

HOUSE**AMENDMENT NO. _____****Offered by****of**

1 AMEND House Committee Substitute for Senate Bill No. 145, Page 5,
 2 Section 67.319, Line 53, by deleting all of said lines and
 3 inserting in lieu thereof the following:

4 "99.820. 1. A municipality may:

5 (1) By ordinance introduced in the governing body of the
 6 municipality within fourteen to ninety days from the completion
 7 of the hearing required in section 99.825, approve redevelopment
 8 plans and redevelopment projects, and designate redevelopment
 9 project areas pursuant to the notice and hearing requirements of
 10 sections 99.800 to 99.865. No redevelopment project shall be
 11 approved unless a redevelopment plan has been approved and a
 12 redevelopment area has been designated prior to or concurrently
 13 with the approval of such redevelopment project and the area
 14 selected for the redevelopment project shall include only those
 15 parcels of real property and improvements thereon directly and
 16 substantially benefitted by the proposed redevelopment project
 17 improvements;

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

21 (3) Pursuant to a redevelopment plan, subject to any
 22 constitutional limitations, acquire by purchase, donation, lease
 23 or, as part of a redevelopment project, eminent domain, own,
 24 convey, lease, mortgage, or dispose of land and other property,
 25 real or personal, or rights or interests therein, and grant or
 26 acquire licenses, easements and options with respect thereto, all
 27 in the manner and at such price the municipality or the
 28 commission determines is reasonably necessary to achieve the
 29 objectives of the redevelopment plan. No conveyance, lease,

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1 mortgage, disposition of land or other property, acquired by the
2 municipality, or agreement relating to the development of the
3 property shall be made except upon the adoption of an ordinance
4 by the governing body of the municipality. Each municipality or
5 its commission shall establish written procedures relating to
6 bids and proposals for implementation of the redevelopment
7 projects. Furthermore, no conveyance, lease, mortgage, or other
8 disposition of land or agreement relating to the development of
9 property shall be made without making public disclosure of the
10 terms of the disposition and all bids and proposals made in
11 response to the municipality's request. Such procedures for
12 obtaining such bids and proposals shall provide reasonable
13 opportunity for any person to submit alternative proposals or
14 bids;

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

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

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

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

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

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

32 (10) Incur redevelopment costs and issue obligations;

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

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

37 (a) Such surplus payments in lieu of taxes shall be

1 distributed to taxing districts within the redevelopment area
2 which impose ad valorem taxes on a basis that is proportional to
3 the current collections of revenue which each taxing district
4 receives from real property in the redevelopment area;

5 (b) Surplus economic activity taxes shall be distributed to
6 taxing districts in the redevelopment area which impose economic
7 activity taxes, on a basis that is proportional to the amount of
8 such economic activity taxes the taxing district would have
9 received from the redevelopment area had tax increment financing
10 not been adopted;

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

16 (13) If any member of the governing body of the
17 municipality, a member of a commission established pursuant to
18 subsection 2 or 3 of this section, or an employee or consultant
19 of the municipality, involved in the planning and preparation of
20 a redevelopment plan, or redevelopment project for a
21 redevelopment area or proposed redevelopment area, owns or
22 controls an interest, direct or indirect, in any property
23 included in any redevelopment area, or proposed redevelopment
24 area, which property is designated to be acquired or improved
25 pursuant to a redevelopment project, he or she shall disclose the
26 same in writing to the clerk of the municipality, and shall also
27 so disclose the dates, terms, and conditions of any disposition
28 of any such interest, which disclosures shall be acknowledged by
29 the governing body of the municipality and entered upon the
30 minutes books of the governing body of the municipality. If an
31 individual holds such an interest, then that individual shall
32 refrain from any further official involvement in regard to such
33 redevelopment plan, redevelopment project or redevelopment area,
34 from voting on any matter pertaining to such redevelopment plan,
35 redevelopment project or redevelopment area, or communicating
36 with other members concerning any matter pertaining to that
37 redevelopment plan, redevelopment project or redevelopment area.

