

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1434 & 1600
98TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, April 21, 2016, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

4473S.04C

AN ACT

To repeal sections 99.805, 99.820, 99.825, 99.845, and 99.865, RSMo, and to enact in lieu thereof five new sections relating to tax increment financing.

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

Section A. Sections 99.805, 99.820, 99.825, 99.845, and 99.865, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections
3 99.805, 99.820, 99.825, 99.845, and 99.865, to read as follows:

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

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

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

14 (3) "Conservation area", any improved area within the boundaries of a
15 redevelopment area located within the territorial limits of a municipality in
16 which fifty percent or more of the structures in the area have an age of
17 thirty-five years or more. Such an area is not yet a blighted area but is

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 detrimental to the public health, safety, morals, or welfare and may become a
19 blighted area because of any one or more of the following factors: dilapidation;
20 obsolescence; deterioration; illegal use of individual structures; presence of
21 structures below minimum code standards; abandonment; excessive vacancies;
22 overcrowding of structures and community facilities; lack of ventilation, light or
23 sanitary facilities; inadequate utilities; excessive land coverage; deleterious land
24 use or layout; depreciation of physical maintenance; and lack of community
25 planning. A conservation area shall meet at least three of the factors provided
26 in this subdivision for projects approved on or after December 23, 1997;

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

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

51 (a) Discourage commerce, industry or manufacturing from moving their
52 operations to another state; or

53 (b) Result in increased employment in the municipality; or

54 (c) Result in preservation or enhancement of the tax base of the
55 municipality;

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

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

71 (8) "Municipality", a city, village, or incorporated town or any county of
72 this state. For redevelopment areas or projects approved on or after December
73 23, 1997, "municipality" applies only to cities, villages, incorporated towns or
74 counties established for at least one year prior to such date;

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

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

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

90 section 99.850;

91 (12) "Redevelopment area", an area designated by a municipality, in
92 respect to which the municipality has made a finding that there exist conditions
93 which cause the area to be classified as a blighted area, a conservation area, an
94 economic development area, an enterprise zone pursuant to sections 135.200 to
95 135.256, or a combination thereof, which area includes only those parcels of real
96 property directly and substantially benefitted by the proposed redevelopment
97 project;

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

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

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

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

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

120 (c) Property assembly costs, including, but not limited to[,];

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

123 b. Demolition of buildings[,]; and

124 c. The clearing and grading of land;

125 (d) Costs of rehabilitation, reconstruction, or repair or remodeling of

126 existing buildings and fixtures;

127 (e) Initial costs for an economic development area;

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

129 (g) Financing costs, including, but not limited to, all necessary and
130 incidental expenses related to the issuance of obligations, and which may
131 include payment of interest on any obligations issued pursuant to sections
132 99.800 to 99.865 accruing during the estimated period of construction of any
133 redevelopment project for which such obligations are issued and for not more
134 than eighteen months thereafter, and including reasonable reserves related
135 thereto;

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

140 (i) Relocation costs to the extent that a municipality determines that
141 relocation costs shall be paid or are required to be paid by federal or state law;

142 (j) Payments in lieu of taxes;

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

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

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

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

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
11 and substantially benefitted by the proposed redevelopment project
12 improvements;

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

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

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

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

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

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

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

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

47 (10) Incur redevelopment costs and issue obligations;

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

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

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

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

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

65 (13) If any member of the governing body of the municipality, a member
66 of a commission established pursuant to subsection 2 or 3 of this section, or an
67 employee or consultant of the municipality, involved in the planning and
68 preparation of a redevelopment plan, or redevelopment project for a
69 redevelopment area or proposed redevelopment area, owns or controls an
70 interest, direct or indirect, in any property included in any redevelopment area,
71 or proposed redevelopment area, which property is designated to be acquired or
72 improved pursuant to a redevelopment project, he or she shall disclose the same
73 in writing to the clerk of the municipality, and shall also so disclose the dates,
74 terms, and conditions of any disposition of any such interest, which disclosures
75 shall be acknowledged by the governing body of the municipality and entered
76 upon the minutes books of the governing body of the municipality. If an
77 individual holds such an interest, then that individual shall refrain from any
78 further official involvement in regard to such redevelopment plan,

