

HOUSE AMENDMENT NO. _____
TO
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Offered By

1 AMEND House Amendment No. _____ to Senate Committee Substitute for Senate Bill No. 629,
2 Page 1, Lines 6 to 36, Page 2, Lines 1 to 48, Page 3, Lines 1 to 48, and Page 4, Lines 1 to 30, by
3 deleting all of said lines and inserting in lieu thereof the following:
4

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

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

14 (3) [~~"Conservation area", any improved area within the boundaries of a redevelopment area~~
15 ~~located within the territorial limits of a municipality in which fifty percent or more of the structures~~
16 ~~in the area have an age of thirty five years or more. Such an area is not yet a blighted area but is~~
17 ~~detrimental to the public health, safety, morals, or welfare and may become a blighted area because~~
18 ~~of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of~~
19 ~~individual structures; presence of structures below minimum code standards; abandonment;~~
20 ~~excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light~~
21 ~~or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout;~~
22 ~~depreciation of physical maintenance; and lack of community planning. A conservation area shall~~
23 ~~meet at least three of the factors provided in this subdivision for projects approved on or after~~
24 ~~December 23, 1997;~~

25 ———(4) "Economic activity taxes", the total additional revenue from taxes which are imposed by
26 a municipality and other taxing districts, and which are generated by economic activities within a
27 redevelopment area over the amount of such taxes generated by economic activities within such
28 redevelopment area in the calendar year prior to the adoption of the ordinance designating such a
29 redevelopment area, while tax increment financing remains in effect, but excluding personal
30 property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of
31 hotels and motels, licenses, fees or special assessments. For redevelopment projects or
32 redevelopment plans approved after December 23, 1997, if a retail establishment relocates within
33 one year from one facility to another facility within the same county and the governing body of the

Action Taken _____ Date _____

1 municipality finds that the relocation is a direct beneficiary of tax increment financing, then for
 2 purposes of this definition, the economic activity taxes generated by the retail establishment shall
 3 equal the total additional revenues from economic activity taxes which are imposed by a
 4 municipality or other taxing district over the amount of economic activity taxes generated by the
 5 retail establishment in the calendar year prior to its relocation to the redevelopment area;

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

11 ~~——(a) Discourage commerce, industry or manufacturing from moving their operations to~~
 12 ~~another state; or~~

13 ~~——(b) Result in increased employment in the municipality; or~~

14 ~~——(c) Result in preservation or enhancement of the tax base of the municipality;~~

15 ~~——(6)] (4) "Gambling establishment", an excursion gambling boat as defined in section~~
 16 ~~313.800 and any related business facility including any real property improvements which are~~
 17 ~~directly and solely related to such business facility, whose sole purpose is to provide goods or~~
 18 ~~services to an excursion gambling boat and whose majority ownership interest is held by a person~~
 19 ~~licensed to conduct gambling games on an excursion gambling boat or licensed to operate an~~
 20 ~~excursion gambling boat as provided in sections 313.800 to 313.850. This subdivision shall be~~
 21 ~~applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;~~

22 ~~[(7)] (5) "Greenfield area", any vacant, unimproved, or agricultural property that is located~~
 23 ~~wholly outside the incorporated limits of a city, town, or village, or that is substantially surrounded~~
 24 ~~by contiguous properties with agricultural zoning classifications or uses unless said property was~~
 25 ~~annexed into the incorporated limits of a city, town, or village ten years prior to the adoption of the~~
 26 ~~ordinance approving the redevelopment plan for such greenfield area;~~

27 ~~[(8)] (6) "Municipality", a city, village, or incorporated town or any county of this state.~~
 28 ~~For redevelopment areas or projects approved on or after December 23, 1997, municipality applies~~
 29 ~~only to cities, villages, incorporated towns or counties established for at least one year prior to such~~
 30 ~~date;~~

31 ~~[(9)] (7) "Obligations", bonds, loans, debentures, notes, special certificates, or other~~
 32 ~~evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund~~
 33 ~~outstanding obligations;~~

34 ~~[(10)] (8) "Ordinance", an ordinance enacted by the governing body of a city, town, or~~
 35 ~~village or a county or an order of the governing body of a county whose governing body is not~~
 36 ~~authorized to enact ordinances;~~

37 ~~[(11)] (9) "Payment in lieu of taxes", those estimated revenues from real property in the~~
 38 ~~area selected for a redevelopment project, which revenues according to the redevelopment project or~~
 39 ~~plan are to be used for a private use, which taxing districts would have received had a municipality~~
 40 ~~not adopted tax increment allocation financing, and which would result from levies made after the~~
 41 ~~time of the adoption of tax increment allocation financing during the time the current equalized~~
 42 ~~value of real property in the area selected for the redevelopment project exceeds the total initial~~
 43 ~~equalized value of real property in such area until the designation is terminated pursuant to~~
 44 ~~subsection 2 of section 99.850;~~