1 Furthermore, no such member or employee shall acquire any
2 interest, direct or indirect, in any property in a redevelopment
3 area or proposed redevelopment area after either (a) such
4 individual obtains knowledge of such plan or project, or (b)
5 first public notice of such plan, project or area pursuant to
6 section 99.830, whichever first occurs;

7 (14) Charge as a redevelopment cost the reasonable costs
8 incurred by its clerk or other official in administering the
9 redevelopment project. The charge for the clerk's or other
10 official's costs shall be determined by the municipality based on
11 a recommendation from the commission, created pursuant to this
12 section.

13 2. Prior to adoption of an ordinance approving the
14 designation of a redevelopment area or approving a redevelopment
15 plan or redevelopment project, the municipality shall create a
16 commission of nine persons if the municipality is a county or a
17 city not within a county and not a first class county with a
18 charter form of government with a population in excess of nine
19 hundred thousand, and eleven persons if the municipality is not a
20 county and not in a first class county with a charter form of
21 government having a population of more than nine hundred
22 thousand, and twelve persons if the municipality is located in or
23 is a first class county with a charter form of government having
24 a population of more than nine hundred thousand, to be appointed
25 as follows:

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

30 (2) In all municipalities one member shall be appointed, in
31 any manner agreed upon by the affected districts, to represent
32 all other districts levying ad valorem taxes within the area
33 selected for a redevelopment project or the redevelopment area,
34 excluding representatives of the governing body of the
35 municipality;

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

1 of the majority of the governing body of the municipality;

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

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

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

18 (7) At the option of the members appointed by the
19 municipality, the members who are appointed by the school boards
20 and other taxing districts may serve on the commission for a term
21 to coincide with the length of time a redevelopment project,
22 redevelopment plan or designation of a redevelopment area is
23 considered for approval by the commission, or for a definite term
24 pursuant to this subdivision. If the members representing school
25 districts and other taxing districts are appointed for a term
26 coinciding with the length of time a redevelopment project, plan
27 or area is approved, such term shall terminate upon final
28 approval of the project, plan or designation of the area by the
29 governing body of the municipality. Thereafter the commission
30 shall consist of the six members appointed by the municipality,
31 except that members representing school boards and other taxing
32 districts shall be appointed as provided in this section prior to
33 any amendments to any redevelopment plans, redevelopment projects
34 or designation of a redevelopment area. If any school district
35 or other taxing jurisdiction fails to appoint members of the
36 commission within thirty days of receipt of written notice of a
37 proposed redevelopment plan, redevelopment project or designation

1 of a redevelopment area, the remaining members may proceed to
2 exercise the power of the commission. Of the members first
3 appointed by the municipality, two shall be designated to serve
4 for terms of two years, two shall be designated to serve for a
5 term of three years and two shall be designated to serve for a
6 term of four years from the date of such initial appointments.
7 Thereafter, the members appointed by the municipality shall serve
8 for a term of four years, except that all vacancies shall be
9 filled for unexpired terms in the same manner as were the
10 original appointments. Members appointed by the county executive
11 or presiding commissioner prior to August 28, 2008, shall
12 continue their service on the commission established in
13 subsection 3 of this section without further appointment unless
14 the county executive or presiding commissioner appoints a new
15 member or members.

16 3. Beginning August 28, 2008:

17 (1) In lieu of a commission created under subsection 2 of
18 this section, any city, town, or village in a county with a
19 charter form of government and with more than one million
20 inhabitants, in a county with a charter form of government and
21 with more than two hundred fifty thousand but fewer than three
22 hundred fifty thousand inhabitants, or in a county of the first
23 classification with more than one hundred eighty-five thousand
24 but fewer than two hundred thousand inhabitants shall, prior to
25 adoption of an ordinance approving the designation of a
26 redevelopment area or approving a redevelopment plan or
27 redevelopment project, create a commission consisting of twelve
28 persons to be appointed as follows:

