

# Missouri Revised Statutes

## Chapter 251 Community Affairs, Planning and Development

- [←Chapter: 250](#)
- [Chapter: 252→](#) August 28, 2015

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### Department created.

[251.010](#). There is hereby created and established a department of state government to be known as the "Department of Community Affairs"\*.

(L. 1967 p. 357 § 1)

\*The department of community affairs was abolished by the Reorganization Act of 1974.

#### CROSS REFERENCE:

Transfer of duties, [226.007](#), [620.010](#), [660.010](#)

### Definitions.

[251.020](#). For the purpose of sections [251.010](#) to [251.440](#), the following terms shall mean:

(1) "Community affairs" includes those matters that are appropriate subjects of interest to the governing body of a political subdivision or to nonprofit private agencies and organizations engaged in activities relating to special problems of a political subdivision or a significant segment of the population of a political subdivision;

(2) "Department", the department of community affairs, created herein;

(3) "Director", the director of the department of community affairs;

(4) "Governing body", the board, body, or persons in which the powers of a political subdivision are vested;

(5) "Local government", any political subdivision of the state;

(6) "Political subdivision", counties, townships, cities, towns, villages, whether or not incorporated, special districts excluding school districts, housing authorities, land clearance for redevelopment authorities, municipal, county, regional or other planning commissions and any other local public body created by the general assembly or exercising governmental functions.

(L. 1967 p. 357 § 2)

\*The department of community affairs was abolished by the Reorganization Act of 1974.

CROSS REFERENCE:

Transfer of duties, [226.007](#), [620.010](#), [660.010](#)

**Functions of department.**

[251.030](#). The department shall assist the political subdivisions and communities of this state, administer programs provided by sections [251.010](#) to [251.440](#), encourage local initiative, provide coordination of and liaison with applicable federal and state programs and services, and shall:

(1) Gather and disseminate information and material that may be helpful in the improvement of political subdivisions and communities of this state, including information on available federal and state financial and technical assistance;

(2) Assist local governments by establishing and maintaining a program of training for local governmental officials and other personnel;

(3) Provide, when requested to do so by a political subdivision, technical and consultative services. Such services may be provided in cooperation with other state agencies or institutions;

(4) Study and recommend to the governor methods of more effectively coordinating the programs of state agencies that affect the development of communities and the operation of political subdivisions;

(5) Encourage and assist local governments to develop solutions of their common problems, through joint service agreements, interstate compacts, and other appropriate means, and to foster common services between the state government and its political subdivisions when such common services offer promise of better services and economy;

(6) Carry out continuing studies, research and analysis of problems faced by the political subdivisions of the state including studies of the existing legal provisions that affect their structure, operation and financing. In carrying out such studies and analysis, special emphasis shall be given to the problems of metropolitan, suburban and other areas in which economic and population factors are rapidly changing;

(7) Encourage educational institutions in the state to develop research activities and to provide educational programs for state and local governments in order to foster community development;

(8) Exercise the state's responsibility for administering, supervising, coordinating and generally performing the role of state government as set forth in those federal programs concerning community affairs which are assigned to the department by the general assembly or by the governor;

(9) Supply information, advice, and assistance, when requested, to governmental or civic groups which are studying problems of local government;

(10) Serve as a liaison between local government officials and the governor in formulating policy on state-local matters;

(11) Assist, confer and cooperate with associations and organizations of local government officials;

(12) Establish field offices or otherwise arrange for staff assistants who will be assigned to particular sections of the state within the limits of the appropriations to the department. Such office representatives will seek to expedite and coordinate projects of local interest which involve the state government.

(L. 1967 p. 357 § 3)

CROSS REFERENCE:

Transfer of duties, [226.007](#), [620.010](#), [660.010](#)

### **Payments to regional planning commissions, how made--limitation.**

[251.032](#). The governor may authorize the department of economic development to make payments annually to the various legally created regional planning commissions, including East-West Gateway Coordinating Council and Mid-America Regional Council, from state funds appropriated for that purpose. Payments shall be scheduled as nearly as possible to be made on the first day of July of each fiscal year. No such moneys shall be paid to any council or commission which promotes or advocates the construction of a major airport facility in Illinois.

(L. 1973 S.B. 68 § 1)

### **Matching funds required--limitation on state funds.**

[251.034](#). Payments made under sections [251.032](#) to [251.038](#) to the various regional planning commissions shall be distributed on a matching basis of one-half state funds for one-half of local funds. No local unit shall receive any payment without providing the matching funds required. The state funds so allocated shall not exceed the sum of sixty-five thousand dollars for the East-West Gateway Coordinating Council and for the Mid-America Regional Council. The remaining allocated state funds shall not exceed the sum of twenty-five thousand dollars for each of the following regional planning commissions: South Central Ozark, Ozark Foothills, Green Hills, Show-Me, Bootheel, Missouri Valley, Ozark Gateway, Mark Twain, ABCD, Southeast Missouri, Boonslick, Northwest Missouri, Mid-Missouri, Kaysinger Basin, Lake of the Ozarks, Meramec, Northeast Missouri, and Lakes Country.

(L. 1973 S.B. 68 § 2, A.L. 1986 S.B. 426)

### **Application for funds, how made--approval of governor required.**

[251.036](#). Whenever the general assembly has appropriated funds to be used for making payments as authorized in sections [251.032](#) to [251.038](#), the state department of economic development shall notify the respective regional planning commissions of the amount allocated to each regional planning commission and that an application for the funds may be made upon forms provided therefor by the department of economic development. Upon receipt of application for the allocated funds from a regional planning commission, the department of economic development

shall review the application and advise the governor before state funds are allocated. Upon approval of the governor, the department of economic development shall allocate the funds. Any portion of any state or local funds allocated under sections [251.032](#) to [251.038](#) may be used to qualify for matching federal funds.

(L. 1973 S.B. 68 § 3)

**Regional planning commission to include certain state senators and representatives-- expenses, how paid.**

[251.038](#). The regional planning commissions shall include the state representatives and state senators of their region who shall serve without pay but who shall be reimbursed for their necessary and actual expenses incurred from the senate or house contingent fund and shall be invited to all meetings in writing by the regional planning commission where the meetings involve the discussion of the expenditure of state funds.

