

SECOND REGULAR SESSION

# HOUSE BILL NO. 1244

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LAUER (Sponsor), ZERR, DIEHL, TORPEY,  
BROWN (116) AND LAIR (Co-sponsors).

5097L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to municipal technology business facility projects.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.2055, to read as follows:

**67.2055. 1. As used in this section, unless the context clearly indicates otherwise, the following terms shall mean:**

**(1) "Facility", a location composed of real estate, buildings, fixtures, machinery, and equipment;**

**(2) "Municipality", any county, city, incorporated town, or village of the state;**

**(3) "NAICS", the 2007 edition of the North American Industry Classification System developed under the direction and guidance of the federal Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;**

**(4) "Technology business facility", a facility purchased, constructed, extended, or improved under this section, provided that such business facility is engaged in:**

**(a) Wired telecommunications carriers (NAICS 517110);**

**(b) Data processing, hosting, and related services (NAICS 518210); or**

**(c) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;**

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

17           **(5) "Technology business facility project" or "project", the purchase, construction,**  
18 **extension, and improvement of technology business facilities, whether of the facility as a**  
19 **whole or of any one or more of the facility's components of real estate, buildings, fixtures,**  
20 **machinery, and equipment.**

21           **2. The governing body of any municipality may:**

22           **(1) Carry out technology business facility projects for economic development under**  
23 **this section;**

24           **(2) Accept grants from the federal and state governments for technology business**  
25 **facility project purposes, and may enter into such agreements as are not contrary to the**  
26 **laws of this state and which may be required as a condition of grants by the federal**  
27 **government or its agencies; and**

28           **(3) Receive gifts and donations from private sources to be used for technology**  
29 **business facility project purposes.**

30           **3. The governing body of the municipality may enter into loan agreements, sell,**  
31 **lease, or mortgage to private persons, partnerships, or corporations any one or more of the**  
32 **components of a facility received, purchased, constructed, or extended by the municipality**  
33 **for development of a technology business facility project. The loan agreement, installment**  
34 **sale agreement, lease, or other such document shall contain such other terms as are agreed**  
35 **upon between the municipality and the obligor, provided that such terms shall be**  
36 **consistent with this section. When, in the judgment of the governing body of the**  
37 **municipality, the technology business facility project will result in economic benefits to the**  
38 **municipality, the governing body may lawfully enter into an agreement that includes**  
39 **nominal monetary consideration to the municipality in exchange for the use of one or more**  
40 **components of the facility.**

41           **4. Transactions involving the lease or rental of any components of a project under**  
42 **this section shall be specifically exempted from the provisions of the local sales tax law as**  
43 **defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to**  
44 **144.761, and from the computation of the tax levied, assessed, or payable under the local**  
45 **sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525**  
46 **and 144.600 to 144.745.**

47           **5. Leasehold interests granted and held under this section shall not be subject to**  
48 **property taxes.**

49           **6. Any payments in lieu of taxes expected to be made by any lessee of the project**  
50 **shall be applied in accordance with this section. The lessee may reimburse the municipality**  
51 **for its actual costs of administering the plan. All amounts paid in excess of such actual**  
52 **costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer**

53 or other financial officer to each affected taxing entity in proportion to the current ad  
54 valorem tax levy of each affected taxing entity.

55 7. The county assessor shall include the current assessed value of all property  
56 within the affected taxing entities in the aggregate valuation of assessed property entered  
57 upon the assessor's book and verified under section 137.245, and such value shall be used  
58 for the purpose of the debt limitation on local government under section 26(b), article VI,  
59 Constitution of Missouri.

60 8. The governing body of any municipality may sell or otherwise dispose of the  
61 property, buildings, or plants acquired under this section to private persons or  
62 corporations for technology business facility project purposes upon approval by the  
63 governing body. The terms and method of the sale or other disposal shall be established  
64 by the governing body so as to reasonably protect the economic well-being of the  
65 municipality and to promote the development of technology business facility projects. A  
66 private person or corporation that initially transfers property to the municipality for the  
67 purposes of a technology business facility project and does not charge a purchase price to  
68 the municipality shall retain the right, upon request to the municipality, to have the  
69 municipality retransfer the donated property to the person or corporation at no cost.

70 9. The provisions of this section shall not be construed to allow political  
71 subdivisions to provide telecommunications services or telecommunications facilities to the  
72 extent that they are prohibited from doing so by section 392.410.

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