to subsection 3 of this section in an
46 amount exceeding its average of the prior two years for such equipment, shall be eligible to
47 receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo,
48 in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the
49 funds expended for such additional equipment per such entity. Tax credits allowed pursuant to
50 this subsection or subsection 1 of this section may be carried back to any of the three prior tax
51 years and carried forward to any of the five tax years.

52 5. An existing corporation, partnership or sole proprietorship that is located within a
53 distressed community and that relocates employees from another facility outside of the distressed
54 community to its facility within the distressed community, and an existing business located
55 within a distressed community that hires new employees for that facility may both be eligible for
56 the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits,
57 such a business, during one of its tax years, shall employ within a distressed community at least
58 twice as many employees as were employed at the beginning of that tax year. A business hiring
59 employees shall have no more than one hundred employees before the addition of the new
60 employees. This subsection shall only apply to a business which is a manufacturing, biomedical,
61 medical devices, scientific research, animal research, computer software design or development,
62 computer programming or telecommunications business, or a professional firm.

63 6. Tax credits shall be approved for applicants meeting the requirements of this section
64 in the order that such applications are received. Certificates of tax credits issued in accordance
65 with this section may be transferred, sold or assigned by notarized endorsement which names the
66 transferee.

67 7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall
68 be for an amount of no more than ten million dollars for each year beginning in 1999. **To the**
69 **extent there are available tax credits remaining under the ten million dollar cap provided**
70 **in this section, up to one hundred thousand dollars in the remaining credits shall first be**
71 **used for tax credits authorized under section 135.562.** The total maximum credit for all
72 entities already located in distressed communities and claiming credits pursuant to subsection
73 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic
74 development in approving taxpayers for the credit as provided for in subsection 6 of this section
75 shall use information provided by the department of revenue regarding taxes paid in the previous
76 year, or projected taxes for those entities newly established in the state, as the method of

77 determining when this maximum will be reached and shall maintain a record of the order of
78 approval. Any tax credit not used in the period for which the credit was approved may be carried
79 over until the full credit has been allowed.

80 8. A Missouri employer relocating into a distressed community and having employees
81 covered by a collective bargaining agreement at the facility from which it is relocating shall not
82 be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be
83 eligible for the credit in subsection 2 of this section if the relocation violates or terminates a
84 collective bargaining agreement covering employees at the facility, unless the affected collective
85 bargaining unit concurs with the move.

86 9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax
87 credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the
88 tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and
89 135.245, respectively, for the same business for the same tax period.

**135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand
2 dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's
3 principal dwelling accessible to an individual with a disability who permanently resides
4 with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri
5 income tax liability in an amount equal to the lesser of one hundred percent of such costs
6 or two thousand five hundred dollars per taxpayer, per tax year.**

7 **2. Any taxpayer with a federal adjusted gross income greater than thirty thousand
8 dollars but less than sixty thousand dollars who incurs costs for the purpose of making all
9 or any portion of such taxpayer's principal dwelling accessible to an individual with a
10 disability who permanently resides with the taxpayer, shall receive a tax credit against such
11 taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent
12 of such costs or two thousand five hundred dollars per taxpayer, per tax year. No taxpayer
13 shall be eligible to receive tax credits under this section in any tax year immediately
14 following a tax year in which such taxpayer received tax credits under the provisions of
15 this section.**

16 **3. Tax credits issued pursuant to this section may be refundable in an amount not
17 to exceed two thousand five hundred dollars per tax year.**

18 **4. Eligible costs for which the credit may be claimed include:**

- 19 (1) Constructing entrance or exit ramps;
20 (2) Widening exterior or interior doorways;
21 (3) Widening hallways;
22 (4) Installing handrails or grab bars;
23 (5) Moving electrical outlets and switches;

24 **(6) Installing stairway lifts;**

25 **(7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;**

26 **(8) Modifying hardware of doors; or**

27 **(9) Modifying bathrooms.**

28 **5. The tax credits allowed, including the maximum amount that may be claimed,**
29 **pursuant to this section shall be reduced by an amount sufficient to offset any amount of**
30 **such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross**
31 **income or to the extent such taxpayer has applied any other state or federal income tax**
32 **credit to such costs.**

33 **6. A taxpayer shall claim a credit allowed by this section in the same taxable year**
34 **as the credit is issued, and at the time such taxpayer files his or her Missouri income tax**
35 **return; provided that, such return is timely filed.**

36 **7. The department may, in consultation with the department of social services,**
37 **promulgate such rules or regulations as are necessary to administer the provisions of this**
38 **section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
39 **that is created under the authority delegated in this section shall become effective only if**
40 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
41 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
42 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
43 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**
44 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
45 **adopted after August 28, 2007, shall be invalid and void.**

46 **8. The provisions of this section shall apply to all tax years beginning on or after**
47 **January 1, 2008.**

48 **9. The provisions of this section shall expire December 31, 2013.**

49 **10. In no event shall the aggregate amount of all tax credits allowed pursuant to**
50 **this section exceed one hundred thousand dollars in any given fiscal year. The tax credits**
51 **issued pursuant to this section shall be on a first-come, first-served filing basis.**

142.031. 1. As used in this section the following terms shall mean:

2 (1) "Biodiesel", fuel as defined in ASTM Standard D-6751 or its subsequent standard
3 specifications for biodiesel fuel (B100) blend stock for distillate fuels;

4 (2) "Missouri qualified biodiesel producer", a facility that produces biodiesel, is
5 registered with the United States Environmental Protection Agency according to the
6 requirements of 40 CFR 79, and:

7 (a) **a.** Is at least fifty-one percent owned by agricultural producers who are residents of
8 this state and who are actively engaged in agricultural production for commercial purposes; or

9 [(b)] **b.** At least eighty percent of the feedstock used by the facility originates in the state
10 of Missouri. For purposes of this section, "feedstock" means [a Missouri agricultural product
11 as defined in section 348.400, RSMo] **an agricultural, horticultural, viticultural, vegetable,**
12 **aquacultural, livestock, forestry, or poultry product either in its natural or processed state;**
13 **and**

14 **(b) Meets all of the following:**

15 **a. Has registered with the department of agriculture by September 1, 2007;**

16 **b. Has begun construction of the facility before November 1, 2007; and**

17 **c. Has begun production of biodiesel before March 1, 2009.**

18 2. The "Missouri Qualified Biodiesel Producer Incentive Fund" is hereby created and
19 subject to appropriations shall be used to provide economic subsidies to Missouri qualified
20 biodiesel producers pursuant to this section. The director of the department of agriculture shall
21 administer the fund pursuant to this section.

22 3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the
23 fund provided that one hundred percent of the feedstock originates in the United States.
24 However, the director may waive the feedstock requirements on a month-to-month basis if the
25 facility provides verification that adequate feedstock is not available. A Missouri qualified
26 biodiesel producer shall only be eligible for the grant for a total of sixty months unless such
27 producers during the sixty months fail, due to a lack of appropriations, to receive the full amount
28 from the fund for which the producers were eligible, in which case such producers shall continue
29 to be eligible for up to twenty-four additional months or until they have received the maximum
30 amount of funding for which such producers were eligible during the original sixty-month time
31 period. The amount of the grant is determined by calculating the estimated gallons of qualified
32 biodiesel produced during the preceding month from [Missouri agricultural products] **feedstock**,
33 as certified by the department of agriculture, and applying such figure to the per-gallon incentive
34 credit established in this subsection. Each Missouri qualified biodiesel producer shall be eligible
35 for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million
36 gallons of qualified biodiesel produced from [Missouri agricultural products] **feedstock** in the
37 fiscal year plus ten cents per gallon for the next fifteen million gallons of qualified biodiesel
38 produced from [Missouri agricultural products] **feedstock** in the fiscal year. All such qualified
39 biodiesel produced by a Missouri qualified biodiesel producer in excess of thirty million gallons
40 shall not be applied to the computation of a grant pursuant to this subsection. The department
41 of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and
42 approval of the application described in subsection 4 of this section.