(L. 1973 S.B. 68 § 4)

CROSS REFERENCE:

Composition of regional planning commissions, [251.250](#)

**Department may require reimbursement from political subdivisions.**

[251.040](#). The department may require reimbursement from a political subdivision requesting technical or consultative services, provided that such reimbursement shall not exceed the cost of the services rendered.

(L. 1967 p. 357 § 4)

**Director, appointment, compensation.**

[251.050](#). The chief executive officer of the department\* shall be a director who shall be appointed by the governor by and with the advice and consent of the senate and who shall serve at the pleasure of the governor. The director shall receive compensation not to exceed twenty-one thousand, five hundred dollars per year.

(L. 1967 p. 357 § 5)

\*The department of community affairs was abolished by the Reorganization Act of 1974.

**Duties of director.**

[251.060](#). The director shall:

(1) Prepare estimates of requirements for appropriations for the department and for each division thereof;

(2) Procure, by means authorized by law, supplies, material, equipment or contractual services for the department and for each division in the department;

(3) Employ, remove and prescribe duties of the assistants, clerks or other employees in the department and each of the divisions as the work of the department or its divisions require and fix their compensation within the limits of the appropriations;

(4) Order and supervise the exchange among the several divisions, bureaus or sections of employees, quarters, facilities and equipment;

(5) Coordinate and arrange the functions, procedures and facilities of the department and the several divisions, bureaus or sections as is necessary to bring about economy and efficiency in the operation of the department and each division of the department.

(L. 1967 p. 357 § 6)

\*The department of community affairs was abolished by the Reorganization Act of 1974.

### **Department to implement older Americans act.**

[251.070](#). The department\* shall be responsible for the implementation of the Older Americans Act in Missouri. This agency shall develop a state plan describing a program for carrying out the Older Americans Act and shall be the sole agency responsible for coordinating all state programs related to the implementation of such plan.

(L. 1967 p. 357 § 7)

\*The Reorganization Act of 1974 transferred the state's responsibility under the Older Americans Act to the department of social services.

### **Director may delegate his duties, structure department, appoint committees.**

[251.080](#). The director may:

(1) Delegate any of his functions, powers and duties to employees of the department;

(2) Structure the department as may be required in order to carry out the purposes of sections [251.010](#) to [251.440](#) and any other duties as are assigned to the department;

(3) Appoint such advisory committees as may be required by various federal programs in order to carry out the purposes of sections [251.010](#) to [251.440](#).

(L. 1967 p. 357 § 8)

CROSS REFERENCE:

Transfer of duties, [226.007](#), [620.010](#), [660.010](#)

### **Powers of department.**

[251.090](#). In order to carry out the provisions of sections [251.010](#) to [251.440](#), the department, by and through the director, may convene conferences, hold hearings, conduct demonstration projects, accept grants and other financial assistance and may consult, cooperate with, assist, make and enter into contracts with other boards, commissions, agencies and institutions of this state, with local

and federal governments, and private organizations, upon such terms as may be mutually agreed upon, and may exercise such additional powers and duties as may be necessary to carry out the functions of the department under the law.

(L. 1967 p. 357 § 9)

CROSS REFERENCE:

Transfer of duties, [226.007](#), [620.010](#), [660.010](#)

#### **Office of department to be in Jefferson City.**

[251.100](#). The division of facilities management, design and construction shall furnish office space for the department, the headquarters of which department shall be located in Jefferson City, Missouri.

(L. 1967 p. 357 § 10, A.L. 2014 H.B. 1299 Revision)

#### **Biennial report to be submitted.**

[251.110](#). The department shall prepare and submit a biennial report to the governor and to the legislature which shall include such recommendations as the department may deem desirable to improve the quality, organization, and functioning of local government in Missouri.

(L. 1967 p. 357 § 11)

#### **Interference with other state agencies or local governments notintended.**

[251.120](#). Nothing in sections [251.010](#) to [251.440](#) shall be deemed to detract from the functions, powers and duties legally assigned to any other agency of the state, nor to interrupt or preclude direct relationships by any such agency with local governments in carrying out its operations, nor to interfere with the power of local governments to deal directly with the federal government.

(L. 1967 p. 357 § 12)

#### **Transfer of duties and funds of office of state and regional planning.**

[251.140](#). 1. All the duties and functions heretofore provided by law to be performed by the office of state and regional planning and community development shall hereafter be performed by the department. The department shall succeed to all property, documents, records, assets and obligations of the office of state and regional planning and community development.

2. Insofar as practicable and desirable, all pending matters before the office of state and regional planning and community development, begun but not completed by that agency, shall be completed by the department.

3. All unencumbered balances of the office of state and regional planning and community development are transferred to the department as of October 13, 1967, and shall continue to be available for the purposes for which they were made.

(L. 1967 p. 357 § 14)

**Short title.**

251.150. Sections 251.150 to 251.440 shall be known and may be cited as the "State and Regional Planning and Community Development Act".

(L. 1965 2d Ex. Sess. p. 908 § 2)

**Definitions--creation, procedure--change in boundaries, certain commission, consent of governor required.**

251.160. 1. For the purpose of sections 251.010 to 251.440, the following terms mean:

- (1) "Director", the director of the department of economic development;
- (2) "Governing body", the board, body or persons in which the powers of a local unit are vested;
- (3) "Local governmental units" or "local units" includes cities, villages, towns and counties;
- (4) "Population", the population of a local unit as shown by the last federal census or by any subsequent population estimate certified as acceptable by the director;
- (5) "State office", the department of economic development;
- (6) "Transportation planning boundary", the portion of the boundary of a metropolitan planning organization which is located in Missouri, as established pursuant to 23 U.S.C., section 134, which defines the area in which a metropolitan planning organization has responsibility for transportation planning.

2. A regional planning commission may be created by the governor upon petition in the form of a resolution by the governing body of a local governmental unit and the holding of a public hearing on such petition. If the petition shall be joined in by the governing bodies of all the local units in the proposed region, including the county commission of any county, part or all of which is in the proposed region, the governor may dispense with the hearing. Notice of any public hearing shall be given by the governor by mail at least ten days in advance to the clerk of each local unit in the proposed region. If the governor finds that there is a need for a regional planning commission, and if the governing bodies of local units within the proposed region which include over fifty percent of the population as determined by the last decennial census of the United States shall consent to the formation of such regional planning commission, the governor may create the regional planning commission by order and designate the area and boundaries of the commission's jurisdiction, taking into account the elements of homogeneity based upon, but not limited to, such consideration as topographic and geographic conformations, extent of urban development, the existence of special or acute agricultural, forestry, conservation or other rural problems, uniformity of social or economic interests and values, park and recreational needs, civil defense, or the existence of physical, social and economic problems of a regional character.