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

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

37 (c) Two members appointed by the school boards whose

1 districts are included in the county in a manner in which the
2 school boards agree; and

3 (d) One member to represent all other districts levying ad
4 valorem taxes in the proposed redevelopment area in a manner in
5 which all such districts agree. No city, town, or village
6 subject to this subsection shall create or maintain a commission
7 under subsection 2 of this section, except as necessary to
8 complete a public hearing for which notice under section 99.830
9 has been provided prior to August 28, 2008, and to vote or make
10 recommendations relating to redevelopment plans, redevelopment
11 projects, or designation of redevelopment areas, or amendments
12 thereto that were the subject of such public hearing;

13 (2) Members appointed to the commission created under this
14 subsection, except those six members appointed by either the
15 county executive or presiding commissioner, shall serve on the
16 commission for a term to coincide with the length of time a
17 redevelopment project, redevelopment plan, or designation of a
18 redevelopment area is considered for approval by the commission.
19 The six members appointed by either the county executive or the
20 presiding commissioner shall serve on all such commissions until
21 replaced. The city, town, or village that creates a commission
22 under this subsection shall send notice thereof by certified mail
23 to the county executive or presiding commissioner, to the school
24 districts whose boundaries include any portion of the proposed
25 redevelopment area, and to the other taxing districts whose
26 boundaries include any portion of the proposed redevelopment
27 area. The city, town, or village that creates the commission
28 shall also be solely responsible for notifying all other cities,
29 towns, and villages in the county that have tax increment
30 financing districts and shall exercise all administrative
31 functions of the commission. The school districts receiving
32 notice from the city, town, or village shall be solely
33 responsible for notifying the other school districts within the
34 county of the formation of the commission. If the county, school
35 board, or other taxing district fails to appoint members to the
36 commission within thirty days after the city, town, or village
37 sends the written notice, as provided herein, that it has

1 convened such a commission or within thirty days of the
2 expiration of any such member's term, the remaining duly
3 appointed members of the commission may exercise the full powers
4 of the commission.

5 4. (1) Any commission created under this section, subject
6 to approval of the governing body of the municipality, may
7 exercise the powers enumerated in sections 99.800 to 99.865,
8 except final approval of plans, projects and designation of
9 redevelopment areas. The commission shall hold public hearings
10 and provide notice pursuant to sections 99.825 and 99.830.

11 (2) Any commission created under subsection 2 of this
12 section shall vote on all proposed redevelopment plans,
13 redevelopment projects and designations of redevelopment areas,
14 and amendments thereto, within thirty days following completion
15 of the hearing on any such plan, project or designation and shall
16 make recommendations to the governing body within ninety days of
17 the hearing referred to in section 99.825 concerning the adoption
18 of or amendment to redevelopment plans and redevelopment projects
19 and the designation of redevelopment areas. The requirements of
20 subsection 2 of this section and this subsection shall not apply
21 to redevelopment projects upon which the required hearings have
22 been duly held prior to August 31, 1991.

23 (3) Any commission created under subsection 3 of this
24 section shall, within fifteen days of the receipt of a
25 redevelopment plan meeting the minimum requirements of section
26 99.810, as determined by counsel to the city, town, or village
27 creating the commission and a request by the applicable city,
28 town, or village for a public hearing, provide a copy of the
29 redevelopment plan, redevelopment projects, and designations of
30 redevelopment areas, and amendments thereto, for the purpose of
31 receiving comment on the regional benefits of the proposal to the
32 designated metropolitan planning organization, the regional
33 chamber of commerce organization, and any regional consortium of
34 chief executive officers representing at least eighty of the
35 region's largest mid-cap companies, and fix a time and place for
36 the public hearing referred to in section 99.825. The public
37 hearing shall be held no later than seventy-five days from the

1 commission's receipt of such redevelopment plan and request for
2 public hearing. The commission shall vote and make
3 recommendations to the governing body of the city, town, or
4 village requesting the public hearing on all proposed
5 redevelopment plans, redevelopment projects, and designations of
6 redevelopment areas, and amendments thereto within thirty days
7 following the completion of the public hearing. If the
8 commission fails to vote within thirty days following the
9 completion of the public hearing referred to in section 99.825
10 concerning the proposed redevelopment plan, redevelopment
11 project, or designation of redevelopment area, or amendments
12 thereto, such plan, project, designation, or amendment thereto
13 shall be deemed rejected by the commission.