43 4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund,
44 an application for such funds shall be received no later than fifteen days following the last day
45 of the month for which the grant is sought. The application shall include:

46 (1) The location of the Missouri qualified biodiesel producer;

47 (2) The average number of citizens of Missouri employed by the Missouri qualified
48 biodiesel producer in the preceding month, if applicable;

49 (3) The number of bushel equivalents of Missouri [agricultural commodities] **feedstock**
50 **and out-of-state feedstock** used by the Missouri qualified biodiesel producer in the production
51 of biodiesel in the preceding month;

52 (4) The number of gallons of qualified biodiesel the producer manufactures during the
53 month for which the grant is applied;

54 (5) A copy of the qualified biodiesel producer license required pursuant to subsection
55 5 of this section, name and address of surety company, and amount of bond to be posted pursuant
56 to subsection 5 of this section; and

57 (6) Any other information deemed necessary by the department of agriculture to
58 adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.

59 5. The director of the department of agriculture, in consultation with the department of
60 revenue, shall promulgate rules and regulations necessary for the administration of the provisions
61 of this section.

62 6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
63 is created under the authority delegated in this section shall become effective only if it complies
64 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
65 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
66 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
67 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
68 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
69 invalid and void.

70 7. This section shall expire on December 31, 2009. However, Missouri qualified
71 biodiesel producers receiving any grants awarded prior to December 31, 2009, shall continue to
72 be eligible for the remainder of the original sixty-month time period under the same terms and
73 conditions of this section unless such producer during such sixty months failed, due to a lack of
74 appropriations, to receive the full amount from the fund for which he or she was eligible. In such
75 case, such producers shall continue to be eligible for up to twenty-four additional months or until
76 they have received the maximum amount of funding for which they were eligible during the
77 original sixty-month time period.

78 **8. Any Missouri qualified biodiesel producer who receives any grant payments**
79 **under this section who subsequently sells the biodiesel facility shall be subject to the**
80 **following payback requirements:**

81 **(1) If such facility is sold within less than one year of the date of issuance of the last**
82 **grant payment, the Missouri qualified biodiesel producer shall pay the state the amount**
83 **of fifty percent of the total amount of grant payments received under this section;**

84 **(2) If such facility is sold within one to two years of the date of issuance of the last**
85 **grant payment, the Missouri qualified biodiesel producer shall pay the state the amount**
86 **of forty percent of the total amount of grant payments received under this section;**

87 **(3) If such facility is sold within two to three years of the date of issuance of the last**
88 **grant payment, the Missouri qualified biodiesel producer shall pay the state the amount**
89 **of thirty percent of the total amount of grant payments received under this section;**

90 **(4) If such facility is sold within three to four years of the date of issuance of the last**
91 **grant payment, the Missouri qualified biodiesel producer shall pay the state the amount**
92 **of twenty percent of the total amount of grant payments received under this section;**

93 **(5) If such facility is sold within four to five years of the date of issuance of the last**
94 **grant payment, the Missouri qualified biodiesel producer shall pay the state the amount**
95 **of ten percent of the total amount of grant payments received under this section.**

96
97 **If the sale date of the facility falls on a date that qualifies under more than one subdivision**
98 **of this subsection, the greater payback amount shall apply. For purposes of this**
99 **subsection, a facility shall be considered "sold" when there is a change in at least fifty-one**
100 **percent of the facility's ownership in a transaction that involves a buyer or buyers and a**
101 **seller or sellers.**

251.600. Sections 251.600 to 251.630 shall be known and may be cited as the
2 **"Regional Economic Development District Law".**

251.603. As used in sections 251.600 to 251.630, the following terms shall mean:

2 **(1) "Baseline year", the calendar year prior to the effective date of a resolution by**
3 **the regional economic development district board approving a regional economic**
4 **development project; provided, however, if economic activity taxes from businesses other**
5 **than businesses locating in the regional economic development project area decrease in the**
6 **regional economic development project area in the year following the year in which the**
7 **resolution approving a regional economic development project is approved by a regional**
8 **economic development district board, the baseline year may, at the option of the regional**
9 **economic development district board approving the regional economic development**

10 project, be the year following the year of the adoption of the resolution approving the
11 regional economic development project;

12 (2) "Board", a regional economic development district board created under the
13 provisions of section 251.605;

14 (3) "Collecting officer", the officer of the municipality, county, or other taxing
15 jurisdiction responsible for receiving and processing payments in lieu of taxes and
16 economic activity taxes and the officer of the municipality, county, or other taxing
17 jurisdiction responsible for receiving and processing local sales tax revenues collected by
18 the director of revenue on behalf of such municipality, county, or other taxing jurisdiction;

19 (4) "County", any county of the state of Missouri and any city not within a county;

20 (5) "Economic activity taxes", the total additional revenue from taxes which are
21 imposed by a municipality, county, or other taxing districts, and which are generated by
22 economic activities within each regional economic development project area, which exceed
23 the amount of such taxes generated by economic activities within such regional economic
24 development project area in the baseline year; but excluding personal property taxes, taxes
25 imposed on sales or charges for sleeping rooms paid by transient guests of hotels and
26 motels, licenses, fees, special assessments, and any taxes imposed by the municipality,
27 county, or other taxing district after the effective date of a resolution by a regional
28 economic development district board approving a regional economic development project;

29 (6) "Governing body", a legislative body or other authority governing a city,
30 county, or a city not within a county;

31 (7) "Obligations", bonds, loans, debentures, notes, special certificates, or other
32 evidences of indebtedness issued by a regional economic development district, municipality,
33 county, or commission, or other public entity authorized to issue such obligations under
34 the regional economic development district law to carry out a regional economic
35 development project or to refund outstanding obligations;

36 (8) "Payment in lieu of taxes", those revenues from real property in each regional
37 economic development project area, which taxing districts would have received had the
38 regional economic development district not adopted a regional economic development plan
39 and which would result from levies made after the effective date of a resolution of the
40 board approving a regional economic development project during the time the current
41 equalized value of real property in such regional economic development project area
42 exceeds the total equalized value of real property in such regional economic development
43 project area during the baseline year until incremental tax financing for such regional
44 economic development project area expires or is terminated under the provisions of the
45 regional economic development district law;

46 **(9) "Regional economic development area", an area designated by a regional**
47 **economic development district board which shall have the following characteristics:**

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

50 **(b) It will be improved by the regional economic development project;**

51 **(c) It is contiguous;**

52 **(d) It is not included in any other redevelopment plan or using any other tax**
53 **increment financing program; and**

54 **(e) The board has declared development of the area is not likely to occur without**
55 **benefit of the proposed regional economic development plan;**

56 **(10) "Regional economic development district", a district formed by agreement of**
57 **two or more county or city governing bodies for the purpose of the economic development**
58 **of such district, the boundaries of which may encompass all or any part of one or more**
59 **entire counties and all or any part of one or more entire cities;**

