

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE NO. 2

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1170

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AN ACT

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To repeal sections 67.1521, 99.845, 137.016, 321.460,
and 610.021, RSMo, and to enact in lieu thereof seven
new sections relating to local taxation, with an
emergency clause for a certain section.

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

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Section A. Sections 67.1521, 99.845, 137.016, 321.460, and
610.021, RSMo, are repealed and seven new sections enacted in
lieu thereof, to be known as sections 67.1521, 99.845, 137.016,
144.758, 321.228, 321.460, and 610.021, to read as follows:

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67.1521. 1. A district may levy by resolution one or more
special assessments against real property within its boundaries,
upon receipt of and in accordance with a petition signed by:

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(1) Owners of real property collectively owning more than
fifty percent by assessed value of real property within the
boundaries of the district; and

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(2) More than fifty percent per capita of the owners of all
real property within the boundaries of the district.

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2. The special assessment petition shall be in

1 substantially the following form:

2 The (insert name of district)
3 Community Improvement District ("District") shall be authorized
4 to levy special assessments against real property benefitted
5 within the District for the purpose of providing revenue for
6 (insert general description of specific service
7 and/or projects) in the district, such special assessments to be
8 levied against each tract, lot or parcel of real property listed
9 below within the district which receives special benefit as a
10 result of such service and/or projects, the cost of which shall
11 be allocated among this property by
12 (insert method of allocation, e.g., per square foot of property,
13 per square foot on each square foot of improvement, or by
14 abutting foot of property abutting streets, roads, highways,
15 parks or other improvements, or any other reasonable method) in
16 an amount not to exceed dollars per (insert unit of
17 measure). Such authorization to levy the special assessment
18 shall expire on (insert date). The tracts of
19 land located in the district which will receive special benefit
20 from this service and/or projects are: (list
21 of properties by common addresses and legal descriptions).

22 3. The method for allocating such special assessments set
23 forth in the petition may be any reasonable method which results
24 in imposing assessments upon real property benefitted in relation
25 to the benefit conferred upon each respective tract, lot or
26 parcel of real property and the cost to provide such benefit.

27 4. By resolution of the board, the district may levy a
28 special assessment rate lower than the rate ceiling set forth in

1 the petition authorizing the special assessment and may increase
2 such lowered special assessment rate to a level not exceeding the
3 special assessment rate ceiling set forth in the petition without
4 further approval of the real property owners; provided that a
5 district imposing a special assessment pursuant to this section
6 may not repeal or amend such special assessment or lower the rate
7 of such special assessment if such repeal, amendment or lower
8 rate will impair the district's ability to pay any liabilities
9 that it has incurred, money that it has borrowed or obligations
10 that it has issued.

11 5. Each special assessment which is due and owing shall
12 constitute a perpetual lien against each tract, lot or parcel of
13 property from which it is derived. Such lien may be foreclosed
14 in the same manner as any other special assessment lien as
15 provided in section 88.861. Notwithstanding the provisions of
16 this subsection and section 67.1541 to the contrary, [in any
17 county of the first classification with more than one hundred
18 thirty-five thousand four hundred but fewer than one hundred
19 thirty-five thousand five hundred inhabitants,] the county
20 collector may, upon certification by the district for collection,
21 add each special assessment to the annual real estate tax bill
22 for the property and collect the assessment in the same manner
23 the collector uses for real estate taxes. [In said counties,
24 each] Any special assessment remaining unpaid on the first day of
25 January annually is delinquent and enforcement of collection of
26 the delinquent bill by the county collector shall be governed by
27 the laws concerning delinquent and back taxes. The lien may be
28 foreclosed in the same manner as a tax upon real property by land

1 tax sale under chapter 140 or, if applicable to that county,
2 chapter 141.

3 6. A separate fund or account shall be created by the
4 district for each special assessment levied and each fund or
5 account shall be identifiable by a suitable title. The proceeds
6 of such assessments shall be credited to such fund or account.
7 Such fund or account shall be used solely to pay the costs
8 incurred in undertaking the specified service or project.

9 7. Upon completion of the specified service or project or
10 both, the balance remaining in the fund or account established
11 for such specified service or project or both shall be returned
12 or credited against the amount of the original assessment of each
13 parcel of property pro rata based on the method of assessment of
14 such special assessment.

15 8. Any funds in a fund or account created pursuant to this
16 section which are not needed for current expenditures may be
17 invested by the board in accordance with applicable laws relating
18 to the investment of funds of the city in which the district is
19 located.

20 9. The authority of the district to levy special
21 assessments shall be independent of the limitations and
22 authorities of the municipality in which it is located;
23 specifically, the provisions of section 88.812 shall not apply to
24 any district.