45 ~~[(12)] (10) "Redevelopment area", an area designated by a municipality, in respect to which~~
 46 ~~the municipality has made a finding that there exist conditions which cause the area to be classified~~
 47 ~~as a blighted area, [a conservation area, an economic development area, an enterprise zone pursuant~~
 48 ~~to sections 135.200 to 135.256, or a combination thereof,] which area includes only those parcels of~~

1 real property directly and substantially benefitted by the proposed redevelopment project;

2 ~~[(13)]~~ (11) "Redevelopment plan", the comprehensive program of a municipality for
3 redevelopment intended by the payment of redevelopment costs to reduce or eliminate those
4 conditions, the existence of which qualified the redevelopment area as a blighted area, ~~[conservation~~
5 ~~area, economic development area, or combination thereof,]~~ and to thereby enhance the tax bases of
6 the taxing districts which extend into the redevelopment area. Each redevelopment plan shall
7 conform to the requirements of section 99.810;

8 ~~[(14)]~~ (12) "Redevelopment project", any development project within a redevelopment area
9 in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall
10 include a legal description of the area selected for the redevelopment project;

11 ~~[(15)]~~ (13) "Redevelopment project costs" include the sum total of all reasonable or
12 necessary costs incurred or estimated to be incurred, and any such costs incidental to a
13 redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited
14 to, the following:

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

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

21 (c) Property assembly costs, including, but not limited to:

22 a. Acquisition of land and other property, real or personal, or rights or interests therein;

23 b. Demolition of buildings; and

24 c. The clearing and grading of land;

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

27 ~~[(e)]~~ ~~Initial costs for an economic development area;~~

28 ~~[(f)]~~ Costs of construction of public works or improvements;

29 ~~[(g)]~~ (f) Financing costs, including, but not limited to, all necessary and incidental expenses
30 related to the issuance of obligations, and which may include payment of interest on any obligations
31 issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of
32 any redevelopment project for which such obligations are issued and for not more than eighteen
33 months thereafter, and including reasonable reserves related thereto;

34 ~~[(h)]~~ (g) All or a portion of a taxing district's capital costs resulting from the redevelopment
35 project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment
36 plan and project, to the extent the municipality by written agreement accepts and approves such
37 costs;

38 ~~[(i)]~~ (h) Relocation costs to the extent that a municipality determines that relocation costs
39 shall be paid or are required to be paid by federal or state law;

40 ~~[(j)]~~ (i) Payments in lieu of taxes;

41 ~~[(16)]~~ (14) "Special allocation fund", the fund of a municipality or its commission which
42 contains at least two separate segregated accounts for each redevelopment plan, maintained by the
43 treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes
44 are deposited in one account, and economic activity taxes and other revenues are deposited in the
45 other account;

46 ~~[(17)]~~ (15) "Taxing districts", any political subdivision of this state having the power to
47 levy taxes;

48 ~~[(18)]~~ (16) "Taxing districts' capital costs", those costs of taxing districts for capital

1 improvements that are found by the municipal governing bodies to be necessary and to directly
2 result from the redevelopment project; and

3 ~~[(19)]~~ (17) "Vacant land", any parcel or combination of parcels of real property not used for
4 industrial, commercial, or residential buildings.

5 99.810. 1. Each redevelopment plan shall set forth in writing a general description of the
6 program to be undertaken to accomplish the objectives and shall include, but need not be limited to,
7 the estimated redevelopment project costs, the anticipated sources of funds to pay the costs,
8 evidence of the commitments to finance the project costs, the anticipated type and term of the
9 sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most
10 recent equalized assessed valuation of the property within the redevelopment area which is to be
11 subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an
12 estimate as to the equalized assessed valuation after redevelopment, and the general land uses to
13 apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality
14 without findings that:

15 (1) The redevelopment area on the whole is a blighted area~~], a conservation area, or an~~
16 ~~economic development area,]~~ and has not been subject to growth and development through
17 investment by private enterprise and would not reasonably be anticipated to be developed without
18 the adoption of tax increment financing. Such a finding shall include, but not be limited to, a study
19 conducted by a third party which includes a detailed description of the factors that qualify the
20 redevelopment area or project pursuant to this subdivision and an affidavit, signed by the developer
21 or developers and submitted with the redevelopment plan, attesting that the provisions of this
22 subdivision have been met;

23 (2) The redevelopment plan conforms to the comprehensive plan for the development of the
24 municipality as a whole;