60 **(11) "Regional economic development plan", the comprehensive program of a**
61 **regional economic development district to improve a regional economic development area,**
62 **thereby enhancing the tax bases of the taxing districts which extend into the regional**
63 **economic development area, through the reimbursement, payment, or other financing of**
64 **regional economic development project costs in accordance with the regional economic**
65 **development district law. The regional economic development plan shall conform to the**
66 **requirements of section 251.621;**

67 **(12) "Regional economic development project", any regional economic**
68 **development project within a regional economic development area which constitutes a**
69 **major initiative in furtherance of the objectives of the regional economic development plan,**
70 **and any such regional economic development project shall include a legal description of**
71 **the area selected for such regional economic development project;**

72 **(13) "Regional economic development project area", the area located within a**
73 **regional economic development area selected for a regional economic development project;**

74 **(14) "Regional economic development project costs", costs to the regional economic**
75 **development plan or a regional economic development project, as applicable, which are**
76 **expended on public property, buildings, or rights-of-ways for public purposes to provide**
77 **infrastructure or support for a regional economic development project. Such costs shall**
78 **only be allowed as an initial expense which, to be recoverable, shall be included in the costs**
79 **of a regional economic development plan or regional economic development project,**
80 **including any amendments thereto adopted by the board of the regional economic**

81 development district. Such infrastructure costs include, but are not limited to, the
82 following:

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

84 (b) Professional service costs, including, but not limited to, architectural,
85 engineering, legal, marketing, financial, planning, or special services;

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

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

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

92 (f) Financing costs, including, but not limited to, all necessary expenses related to
93 the issuance of obligations issued to finance all or any portion of the infrastructure costs
94 of one or more regional economic development projects, and which may include capitalized
95 interest on any such obligations and reasonable reserves related to any such obligations;

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

100 (h) Payments to taxing districts on a pro rata basis to partially reimburse taxes
101 diverted by approval of a regional economic development project as approved by the
102 board. In addition, any revenues of the regional economic development district may be
103 expended on or used to reimburse any reasonable or necessary costs incurred or estimated
104 to be incurred in furtherance of a regional economic development plan or a regional
105 economic development project;

106 (15) "Resolution", a resolution enacted by the regional economic development
107 district board;

108 (16) "Special allocation fund", the fund of the regional economic development
109 district required to be established under section 251.618 which special allocation fund shall
110 contain at least three separate segregated accounts into which payments in lieu of taxes are
111 deposited in one account, economic activity taxes are deposited in a second account, and
112 other revenues, if any, received by the regional economic development district for the
113 purpose of implementing a regional economic development plan or a regional economic
114 development project are deposited in a third account;

115 (17) "Taxing district's capital costs", those costs of taxing districts for capital
116 improvements that are found by the regional economic development district to be
117 necessary and to directly result from a regional economic development project; and

118 (18) "Taxing districts", any political subdivision of this state having the power to
119 levy taxes if the future tax revenues of such district would be affected by the establishment
120 of a regional economic development project.

251.605. 1. A regional economic development district may be established by two
2 or more governing bodies in order to plan, formulate, develop, promote, fund, conduct or
3 cause to be conducted, programs to encourage the economic development of the district.
4 The governing bodies may establish such districts by enactment of identical ordinances or
5 by mutual agreement of the governing bodies.

6 2. The qualifications, terms, and number of members of the regional economic
7 development district board for each district shall be determined by the enacting ordinances
8 or the mutual agreement of the governing bodies, except as provided in this subsection.
9 Each governing body located in the regional economic development district shall have
10 equal representation on the board. The chief executive officer of a county in the regional
11 economic development district or mayor of a city in the regional economic development
12 district shall appoint one resident each of such county or city to be on the board, and such
13 officers shall jointly appoint one additional member to the board. The board shall select
14 a chairman, treasurer, and any other officers it deems necessary to conduct its business,
15 and shall meet in open session at a time and place designated by the chairman in order to
16 make policy and administer the activities of the district.

17 3. The regional economic development district shall be a public governmental body
18 for the purposes of section 610.010, RSMo, and shall comply with the provisions of chapter
19 610, RSMo.

251.610. The ordinances or mutual agreements which establish the district shall
2 specify the powers of the board. The powers of the board shall not include the power of
3 eminent domain. The powers of the board may include, but shall not be limited to, the
4 following:

- 5 (1) Adoption of bylaws, rules and regulations for the conduct of its business;
- 6 (2) Maintenance of a principal office;
- 7 (3) The ability to sue and be sued;
- 8 (4) The creation of a regional economic development plan for a regional economic
9 development district;
- 10 (5) The making and executing of leases, contracts, and other instruments necessary
11 to exercise its powers;

- 12 **(6) Contracting with cities and counties for services, and with firms, corporations,**
13 **persons, and governmental agencies in the necessary performance of its duties;**
- 14 **(7) The employment of personnel;**
- 15 **(8) Application for and acceptance of local and federal grants and appropriations;**
- 16 **(9) Performance of site improvements within the regional economic development**
17 **area;**
- 18 **(10) Entering into lease or lease-purchase agreements for any real or personal**
19 **property necessary or convenient for the purposes of the regional economic development**
20 **district;**
- 21 **(11) Borrowing money for regional economic development district purposes at such**
22 **rates of interest as the district may determine;**
- 23 **(12) Issuance of bonds, notes, and other obligations, which may be secured by**
24 **mortgage, pledge, assignment, or deed of trust of any or all of the property and income of**
25 **the regional economic development district, subject to any restrictions provided in the**
26 **regional economic development district law; except that the district shall not mortgage,**
27 **pledge, or give a deed of trust on any real property or interests which it acquired from the**
28 **state of Missouri or any agency or political subdivision thereof without the written consent**
29 **of the state, agency or political subdivision from which it obtained the property;**
- 30 **(13) Submission of a regional economic development sales tax to district voters as**
31 **provided in section 251.615; and**
- 32 **(14) Adoption of incremental tax financing as provided in section 251.618.**

251.615. 1. Any city or county that has agreed to form a regional economic
2 development district created under the regional economic development district law which
3 consists of all of one or more entire counties, all of one or more entire cities, or all of one
4 or more entire counties and one or more entire cities which are totally outside the
5 boundaries of those counties, may impose, by resolution of the governing body of the city
6 or county, a sales tax on all retail sales made in the city or county which are subject to sales
7 tax under chapter 144, RSMo, for the benefit of the regional economic development
8 district. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth
9 of one percent, three-eighths of one percent or one-half of one percent on the receipts from
10 the sale at retail of all tangible personal property or taxable services at retail within any
11 such city or county adopting such tax, if such property and services are subject to taxation
12 by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The
13 resolution imposing the tax shall not become effective unless the governing body of the city
14 or county submits to the voters of the city or county at any citywide, county, or state
15 general, primary, or special election a proposal to authorize the city or county to impose

16 a tax under this section. The tax authorized in this section shall be in addition to all other
17 sales taxes imposed by law and shall be stated separately from all other charges and taxes.

18 2. The ballot of submission for the tax authorized in this section shall be in
19 substantially the following form:

20 Shall the city or county of (insert city or county name) impose a sales tax at
21 the rate of (insert amount) for economic development purposes?

22 YES NO

23

24 If you are in favor of the question, place an "X" in the box opposite "YES". If you are
25 opposed to the question, place an "X" in the box opposite "NO".