25 99.845. 1. A municipality, either at the time a
26 redevelopment project is approved or, in the event a municipality
27 has undertaken acts establishing a redevelopment plan and
28 redevelopment project and has designated a redevelopment area

1 after the passage and approval of sections 99.800 to 99.865 but
2 prior to August 13, 1982, which acts are in conformance with the
3 procedures of sections 99.800 to 99.865, may adopt tax increment
4 allocation financing by passing an ordinance providing that after
5 the total equalized assessed valuation of the taxable real
6 property in a redevelopment project exceeds the certified total
7 initial equalized assessed valuation of the taxable real property
8 in the redevelopment project, the ad valorem taxes, and payments
9 in lieu of taxes, if any, arising from the levies upon taxable
10 real property in such redevelopment project by taxing districts
11 and tax rates determined in the manner provided in subsection 2
12 of section 99.855 each year after the effective date of the
13 ordinance until redevelopment costs have been paid shall be
14 divided as follows:

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

24 (2) (a) Payments in lieu of taxes attributable to the
25 increase in the current equalized assessed valuation of each
26 taxable lot, block, tract, or parcel of real property in the area
27 selected for the redevelopment project and any applicable penalty
28 and interest over and above the initial equalized assessed value

1 of each such unit of property in the area selected for the
2 redevelopment project shall be allocated to and, when collected,
3 shall be paid to the municipal treasurer who shall deposit such
4 payment in lieu of taxes into a special fund called the "Special
5 Allocation Fund" of the municipality for the purpose of paying
6 redevelopment costs and obligations incurred in the payment
7 thereof. Payments in lieu of taxes which are due and owing shall
8 constitute a lien against the real estate of the redevelopment
9 project from which they are derived and shall be collected in the
10 same manner as the real property tax, including the assessment of
11 penalties and interest where applicable. The municipality may,
12 in the ordinance, pledge the funds in the special allocation fund
13 for the payment of such costs and obligations and provide for the
14 collection of payments in lieu of taxes, the lien of which may be
15 foreclosed in the same manner as a special assessment lien as
16 provided in section 88.861. No part of the current equalized
17 assessed valuation of each lot, block, tract, or parcel of
18 property in the area selected for the redevelopment project
19 attributable to any increase above the total initial equalized
20 assessed value of such properties shall be used in calculating
21 the general state school aid formula provided for in section
22 163.031 until such time as all redevelopment costs have been paid
23 as provided for in this section and section 99.850;

24 (b) Notwithstanding any provisions of this section to the
25 contrary, for purposes of determining the limitation on
26 indebtedness of local government pursuant to article VI, section
27 26(b) of the Missouri Constitution, the current equalized
28 assessed value of the property in an area selected for

1 redevelopment attributable to the increase above the total
2 initial equalized assessed valuation shall be included in the
3 value of taxable tangible property as shown on the last completed
4 assessment for state or county purposes;

5 (c) The county assessor shall include the current assessed
6 value of all property within the taxing district in the aggregate
7 valuation of assessed property entered upon the assessor's book
8 and verified pursuant to section 137.245, and such value shall be
9 utilized for the purpose of the debt limitation on local
10 government pursuant to article VI, section 26(b) of the Missouri
11 Constitution;

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

23 2. In addition to the payments in lieu of taxes described
24 in subdivision (2) of subsection 1 of this section, for
25 redevelopment plans and projects adopted or redevelopment
26 projects approved by ordinance after July 12, 1990, and prior to
27 August 31, 1991, fifty percent of the total additional revenue
28 from taxes, penalties and interest imposed by the municipality,

1 or other taxing districts, which are generated by economic
2 activities within the area of the redevelopment project over the
3 amount of such taxes generated by economic activities within the
4 area of the redevelopment project in the calendar year prior to
5 the adoption of the redevelopment project by ordinance, while tax
6 increment financing remains in effect, but excluding taxes
7 imposed on sales or charges for sleeping rooms paid by transient
8 guests of hotels and motels, taxes levied pursuant to section
9 70.500, licenses, fees or special assessments other than payments
10 in lieu of taxes and any penalty and interest thereon, or,
11 effective January 1, 1998, taxes levied pursuant to section
12 94.660, for the purpose of public transportation, shall be
13 allocated to, and paid by the local political subdivision
14 collecting officer to the treasurer or other designated financial
15 officer of the municipality, who shall deposit such funds in a
16 separate segregated account within the special allocation fund.
17 Any provision of an agreement, contract or covenant entered into
18 prior to July 12, 1990, between a municipality and any other
19 political subdivision which provides for an appropriation of
20 other municipal revenues to the special allocation fund shall be
21 and remain enforceable.