3. Notwithstanding the provisions of section [64.530](#), the creation of a regional planning commission and a local unit's participation in and adoption of plans prepared by the regional planning commission shall not require a referendum; except that, this provision shall not extend to the adoption of county zoning laws or regulations under sections [64.620](#) to [64.690](#).

4. No provision of sections [251.010](#) to [251.440](#) shall be construed to impair or affect in any way the legal existence, powers, or functions of any planning commission or other organization, public or private, in such areas which heretofore has been constituted or designated by resolutions approved by the governing bodies of the local units containing the majority of the population of such area for the purpose of conducting comprehensive planning, including transportation planning under or in conformity with the requirements of any statute of the United States or any regulation issued thereunder; and any such previously constituted planning commission or organization shall be governed in all respects by the resolutions of the governing bodies of the local units which constitute such planning commissions or organizations, by the provisions of this section, or by other applicable law.

5. A regional planning commission within a metropolitan statistical area of more than five hundred thousand in population, which area does not contain a city not within a county, and which commission is acting as a metropolitan planning organization pursuant to state and federal law, may only change its transportation planning boundary with the concurrence of the governor.

(L. 1965 2d Ex. Sess. p. 908 § 7, A.L. 1967 p. 361 § 6, A.L. 1986 S.B. 426, A.L. 1993 H.B. 555)

#### **Department official state planning agency--powers and duties.**

[251.170](#). 1. The office of administration is hereby designated as the official state planning agency for the purpose of providing planning assistance to counties, municipalities, metropolitan planning areas, and regional planning commissions herein created when requested by such local governmental unit or planning commission to do so, and for such purposes is authorized to:

(1) Contract with public agencies or private persons or organizations for any purposes of sections [251.010](#) to [251.440](#);

(2) Delegate any of its functions to any other state agency authorized to perform such functions, except that responsibility for such functions shall remain solely with the state office;

(3) Require or receive reimbursement from any political subdivision or subdivisions or regional planning commissions for the actual cost of planning assistance or planning work, when such assistance or planning has been requested by the political subdivision or commission; except that, no reimbursement shall be required or received for such costs to the extent that such costs are covered by federal grants.

2. From all regional planning commissions to which it provides planning assistance pursuant to this section, the office of administration shall gather information to identify expenditures of such commissions which are or would be eligible to be used to generate matching funds under block grant programs, including but not limited to community development block grant programs. The office of administration shall report any such expenditures which are so eligible to the department of



economic development within thirty days of determining that such expenditures are so eligible. The department of economic development shall provide the office of administration with information deemed necessary by the commissioner of administration to implement the provisions of this subsection. For any fiscal year in which a regional planning commission which receives planning assistance from the office of administration does not provide the office of administration with information necessary to implement the provisions of this subsection, the office of administration shall not distribute general revenue funds to that regional planning commission in the following fiscal year. Any regional planning authority shall have thirty days to cure any alleged defect prior to the withholding of any funds.

(L. 1965 2d Ex. Sess. p. 908 § 4, A.L. 1967 p. 361 § 4, A.L. 1986 S.B. 426)

### **Projects covered.**

251.180. Comprehensive planning, state and regional, shall include, but not be limited to, the planning for the following:

- (1) Public water systems;
- (2) Storm water drainage and flood control systems;
- (3) Sanitary sewerage systems;
- (4) Integrated transportation systems;
- (5) Orderly land-use arrangements for residential, commercial, industrial and public and other purposes;
- (6) Local, area-wide and state governmental services coordinated with federal governmental services insofar as may be feasible;
- (7) Solid waste disposal systems or facilities;
- (8) Educational facilities;
- (9) Open space, park and recreational areas;
- (10) Improved standards of community aesthetics and facilities design;
- (11) General living conditions and environmental health;
- (12) Community health and hospital needs and related facilities; and
- (13) The coordination of planning activities for all federal assistance and grant-in-aid programs, which require comprehensive planning as prerequisites for eligibility.

(L. 1965 2d Ex. Sess. p. 908 § 3)

### **State office, functions and powers.**

251.190. The state office shall have the following functions and powers:

(1) To provide general planning assistance to and for any county, municipality, or regional planning commission when requested by such local governmental unit or planning commission to do so;

(2) To contract for, receive and utilize grants or other financial assistance made available by the state or federal government or from any other source, public or private, for performing the functions of the state office. Nothing in this section shall prevent or impair the powers of the regional commissions or other state agencies or local governmental units to contract for, receive or utilize grants directly from the federal or local governments or from any other source, public or private;

(3) To provide assistance and coordination upon request in matters relating to planning to state agencies and to local and regional planning units. All present governmental units who engage in planning activities, including but not limited to state agencies, other than the planning activities of the division of commerce and industrial development, which are transferred to the state office created herein, planning agencies or commissions of local governmental units who are supported by local, state or federal funds, shall in no way be affected, prevented or impaired in such planning activities;

(4) To develop a comprehensive state plan;

(5) To perform such other functions and activities consistent with the general purposes of sections [251.150](#) to [251.440](#).

(L. 1965 2d Ex. Sess. p. 908 § 5)

#### **Governor may assign state office additional duties.**

[251.200](#). The governor may for the proper fulfillment of the purposes of sections [251.150](#) to [251.440](#) make other assignments to the state office relating to planning or community development according to his powers and duties as provided for in Article IV, Section 12 of the Constitution of the State of Missouri and various legislative acts of Congress.

(L. 1965 2d Ex. Sess. p. 908 § 30)

#### **State office annual report.**

[251.210](#). The state office shall file with the governor and members of the general assembly an annual report which shall include suggestions and recommendations for the improvement and better coordination of said planning activities.