26

27 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
28 favor of the proposal, then the resolution and any amendments thereto shall be in effect.
29 If a majority of the votes cast by the qualified voters voting are opposed to the proposal,
30 then the governing body of the city or county shall have no power to impose the sales tax
31 authorized by this section unless and until the proposal is resubmitted under this section
32 and such proposal is approved by a majority of the qualified voters voting thereon.

33 3. All sales taxes collected by the director of revenue under this section on behalf
34 of any city or county for the benefit of a regional economic development district, less one
35 percent for cost of collection which shall be deposited in the state's general revenue fund
36 after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be
37 deposited in a special trust fund, which is hereby created, to be known as the "Regional
38 Economic Development District Sales Tax Trust Fund".

39 4. The moneys in the regional economic development district sales tax trust fund
40 shall not be deemed to be state funds and shall not be commingled with any funds of the
41 state. The director of revenue shall keep accurate records of the amount of money in the
42 trust fund which was collected in each city or county imposing a sales tax under this
43 section, and the records shall be open to the inspection of the board of the district, the
44 governing body of the city or county, and the public.

45 5. Not later than the tenth day of each month, the director of revenue shall
46 distribute all moneys deposited in the trust fund during the preceding month to the city or
47 county which levied the tax. Such funds shall be distributed to the treasurer of the
48 governing body of the city or county which shall deposit all such funds for the benefit of
49 the district. All expenditures of funds arising from the regional economic development
50 district sales tax trust fund shall be in accordance with the regional economic development
51 district law.

52 **6. The director of revenue may authorize the state treasurer to make refunds from**
53 **the amounts in the trust fund and credited to any city or county for erroneous payments**
54 **and overpayments made, and may redeem dishonored checks and drafts deposited to the**
55 **credit of such city or county.**

56 **7. If any city or county abolishes the tax, the governing body of the city or county**
57 **shall notify the director of revenue of the action at least ninety days prior to the effective**
58 **date of the repeal, and the director of revenue may order retention in the trust fund, for**
59 **a period of one year, of two percent of the amount collected after receipt of such notice to**
60 **cover possible refunds or overpayment of the tax and to redeem dishonored checks and**
61 **drafts deposited to the credit of such accounts. After one year has elapsed after the**
62 **effective date of abolition of the tax in such district, the director of revenue shall remit the**
63 **balance in the account to the city or county and close the account of that city or county.**
64 **The director of revenue shall notify each city or county of each instance of any amount**
65 **refunded or any check redeemed from receipts due the city or county.**

66 **8. Except as modified in and by this section, all provisions of sections 32.085 and**
67 **32.087, RSMo, shall apply to the tax imposed under this section.**

68 **9. All revenue generated by the tax shall be deposited in a special trust fund and**
69 **shall be used solely for the designated purposes. If the tax is repealed, all funds remaining**
70 **in the special trust fund shall continue to be used solely for the designated purposes. Any**
71 **funds in the special trust fund which are not needed for current expenditures may be**
72 **invested by the city or county in accordance with applicable laws relating to the investment**
73 **of other city or county funds.**

74 **10. The board shall consider regional economic development plans, regional**
75 **economic development projects, or designations of a regional economic development**
76 **district and shall hold public hearings and provide notice of any such hearings. The board**
77 **shall vote on all proposed regional economic development plans, regional economic**
78 **development projects, or designations of a regional economic development district, and**
79 **amendments thereto, within thirty days following completion of the hearing on any such**
80 **plan, project, or designation, and shall make the final determination on use and**
81 **expenditure of any funds received from the tax imposed under this section.**

82 **11. Notwithstanding any other provision of law to the contrary, the regional**
83 **economic development district sales tax imposed under this section when imposed within**
84 **a special taxing district, including, but not limited to a tax increment financing district,**
85 **neighborhood improvement district, or community improvement district, shall be excluded**
86 **from the calculation of revenues available to such districts, and no revenues from any sales**
87 **tax imposed under this section shall be used for the purposes of any such district unless**

88 approved by the regional economic development district board established under the
89 regional economic development district law and the governing body of the city or county
90 imposing the tax.

91 **12.** The board of the district shall make a report at least annually on the use of the
92 funds provided under this section and on the progress of any plan, project, or area
93 designation adopted under this section and shall make such report available to the public
94 and the governing body of the city or county imposing the tax.

95 **13. (1)** No city or county imposing a sales tax under this section may repeal or
96 amend such sales tax unless such repeal or amendment will not impair the district's ability
97 to repay any liabilities which it has incurred, money which it has borrowed, or revenue
98 bonds, notes, or other obligations which it has issued to finance any project or projects.

99 **(2)** Whenever the governing body of any city or county in which a regional
100 economic development district sales tax has been imposed in the manner provided by this
101 section receives a petition, signed by ten percent of the qualified voters of such city or
102 county calling for an election to repeal such regional economic development district sales
103 tax, the governing body shall, if such repeal will not impair the district's ability to repay
104 any liabilities which it has incurred, money which it has borrowed, or revenue bonds,
105 notes, or other obligations which it has issued to finance any project or projects, submit to
106 the voters of such city or county a proposal to repeal the regional economic development
107 district sales tax imposed under this section. If a majority of the votes cast on the proposal
108 by the qualified voters voting thereon are in favor of the proposal to repeal the regional
109 economic development district sales tax, then the resolution imposing the regional
110 economic development district sales tax, along with any amendments thereto, is repealed.
111 If a majority of the votes cast by the qualified voters voting thereon are opposed to the
112 proposal to repeal the regional economic development district sales tax, then the resolution
113 imposing the regional economic development district sales tax, along with any amendments
114 thereto, shall remain in effect.

115 **14.** If any provision of the regional economic development district law or the
116 application thereof to any person or circumstance is held invalid, the invalidity shall not
117 affect other provisions or application of the regional economic development district law
118 which can be given effect without the invalid provision or application, and to this end the
119 provisions of the regional economic development district law are declared severable.

251.618. 1. A regional economic development district board, after adopting a
2 regional economic development plan, may adopt incremental tax financing as set forth in
3 this section for the purposes of the district by passing a resolution, however, incremental
4 tax financing shall not be available for any retail projects. Upon the adoption of the first

5 of any such resolutions, the treasurer of the board shall establish a special allocation fund
6 for the regional economic development district.

7 **2. Immediately upon the adoption of a resolution implementing incremental tax**
8 **financing under subsection 1 of this section, the county assessor shall determine the total**
9 **equalized assessed value of all taxable real property within such regional economic**
10 **development district by adding together the most recently ascertained equalized assessed**
11 **value of each taxable lot, block, tract, or parcel of real property within such regional**
12 **economic development project area as of the date of the adoption of such resolution and**
13 **shall provide to the treasurer of the board written certification of such amount as the total**
14 **initial equalized assessed value of the taxable real property within such regional economic**
15 **development district.**

16 **3. In each of the twenty-five calendar years following the adoption of a resolution**
17 **adopting incremental tax financing for a regional economic development district under this**
18 **section unless and until such incremental tax financing for such district is terminated by**
19 **resolution of the regional economic development district board, the ad valorem taxes, and**
20 **payments in lieu of taxes, if any, arising from the levies upon taxable real property in such**
21 **regional economic development project area by taxing districts at the tax rates determined**
22 **in the manner provided in section 251.627 shall be divided as follows:**