22 3. In addition to the payments in lieu of taxes described
23 in subdivision (2) of subsection 1 of this section, for
24 redevelopment plans and projects adopted or redevelopment
25 projects approved by ordinance after August 31, 1991, fifty
26 percent of the total additional revenue from taxes, penalties and
27 interest which are imposed by the municipality or other taxing
28 districts, and which are generated by economic activities within

1 the area of the redevelopment project over the amount of such
2 taxes generated by economic activities within the area of the
3 redevelopment project in the calendar year prior to the adoption
4 of the redevelopment project by ordinance, while tax increment
5 financing remains in effect, but excluding personal property
6 taxes, taxes imposed on sales or charges for sleeping rooms paid
7 by transient guests of hotels and motels, taxes levied pursuant
8 to section 70.500, taxes levied for the purpose of public
9 transportation pursuant to section 94.660, taxes imposed on sales
10 pursuant to section 650.399 for the purpose of emergency
11 communication systems, licenses, fees or special assessments
12 other than payments in lieu of taxes and penalties and interest
13 thereon, or any sales tax imposed by a county with a charter form
14 of government and with more than six hundred thousand but fewer
15 than seven hundred thousand inhabitants, for the purpose of
16 sports stadium improvement or levied by such county under section
17 238.410 for the purpose of the county transit authority operating
18 transportation facilities, shall be allocated to, and paid by the
19 local political subdivision collecting officer to the treasurer
20 or other designated financial officer of the municipality, who
21 shall deposit such funds in a separate segregated account within
22 the special allocation fund.

23 4. Beginning January 1, 1998, for redevelopment plans and
24 projects adopted or redevelopment projects approved by ordinance
25 and which have complied with subsections 4 to 12 of this section,
26 in addition to the payments in lieu of taxes and economic
27 activity taxes described in subsections 1, 2 and 3 of this
28 section, up to fifty percent of the new state revenues, as

1 defined in subsection 8 of this section, estimated for the
2 businesses within the project area and identified by the
3 municipality in the application required by subsection 10 of this
4 section, over and above the amount of such taxes reported by
5 businesses within the project area as identified by the
6 municipality in their application prior to the approval of the
7 redevelopment project by ordinance, while tax increment financing
8 remains in effect, may be available for appropriation by the
9 general assembly as provided in subsection 10 of this section to
10 the department of economic development supplemental tax increment
11 financing fund, from the general revenue fund, for distribution
12 to the treasurer or other designated financial officer of the
13 municipality with approved plans or projects.

14 5. The treasurer or other designated financial officer of
15 the municipality with approved plans or projects shall deposit
16 such funds in a separate segregated account within the special
17 allocation fund established pursuant to section 99.805.

18 6. No transfer from the general revenue fund to the
19 Missouri supplemental tax increment financing fund shall be made
20 unless an appropriation is made from the general revenue fund for
21 that purpose. No municipality shall commit any state revenues
22 prior to an appropriation being made for that project. For all
23 redevelopment plans or projects adopted or approved after
24 December 23, 1997, appropriations from the new state revenues
25 shall not be distributed from the Missouri supplemental tax
26 increment financing fund into the special allocation fund unless
27 the municipality's redevelopment plan ensures that one hundred
28 percent of payments in lieu of taxes and fifty percent of

1 economic activity taxes generated by the project shall be used
2 for eligible redevelopment project costs while tax increment
3 financing remains in effect. This account shall be separate from
4 the account into which payments in lieu of taxes are deposited,
5 and separate from the account into which economic activity taxes
6 are deposited.

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

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

19 (1) The incremental increase in the general revenue portion
20 of state sales tax revenues received pursuant to section 144.020,
21 excluding sales taxes that are constitutionally dedicated, taxes
22 deposited to the school district trust fund in accordance with
23 section 144.701, sales and use taxes on motor vehicles, trailers,
24 boats and outboard motors and future sales taxes earmarked by
25 law. In no event shall the incremental increase include any
26 amounts attributable to retail sales unless the municipality or
27 authority has proven to the Missouri development finance board
28 and the department of economic development and such entities have

1 made a finding that the sales tax increment attributable to
2 retail sales is from new sources which did not exist in the state
3 during the baseline year. The incremental increase in the
4 general revenue portion of state sales tax revenues for an
5 existing or relocated facility shall be the amount that current
6 state sales tax revenue exceeds the state sales tax revenue in
7 the base year as stated in the redevelopment plan as provided in
8 subsection 10 of this section; or

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

17 9. Subsection 4 of this section shall apply only to
18 blighted areas located in enterprise zones, pursuant to sections
19 135.200 to 135.256, blighted areas located in federal empowerment
20 zones, or to blighted areas located in central business districts
21 or urban core areas of cities which districts or urban core areas
22 at the time of approval of the project by ordinance, provided
23 that the enterprise zones, federal empowerment zones or blighted
24 areas contained one or more buildings at least fifty years old;
25 and

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

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

7 10. The initial appropriation of up to fifty percent of the
8 new state revenues authorized pursuant to subsections 4 and 5 of
9 this section shall not be made to or distributed by the
10 department of economic development to a municipality until all of
11 the following conditions have been satisfied:

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

19 (a) The tax increment financing district or redevelopment
20 area, including the businesses identified within the
21 redevelopment area;

22 (b) The base year of state sales tax revenues or the base
23 year of state income tax withheld on behalf of existing
24 employees, reported by existing businesses within the project
25 area prior to approval of the redevelopment project;

26 (c) The estimate of the incremental increase in the general
27 revenue portion of state sales tax revenue or the estimate for
28 the state income tax withheld by the employer on behalf of new