(L. 1965 2d Ex. Sess. p. 908 § 31)

#### **Source of matching funds.**

[251.220](#). All matching nonfederal funds required except those "in kind" services performed by state agencies or institutions for regional planning commissions or other planning commissions for any planning assistance undertaken by the said planning commission pursuant to sections [251.150](#) to [251.440](#) shall be provided by the local units within the region requesting such

planning assistance, unless such matching nonfederal funds are appropriated by action of the general assembly.

(L. 1965 2d Ex. Sess. p. 908 § 32)

**State office to assume certain functions formerly performed by division of commerce and industrial development.**

251.230. 1. All the duties and functions heretofore provided by law to be performed by the division of commerce and industrial development, relating to state, regional or local comprehensive planning shall hereafter be performed by the state office created herein.

2. The state office shall succeed to all property, documents, records, assets and obligations of the division of commerce and industrial development necessary to the above-mentioned duties and functions.

3. Insofar as practical and desirable, all pending matters before the division of commerce and industrial development, which come under the authority of sections 251.150 to 251.440, begun but not completed by that agency, shall be completed by the state office.

4. All unencumbered balances of the division of commerce and industrial development planning section, allocated for purposes which are the duties and functions of the office of state and regional planning and community development under the provisions of sections 251.150 to 251.440, are transferred to the state office as of August 4, 1966, and shall continue to be available for the purposes for which they were made.

5. Nothing in this transfer of functions and duties made herein shall affect the administration of the community betterment program of said division which shall retain all planning powers necessary to the administration of said program.

(L. 1965 2d Ex. Sess. p. 908 § 33)

**State office in Jefferson City.**

251.240. The division of facilities management, design and construction shall furnish office space for the state office; the headquarters office shall be located in Jefferson City, Missouri.

(L. 1965 2d Ex. Sess. p. 908 § 34, A.L. 2014 H.B. 1299 Revision)

**Regional commissions--membership--terms--qualifications.**

251.250. 1. The membership composition of a regional planning commission shall be in accordance with resolutions approved by the governing bodies of the local units in the region, representing in the aggregate at least half of the population of the region. For the purposes of this determination, a county shall be as one local unit and the population of such county shall be based upon the inhabitants residing in the unincorporated area of such county as determined by the last decennial census of the United States.

2. Terms of office for regional planning commission members shall be as prescribed in the resolutions of approval; all regional planning commission members shall be electors of the state and reside within the region.

(L. 1965 2d Ex. Sess. p. 908 §§ 8, 9)

CROSS REFERENCE:

Commission to include legislative members, [251.038](#)

#### **Regional planning commission deemed political subdivision--retirement system eligibility.**

[251.255](#). Notwithstanding the provisions of section [70.600](#) to the contrary, a regional planning commission shall be considered a political subdivision for the purposes of sections [70.600](#) to [70.755](#), and employees of a regional planning commission shall be eligible for membership in the Missouri local government employees' retirement system upon the regional planning commission becoming an "employer" as defined in subdivision (11) of section [70.600](#).

(L. 2004 H.B. 1440 merged with S.B. 1130)

#### **Expenses of regional commission members.**

[251.260](#). No compensation shall be paid members of regional planning commission provided that this shall not affect in any way remuneration received by any state or local official who, in addition to his responsibilities and duties as a state or local official, serves also as a member of the regional planning commission. All members may be reimbursed for actual expenses incurred as members of the commission in carrying out the work of the commission.

(L. 1965 2d Ex. Sess. p. 908 § 10)

#### **Regional commission officers--meetings--records.**

[251.270](#). Each regional planning commission shall elect its own chairman and executive committee and shall establish its own rules of procedure, and may create and fill such other offices as it may determine necessary. The commission may authorize the executive committee to act for it on all matters pursuant to rules adopted by it. The commission shall meet at least once each year. It shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record.

(L. 1965 2d Ex. Sess. p. 908 § 11)

#### **Regional commission may employ executive secretary, employees, consultants.**

[251.280](#). The regional planning commission may appoint to serve at its\* pleasure and may compensate an executive secretary and such employees as it deems necessary for its work and may hire such experts and consultants for part-time or full-time service as may be necessary for the performance of its responsibilities.

(L. 1965 2d Ex. Sess. p. 908 § 12)

\*Word "their" appears in original rolls.

### **Regional commission may appoint advisory group--expenses of advisory members.**

251.290. The regional planning commission may appoint advisory committees or councils whose membership may consist of individuals whose experience, training or interest in the program may qualify them to lend valuable assistance to the regional planning commission by acting in an advisory capacity in consulting with the regional planning commission on all phases of the commission's program. Members of such advisory bodies shall receive no compensation for their services, but may be reimbursed for actual expenses incurred in the performance of their duties.

(L. 1965 2d Ex. Sess. p. 908 § 13)

### **Regional commission, powers and duties--functions advisory only.**

251.300. The regional planning commission may conduct all types of research studies, collect and analyze data, prepare maps, charts and tables, and conduct all necessary studies for the accomplishment of its other duties; it may make plans for the physical, social and economic development of the region, and may adopt by resolution any plan or the portion of any plan so prepared as its official recommendation for the development of the region; it may publicize and advertise its purposes, objectives and findings and may distribute reports thereon; it may provide advisory services on regional planning problems to the local government units within the region and to the other public and private agencies in matters relative to its functions and objectives, and may act as a coordinating agency for programs and activities of such local units and agencies as they relate to its objectives. All public officials shall, upon request, furnish to the regional planning commission, within a reasonable time, such available information as it requires for its work. In general, the regional planning commission shall have all powers necessary to enable it to perform its functions and promote regional planning. The functions of the regional planning commission shall be solely advisory to the local governments and local government officials comprising the region.

(L. 1965 2d Ex. Sess. p. 908 § 14)

### **Regional commission annual report, to whom made.**

251.310. The regional planning commission shall make an annual report of its activities to the legislative bodies of the local governmental units within the region, to members of the general assembly elected from districts lying wholly or partially within the region, and to the state office.