23 **(1) That portion of taxes, penalties, and interest levied upon each taxable lot, block,**
24 **tract, or parcel of real property in such regional economic development project area which**
25 **is attributable to the initial equalized assessed value of each such taxable lot, block, tract,**
26 **or parcel of real property in such regional economic development project area as certified**
27 **by the county assessor in accordance with subsection 2 of this section plus an annual tax**
28 **base adjustment equal to the percentage change in the general price level as measured by**
29 **the consumers price index for all urban consumers for the United States, or its successor**
30 **index, as defined and officially recorded by the United States Department of Labor, shall**
31 **be allocated to and, when collected, shall be paid by the collecting authority to the**
32 **respective affected taxing districts in the manner required by law in the absence of the**
33 **adoption of incremental tax financing. For the purpose of determining the percentage**
34 **change in the general price level, the treasurer of the regional economic development**
35 **district board shall determine the consumer price index as defined herein for the preceding**
36 **calendar year over the consumer price index for the calendar year immediately prior**
37 **thereto;**

38 **(2) Payments in lieu of taxes attributable to the increase in the current equalized**
39 **assessed valuation of each taxable lot, block, tract, or parcel of real property in the regional**
40 **economic development project area and any applicable penalty and interest over and above**

41 the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real
42 property in such regional economic development project area as certified by the county
43 assessor and as adjusted by the annual tax base adjustment as detailed in this section shall
44 be allocated to and, when collected, shall be paid by the collecting officer of the
45 municipality or county to the treasurer of the regional economic development district who
46 shall deposit such payment in lieu of taxes into a separate segregated account for payments
47 in lieu of taxes within the special allocation fund. Payments in lieu of taxes which are due
48 and owing shall constitute a lien against the real property from which such payments in
49 lieu of taxes are derived and shall be collected in the same manner as real property taxes,
50 including the assessment of penalties and interest where applicable. The lien of payments
51 in lieu of taxes may be foreclosed in the same manner as the lien of real property taxes. No
52 part of the current equalized assessed valuation of each taxable lot, block, tract, or parcel
53 of property in any such regional economic development project area attributable to any
54 increase above the initial equalized assessed value of each such taxable lot, block, tract, or
55 parcel of real property in such regional economic development project area as certified by
56 the county assessor and as adjusted by the annual tax base adjustment as detailed in this
57 section shall be used in calculating the general state school aid formula provided for in
58 section 163.031, RSMo, until incremental tax financing for such regional economic
59 development project area expires or is terminated in accordance with the regional
60 economic development district law;

61 (3) For purposes of this section, levies upon taxable real property in such regional
62 economic development area by taxing districts shall not include the blind pension fund tax
63 levied under the authority of article III, section 38(b) of the Missouri Constitution, the
64 merchants' and manufacturers' inventory replacement tax levied under the authority of
65 article X, subsection 2 of section 6 of the Missouri Constitution, the desegregation sales tax,
66 or the conservation taxes.

67 4. In each of the twenty-five calendar years following the adoption of a resolution
68 adopting incremental tax financing for a regional economic development project area
69 under this section, unless and until incremental tax financing for such regional economic
70 development project area is terminated in accordance with the regional economic
71 development district law, fifty percent of the economic activity taxes from such regional
72 economic development project area shall be allocated to and paid by the collecting officer
73 of any such economic activity tax to the treasurer of the regional economic development
74 district, who shall deposit such funds in a separate segregated account for economic
75 activity taxes within the special allocation fund.

- 251.621. 1. A regional economic development plan shall set forth in writing a
2 general description of the program to be undertaken to accomplish the regional economic
3 development projects and related objectives and shall include, but need not be limited to:
- 4 (1) The name, street and mailing address, and phone number of the chairman of
5 the regional economic development district board;
 - 6 (2) The street address or other description of the location of the development site;
 - 7 (3) The estimated regional economic development project costs;
 - 8 (4) The anticipated sources of funds to pay such regional economic development
9 project costs;
 - 10 (5) Evidence of the commitments to finance such regional economic development
11 project costs;
 - 12 (6) The anticipated type and term of the sources of funds to pay such regional
13 economic development project costs;
 - 14 (7) The anticipated type and terms of the obligations to be issued;
 - 15 (8) The most recent equalized assessed valuation of the property within the regional
16 economic development project area;
 - 17 (9) An estimate as to the equalized assessed valuation after the regional economic
18 development project area is developed in accordance with a regional economic
19 development plan;
 - 20 (10) The general land uses to apply in the regional economic development area;
 - 21 (11) A list of community and economic benefits to result from the regional economic
22 development project;
 - 23 (12) A list of all development subsidies that any business benefitting from public
24 expenditures in the regional economic development area has previously received for the
25 project, and the name of any other granting body from which such subsidies are sought;
 - 26 (13) A list of all other public investments made or to be made by this state or units
27 of local government to support infrastructure or other needs generated by the project for
28 which funding under the regional economic development district law is being sought;
 - 29 (14) A market study for the regional economic development area; and
 - 30 (15) A certification by the regional economic development district board as to the
31 accuracy of the regional economic development plan.
- 32 2. The regional economic development plan may be adopted by a regional economic
33 development district in reliance on findings that a reasonable person would believe:
- 34 (1) The regional economic development area has not been subject to growth and
35 development through investment by private enterprise and would not reasonably be

36 anticipated to be developed without the implementation of one or more regional economic
37 development projects and the adoption of incremental tax financing;

38 (2) The estimated dates of the completion of such regional economic development
39 project and retirement of obligations incurred to finance regional economic development
40 project costs which shall not be more than twenty-five years from the adoption of the
41 resolution approving any regional economic development project, provided that no
42 resolution approving a regional economic development project shall be adopted later than
43 fifteen years from the adoption of the resolution approving the regional economic
44 development plan;

45 (3) The development plan contains a cost-benefit analysis showing the economic
46 impact of the regional economic development plan on any municipality, county, regional
47 economic development district, and school districts that are at least partially within the
48 boundaries of the regional economic development area. The analysis shall show the impact
49 on the economy if the regional economic development projects are not built according to
50 the regional economic development plan under consideration;

51 (4) The regional economic development plan does not include the initial
52 development or redevelopment of any gambling establishment; and

53 (5) An economic feasibility analysis including a pro forma financial statement
54 indicating the return on investment that may be expected without public assistance. The
55 financial statement shall detail any assumptions made, a pro forma statement analysis
56 demonstrating the amount of assistance required to bring the return into a range deemed
57 attractive to private investors, which amount shall not exceed the estimated reimbursable
58 project costs.

251.624. 1. When all regional economic development project costs and all
2 obligations issued to finance regional economic development project costs have been paid
3 in full, the regional economic development district shall adopt a resolution terminating
4 incremental tax financing for all regional economic development project areas.
5 Immediately upon the adoption of such resolution, all payments in lieu of taxes, all
6 economic activity taxes, and other net new revenues then remaining in the special
7 allocation fund shall be deemed to be surplus funds; thereafter, the rates of the taxing
8 districts shall be extended, and taxes shall be levied, collected, and distributed in the
9 manner applicable in the absence of the adoption of incremental tax financing. Surplus
10 payments in lieu of taxes shall be paid to the county collector who shall immediately
11 thereafter pay such funds to the taxing districts in the regional economic development area
12 selected in the same manner and proportion as the most recent distribution by the collector
13 to the affected taxing districts of real property taxes from real property in the regional

14 economic development area. Surplus economic activity taxes shall be paid to the taxing
15 districts in the regional economic development area in proportion to the then current levy
16 rates of such taxing districts that are attributable to such economic activity taxes. Any
17 other funds remaining in the special allocation fund following the adoption of a resolution
18 terminating incremental tax financing in accordance with this section shall be deposited
19 to the general fund of the municipalities or counties that originally formed the regional
20 economic development district in a pro rata amount determined by the regional economic
21 development district board.