14 99.825. 1. Prior to the adoption of an ordinance proposing
15 the designation of a redevelopment area, or approving a
16 redevelopment plan or redevelopment project, the commission shall
17 fix a time and place for a public hearing as required in
18 subsection 4 of section 99.820 and notify each taxing district
19 located wholly or partially within the boundaries of the proposed
20 redevelopment area, plan or project. At the public hearing any
21 interested person or affected taxing district may file with the
22 commission written objections to, or comments on, and may be
23 heard orally in respect to, any issues embodied in the notice.
24 The commission shall hear and consider all protests, objections,
25 comments and other evidence presented at the hearing. The
26 hearing may be continued to another date without further notice
27 other than a motion to be entered upon the minutes fixing the
28 time and place of the subsequent hearing; provided, if the
29 commission is created under subsection 3 of section 99.820, the
30 hearing shall not be continued for more than thirty days beyond
31 the date on which it is originally opened unless such longer
32 period is requested by the chief elected official of the
33 municipality creating the commission and approved by a majority
34 of the commission. Prior to the conclusion of the hearing,
35 changes may be made in the redevelopment plan, redevelopment
36 project, or redevelopment area, provided that each affected
37 taxing district is given written notice of such changes at least

1 seven days prior to the conclusion of the hearing. After the
2 public hearing but prior to the adoption of an ordinance
3 approving a redevelopment plan or redevelopment project, or
4 designating a redevelopment area, changes may be made to the
5 redevelopment plan, redevelopment projects or redevelopment areas
6 without a further hearing, if such changes do not enlarge the
7 exterior boundaries of the redevelopment area or areas, and do
8 not substantially affect the general land uses established in the
9 redevelopment plan or substantially change the nature of the
10 redevelopment projects, provided that notice of such changes
11 shall be given by mail to each affected taxing district and by
12 publication in a newspaper of general circulation in the area of
13 the proposed redevelopment not less than ten days prior to the
14 adoption of the changes by ordinance. After the adoption of an
15 ordinance approving a redevelopment plan or redevelopment
16 project, or designating a redevelopment area, no ordinance shall
17 be adopted altering the exterior boundaries, affecting the
18 general land uses established pursuant to the redevelopment plan
19 or changing the nature of the redevelopment project without
20 complying with the procedures provided in this section pertaining
21 to the initial approval of a redevelopment plan or redevelopment
22 project and designation of a redevelopment area. Hearings with
23 regard to a redevelopment project, redevelopment area, or
24 redevelopment plan may be held simultaneously.

25 2. [Effective January 1, 2008, if,] No municipality shall
26 approve a proposed redevelopment plan, redevelopment project, or
27 designation of a redevelopment area, or any amendments thereto
28 unless after concluding the hearing required under this section,
29 a majority of the members of the commission [makes] created under
30 subsection 3 of section 99.820 votes to make a recommendation
31 under section 99.820 [in opposition to a proposed redevelopment
32 plan, redevelopment project, or designation of a redevelopment
33 area, or any amendments thereto, a municipality desiring] to
34 approve such project, plan, designation, or amendments [shall do
35 so only upon a two-thirds majority vote of the governing body of
36 such municipality].

37 3. Tax incremental financing projects within an economic

1 development area shall apply to and fund only the following
2 infrastructure projects: highways, roads, streets, bridges,
3 sewers, traffic control systems and devices, water distribution
4 and supply systems, curbing, sidewalks and any other similar
5 public improvements, but in no case shall it include buildings.";
6 and

7 Further amend said title, enacting clause and intersectional
8 references accordingly.
9