(L. 1965 2d Ex. Sess. p. 908 § 15)

### **Regional plan, contents.**

251.320. The regional planning commission shall have the function and duty of making and adopting a comprehensive plan for the development of the region. The comprehensive plan, with the accompanying maps, plats, charts, programs and descriptive and explanatory matter, shall show the commission's recommendations for such development and may include, among other things, without

limitation because of enumeration, the general location, character and extent of main traffic arteries, bridges and viaducts; public places and areas; parks, parkways; recreational areas; sites for public buildings and structures; airports; waterways; routes for public transit; and the general location and extent of main and interceptor sewers, water conduits and other public utilities whether privately or publicly owned; areas for industrial, commercial, residential, agricultural or recreational development. The comprehensive plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the region which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

(L. 1965 2d Ex. Sess. p. 908 § 16)

#### **Plan to be filed--hearing--notice.**

[251.330](#). 1. Before the adoption, amendment or extension of the comprehensive plan or portion thereof, the regional planning commission shall file such plan or part with the state office and hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within each county covered by the plan or portion thereof, and fifteen days' notice of such hearing shall be given to the state office and each local governmental unit within the region and shall be posted at least fifteen days in advance thereof in at least one conspicuous place in each township covered by the plan or portion thereof. The hearing may be adjourned from time to time.

2. The regional planning commission may amend, extend or add to the comprehensive plan or carry any part or subject matter into greater detail in the same manner as the making and adoption of the original plan.

(L. 1965 2d Ex. Sess. p. 908 §§ 17, 18)

#### **Adoption of plan.**

[251.340](#). The regional planning commission may adopt the comprehensive plan as a whole by a single resolution, or, as the work of making the whole comprehensive plan progresses, may by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The resolution shall refer expressly to the maps, plats, charts, programs and descriptive and explanatory matter, and other matters intended by the regional planning commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the chairman of the regional planning commission.

(L. 1965 2d Ex. Sess. p. 908 § 19)

#### **Certification of plan to local governmental units.**

[251.350](#). A copy of the plan or part thereof shall be certified to the governing bodies of the local governmental units within the region and to the director. The purpose and effect of adoption of the

comprehensive plan shall be solely to aid the regional planning commission and the local governments and local government officials comprising the region in the performance of their functions and duties.

(L. 1965 2d Ex. Sess. p. 908 § 20)

#### **Selection of sites for facilities included in regional plan.**

[251.360](#). 1. The officer or public body of a local governmental unit within the region having final authority thereon shall refer to the regional planning commission, for its consideration and report, the following matters: The location of or acquisition of land for any of the items or facilities which are included in the adopted regional comprehensive plan.

2. Within twenty days after the matter is referred to the regional planning commission or such longer period as may be stipulated by the referring officer or public body, the commission shall report its recommendations to the referring officer or public body. The report and recommendations of the commission shall be advisory only.

3. Local units and state agencies may authorize the regional planning commission with the consent of the commission to act for such unit or agency in approving, examining or reviewing plats, pursuant to sections [64.070](#), [64.245](#), [64.590](#), [64.820](#), [64.830](#) and 88.163, as the case may be.

(L. 1965 2d Ex. Sess. p. 908 § 21)

#### **Adoption of plan by local governmental units--hearing--notice.**

[251.370](#). Any local governmental unit within the region may adopt all or any portion of the plans and other programs prepared and adopted by the regional planning commission. Before the adoption, amendment or extension of the plan or portion thereof, the governing body of any political subdivision shall hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the political subdivision, and/or notice of such hearing shall be given the state office and shall be posted at least fifteen days in advance thereof in at least three conspicuous public places within the political subdivision.

(L. 1965 2d Ex. Sess. p. 908 § 22)

#### **Authorized planning units may contract with federal, state, or local governments.**

[251.380](#). In matters relating to comprehensive planning, a regional planning commission created under sections [251.150](#) to [251.440](#), and any planning commission or other organization, public or private, heretofore constituted or designated may enter into a contract and cooperate with any federal, state or local unit including other planning commissions, or organizations, within this or other states under the laws of Missouri.

(L. 1965 2d Ex. Sess. p. 908 § 23, A.L. 1971 S.B. 158)

### **Regional commission may accept funds.**

[251.390](#). Aid, in any form, for the purpose of accomplishing the objectives of the regional planning commission may be accepted from all governmental agencies whether local, state or federal, if the conditions under which such aid is furnished are not incompatible with the other provisions of this section. The regional planning commission may accept gifts and grants from public or private individuals or agencies if the conditions under which such grants are made are in accordance with the accomplishment of the objectives of the regional planning commission.

(L. 1965 2d Ex. Sess. p. 908 § 24)

### **Regional commission budget--apportionment of costs to local units.**

[251.400](#). For the purpose of providing funds to meet the expenses of a regional planning commission, the commission shall annually prepare and approve a budget reflecting the costs of its operations and services to the local governmental units within the region. The amount charged to each local unit shall be in the proportion that its assessed valuation bears to the total, or such other method as may be agreed upon by the governmental units within the region. The budget as prepared by the regional planning commission shall show the proportionate share of each local governmental unit participating in such commission and shall be submitted to each participating local governmental unit at least sixty days prior to the end of the regional planning commission's fiscal year. The budget as submitted shall be approved by local governmental units which represent more than fifty percent of the assessed valuation of the participating local units.

(L. 1965 2d Ex. Sess. p. 908 § 25)

### **Regional commission may be compensated for unique services.**

[251.410](#). By agreement between the regional planning commission and a local governmental unit, special compensation to the commission for unique and special services provided to such local governmental unit may be arranged.

(L. 1965 2d Ex. Sess. p. 908 § 26)

### **Regional commission may accept payment in kind from local units.**

[251.420](#). The regional planning commission may accept from any local governmental units, supplies, the use of equipment, facilities and office space and the services of personnel as part or all of the financial support assessed against such local governmental unit.

(L. 1965 2d Ex. Sess. p. 908 § 27)

### **Local units may withdraw from jurisdiction of regional commission--hearing--notice.**

[251.430](#). Within ninety days of the issuance by the governor of an order creating a regional planning commission, any local unit of government within the boundaries of such region may withdraw from the jurisdiction of such commission by a two-thirds vote of the members of the



governing body after a public hearing of which notice shall have been given not more than three nor less than two weeks prior thereto by registered mail to the commission and to the public by publication in a newspaper of general circulation within the boundaries of such local unit of government. A local unit may withdraw from a regional planning commission at the end of any fiscal year by a two-thirds vote of the members of the governing body.