22 2. Upon the payment of all regional economic development project costs, retirement
23 of obligations, and the distribution of any surplus funds under this section, the regional
24 economic development district shall adopt a resolution dissolving the special allocation
25 fund and terminating the designation of the regional economic development area as a
26 regional economic development area.

27 3. Nothing in the regional economic development district law shall be construed as
28 relieving property in such areas from paying a uniform rate of taxes, as required by article
29 X, section 3 of the Missouri Constitution.

251.627. In each of the twenty-five calendar years following the adoption of a
2 resolution adopting incremental tax financing for a regional economic development project
3 area, unless and until incremental tax financing for such regional economic development
4 project area is terminated by resolution of the regional economic development district
5 board, then, in respect to every taxing district containing such regional economic
6 development project area, the county clerk or any other official required by law to
7 ascertain the amount of the equalized assessed value of all taxable property within such
8 regional economic development project area for the purpose of computing any debt service
9 levies to be extended upon taxable property within such regional economic development
10 project area, shall in every year that incremental tax financing is in effect ascertain the
11 amount of value of taxable property in such regional economic development project area
12 by including in such amount the certified total initial equalized assessed value of all taxable
13 real property in such regional economic development project area in lieu of the equalized
14 assessed value of all taxable real property in such regional economic development project
15 area. For the purpose of measuring the size of payments in lieu of taxes under the regional
16 economic development district law, all tax levies shall then be extended to the current
17 equalized assessed value of all property in the regional economic development project area
18 in the same manner as the tax rate percentage is extended to all other taxable property in
19 the taxing district.

251.630. 1. A regional economic development district may at any time authorize
2 or issue revenue bonds for the purpose of paying all or any part of the cost of any regional
3 economic development project. Every issue of such bonds shall be payable out of the
4 revenues of the regional economic development district and may be further secured by
5 other property of the regional economic development district which may be pledged,
6 assigned, mortgaged, or a security interest granted for such payment, without preference
7 or priority of the first bonds issued, subject to any agreement with the holders of any other
8 bonds pledging any specified property or revenues. Such bonds shall be authorized by
9 resolution of the regional economic development district, and if issued by the regional
10 economic development district, shall bear such date or dates and shall mature at such time
11 or times, but not in excess of twenty-five years, as the resolution shall specify. Such bonds
12 shall be in such denomination, bear interest at such rate or rates, be in such form, either
13 coupon or registered, be issued as current interest bonds, compound interest bonds,
14 variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner,
15 be payable in such place or places, and subject to redemption as such resolution may
16 provide notwithstanding the provisions of section 108.170, RSMo. The bonds may be sold
17 at either public or private sale at such interest rates, and at such price or prices as the
18 regional economic development district board shall determine.

19 2. Any issue of regional economic development district bonds outstanding may be
20 refunded at any time by the regional economic development district by issuing its
21 refunding bonds in such amount as the regional economic development district may deem
22 necessary. Such bonds may not exceed the amount sufficient to refund the principal of the
23 bonds to be refunded together with any unpaid interest thereon and any premiums,
24 commissions, service fees, and other expenses necessary to be paid in connection with the
25 refunding. Any such refunding may be effected whether the bonds to be refunded then
26 shall have matured or thereafter shall mature, either by sale of the refunding bonds and
27 the application of the proceeds thereof to the payment of the bonds being refunded or by
28 the exchange of the refunding bonds for the bonds being refunded with the consent of the
29 holder or holders of the bonds being refunded. Refunding bonds may be issued regardless
30 of whether the bonds being refunded were issued in connection with the same project or
31 a separate project and regardless of whether the bonds proposed to be refunded shall be
32 payable on the same date or different dates or shall be due serially or otherwise.

33 3. Bonds issued under this section shall exclusively be the responsibility of the
34 regional economic development district payable solely out of regional economic
35 development district funds and property as provided in the regional economic development
36 district law and shall not constitute a debt or liability of the state of Missouri or any agency

37 or political subdivision of the state. The regional economic development district shall not
38 be obligated to pay such bonds with any funds other than those specifically pledged to
39 repayment of the bonds. Any bonds issued by a regional economic development district
40 shall state on their face that they are not obligations of the state of Missouri or any agency
41 or political subdivision thereof other than the regional economic development district.

42 **4. Bonds issued under this section, the interest thereon, or any proceeds from such**
43 **bonds shall be exempt from taxation in the state of Missouri.**

265.525. 1. This section shall be known as the "Missouri Rice Certification Act".

2 **2. As used in this section, the following terms shall mean:**

3 **(1) "Characteristics of commercial impact", characteristics determined by the Rice**
4 **Advisory Council under subsection 7 of this section that may adversely affect the**
5 **marketability of rice in the event of commingling with other rice and may include, but are**
6 **not limited to, those characteristics that cannot be visually identified without the aid of**
7 **specialized equipment or testing, those characteristics that create a significant economic**
8 **impact in their removal from commingled rice, and those characteristics whose removal**
9 **from commingled rice is infeasible;**

10 **(2) "Council", the rice advisory council established in this section;**

11 **(3) "Department", the department of agriculture;**

12 **(4) "Director", the director of the department of agriculture;**

13 **(5) "End user", any company or corporation that uses rice as a major ingredient**
14 **in industrial food processing;**

15 **(6) "Handler", any person engaged in this state in the business of marketing rice,**
16 **including persons engaged in the drying, milling, or storing of rice;**

17 **(7) "Person", any individual, partnership, limited liability company, limited**
18 **liability partnership, corporation, firm, company, or any other entity doing business in**
19 **Missouri;**

20 **(8) "Producer", any person who produces, or causes to be produced, rice;**

21 **(9) "Rice", all rough or "paddy" rice or brown rice (*Oryza* species) produced in**
22 **or shipped in Missouri, including rice produced for seed. It does not include wild rice**
23 **(*Zizania aquatic* or *Zizania palustris*).**

24 **3. Except as provided by rules promulgated by the department, it shall be unlawful**
25 **for any person to introduce, sell, plant, produce, harvest, transport, store, process, or**
26 **otherwise handle rice identified as having characteristics of commercial impact.**

27 **4. There is hereby created within the department of agriculture the "Rice Advisory**
28 **Council". The council shall be made up of the following ten members:**

29 **(1) The director, or his or her designee;**

30 (2) Three members appointed by the director to include:

31 (a) An individual representing handlers in Missouri;

32 (b) An individual representing end users;

33 (c) An individual representing the biotechnology industry who is familiar with rice
34 genetics;

35 (3) Six members appointed by the director as recommended by the Missouri Rice
36 Research and Merchandising Council to include:

37 (a) Two producers, neither of whom shall be employed by or serve on the board of
38 any rice mill or rice merchandiser;

39 (b) Two scientists employed by institutes of higher education in Missouri;

40 (c) A representative of rice mills operating in Missouri; and

41 (d) A representative of rice seed dealers.

42 5. Members of the council shall serve terms of three years in length except that the
43 director shall be a permanent member of the council and the director shall stagger the
44 terms of the initial appointments so that three members serve terms of two years, three
45 members serve terms of three years, and three members serve terms of four years. There
46 is no limit to the number of terms a member may serve. Vacancies shall be filled in the
47 same manner of representation as the original appointments.