79 redevelopment project or redevelopment area, from voting on any matter
80 pertaining to such redevelopment plan, redevelopment project or redevelopment
81 area, or communicating with other members concerning any matter pertaining
82 to that redevelopment plan, redevelopment project or redevelopment
83 area. Furthermore, no such member or employee shall acquire any interest,
84 direct or indirect, in any property in a redevelopment area or proposed
85 redevelopment area after either (a) such individual obtains knowledge of such
86 plan or project, or (b) first public notice of such plan, project or area pursuant
87 to section 99.830, whichever first occurs;

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

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

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

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

113 (3) In all municipalities six members shall be appointed by the chief
114 elected officer of the municipality, with the consent of the majority of the

115 governing body of the municipality;

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

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

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

130 (7) At the option of the members appointed by the municipality, the
131 members who are appointed by the school boards and other taxing districts may
132 serve on the commission for a term to coincide with the length of time a
133 redevelopment project, redevelopment plan or designation of a redevelopment
134 area is considered for approval by the commission, or for a definite term
135 pursuant to this subdivision. If the members representing school districts and
136 other taxing districts are appointed for a term coinciding with the length of time
137 a redevelopment project, plan or area is approved, such term shall terminate
138 upon final approval of the project, plan or designation of the area by the
139 governing body of the municipality. Thereafter the commission shall consist of
140 the six members appointed by the municipality, except that members
141 representing school boards and other taxing districts shall be appointed as
142 provided in this section prior to any amendments to any redevelopment plans,
143 redevelopment projects or designation of a redevelopment area. If any school
144 district or other taxing jurisdiction fails to appoint members of the commission
145 within thirty days of receipt of written notice of a proposed redevelopment plan,
146 redevelopment project or designation of a redevelopment area, the remaining
147 members may proceed to exercise the power of the commission. Of the members
148 first appointed by the municipality, two shall be designated to serve for terms
149 of two years, two shall be designated to serve for a term of three years and two
150 shall be designated to serve for a term of four years from the date of such initial

151 appointments. Thereafter, the members appointed by the municipality shall
152 serve for a term of four years, except that all vacancies shall be filled for
153 unexpired terms in the same manner as were the original
154 appointments. Members appointed by the county executive or presiding
155 commissioner prior to August 28, 2008, shall continue their service on the
156 commission established in subsection 3 of this section without further
157 appointment unless the county executive or presiding commissioner appoints a
158 new member or members.

159 3. Beginning August 28, 2008:

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

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

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

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

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

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

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

210 4. (1) Any commission created under this section, subject to approval of
211 the governing body of the municipality, may exercise the powers enumerated in
212 sections 99.800 to 99.865, except final approval of plans, projects and
213 designation of redevelopment areas. The commission shall hold public hearings
214 and provide notice pursuant to sections 99.825 and 99.830.

215 (2) Any commission created under subsection 2 of this section shall vote
216 on all proposed redevelopment plans, redevelopment projects and designations
217 of redevelopment areas, and amendments thereto, within thirty days following
218 completion of the hearing on any such plan, project or designation and shall
219 make recommendations to the governing body within ninety days of the hearing
220 referred to in section 99.825 concerning the adoption of or amendment to
221 redevelopment plans and redevelopment projects and the designation of
222 redevelopment areas. The requirements of subsection 2 of this section and this

223 subsection shall not apply to redevelopment projects upon which the required
224 hearings have been duly held prior to August 31, 1991.

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

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

99.825. 1. Prior to the adoption of an ordinance proposing the
2 designation of a redevelopment area, or approving a redevelopment plan or
3 redevelopment project, the commission shall fix a time and place for a public
4 hearing as required in subsection 4 of section 99.820 and notify each taxing
5 district located wholly or partially within the boundaries of the proposed
6 redevelopment area, plan or project. At the public hearing any interested