(L. 1965 2d Ex. Sess. p. 908 § 29)

#### **Dissolution of regional commission, procedure.**

[251.440](#). Upon receipt of certified copies of resolutions recommending the dissolution of a regional planning commission adopted by the governing bodies of a majority of the local units in the region, including the county commission of any county, part or all of which is within the region, and upon a finding that all outstanding indebtedness of the regional planning commission has been paid, including moneys owed to any retirement plan or system in which the commission participates and has pledged to pay for the unfunded accrued liability of its past and current employees, and all unexpended funds returned to the local units which supplied them, or that adequate provision has been made therefor, the governor shall issue a certificate of dissolution of the commission which shall thereupon cease to exist.

(L. 1965 2d Ex. Sess. p. 908 § 28, A.L. 2004 H.B. 1440 merged with S.B. 1130)

#### **Citation of law.**

[251.470](#). Sections [251.470](#) to [251.485](#) shall be known and may be cited as the "Missouri Main Street Program Act".

(L. 1988 H.B. 1223 & 1246 § 1)

#### **Definitions.**

[251.473](#). As used in sections [251.470](#) to [251.485](#), the following terms mean:

- (1) "City", any city or town in this state with a population of fifty thousand or under;
- (2) "Program", the Missouri main street program, established under the provisions of sections [251.470](#) to [251.485](#).

(L. 1988 H.B. 1223 & 1246 § 2)

#### **Missouri main street program, established--purposes.**

[251.476](#). There is hereby established within the department of economic development the "Missouri Main Street Program". The program shall provide technical assistance and training for cities' governments, business organizations, and merchants and property owners to accomplish community and economic revitalization and development of older central business districts and neighborhoods. The program shall attempt to ensure that the business districts of Missouri's small cities remain essential elements to their sense of community and to the state's economy. The

program shall also operate to increase the ability of small business and property owners in cities to renovate and enhance their commercial and residential properties.

(L. 1988 H.B. 1223 & 1246 § 3)

#### **Techniques to be employed by program.**

251.479. The program shall employ techniques developed by the national trust for historic preservation's main street center which are designed to stimulate business reinvestment, restore building facades, retain existing small business, strengthen the local tax base, create employment opportunities, promote new business in downtown areas, and help to create a renewed sense of community pride.

(L. 1988 H.B. 1223 & 1246 § 4)

#### **Plan, development of, contents of--pilot cities.**

251.481. 1. The program shall operate according to a plan developed by the department of economic development and the department of natural resources with the assistance of organizations representing merchants and governments of cities, historic preservation interests, financial institutions and economic development groups. The plan required by this section shall describe the objectives of the program, how the program will be coordinated with existing federal, state, local and private sector small business development and historic preservation efforts, and methods of selecting and providing assistance to participating cities.

2. The department shall select ten pilot cities in which to initiate the program.

(L. 1988 H.B. 1223 & 1246 § 5)

#### **Duties of department of economic development.**

251.483. The duties of the department of economic development in implementing the program shall include, but not be limited to the following:

(1) Contract with the National Trust for Historic Preservation to assist in accomplishing the program's objectives, to provide technical assistance to the department, and to assist in developing criteria for the selection of participating cities;

(2) Develop criteria for selecting participating cities which shall include evidence of interest and commitment to downtown economic development and historic preservation by both the private and public sectors, evidence of potential private investment in the downtown area, and evidence of organizational and financial commitment to implement a long-term economic revitalization program which includes a commitment to employ a professional project manager with an operating budget.

(L. 1988 H.B. 1223 & 1246 § 6)

#### **Missouri main street program fund, created--uses of fund--fund not tolapse.**

251.485. There is hereby established in the state treasury a special fund to be known as the "Missouri Main Street Program Fund", which shall consist of all moneys which may be appropriated to it by the general assembly, and also any gifts, contributions, grants or bequests received from federal, private or other sources. Money in the Missouri main street program fund shall be used to carry out the provisions of sections 251.470 to 251.485 and for no other purpose. Moneys for main street programs established under the provisions of sections 251.470 to 251.485 shall be obtained from appropriations made by the general assembly from the Missouri main street program fund. Any moneys remaining in the Missouri main street program fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the Missouri main street program fund.

(L. 1988 H.B. 1223 & 1246 § 7)

#### **Definitions.**

251.500. As used in sections 251.500 to 251.510, the following terms mean:

(1) "Board", an economic development district board, as created under the provisions of section 251.505;

(2) "Economic development district", a district formed by two or more adjoining counties in this state or by one or more counties and an adjoining city not within a county;

(3) "Governing body", a legislative body governing a county or a city not within a county.

(L. 1988 H.B. 1201 § 1)

#### **Economic development district, established, how, purpose--board established, how.**

251.505. 1. An economic development district may be established by the governing bodies of adjoining counties or the governing bodies of a county or counties and a city not within a county in order to plan, formulate, develop, promote, fund, conduct or cause to be conducted, programs to encourage the economic development of the district. The governing bodies may establish such districts by enactment of identical ordinances or by mutual agreement of the governing bodies.

2. The qualifications, terms and number of members of the economic development board for the district shall be determined by the enacting ordinances or the mutual agreement of the governing bodies, except as provided in this subsection. Each county and each city not within a county shall have equal representation on the board. The chief executive officer of a county or mayor of a city not within a county shall appoint residents of such county or city to be on the board, and such officers shall jointly appoint one additional member to the board. The board shall select a chairman and any other officers it deems necessary to conduct its business, and shall meet at least four times a year at a time and place designated by the chairman in order to make policy and administer the activities of the district.

(L. 1988 H.B. 1201 § 2)

### **Powers of board.**

[251.510](#). The ordinances or mutual agreement which established the district shall specify the powers of the board which may include, but shall not be limited to, the following:

- (1) Adoption of bylaws, rules and regulations for the conduct of its business;
  - (2) Maintenance of a principal office;
  - (3) The ability to sue and be sued;
  - (4) The making and executing of leases, contracts and other instruments necessary to exercise its powers;
  - (5) Contracting with the cities and counties for services, and with firms, corporations, persons, and governmental agencies in the necessary performance of its duties;
  - (6) The employment of personnel;
  - (7) Application for and acceptance of local and federal grants and appropriations;
  - (8) Performance of site improvements within the district.
- (L. 1988 H.B. 1201 § 3)

### **Citation of law.**

[251.600](#). Sections [251.600](#) to [251.630](#) shall be known and may be cited as the "Regional Economic Development District Law".