1 employees expected to fill new jobs created within the
2 redevelopment area after redevelopment;

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

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

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

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

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

20 (i) The street address of the development site;

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

23 (k) The estimated development project costs;

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

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

28 (n) The anticipated type and term of the sources of funds

1 to pay such development project costs;

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

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

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

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

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

13 (t) The total number of full-time equivalent positions in
14 the development area;

15 (u) The current gross wages, state income tax withholdings,
16 and federal income tax withholdings for individuals employed in
17 the development area;

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

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

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

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

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

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

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

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

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

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

28 (ff) A list of competing businesses in the county

1 containing the development area and in each contiguous county;

2 (gg) A market study for the development area;

3 (hh) A certification by the chief officer of the applicant
4 as to the accuracy of the development plan;

5 (2) The methodologies used in the application for
6 determining the base year and determining the estimate of the
7 incremental increase in the general revenue portion of the state
8 sales tax revenues or the state income tax withheld by employers
9 on behalf of new employees who fill new jobs created in the
10 redevelopment area shall be approved by the director of the
11 department of economic development or his or her designee and the
12 commissioner of the office of administration or his or her
13 designee. Upon approval of the application, the director of the
14 department of economic development or his or her designee and the
15 commissioner of the office of administration or his or her
16 designee shall issue a certificate of approval. The department
17 of economic development may request the appropriation following
18 application approval;

19 (3) The appropriation shall be either a portion of the
20 estimate of the incremental increase in the general revenue
21 portion of state sales tax revenues in the redevelopment area or
22 a portion of the estimate of the state income tax withheld by the
23 employer on behalf of new employees who fill new jobs created in
24 the redevelopment area as indicated in the municipality's
25 application, approved by the director of the department of
26 economic development or his or her designee and the commissioner
27 of the office of administration or his or her designee. At no
28 time shall the annual amount of the new state revenues approved

1 for disbursements from the Missouri supplemental tax increment
2 financing fund exceed thirty-two million dollars;

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

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

20 12. There is hereby established within the state treasury a
21 special fund to be known as the "Missouri Supplemental Tax
22 Increment Financing Fund", to be administered by the department
23 of economic development. The department shall annually
24 distribute from the Missouri supplemental tax increment financing
25 fund the amount of the new state revenues as appropriated as
26 provided in the provisions of subsections 4 and 5 of this section
27 if and only if the conditions of subsection 10 of this section
28 are met. The fund shall also consist of any gifts,

1 contributions, grants or bequests received from federal, private
2 or other sources. Moneys in the Missouri supplemental tax
3 increment financing fund shall be disbursed per project pursuant
4 to state appropriations.

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

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

28 137.016. 1. As used in section 4(b) of article X of the

1 Missouri Constitution, the following terms mean:

2 (1) "Residential property", all real property improved by a
3 structure which is used or intended to be used for residential
4 living by human occupants, vacant land in connection with an
5 airport, land used as a golf course, [and] manufactured home
6 parks, and time-share units as defined in section 407.600, except
7 to the extent such units are actually rented and subject to sales
8 tax under subdivision (6) of subsection 1 of section 144.020, but
9 residential property shall not include other similar facilities
10 used primarily for transient housing. For the purposes of this
11 section, "transient housing" means all rooms available for rent
12 or lease for which the receipts from the rent or lease of such
13 rooms are subject to state sales tax pursuant to subdivision (6)
14 of subsection 1 of section 144.020;

15 (2) "Agricultural and horticultural property", all real
16 property used for agricultural purposes and devoted primarily to
17 the raising and harvesting of crops; to the feeding, breeding and
18 management of livestock which shall include breeding, showing,
19 and boarding of horses; to dairying, or to any other combination
20 thereof; and buildings and structures customarily associated with
21 farming, agricultural, and horticultural uses. Agricultural and
22 horticultural property shall also include land devoted to and
23 qualifying for payments or other compensation under a soil
24 conservation or agricultural assistance program under an
25 agreement with an agency of the federal government. Agricultural
26 and horticultural property shall further include land and
27 improvements, exclusive of structures, on privately owned
28 airports that qualify as reliever airports under the National

1 Plan of Integrated Airports System, to receive federal airport
2 improvement project funds through the Federal Aviation
3 Administration. Real property classified as forest croplands
4 shall not be agricultural or horticultural property so long as it
5 is classified as forest croplands and shall be taxed in
6 accordance with the laws enacted to implement section 7 of
7 article X of the Missouri Constitution. Agricultural and
8 horticultural property shall also include any sawmill or planing
9 mill defined in the U.S. Department of Labor's Standard
10 Industrial Classification (SIC) Manual under Industry Group 242
11 with the SIC number 2421;

12 (3) "Utility, industrial, commercial, railroad and other
13 real property", all real property used directly or indirectly,
14 for any commercial, mining, industrial, manufacturing, trade,
15 professional, business, or similar purpose, including all
16 property centrally assessed by the state tax commission but shall
17 not include floating docks, portions of which are separately
18 owned and the remainder of which is designated for common
19 ownership and in which no one person or business entity owns more
20 than five individual units. All other real property not included
21 in the property listed in subclasses (1) and (2) of section 4(b)
22 of article X of the Missouri Constitution, as such property is
23 defined in this section, shall be deemed to be included in the
24 term "utility, industrial, commercial, railroad and other real
25 property".