7 person or affected taxing district may file with the commission written
8 objections to, or comments on, and may be heard orally in respect to, any issues
9 embodied in the notice. The commission shall hear and consider all protests,
10 objections, comments and other evidence presented at the hearing. The hearing
11 may be continued to another date without further notice other than a motion to
12 be entered upon the minutes fixing the time and place of the subsequent
13 hearing; provided, if the commission is created under subsection 3 of section
14 99.820, the hearing shall not be continued for more than thirty days beyond the
15 date on which it is originally opened unless such longer period is requested by
16 the chief elected official of the municipality creating the commission and
17 approved by a majority of the commission. Prior to the conclusion of the
18 hearing, changes may be made in the redevelopment plan, redevelopment
19 project, or redevelopment area, provided that each affected taxing district is
20 given written notice of such changes at least seven days prior to the conclusion
21 of the hearing. After the public hearing but prior to the adoption of an
22 ordinance approving a redevelopment plan or redevelopment project, or
23 designating a redevelopment area, changes may be made to the redevelopment
24 plan, redevelopment projects or redevelopment areas without a further hearing,
25 if such changes do not enlarge the exterior boundaries of the redevelopment
26 area or areas, and do not substantially affect the general land uses established
27 in the redevelopment plan or substantially change the nature of the
28 redevelopment projects, provided that notice of such changes shall be given by
29 mail to each affected taxing district and by publication in a newspaper of
30 general circulation in the area of the proposed redevelopment not less than ten
31 days prior to the adoption of the changes by ordinance. After the adoption of an
32 ordinance approving a redevelopment plan or redevelopment project, or
33 designating a redevelopment area, no ordinance shall be adopted altering the
34 exterior boundaries, affecting the general land uses established pursuant to the
35 redevelopment plan or changing the nature of the redevelopment project without
36 complying with the procedures provided in this section pertaining to the initial
37 approval of a redevelopment plan or redevelopment project and designation of
38 a redevelopment area. Hearings with regard to a redevelopment project,
39 redevelopment area, or redevelopment plan may be held simultaneously.

40 2. [Effective January 1, 2008,] If, after concluding the hearing required
41 under this section, the commission makes a recommendation under section
42 99.820 in opposition to a proposed redevelopment plan, redevelopment project,

43 or designation of a redevelopment area, or any amendments thereto, a
44 municipality desiring to approve such project, plan, designation, or amendments
45 shall do so only upon a two-thirds majority vote of the governing body of such
46 municipality. **For plans, projects, designations, or amendments**
47 **approved by a municipality over the recommendation in opposition by**
48 **the commission formed under subsection 3 of section 99.820, the**
49 **economic activity taxes and payments in lieu of taxes generated by**
50 **such plan, project, designation, or amendment shall be restricted to**
51 **paying only those redevelopment project costs contained in**
52 **subparagraphs b and c of paragraph (c) of subdivision (15) of section**
53 **99.805 per redevelopment project.**

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

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

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

21 adoption of tax increment allocation financing;

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

55 (b) Notwithstanding any provisions of this section to the contrary, for
56 purposes of determining the limitation on indebtedness of local government

57 pursuant to Article VI, Section 26(b) of the Missouri Constitution, the current
58 equalized assessed value of the property in an area selected for redevelopment
59 attributable to the increase above the total initial equalized assessed valuation
60 shall be included in the value of taxable tangible property as shown on the last
61 completed assessment for state or county purposes.

62 (c) The county assessor shall include the current assessed value of all
63 property within the taxing district in the aggregate valuation of assessed
64 property entered upon the assessor's book and verified pursuant to section
65 137.245, and such value shall be utilized for the purpose of the debt limitation
66 on local government pursuant to Article VI, Section 26(b) of the Missouri
67 Constitution;

68 (3) For purposes of this section, "levies upon taxable real property in
69 such redevelopment project by taxing districts" shall not include the blind
70 pension fund tax levied under the authority of Article III, Section 38(b) of the
71 Missouri Constitution, or the merchants' and manufacturers' inventory
72 replacement tax levied under the authority of subsection 2 of Section 6 of Article
73 X of the Missouri Constitution, except in redevelopment project areas in which
74 tax increment financing has been adopted by ordinance pursuant to a plan
75 approved by vote of the governing body of the municipality taken after August
76 13, 1982, and before January 1, 1998.

77 2. In addition to the payments in lieu of taxes described in subdivision
78 (2) of subsection 1 of this section, for redevelopment plans and projects adopted
79 or redevelopment projects approved by ordinance after July 12, 1990, and prior
80 to August 31, 1991, fifty percent of the total additional revenue from taxes,
81 penalties and interest imposed by the municipality, or other taxing districts,
82 which are generated by economic activities within the area of the redevelopment
83 project over the amount of such taxes generated by economic activities within
84 the area of the redevelopment project in the calendar year prior to the adoption
85 of the redevelopment project by ordinance, while tax increment financing
86 remains in effect, but excluding taxes imposed on sales or charges for sleeping
87 rooms paid by transient guests of hotels and motels, taxes levied pursuant to
88 section 70.500, licenses, fees or special assessments other than payments in lieu
89 of taxes and any penalty and interest thereon, or, effective January 1, 1998,
90 taxes levied pursuant to section 94.660, for the purpose of public transportation,
91 shall be allocated to, and paid by the local political subdivision collecting officer
92 to the treasurer or other designated financial officer of the municipality, who

93 shall deposit such funds in a separate segregated account within the special
94 allocation fund. Any provision of an agreement, contract or covenant entered
95 into prior to July 12, 1990, between a municipality and any other political
96 subdivision which provides for an appropriation of other municipal revenues to
97 the special allocation fund shall be and remain enforceable.