(L. 2007 H.B. 741)

### **Definitions.**

[251.603](#). As used in sections [251.600](#) to [251.630](#), the following terms shall mean:

- (1) "Baseline year", the calendar year prior to the effective date of a resolution by the regional economic development district board approving a regional economic development project; provided, however, if economic activity taxes from businesses other than businesses locating in the regional economic development project area decrease in the regional economic development project area in the year following the year in which the resolution approving a regional economic development project is approved by a regional economic development district board, the baseline year may, at the option of the regional economic development district board approving the regional economic development project, be the year following the year of the adoption of the resolution approving the regional economic development project;
- (2) "Board", a regional economic development district board created under the provisions of section [251.605](#);

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

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

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

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

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

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

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

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

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

(c) It is contiguous;

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

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

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

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

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

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

(14) "Regional economic development project costs", costs to the regional economic development plan or a regional economic development project, as applicable, which are expended on public property, buildings, or rights-of-ways for public purposes to provide infrastructure or support for a regional economic development project. Such costs shall only be allowed as an initial expense which, to be recoverable, shall be included in the costs of a regional economic development plan or regional economic development project, including any amendments thereto adopted by the board of the regional economic development district. Such infrastructure costs include, but are not limited to, the following:

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

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

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

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

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

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

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

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

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

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

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

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

(L. 2007 H.B. 741)

**District may be established--board, members, how appointed.**

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

2. The qualifications, terms, and number of members of the regional economic development district board for each district shall be determined by the enacting ordinances or the mutual agreement of the governing bodies, except as provided in this subsection. Each governing body

located in the regional economic development district shall have equal representation on the board. The chief executive officer of a county in the regional economic development district or mayor of a city in the regional economic development district shall appoint one resident each of such county or city to be on the board, and such officers shall jointly appoint one additional member to the board. The board shall select a chairman, treasurer, and any other officers it deems necessary to conduct its business, and shall meet in open session at a time and place designated by the chairman in order to make policy and administer the activities of the district.

3. The regional economic development district shall be a public governmental body for the purposes of section [610.010](#) and shall comply with the provisions of chapter 610.

(L. 2007 H.B. 741)

### **Powers of the board.**

[251.610](#). The ordinances or mutual agreements which establish the district shall specify the powers of the board. The powers of the board shall not include the power of eminent domain. The powers of the board may include, but shall not be limited to, the following:

- (1) Adoption of bylaws, rules and regulations for the conduct of its business;
- (2) Maintenance of a principal office;
- (3) The ability to sue and be sued;
- (4) The creation of a regional economic development plan for a regional economic development district;
- (5) The making and executing of leases, contracts, and other instruments necessary to exercise its powers;
- (6) Contracting with cities and counties for services, and with firms, corporations, persons, and governmental agencies in the necessary performance of its duties;
- (7) The employment of personnel;
- (8) Application for and acceptance of local and federal grants and appropriations;
- (9) Performance of site improvements within the regional economic development area;
- (10) Entering into lease or lease-purchase agreements for any real or personal property necessary or convenient for the purposes of the regional economic development district;
- (11) Borrowing money for regional economic development district purposes at such rates of interest as the district may determine;
- (12) Issuance of bonds, notes, and other obligations, which may be secured by mortgage, pledge, assignment, or deed of trust of any or all of the property and income of the regional economic development district, subject to any restrictions provided in the regional economic development district law; except that the district shall not mortgage, pledge, or give a deed of trust



on any real property or interests which it acquired from the state of Missouri or any agency or political subdivision thereof without the written consent of the state, agency or political subdivision from which it obtained the property;

(13) Submission of a regional economic development sales tax to district voters as provided in section [251.615](#); and

(14) Adoption of incremental tax financing as provided in section [251.618](#).

(L. 2007 H.B. 741)

**Sales tax authorized, ballot language--deposit of tax revenue, use of moneys--abolishment of tax, effect of--annual report, contents--severability clause.**

[251.615](#). 1. Any city or county that has agreed to form a regional economic development district created under the regional economic development district law which consists of all of one or more entire counties, all of one or more entire cities, or all of one or more entire counties and one or more entire cities which are totally outside the boundaries of those counties may impose, by resolution of the governing body of the city or county, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144 for the benefit of the regional economic development district. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any such city or county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections [144.010](#) to [144.525](#). The resolution imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county, or state general, primary, or special election a proposal to authorize the city or county to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law and shall be stated separately from all other charges and taxes.

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

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

YES  NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city or county shall have no power to impose the sales tax authorized by this section unless and

until the proposal is resubmitted under this section and such proposal is approved by a majority of the qualified voters voting thereon.

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

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

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

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

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

8. Except as modified in and by this section, all provisions of sections [32.085](#) and [32.087](#) shall apply to the tax imposed under this section.

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

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

11. Notwithstanding any other provision of law to the contrary, the regional economic development district sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless approved by the regional economic development district board established under the regional economic development district law and the governing body of the city or county imposing the tax.

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

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

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

14. If any provision of the regional economic development district law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

application of the regional economic development district law which can be given effect without the invalid provision or application, and to this end the provisions of the regional economic development district law are declared severable.

(L. 2007 H.B. 741)

**Incremental tax financing permitted, when--county assessor duties--taxrates, determination of.**

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

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

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

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

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the regional economic development project area and any applicable penalty and interest over and above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such regional economic development project area as certified by the county assessor and as adjusted by the annual tax base adjustment as detailed in this section shall be allocated to and, when collected, shall be paid by the collecting officer of the municipality or county to the treasurer of the regional economic development district who shall deposit such payment in lieu of taxes into a separate segregated account for payments in lieu of taxes within the special allocation fund. Payments in lieu of taxes which are due and owing shall constitute a lien against the real property from which such payments in lieu of taxes are derived and shall be collected in the same manner as real property taxes, including the assessment of penalties and interest where applicable. The lien of payments in lieu of taxes may be foreclosed in the same manner as the lien of real property taxes. No part of the current equalized assessed valuation of each taxable lot, block, tract, or parcel of property in any such regional economic development project area attributable to any increase above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such regional economic development project area as certified by the county assessor and as adjusted by the annual tax base adjustment as detailed in this section shall be used in calculating the general state school aid formula provided for in section [163.031](#) until incremental tax financing for such regional economic development project area expires or is terminated in accordance with the regional economic development district law;