26 2. Pursuant to article X of the state constitution, any
27 taxing district may adjust its operating levy to recoup any loss
28 of property tax revenue, except revenues from the surtax imposed

1 pursuant to article X, subsection 2 of section 6 of the
2 constitution, as the result of changing the classification of
3 structures intended to be used for residential living by human
4 occupants which contain five or more dwelling units if such
5 adjustment of the levy does not exceed the highest tax rate in
6 effect subsequent to the 1980 tax year. For purposes of this
7 section, loss in revenue shall include the difference between the
8 revenue that would have been collected on such property under its
9 classification prior to enactment of this section and the amount
10 to be collected under its classification under this section. The
11 county assessor of each county or city not within a county shall
12 provide information to each taxing district within its boundaries
13 regarding the difference in assessed valuation of such property
14 as the result of such change in classification.

15 3. All reclassification of property as the result of
16 changing the classification of structures intended to be used for
17 residential living by human occupants which contain five or more
18 dwelling units shall apply to assessments made after December 31,
19 1994.

20 4. Where real property is used or held for use for more
21 than one purpose and such uses result in different
22 classifications, the county assessor shall allocate to each
23 classification the percentage of the true value in money of the
24 property devoted to each use; except that, where agricultural and
25 horticultural property, as defined in this section, also contains
26 a dwelling unit or units, the farm dwelling, appurtenant
27 residential-related structures and up to five acres immediately
28 surrounding such farm dwelling shall be residential property, as

1 defined in this section.

2 5. All real property which is vacant, unused, or held for
3 future use; which is used for a private club, a not-for-profit or
4 other nonexempt lodge, club, business, trade, service
5 organization, or similar entity; or for which a determination as
6 to its classification cannot be made under the definitions set
7 out in subsection 1 of this section, shall be classified
8 according to its immediate most suitable economic use, which use
9 shall be determined after consideration of:

10 (1) Immediate prior use, if any, of such property;

11 (2) Location of such property;

12 (3) Zoning classification of such property; except that,
13 such zoning classification shall not be considered conclusive if,
14 upon consideration of all factors, it is determined that such
15 zoning classification does not reflect the immediate most
16 suitable economic use of the property;

17 (4) Other legal restrictions on the use of such property;

18 (5) Availability of water, electricity, gas, sewers, street
19 lighting, and other public services for such property;

20 (6) Size of such property;

21 (7) Access of such property to public thoroughfares; and

22 (8) Any other factors relevant to a determination of the
23 immediate most suitable economic use of such property.

24 6. All lands classified as forest croplands shall not, for
25 taxation purposes, be classified as subclass (1), subclass (2),
26 or subclass (3) real property, as such classes are prescribed in
27 section 4(b) of article X of the Missouri Constitution and
28 defined in this section, but shall be taxed in accordance with

1 the laws enacted to implement section 7 of article X of the
2 Missouri Constitution.

3 144.758. (1) Provided that a local use tax is not imposed
4 under section 144.757, a county or municipality, by a majority
5 vote of its governing body, may impose a local use tax on new and
6 used motor vehicles, trailers, boats, and outboard motors, if a
7 local sales tax is imposed as defined in section 32.085, at a
8 rate equal to the rate of the local sales tax in effect in such
9 county or municipality; provided, however, that no ordinance or
10 order enacted pursuant to this section shall be effective unless
11 the governing body of the county or municipality submits to the
12 voters thereof at a municipal, county or state general, primary,
13 or special election a proposal to authorize the governing body of
14 the county or municipality to impose a local use tax pursuant to
15 this section.

16 (2) The ballot submission shall contain substantially the
17 following language:

18 Shall the (county or municipality's name)
19 impose a local use tax on new and used motor vehicles,
20 trailers, boats, and outboard motors at the same rate
21 as the total local sales tax rate, currently
22 (insert percent), provided that if the local sales tax
23 rate is reduced or raised by voter approval, the local
24 use tax rate shall also be reduced or raised by the
25 same action?

26 YES NO

27 If you are in favor of the question, place an "X" in the box
28 opposition "YES". If you are opposed to the question, place an

1 "X" in the box opposite "NO".

2 (3) If a majority of the votes cast on the proposal by the
3 qualified voters voting thereon are in favor of the proposal,
4 then the ordinance or order and any amendments thereto shall be
5 in effect on the first day of the calendar quarter which begins
6 at least forty-five days after the director of revenue receives
7 notice of adoption of the local use tax. If a majority of the
8 votes cast by the qualified voters voting are opposed to the
9 proposal, then the governing body of the county or municipality
10 shall have no power to impose the local use tax as herein
11 authorized unless and until the governing body of the county or
12 municipality shall again have submitted another proposal to
13 authorize the governing body of the county or municipality to
14 impose the local use tax and such proposal is approved by a
15 majority of the qualified voters voting thereon.