98 3. In addition to the payments in lieu of taxes described in subdivision
99 (2) of subsection 1 of this section, for redevelopment plans and projects adopted
100 or redevelopment projects approved by ordinance after August 31, 1991, fifty
101 percent of the total additional revenue from taxes, penalties and interest which
102 are imposed by the municipality or other taxing districts, and which are
103 generated by economic activities within the area of the redevelopment project
104 over the amount of such taxes generated by economic activities within the area
105 of the redevelopment project in the calendar year prior to the adoption of the
106 redevelopment project by ordinance, while tax increment financing remains in
107 effect, but excluding personal property taxes, taxes imposed on sales or charges
108 for sleeping rooms paid by transient guests of hotels and motels, taxes levied
109 pursuant to section 70.500, taxes levied for the purpose of public transportation
110 pursuant to section 94.660, taxes imposed on sales pursuant to subsection 2 of
111 section 67.1712 for the purpose of operating and maintaining a metropolitan
112 park and recreation district, licenses, fees or special assessments other than
113 payments in lieu of taxes and penalties and interest thereon, any sales tax
114 imposed by a county with a charter form of government and with more than six
115 hundred thousand but fewer than seven hundred thousand inhabitants, for the
116 purpose of sports stadium improvement or levied by such county under section
117 238.410 for the purpose of the county transit authority operating transportation
118 facilities, or for redevelopment plans and projects adopted or redevelopment
119 projects approved by ordinance after August 28, 2013, taxes imposed on sales
120 under and pursuant to section 67.700 or 650.399 for the purpose of emergency
121 communication systems, shall be allocated to, and paid by the local political
122 subdivision collecting officer to the treasurer or other designated financial
123 officer of the municipality, who shall deposit such funds in a separate
124 segregated account within the special allocation fund. Beginning August 28,
125 2014, if the voters in a taxing district vote to approve an increase in such taxing
126 district's sales tax or use tax, other than the renewal of an expiring sales or use
127 tax, any additional revenues generated within an existing redevelopment project
128 area that are directly attributable to the newly voter-approved incremental

129 increase in such taxing district's levy rate shall not be considered economic
130 activity taxes subject to deposit into a special allocation fund without the
131 consent of such taxing district.

132 4. Beginning January 1, 1998, for redevelopment plans and projects
133 adopted or redevelopment projects approved by ordinance and which have
134 complied with subsections 4 to 12 of this section, in addition to the payments in
135 lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of
136 this section, up to fifty percent of the new state revenues, as defined in
137 subsection 8 of this section, estimated for the businesses within the project area
138 and identified by the municipality in the application required by subsection 10
139 of this section, over and above the amount of such taxes reported by businesses
140 within the project area as identified by the municipality in their application
141 prior to the approval of the redevelopment project by ordinance, while tax
142 increment financing remains in effect, may be available for appropriation by the
143 general assembly as provided in subsection 10 of this section to the department
144 of economic development supplemental tax increment financing fund, from the
145 general revenue fund, for distribution to the treasurer or other designated
146 financial officer of the municipality with approved plans or projects.

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

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

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

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

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

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

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

196 (1) Blighted areas located in enterprise zones, pursuant to sections
197 135.200 to 135.256, blighted areas located in federal empowerment zones, or to
198 blighted areas located in central business districts or urban core areas of cities
199 which districts or urban core areas at the time of approval of the project by
200 ordinance, provided that the enterprise zones, federal empowerment zones or

201 blighted areas contained one or more buildings at least fifty years old; and

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

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

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

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

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

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

231 (a) The tax increment financing district or redevelopment area, including
232 the businesses identified within the redevelopment area;

233 (b) The base year of state sales tax revenues or the base year of state
234 income tax withheld on behalf of existing employees, reported by existing
235 businesses within the project area prior to approval of the redevelopment
236 project;

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

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

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

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

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

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

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

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

258 (k) The estimated development project costs;