48 6. The rice advisory council shall meet no less than twice annually as determined
49 by the chairperson of the council, who shall be elected by the council at its first meeting
50 and once every calendar year thereafter. Members of the council shall serve without
51 compensation but shall be reimbursed for their actual and necessary expenses incurred in
52 the performance of their duties.

53 7. The powers and duties of the rice advisory council shall include, but not be
54 limited to, all of the following:

55 (1) Identifying rice varieties that have characteristics of commercial impact;

56 (2) Reviewing the efficacy of terms and conditions of identity preservation
57 programs imposed on the planting, producing, harvesting, transporting, drying, storing,
58 testing, or otherwise handling of rice identified using the most current industry standards
59 and generally accepted scientific principles;

60 (3) Reviewing each rice variety identified as having characteristics of commercial
61 impact not less often than every two years, or upon receipt of a petition from the purveyor
62 of the rice;

63 (4) Making recommendations to the director on all matters pertaining to this
64 section, including, but not limited to, enforcement of this section.

65 8. The department shall have the power to:

66 (1) Maintain the integrity and prevent the contamination of rice which has not been
67 identified as having characteristics of commercial impact;

68 (2) Prevent the introduction of disease, weeds, or other pests that would adversely
69 affect rice which has not been identified as having characteristics of commercial impact;

70 (3) Require that persons selling, offering for sale, or otherwise distributing seed for
71 the production of rice identified as having characteristics of commercial impact, or that
72 persons bringing rice identified as having characteristics of commercial impact into the
73 state for processing, notify the department of the location of planting sites and the dates
74 and procedures for planting, producing, harvesting, transporting, drying, storing, testing,
75 or otherwise handling of rice identified as having characteristics of commercial impact;

76 (4) Require that persons receiving rice having been identified as having
77 characteristics of commercial impact produced outside the state for processing notify the
78 department of the location of the receipt and the procedures for processing, transporting,
79 drying, storing, testing, or otherwise handling the rice to prevent commercial impact to
80 other rice and the spread of weeds, disease, or other pests;

81 (5) Enforce restrictions and prohibitions imposed by the department on the selling,
82 planting, producing, harvesting, transporting, drying, storing, testing, processing, or
83 otherwise handling of rice identified as having characteristics of commercial impact; and

84 (6) Investigate alleged violations of this section, issue notices of violation, provide
85 for an appeals process for persons aggrieved by the provisions of this section, and impose
86 penalties for violation of this section.

87 9. The department may establish and collect reasonable fees for any sampling and
88 testing of rice that the department determines is necessary to implement the provisions of
89 this section. Any such fees shall be reviewed by the rice advisory council.

90 10. The department shall promulgate rules to implement the provisions of this
91 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
92 that is created under the authority delegated in this section shall become effective only if
93 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
94 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
95 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
96 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
97 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
98 adopted after August 28, 2007, shall be invalid and void.

99 11. The department shall regularly report to the rice advisory council any findings
100 of rice varieties that could potentially have characteristics of commercial impact.

101 **12. If the rice advisory council determines that any rice variety with characteristics**
102 **of commercial impact is documented as causing unreasonable adverse effects on the**
103 **environment or public health, the council may issue recommendations to the department.**
104 **Within sixty days of receiving any such recommendations from the council, the department**
105 **shall hold a public hearing for the purpose of determining the nature and extent of**
106 **commercial impact. Within thirty days of holding any such public hearing, the department**
107 **shall issue a detailed opinion in response to the council recommendations.**

108 **13. The penalty for violating a provision of this section shall be no less than ten**
109 **thousand dollars nor more than one hundred thousand dollars per day per violation.**

110 **14. If the department determines a person has violated any provision of this section,**
111 **the department shall provide written notice to such person informing the person of the**
112 **violation. The notice shall inform the person of the right to request an appeal. Nothing in**
113 **this section shall prevent a person from seeking judicial relief in a court of competent**
114 **jurisdiction.**

115 **15. The provisions of this section shall become effective one hundred eighty days**
116 **from August 28, 2007.**

117 **16. The provisions of this section shall not be subject to the provisions of sections**
118 **610.010 to 610.200, RSMo.**

[99.820. 1. A municipality may:

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

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

14 (3) Pursuant to a redevelopment plan, subject to any constitutional
15 limitations, acquire by purchase, donation, lease or, as part of a redevelopment
16 project, eminent domain, own, convey, lease, mortgage, or dispose of, land and
17 other property, real or personal, or rights or interests therein, and grant or acquire
18 licenses, easements and options with respect thereto, all in the manner and at
19 such price the municipality or the commission determines is reasonably necessary
20 to achieve the objectives of the redevelopment plan. No conveyance, lease,
21 mortgage, disposition of land or other property, acquired by the municipality, or
22 agreement relating to the development of the property shall be made except upon

23 the adoption of an ordinance by the governing body of the municipality. Each
24 municipality or its commission shall establish written procedures relating to bids
25 and proposals for implementation of the redevelopment projects. Furthermore,
26 no conveyance, lease, mortgage, or other disposition of land or agreement
27 relating to the development of property shall be made without making public
28 disclosure of the terms of the disposition and all bids and proposals made in
29 response to the municipality's request. Such procedures for obtaining such bids
30 and proposals shall provide reasonable opportunity for any person to submit
31 alternative proposals or bids;

32 (4) Within a redevelopment area, clear any area by demolition or removal
33 of existing buildings and structures;

34 (5) Within a redevelopment area, renovate, rehabilitate, or construct any
35 structure or building;

36 (6) Install, repair, construct, reconstruct, or relocate streets, utilities, and
37 site improvements essential to the preparation of the redevelopment area for use
38 in accordance with a redevelopment plan;

39 (7) Within a redevelopment area, fix, charge, and collect fees, rents, and
40 other charges for the use of any building or property owned or leased by it or any
41 part thereof, or facility therein;

42 (8) Accept grants, guarantees, and donations of property, labor, or other
43 things of value from a public or private source for use within a redevelopment
44 area;

45 (9) Acquire and construct public facilities within a redevelopment area;

46 (10) Incur redevelopment costs and issue obligations;

47 (11) Make payment in lieu of taxes, or a portion thereof, to taxing
48 districts;

49 (12) Disburse surplus funds from the special allocation fund to taxing
50 districts as follows:

51 (a) Such surplus payments in lieu of taxes shall be distributed to taxing
52 districts within the redevelopment area which impose ad valorem taxes on a basis
53 that is proportional to the current collections of revenue which each taxing
54 district receives from real property in the redevelopment area;

55 (b) Surplus economic activity taxes shall be distributed to taxing districts
56 in the redevelopment area which impose economic activity taxes, on a basis that
57 is proportional to the amount of such economic activity taxes the taxing district
58 would have received from the redevelopment area had tax increment financing
59 not been adopted;

60 (c) Surplus revenues, other than payments in lieu of taxes and economic
61 activity taxes, deposited in the special allocation fund, shall be distributed on a
62 basis that is proportional to the total receipt of such other revenues in such
63 account in the year prior to disbursement;

64 (13) If any member of the governing body of the municipality, a member
65 of a commission established pursuant to subsection 2 of this section, or an