16 (4) The local use tax under this section may be imposed at
17 the same rate as the local sales tax then currently in effect in
18 the county or municipality upon all new and used motor vehicles,
19 trailers, boats, and outboard motors within the county or
20 municipality adopting such tax that are subject to the state tax
21 imposed under this section; provided, however, that if any local
22 sales tax is repealed or the rate thereof is reduced or raised by
23 voter approval, the local use tax rate shall also be deemed to be
24 repealed, reduced, or raised by the same action repealing,
25 reducing, or raising the local sales tax.

26 (5) Notwithstanding any other provision of law, the
27 director shall distribute the tax imposed, less one percent for
28 the cost of collection as provided in section 144.759, under this

1 section in the same manner as though the motor vehicle, trailer,
2 boat, or outboard motor had been sold at retail within the state.

3 321.228. 1. As used in this section, the following terms
4 shall mean:

5 (1) "Residential construction", new construction and
6 erection of detached single-family or two-family dwellings or the
7 development of land to be used for detached single-family or two-
8 family dwellings;

9 (2) "Residential construction regulatory system", any
10 bylaw, ordinance, order, rule, or regulation adopted,
11 implemented, or enforced by any city, town, village, or county
12 that pertains to residential construction, to any permitting
13 system, or program relating to residential construction,
14 including but not limited to the use or occupancy by the initial
15 occupant thereof, or to any system or program for the inspection
16 of residential construction. Residential construction regulatory
17 system also includes the whole or any part of a nationally
18 recognized model code, with or without amendments specific to
19 such city, town, village, or county.

20 2. Notwithstanding the provisions of any other law to the
21 contrary, if a city, town, village, or county adopts or has
22 adopted, implements, and enforces a residential construction
23 regulatory system applicable to residential construction within
24 its jurisdiction, any fire protection districts wholly or partly
25 located within such city, town, village, or county shall be
26 without power, authority, or privilege to enforce or implement a
27 residential construction regulatory system purporting to be
28 applicable to any residential construction within such city,

1 town, village, or county. Any such residential construction
2 regulatory system adopted by a fire protection district or its
3 board shall be treated as advisory only and shall not be enforced
4 by such fire protection district or its board.

5 3. Notwithstanding the provisions of any other law to the
6 contrary, fire protection districts:

7 (1) Shall have final regulatory authority regarding the
8 location and specifications of fire hydrants, fire hydrant flow
9 rates, and fire lanes, all as it relates to residential
10 construction. Nothing in this subdivision shall be construed to
11 require the political subdivision supplying water to incur any
12 costs to modify its water supply infrastructure; and

13 (2) May inspect the alteration, enlargement, replacement or
14 repair of a detached single-family or two-family dwelling; and

15 (3) Shall not collect a fee for the services described in
16 subdivisions (1) and (2) of this subsection.

17 321.460. 1. Two or more fire protection districts may
18 consolidate with each other in the manner hereinafter provided,
19 and only if the districts have one or more common boundaries, in
20 whole or in part, or are located within the same county, in whole
21 or in part, as to any respective two of the districts which are
22 so consolidating.

23 2. By a majority vote of each board of directors of each
24 fire protection district included within the proposed
25 consolidation, a consolidation plan may be adopted. The
26 consolidation plan shall include the name of the proposed
27 consolidated district, the legal description of the boundaries of
28 each district to be consolidated, and a legal description of the

1 boundaries of the consolidated district, the amount of
2 outstanding bonds, if any, of each district proposed to be
3 consolidated, a listing of the firehouses within each district,
4 and the names of the districts to be consolidated.

5 3. Each board of the districts approving the plan for
6 proposed consolidation shall duly certify and file in the office
7 of the clerk of the circuit court of the county in which the
8 district is located a copy of the plan of consolidation, bearing
9 the signatures of those directors who vote in favor thereof,
10 together with a petition for consolidation. The petition may be
11 made jointly by all of the districts within the respective plan
12 of consolidation. A filing fee of fifty dollars shall be
13 deposited with the clerk, on the filing of the petition, against
14 the costs of court.

15 4. The circuit court sitting in and for any county to which
16 the petition is presented is hereby vested with jurisdiction,
17 power and authority to hear the same, and to approve the
18 consolidation and order such districts consolidated, after
19 holding an election, as hereinafter provided.

20 5. If the circuit court finds the plan for consolidation to
21 have been duly approved by the respective boards of directors of
22 the fire protection districts proposed to be consolidated, then
23 the circuit court shall enter its order of record, directing the
24 submission of the question.