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

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

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

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

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

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

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

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

- 273 (t) The total number of full-time equivalent positions in the development
274 area;
- 275 (u) The current gross wages, state income tax withholdings, and federal
276 income tax withholdings for individuals employed in the development area;
- 277 (v) The total number of individuals employed in this state by the
278 corporate parent of any business benefitting from public expenditures in the
279 development area, and all subsidiaries thereof, as of December thirty-first of the
280 prior fiscal year, broken down by full-time, part-time, and temporary positions;
- 281 (w) The number of new jobs to be created by any business benefitting
282 from public expenditures in the development area, broken down by full-time,
283 part-time, and temporary positions;
- 284 (x) The average hourly wage to be paid to all current and new employees
285 at the project site, broken down by full-time, part-time, and temporary positions;
- 286 (y) For project sites located in a metropolitan statistical area, as defined
287 by the federal Office of Management and Budget, the average hourly wage paid
288 to nonmanagerial employees in this state for the industries involved at the
289 project, as established by the United States Bureau of Labor Statistics;
- 290 (z) For project sites located outside of metropolitan statistical areas, the
291 average weekly wage paid to nonmanagerial employees in the county for
292 industries involved at the project, as established by the United States
293 Department of Commerce;
- 294 (aa) A list of other community and economic benefits to result from the
295 project;
- 296 (bb) A list of all development subsidies that any business benefitting
297 from public expenditures in the development area has previously received for
298 the project, and the name of any other granting body from which such subsidies
299 are sought;
- 300 (cc) A list of all other public investments made or to be made by this
301 state or units of local government to support infrastructure or other needs
302 generated by the project for which the funding pursuant to this section is being
303 sought;
- 304 (dd) A statement as to whether the development project may reduce
305 employment at any other site, within or without the state, resulting from
306 automation, merger, acquisition, corporate restructuring, relocation, or other
307 business activity;
- 308 (ee) A statement as to whether or not the project involves the relocation

309 of work from another address and if so, the number of jobs to be relocated and
310 the address from which they are to be relocated;

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

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

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

316 (2) The methodologies used in the application for determining the base
317 year and determining the estimate of the incremental increase in the general
318 revenue portion of the state sales tax revenues or the state income tax withheld
319 by employers on behalf of new employees who fill new jobs created in the
320 redevelopment area shall be approved by the director of the department of
321 economic development or his or her designee and the commissioner of the office
322 of administration or his or her designee. Upon approval of the application, the
323 director of the department of economic development or his or her designee and
324 the commissioner of the office of administration or his or her designee shall
325 issue a certificate of approval. The department of economic development may
326 request the appropriation following application approval;

327 (3) The appropriation shall be either a portion of the estimate of the
328 incremental increase in the general revenue portion of state sales tax revenues
329 in the redevelopment area or a portion of the estimate of the state income tax
330 withheld by the employer on behalf of new employees who fill new jobs created
331 in the redevelopment area as indicated in the municipality's application,
332 approved by the director of the department of economic development or his or
333 her designee and the commissioner of the office of administration or his or her
334 designee. At no time shall the annual amount of the new state revenues
335 approved for disbursements from the Missouri supplemental tax increment
336 financing fund exceed thirty-two million dollars; provided, however, that such
337 thirty-two million dollar cap shall not apply to redevelopment plans or projects
338 initially listed by name in the applicable appropriations bill after August 28,
339 2015, which involve either:

340 (a) A former automobile manufacturing plant; or

341 (b) The retention of a federal employer employing over two thousand
342 geospatial intelligence jobs.

343 At no time shall the annual amount of the new state revenues for disbursements
344 from the Missouri supplemental tax increment financing fund for redevelopment

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

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

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

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

379 13. Redevelopment project costs may include, at the prerogative of the
380 state, the portion of salaries and expenses of the department of economic

381 development and the department of revenue reasonably allocable to each
382 redevelopment project approved for disbursements from the Missouri
383 supplemental tax increment financing fund for the ongoing administrative
384 functions associated with such redevelopment project. Such amounts shall be
385 recovered from new state revenues deposited into the Missouri supplemental tax
386 increment financing fund created under this section.