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

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

(L. 2007 H.B. 741)

**Plan required, contents--findings required.**

[251.621](#). 1. A regional economic development plan shall set forth in writing a general description of the program to be undertaken to accomplish the regional economic development projects and related objectives and shall include, but need not be limited to:

- (1) The name, street and mailing address, and phone number of the chairman of the regional economic development district board;
- (2) The street address or other description of the location of the development site;
- (3) The estimated regional economic development project costs;
- (4) The anticipated sources of funds to pay such regional economic development project costs;
- (5) Evidence of the commitments to finance such regional economic development project costs;
- (6) The anticipated type and term of the sources of funds to pay such regional economic development project costs;
- (7) The anticipated type and terms of the obligations to be issued;
- (8) The most recent equalized assessed valuation of the property within the regional economic development project area;
- (9) An estimate as to the equalized assessed valuation after the regional economic development project area is developed in accordance with a regional economic development plan;
- (10) The general land uses to apply in the regional economic development area;
- (11) A list of community and economic benefits to result from the regional economic development project;
- (12) A list of all development subsidies that any business benefitting from public expenditures in the regional economic development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;
- (13) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which funding under the regional economic development district law is being sought;
- (14) A market study for the regional economic development area; and
- (15) A certification by the regional economic development district board as to the accuracy of the regional economic development plan.

2. The regional economic development plan may be adopted by a regional economic development district in reliance on findings that a reasonable person would believe:

- (1) The regional economic development area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the implementation of one or more regional economic development projects and the adoption of incremental tax financing;
- (2) The estimated dates of the completion of such regional economic development project and retirement of obligations incurred to finance regional economic development project costs which shall not be more than twenty-five years from the adoption of the resolution approving any regional

economic development project, provided that no resolution approving a regional economic development project shall be adopted later than fifteen years from the adoption of the resolution approving the regional economic development plan;

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

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

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

(L. 2007 H.B. 741)

#### **Termination of incremental tax financing, when, procedure.**

251.624. 1. When all regional economic development project costs and all obligations issued to finance regional economic development project costs have been paid in full, the regional economic development district shall adopt a resolution terminating incremental tax financing for all regional economic development project areas. Immediately upon the adoption of such resolution, all payments in lieu of taxes, all economic activity taxes, and other net new revenues then remaining in the special allocation fund shall be deemed to be surplus funds; thereafter, the rates of the taxing districts shall be extended, and taxes shall be levied, collected, and distributed in the manner applicable in the absence of the adoption of incremental tax financing. Surplus payments in lieu of taxes shall be paid to the county collector who shall immediately thereafter pay such funds to the taxing districts in the regional economic development area selected in the same manner and proportion as the most recent distribution by the collector to the affected taxing districts of real property taxes from real property in the regional economic development area. Surplus economic activity taxes shall be paid to the taxing districts in the regional economic development area in proportion to the then current levy rates of such taxing districts that are attributable to such economic activity taxes. Any other funds remaining in the special allocation fund following the adoption of a resolution terminating incremental tax financing in accordance with this section shall be deposited to the general fund of the municipalities or counties that originally formed the regional economic development district in a pro rata amount determined by the regional economic development district board.

2. Upon the payment of all regional economic development project costs, retirement of obligations, and the distribution of any surplus funds under this section, the regional economic

development district shall adopt a resolution dissolving the special allocation fund and terminating the designation of the regional economic development area as a regional economic development area.

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

(L. 2007 H.B. 741)

**County clerk to annually ascertain amount of value of taxable property in the district.**

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

(L. 2007 H.B. 741)

**Issuance of bonds, purpose--refunding--interest exempt from state taxation.**

251.630. 1. A regional economic development district may at any time authorize or issue revenue bonds for the purpose of paying all or any part of the cost of any regional economic development project. Every issue of such bonds shall be payable out of the revenues of the regional economic development district and may be further secured by other property of the regional economic development district which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds shall be authorized by resolution of the regional economic development district, and if issued by the regional economic development district, shall bear such date or dates and shall mature at such time or times, but not in excess of twenty-five years, as the resolution shall specify. Such bonds shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or



registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and subject to redemption as such resolution may provide notwithstanding the provisions of section [108.170](#). The bonds may be sold at either public or private sale at such interest rates, and at such price or prices as the regional economic development district board shall determine.

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

3. Bonds issued under this section shall exclusively be the responsibility of the regional economic development district payable solely out of regional economic development district funds and property as provided in the regional economic development district law and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. The regional economic development district shall not be obligated to pay such bonds with any funds other than those specifically pledged to repayment of the bonds. Any bonds issued by a regional economic development district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the regional economic development district.

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

(L. 2007 H.B. 741)

**Securing of grants, departments to collaborate--consultation with private entities permitted--report to general assembly.**

[251.650](#). 1. Not less than twice each calendar year, representatives from the department of labor and industrial relations, the department of elementary and secondary education, the department of agriculture, the department of economic development, and the department of natural resources shall meet to discuss ways in which their respective agencies may collaborate in order to secure grants established in the Energy Independence and Security Act of 2007, Public Law 110-140, or other such grants that would fund: green jobs; the production of renewable fuels; increasing energy efficiency of products, buildings and vehicles; and increasing research and development

relating to the manufacturing of renewable energy technologies. The department of natural resources is hereby designated as the coordinating agency for the inter-agency collaboration under this section.

2. In fulfilling the goals under this section, any of the departments under subsection 1 of this section may confer with, or invite participation by, any other interested individual, agency, or organization, which shall include but not be limited to nonprofit organizations, private sector entities, institutions of higher education, and local governments. Such departments may enter into partnerships with, in accordance with federal grant requirements and as otherwise allowable by law, any individual, agency, or organization in securing a grant under this section.

3. No later than the first Wednesday after the first Monday of January each year, the departments outlined in subsection 1 of this section shall report jointly to the general assembly and to the governor the actions taken by their agencies in securing the grants outlined in this section.

(L. 2008 S.B. 1181, et al.)



Missouri General Assembly

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