25 6. The order shall direct publication of notice of
26 election, and shall fix the date thereof. The order shall direct
27 that the elections shall be held to vote on the proposition of
28 consolidating the districts and to elect three persons, having

1 the qualifications declared in section 321.130 and being among
2 the then directors of the districts proposed to be consolidated,
3 to become directors of the consolidated district.

4 7. The question shall be submitted in substantially the
5 following form:

6 Shall the Fire Protection Districts and the Fire
7 Protection District be consolidated into one fire protection
8 district to be known as the Fire Protection District, with
9 tax levies not in excess of the following amounts: maintenance
10 fund cents per one hundred dollars assessed valuation;
11 ambulance service cents per one hundred dollars assessed
12 valuation; pension fund cents per one hundred dollars
13 assessed valuation; and dispatching fund cents per one
14 hundred dollars assessed valuation?

15 8. If, upon the canvass and declaration, it is found and
16 determined that a majority of the voters of the districts voting
17 on the proposition or propositions have voted in favor of the
18 proposition to incorporate the consolidated district, then the
19 court shall then further, in its order, designate the first board
20 of directors of the consolidated district, who have been elected
21 by the voters voting thereon, the one receiving the third highest
22 number of votes to hold office until the first Tuesday in April
23 which is more than one year after the date of election, the one
24 receiving the second highest number of votes to hold office until
25 two years after the first Tuesday aforesaid, and the one
26 receiving the highest number of votes until four years after the
27 first Tuesday in April as aforesaid. If any other propositions
28 are also submitted at the election, the court, in its order,

1 shall also declare the results of the votes thereon. If the
2 court shall find and determine, upon the canvass and declaration,
3 that a majority of the voters of the consolidated district have
4 not voted in favor of the proposition to incorporate the
5 consolidated district, then the court shall enter its order
6 declaring the proceedings void and of no effect, and shall
7 dismiss the same at the cost of petitioners.

8 610.021. Except to the extent disclosure is otherwise
9 required by law, a public governmental body is authorized to
10 close meetings, records and votes, to the extent they relate to
11 the following:

12 (1) Legal actions, causes of action or litigation involving
13 a public governmental body and any confidential or privileged
14 communications between a public governmental body or its
15 representatives and its attorneys. However, any minutes, vote or
16 settlement agreement relating to legal actions, causes of action
17 or litigation involving a public governmental body or any agent
18 or entity representing its interests or acting on its behalf or
19 with its authority, including any insurance company acting on
20 behalf of a public government body as its insured, shall be made
21 public upon final disposition of the matter voted upon or upon
22 the signing by the parties of the settlement agreement, unless,
23 prior to final disposition, the settlement agreement is ordered
24 closed by a court after a written finding that the adverse impact
25 to a plaintiff or plaintiffs to the action clearly outweighs the
26 public policy considerations of section 610.011, however, the
27 amount of any moneys paid by, or on behalf of, the public
28 governmental body shall be disclosed; provided, however, in

1 matters involving the exercise of the power of eminent domain,
2 the vote shall be announced or become public immediately
3 following the action on the motion to authorize institution of
4 such a legal action. Legal work product shall be considered a
5 closed record;

6 (2) Leasing, purchase or sale of real estate by a public
7 governmental body where public knowledge of the transaction might
8 adversely affect the legal consideration therefor. However, any
9 minutes, vote or public record approving a contract relating to
10 the leasing, purchase or sale of real estate by a public
11 governmental body shall be made public upon execution of the
12 lease, purchase or sale of the real estate;

13 (3) Hiring, firing, disciplining or promoting of particular
14 employees by a public governmental body when personal information
15 about the employee is discussed or recorded. However, any vote
16 on a final decision, when taken by a public governmental body, to
17 hire, fire, promote or discipline an employee of a public
18 governmental body shall be made available with a record of how
19 each member voted to the public within seventy-two hours of the
20 close of the meeting where such action occurs; provided, however,
21 that any employee so affected shall be entitled to prompt notice
22 of such decision during the seventy-two-hour period before such
23 decision is made available to the public.

24 As used in this subdivision, the term "personal information"
25 means information relating to the performance or merit of
26 individual employees;

27 (4) The state militia or national guard or any part
28 thereof;

1 (5) Nonjudicial mental or physical health proceedings
2 involving identifiable persons, including medical, psychiatric,
3 psychological, or alcoholism or drug dependency diagnosis or
4 treatment;

5 (6) Scholastic probation, expulsion, or graduation of
6 identifiable individuals, including records of individual test or
7 examination scores; however, personally identifiable student
8 records maintained by public educational institutions shall be
9 open for inspection by the parents, guardian or other custodian
10 of students under the age of eighteen years and by the parents,
11 guardian or other custodian and the student if the student is
12 over the age of eighteen years;

13 (7) Testing and examination materials, before the test or
14 examination is given or, if it is to be given again, before so
15 given again;

16 (8) Welfare cases of identifiable individuals;

17 (9) Preparation, including any discussions or work product,
18 on behalf of a public governmental body or its representatives
19 for negotiations with employee groups;

