

SECOND REGULAR SESSION

# SENATE BILL NO. 923

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARNITZ.

Read 1st time January 23, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4395S.011

## AN ACT

To repeal section 100.255, RSMo, and to enact in lieu thereof one new section relating to the Missouri development finance board.

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

Section A. Section 100.255, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 100.255, to read as follows:

100.255. As used in sections 100.250 to 100.297, the following terms mean:

2

3 (1) "Board", the Missouri development finance board created by section  
4 100.265;

5 (2) "Borrower", any person, partnership, public or private corporation,  
6 association, development agency or any other entity eligible for funding under  
7 sections 100.250 to 100.297, **but shall not include any professional athletic**  
8 **team as defined in section 143.183, RSMo, or any sports authority,**  
9 **including but not limited to the sports authorities created under**  
10 **sections 64.920 and 67.650, RSMo;**

11 (3) "Development agency", any of the following:

12 (a) A port authority established pursuant to chapter 68, RSMo;

13 (b) The bi-state development agencies established pursuant to sections  
14 70.370 to 70.440, RSMo, and sections 238.010 to 238.100, RSMo;

15 (c) A land clearance for redevelopment authority established pursuant to  
16 sections 99.300 to 99.660, RSMo;

17 (d) A county, city, incorporated town or village or other political  
18 subdivision or public body of this state;

19 (e) A planned industrial expansion authority established pursuant to  
20 sections 100.300 to 100.620;

21 (f) An industrial development corporation established pursuant to sections

22 349.010 to 349.105, RSMo;

23 (g) A real property tax increment financing commission established  
24 pursuant to sections 99.800 to 99.865, RSMo;

25 (h) Any other governmental, quasi-governmental or quasi-public  
26 corporation or entity created by state law or by resolution adopted by the  
27 governing body of a development agency otherwise described in paragraphs (a)  
28 through (g) of this subdivision, **but shall not include any sports authority,**  
29 **including but not limited to the sports authorities created under**  
30 **sections 64.920 and 67.650, RSMo;**

31 (4) "Development and reserve fund", the industrial development and  
32 reserve fund established pursuant to section 100.260;

33 (5) "Export finance fund", the Missouri export finance fund established  
34 pursuant to section 100.260;

35 (6) "Export trade activities" includes, but is not limited to, consulting,  
36 international market research, advertising, marketing, insurance, product  
37 research and design, legal assistance, transportation, including trade  
38 documentation and freight forwarding, communication, and processing of foreign  
39 orders to and for exporters and foreign purchases and warehousing, when  
40 undertaken to export or facilitate the export of goods or services produced or  
41 assembled in this state;

42 (7) "Guarantee fund", the industrial development guarantee fund  
43 established by section 100.260;

44 (8) "Infrastructure development fund", the infrastructure development  
45 fund established under section 100.263;

46 (9) "Infrastructure facilities", the highways, streets, bridges, water supply  
47 and distribution systems, mass transportation facilities and equipment,  
48 telecommunication facilities, jails and prisons, sewers and sewage treatment  
49 facilities, wastewater treatment facilities, airports, railroads, reservoirs, dams  
50 and waterways in this state, acquisition of blighted real estate and the  
51 improvements thereon, demolition of existing structures and preparation of sites  
52 in anticipation of development, public facilities, and any other improvements  
53 provided by any form of government or development agency, **but shall not**  
54 **include any such facilities for use by any professional athletic team as**  
55 **defined in section 143.183, RSMo, or any sports authority, including but**  
56 **not limited to the sports authorities created under sections 64.920 and**  
57 **67.650, RSMo;**

58 (10) "Jobs now fund", the jobs now fund established under section 100.260;

59 (11) "Jobs now projects", the purchase, construction, extension, and  
60 improvement of real estate, plants, buildings, structures, or facilities, whether or  
61 not now in existence, used or to be used primarily as infrastructure facilities or  
62 public facilities. When any entity provides a certified design or operation plan  
63 which is demonstrably less than the usual and customary average industry  
64 determination of cost for installation, construction, purchasing, extension, and  
65 improvement of real estate, manufacturing facilities, buildings, structures or  
66 facilities, including public facilities, then the entity or company providing such  
67 service may receive payment in an amount equal to the usual and customary fee  
68 for such project plus additional compensation equal to two times the percentage  
69 by which the cost of such aforementioned criteria of such facility is less than the  
70 usual and customary average industrial determination of cost for installation,  
71 construction, materials, extension and improvement of real estate, manufacturing  
72 facilities, buildings, structures, or facilities, including public facilities. Such  
73 entity shall also pay to such company providing such aforementioned service  
74 compensation equal to twenty-five percent of the amount of any annual  
75 operational costs which are lower than the customary average industry  
76 determination of cost for operation for such facility, procedure, or service for a  
77 period of time equal to one-fourth the design lifetime of such entity or five years  
78 whichever is less;

79 (12) "Participating lender", a lender authorized by the board to participate  
80 with the board in the making of a loan or to make loans the repayment of which  
81 is secured by the development and reserve fund;

82 (13) "Project", the purchase, construction, extension, and improvement of  
83 real estate, plants, buildings, structures or facilities, whether or not now in  
84 existence, used or to be used primarily as a factory, assembly plant,  
85 manufacturing plant, fabricating plant, distribution center, warehouse building,  
86 office building, port terminal or facility, transportation and transfer facility,  
87 industrial plant, processing plant, commercial or agricultural facility, nursing or  
88 retirement facility or combination thereof, recreational facility **other than a**  
89 **facility for use by any professional athletic team as defined in section**  
90 **143.183, RSMo, or by any sports authority, including but not limited to**  
91 **the sports authorities created under sections 64.920 and 67.650, RSMo,**  
92 cultural facility, public facilities, job training or other vocational training facility,  
93 infrastructure facility, video-audio telecommunication conferencing facility, office  
94 building, facility for the prevention, reduction, disposal or control of pollution,  
95 sewage or solid waste, facility for conducting export trade activities, or research

96 and development building in connection with any of the facilities defined as a  
97 project in this subdivision. The term "project" shall also include any  
98 improvements, including, but not limited to, road or rail construction, alteration  
99 or relocation, and construction of facilities to provide utility service for any of the  
100 facilities defined as a project under this subdivision, along with any fixtures,  
101 equipment, and machinery, and any demolition and relocation expenses used in  
102 connection with any such projects and any capital used to promote and facilitate  
103 such facilities and notes payable from anticipated revenue issued by any  
104 development agency;

105 (14) "Public facility", any facility or improvements available for use by the  
106 general public including facilities for which user or other fees are charged on a  
107 nondiscriminatory basis, **but shall not include any facility for use by a**  
108 **professional athletic team as defined in section 143.183, RSMo, or by any**  
109 **sports authority, including but not limited to the sports authorities**  
110 **created under sections 64.920 and 67.650, RSMo.**

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Bill

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