66 employee or consultant of the municipality, involved in the planning and
67 preparation of a redevelopment plan, or redevelopment project for a
68 redevelopment area or proposed redevelopment area, owns or controls an interest,
69 direct or indirect, in any property included in any redevelopment area, or
70 proposed redevelopment area, which property is designated to be acquired or
71 improved pursuant to a redevelopment project, he or she shall disclose the same
72 in writing to the clerk of the municipality, and shall also so disclose the dates,
73 terms, and conditions of any disposition of any such interest, which disclosures
74 shall be acknowledged by the governing body of the municipality and entered
75 upon the minutes books of the governing body of the municipality. If an
76 individual holds such an interest, then that individual shall refrain from any
77 further official involvement in regard to such redevelopment plan, redevelopment
78 project or redevelopment area, from voting on any matter pertaining to such
79 redevelopment plan, redevelopment project or redevelopment area, or
80 communicating with other members concerning any matter pertaining to that
81 redevelopment plan, redevelopment project or redevelopment area. Furthermore,
82 no such member or employee shall acquire any interest, direct or indirect, in any
83 property in a redevelopment area or proposed redevelopment area after either (a)
84 such individual obtains knowledge of such plan or project, or (b) first public
85 notice of such plan, project or area pursuant to section 99.830, whichever first
86 occurs;

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

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

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

105 (2) In all municipalities one member shall be appointed, in any manner
106 agreed upon by the affected districts, to represent all other districts levying ad
107 valorem taxes within the area selected for a redevelopment project or the

108 redevelopment area, excluding representatives of the governing body of the
109 municipality;

110 (3) In all municipalities six members shall be appointed by the chief
111 elected officer of the municipality, with the consent of the majority of the
112 governing body of the municipality;

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

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

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

127 (7) **In a municipality which is in a county under the authority of the**
128 **East-West Gateway Council of Governments, except any municipality in any**
129 **county of the first classification with more than ninety-three thousand eight**
130 **hundred but fewer than ninety-three thousand nine hundred inhabitants,**
131 **the municipality shall create a commission in the same manner as the**
132 **commission for a first class county with a charter form of government**
133 **having a population of more than nine hundred thousand, such commission**
134 **shall have twelve members with two such members appointed by the school**
135 **boards whose districts are included in the county in a manner in which such**
136 **school boards agree, with one such member to represent all other districts**
137 **levying ad valorem taxes in a manner in which all such districts agree, three**
138 **such members appointed either by the county executive or county**
139 **commissioner, and six such members appointed by the cities in the county**
140 **which have tax increment financing districts in a manner in which the cities**
141 **shall agree;**

142 (8) **When any city, town, or village under the authority of the East-**
143 **West Gateway Council of Governments desires to implement a tax**
144 **increment financing project, such city, town, or village shall first obtain the**
145 **permission of the county tax increment financing commission created in this**
146 **subsection within which the city, town, or village is located;**

147 (9) At the option of the members appointed by the municipality, the
148 members who are appointed by the school boards and other taxing districts may
149 serve on the commission for a term to coincide with the length of time a
150 redevelopment project, redevelopment plan or designation of a redevelopment

151 area is considered for approval by the commission, or for a definite term pursuant
152 to this subdivision. If the members representing school districts and other taxing
153 districts are appointed for a term coinciding with the length of time a
154 redevelopment project, plan or area is approved, such term shall terminate upon
155 final approval of the project, plan or designation of the area by the governing
156 body of the municipality. Thereafter the commission shall consist of the six
157 members appointed by the municipality, except that members representing school
158 boards and other taxing districts shall be appointed as provided in this section
159 prior to any amendments to any redevelopment plans, redevelopment projects or
160 designation of a redevelopment area. If any school district or other taxing
161 jurisdiction fails to appoint members of the commission within thirty days of
162 receipt of written notice of a proposed redevelopment plan, redevelopment
163 project or designation of a redevelopment area, the remaining members may
164 proceed to exercise the power of the commission. Of the members first
165 appointed by the municipality, two shall be designated to serve for terms of two
166 years, two shall be designated to serve for a term of three years and two shall be
167 designated to serve for a term of four years from the date of such initial
168 appointments. Thereafter, the members appointed by the municipality shall serve
169 for a term of four years, except that all vacancies shall be filled for unexpired
170 terms in the same manner as were the original appointments.

171 3. The commission, subject to approval of the governing body of the
172 municipality, may exercise the powers enumerated in sections 99.800 to 99.865,
173 except final approval of plans, projects and designation of redevelopment areas.
174 The commission shall hold public hearings and provide notice pursuant to
175 sections 99.825 and 99.830. The commission shall vote on all proposed
176 redevelopment plans, redevelopment projects and designations of redevelopment
177 areas, and amendments thereto, within thirty days following completion of the
178 hearing on any such plan, project or designation and shall make recommendations
179 to the governing body within ninety days of the hearing referred to in section
180 99.825 concerning the adoption of or amendment to redevelopment plans and
181 redevelopment projects and the designation of redevelopment areas. The
182 requirements of subsection 2 of this section and this subsection shall not apply
183 to redevelopment projects upon which the required hearings have been duly held
184 prior to August 31, 1991.]

185

2 [99.825. 1. Prior to the adoption of an ordinance proposing the
3 designation of a redevelopment area, or approving a redevelopment plan or
4 redevelopment project, the commission shall fix a time and place for a public
5 hearing and notify each taxing district located wholly or partially within the
6 boundaries of the proposed redevelopment area, plan or project. At the public
7 hearing any interested person or affected taxing district may file with the
8 commission written objections to, or comments on, and may be heard orally in
respect to, any issues embodied in the notice. The commission shall hear and

9 consider all protests, objections, comments and other evidence presented at the
10 hearing. The hearing may be continued to another date without further notice
11 other than a motion to be entered upon the minutes fixing the time and place of
12 the subsequent hearing. Prior to the conclusion of the hearing, changes may be
13 made in the redevelopment plan, redevelopment project, or redevelopment area,
14 provided that each affected taxing district is given written notice of such changes
15 at least seven days prior to the conclusion of the hearing. After the public hearing
16 but prior to the adoption of an ordinance approving a redevelopment plan or
17 redevelopment project, or designating a redevelopment area, changes may be
18 made to the redevelopment plan, redevelopment projects or redevelopment areas
19 without a further hearing, if such changes do not enlarge the exterior boundaries
20 of the redevelopment area or areas, and do not substantially affect the general
21 land uses established in the redevelopment plan or substantially change the nature
22 of the redevelopment projects, provided that notice of such changes shall be
23 given by mail to each affected taxing district and by publication in a newspaper
24 of general circulation in the area of the proposed redevelopment not less than ten
25 days prior to the adoption of the changes by ordinance. After the adoption of an
26 ordinance approving a redevelopment plan or redevelopment project, or
27 designating a redevelopment area, no ordinance shall be adopted altering the
28 exterior boundaries, affecting the general land uses established pursuant to the
29 redevelopment plan or changing the nature of the redevelopment project without
30 complying with the procedures provided in this section pertaining to the initial
31 approval of a redevelopment plan or redevelopment project and designation of
32 a redevelopment area. Hearings with regard to a redevelopment project,
33 redevelopment area, or redevelopment plan may be held simultaneously.

34 **2. If, after concluding the hearing required under this section, the**
35 **commission makes a recommendation under section 99.820 in opposition to**
36 **a proposed redevelopment plan, redevelopment project, or designation of a**
37 **redevelopment area, or any amendments thereto, a municipality desiring to**
38 **approve such project, plan, designation, or amendments shall do so only**
39 **upon a two-thirds majority vote of the governing body of such municipality.**

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

✓