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

397 **15. Notwithstanding any other provision of the law to the**
398 **contrary, the adoption of any tax increment financing authorized**
399 **under sections 99.800 to 99.865 shall not supersede, alter, or reduce in**
400 **any way a property tax levied under section 205.971.**

99.865. 1. **No later than November fifteen of** each year, the
2 governing body of the municipality, or its designee, shall prepare a report
3 concerning the status of each redevelopment plan and redevelopment project
4 **existing as of December thirty-first of the preceding year**, and shall
5 submit a copy of such report to the director of the department of [economic
6 development] **revenue**. The report shall include the following:

- 7 (1) The amount and source of revenue in the special allocation fund;
- 8 (2) The amount and purpose of expenditures from the special allocation
9 fund;
- 10 (3) The amount of any pledge of revenues, including principal and
11 interest on any outstanding bonded indebtedness;
- 12 (4) The original assessed value of the redevelopment project;
- 13 (5) The assessed valuation added to the redevelopment project;
- 14 (6) Payments made in lieu of taxes received and expended;
- 15 (7) The economic activity taxes generated within the redevelopment area
16 in the calendar year prior to the approval of the redevelopment plan, to include

17 a separate entry for the state sales tax revenue base for the redevelopment area
18 or the state income tax withheld by employers on behalf of existing employees
19 in the redevelopment area prior to the redevelopment plan;

20 (8) The economic activity taxes generated within the redevelopment area
21 after the approval of the redevelopment plan, to include a separate entry for the
22 increase in state sales tax revenues for the redevelopment area or the increase
23 in state income tax withheld by employers on behalf of new employees who fill
24 new jobs created in the redevelopment area;

25 (9) Reports on contracts made incident to the implementation and
26 furtherance of a redevelopment plan or project;

27 (10) A copy of any redevelopment plan, which shall include the required
28 findings and cost-benefit analysis pursuant to subdivisions (1) to (6) of section
29 99.810;

30 (11) The cost of any property acquired, disposed of, rehabilitated,
31 reconstructed, repaired or remodeled;

32 (12) The number of parcels acquired by or through initiation of eminent
33 domain proceedings; and

34 (13) Any additional information the municipality deems necessary.

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

46 3. Five years after the establishment of a redevelopment plan and every
47 five years thereafter the governing body shall hold a public hearing regarding
48 those redevelopment plans and projects created pursuant to sections 99.800 to
49 99.865. The purpose of the hearing shall be to determine if the redevelopment
50 project is making satisfactory progress under the proposed time schedule
51 contained within the approved plans for completion of such projects. Notice of
52 such public hearing shall be given in a newspaper of general circulation in the

53 area served by the commission once each week for four weeks immediately prior
54 to the hearing.

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

60 5. For the purpose of coordinating all tax increment financing projects
61 using new state revenues, the director of the department of economic
62 development may promulgate rules and regulations to ensure compliance with
63 this section. Such rules and regulations may include methods for enumerating
64 all of the municipalities which have established commissions pursuant to section
65 99.820. No rule or portion of a rule promulgated under the authority of sections
66 99.800 to 99.865 shall become effective unless it has been promulgated pursuant
67 to the provisions of chapter 536. All rulemaking authority delegated prior to
68 June 27, 1997, is of no force and effect and repealed; however, nothing in this
69 section shall be interpreted to repeal or affect the validity of any rule filed or
70 adopted prior to June 27, 1997, if such rule complied with the provisions of
71 chapter 536. The provisions of this section and chapter 536 are nonseverable
72 and if any of the powers vested with the general assembly pursuant to chapter
73 536, including the ability to review, to delay the effective date, or to disapprove
74 and annul a rule or portion of a rule, are subsequently held unconstitutional,
75 then the purported grant of rulemaking authority and any rule so proposed and
76 contained in the order of rulemaking shall be invalid and void.

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

82 7. [Any municipality which fails] **The department of revenue shall**
83 **provide notice of any failure** to comply with the reporting requirements
84 provided in **subsection 1 of this section to the applicable municipality,**
85 **specifying any required corrections, by certified mail addressed to the**
86 **municipality's chief elected officer. If such municipality does not**
87 **satisfy the reporting requirements for which it previously did not**
88 **comply, as specified in the notice from the department of revenue,**

89 **within sixty days of the receipt of the notice, the municipality** shall be
90 prohibited from [implementing] **adopting** any new tax increment finance
91 [project] **plan** for a period of [no less than] five years from [such
92 municipality's failure to comply] **the date of the department of revenue's**
93 **notice. All reports filed pursuant to subsection 1 of this section or in**
94 **response to a notice from the department of revenue pursuant to this**
95 **subsection shall be deemed accepted by the department of revenue**
96 **unless the department of revenue provides the applicable municipality**
97 **with a written objection thereto, specifying any required corrections,**
98 **by certified mail addressed to the chief elected officer of the**
99 **municipality within sixty days of the municipality's submission of such**
100 **report.**

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

✓