20 (10) Software codes for electronic data processing and
21 documentation thereof;

22 (11) Specifications for competitive bidding, until either
23 the specifications are officially approved by the public
24 governmental body or the specifications are published for bid;

25 (12) Sealed bids and related documents, until the bids are
26 opened; and sealed proposals and related documents or any
27 documents related to a negotiated contract until a contract is
28 executed, or all proposals are rejected;

1 (13) Individually identifiable personnel records,
2 performance ratings or records pertaining to employees or
3 applicants for employment, except that this exemption shall not
4 apply to the names, positions, salaries and lengths of service of
5 officers and employees of public agencies once they are employed
6 as such, and the names of private sources donating or
7 contributing money to the salary of a chancellor or president at
8 all public colleges and universities in the state of Missouri and
9 the amount of money contributed by the source;

10 (14) Records which are protected from disclosure by law;

11 (15) Meetings and public records relating to scientific and
12 technological innovations in which the owner has a proprietary
13 interest;

14 (16) Records relating to municipal hotlines established for
15 the reporting of abuse and wrongdoing;

16 (17) Confidential or privileged communications between a
17 public governmental body and its auditor, including all auditor
18 work product; however, all final audit reports issued by the
19 auditor are to be considered open records pursuant to this
20 chapter;

21 (18) Operational guidelines and policies developed,
22 adopted, or maintained by any public agency responsible for law
23 enforcement, public safety, first response, or public health for
24 use in responding to or preventing any critical incident which is
25 or appears to be terrorist in nature and which has the potential
26 to endanger individual or public safety or health. Nothing in
27 this exception shall be deemed to close information regarding
28 expenditures, purchases, or contracts made by an agency in

1 implementing these guidelines or policies. When seeking to close
2 information pursuant to this exception, the agency shall
3 affirmatively state in writing that disclosure would impair its
4 ability to protect the safety or health of persons, and shall in
5 the same writing state that the public interest in nondisclosure
6 outweighs the public interest in disclosure of the records. This
7 exception shall sunset on December 31, ~~[2012]~~ 2016;

8 (19) Existing or proposed security systems and structural
9 plans of real property owned or leased by a public governmental
10 body, and information that is voluntarily submitted by a
11 nonpublic entity owning or operating an infrastructure to any
12 public governmental body for use by that body to devise plans for
13 protection of that infrastructure, the public disclosure of which
14 would threaten public safety:

15 (a) Records related to the procurement of or expenditures
16 relating to security systems purchased with public funds shall be
17 open;

18 (b) When seeking to close information pursuant to this
19 exception, the public governmental body shall affirmatively state
20 in writing that disclosure would impair the public governmental
21 body's ability to protect the security or safety of persons or
22 real property, and shall in the same writing state that the
23 public interest in nondisclosure outweighs the public interest in
24 disclosure of the records;

25 (c) Records that are voluntarily submitted by a nonpublic
26 entity shall be reviewed by the receiving agency within ninety
27 days of submission to determine if retention of the document is
28 necessary in furtherance of a state security interest. If

1 retention is not necessary, the documents shall be returned to
2 the nonpublic governmental body or destroyed;

3 (d) This exception shall sunset on December 31, [2012]
4 2016;

5 (20) Records that identify the configuration of components
6 or the operation of a computer, computer system, computer
7 network, or telecommunications network, and would allow
8 unauthorized access to or unlawful disruption of a computer,
9 computer system, computer network, or telecommunications network
10 of a public governmental body. This exception shall not be used
11 to limit or deny access to otherwise public records in a file,
12 document, data file or database containing public records.

13 Records related to the procurement of or expenditures relating to
14 such computer, computer system, computer network, or
15 telecommunications network, including the amount of moneys paid
16 by, or on behalf of, a public governmental body for such
17 computer, computer system, computer network, or
18 telecommunications network shall be open;

19 (21) Credit card numbers, personal identification numbers,
20 digital certificates, physical and virtual keys, access codes or
21 authorization codes that are used to protect the security of
22 electronic transactions between a public governmental body and a
23 person or entity doing business with a public governmental body.
24 Nothing in this section shall be deemed to close the record of a
25 person or entity using a credit card held in the name of a public
26 governmental body or any record of a transaction made by a person
27 using a credit card or other method of payment for which
28 reimbursement is made by a public governmental body; and

1 (22) Records submitted by an individual, corporation, or
2 other business entity to a public institution of higher education
3 in connection with a proposal to license intellectual property or
4 perform sponsored research and which contains sales projections
5 or other business plan information the disclosure of which may
6 endanger the competitiveness of a business.

7 Section B. Because of the need of local governments to
8 raise revenue to meet their public needs, the enactment of
9 section 144.758 of this act is deemed necessary for the immediate
10 preservation of the public health, welfare, peace and safety, and
11 is hereby declared to be an emergency act within the meaning of
12 the constitution, and the enactment of section 144.758 of this
13 act shall be in full force and effect upon its passage and
14 approval.

15 √