25 (3) The estimated dates, which shall not be more than twenty-three years from the adoption
26 of the ordinance approving a redevelopment project within a redevelopment area, of completion of
27 any redevelopment project and retirement of obligations incurred to finance redevelopment project
28 costs have been stated, provided that no ordinance approving a redevelopment project shall be
29 adopted later than ten years from the adoption of the ordinance approving the redevelopment plan
30 under which such project is authorized and provided that no property for a redevelopment project
31 shall be acquired by eminent domain later than five years from the adoption of the ordinance
32 approving such redevelopment project;

33 (4) A plan has been developed for relocation assistance for businesses and residences;

34 (5) A cost-benefit analysis showing the economic impact of the plan on each taxing district
35 which is at least partially within the boundaries of the redevelopment area. The analysis shall show
36 the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan
37 under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected
38 political subdivision, and sufficient information from the developer for the commission established
39 in section 99.820 to evaluate whether the project as proposed is financially feasible;

40 (6) A finding that the plan does not include the initial development or redevelopment of any
41 gambling establishment, provided however, that this subdivision shall be applicable only to a
42 redevelopment plan adopted for a redevelopment area designated by ordinance after December 23,
43 1997.

44 2. By the last day of February each year, each commission shall report to the director of
45 economic development the name, address, phone number and primary line of business of any
46 business which relocates to the district. The director of the department of economic development
47 shall compile and report the same to the governor, the speaker of the house and the president pro
48 tempore of the senate on the last day of April each year."; and

1
2 Further amend said amendment, Page 9, Line 18, by inserting after all of said line the following:
3

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

9 (2) At the public hearing any interested person or affected taxing district may file with the
10 commission written objections to, or comments on, and may be heard orally in respect to, any issues
11 embodied in the notice. The commission shall hear and consider all protests, objections, comments
12 and other evidence presented at the hearing. The hearing may be continued to another date without
13 further notice other than a motion to be entered upon the minutes fixing the time and place of the
14 subsequent hearing; provided, if the commission is created under ~~[subsection 3 of]~~ section 99.820,
15 the hearing shall not be continued for more than thirty days beyond the date on which it is originally
16 opened unless such longer period is requested by the chief elected official of the municipality
17 creating the commission and approved by a majority of the commission.

18 (3) Prior to the conclusion of the hearing, changes may be made in the redevelopment plan,
19 redevelopment project, or redevelopment area, provided that each affected taxing district is given
20 written notice of such changes at least seven days prior to the conclusion of the hearing. After the
21 public hearing but prior to the adoption of an ordinance approving a redevelopment plan or
22 redevelopment project, or designating a redevelopment area, changes may be made to the
23 redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if
24 such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not
25 substantially affect the general land uses established in the redevelopment plan or substantially
26 change the nature of the redevelopment projects, provided that notice of such changes shall be given
27 by mail to each affected taxing district and by publication in a newspaper of general circulation in
28 the area of the proposed redevelopment not less than ten days prior to the adoption of the changes
29 by ordinance.

30 (4) After the adoption of an ordinance approving a redevelopment plan or redevelopment
31 project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior
32 boundaries, affecting the general land uses established pursuant to the redevelopment plan or
33 changing the nature of the redevelopment project without complying with the procedures provided
34 in this section pertaining to the initial approval of a redevelopment plan or redevelopment project
35 and designation of a redevelopment area.

36 (5) Within ten days of the adoption of an ordinance approving a redevelopment plan or
37 redevelopment project, or designating a redevelopment area, the commission created under section
38 99.820 shall notify each board or body that oversees a taxing district that is partially or wholly
39 located within the redevelopment area of the approval of the ordinance.

40 (6) Hearings with regard to a redevelopment project, redevelopment area, or redevelopment
41 plan may be held simultaneously.

42 (7) Notwithstanding any other provision of law to the contrary, in addition to a public
43 hearing, the governing body of a city, town, or village shall, for a thirty-day period, establish a
44 forum for the public to comment on the proposed district. The forum may be digital, physical, or
45 both. Comments shall be recorded and delivered to the governing body before the governing body
46 votes on the proposed district.

47 (8) A city, town, or village shall post the following information on its official internet
48 website accessible by the public and, during the thirty-day comment period, on conspicuous signs

1 located throughout the redevelopment area:

2 (a) The boundaries of the proposed district by street location, or other readily identifiable
3 means if no street location exists, and a map illustrating the proposed boundaries;

4 (b) The date, time, and place of the public hearing;

5 (c) A statement that a copy of the petition is available for review at the office of the
6 municipal clerk during regular business hours; and

7 (d) A statement that all interested persons shall be given an opportunity to be heard at the
8 public hearing.

9
10 If a city, town, or village does not have an official internet website, it shall make the above
11 information reasonably available in its most prominent building of governance.

12 2. If, after concluding the hearing required under this section, the commission makes a
13 recommendation under section 99.820 in opposition to a proposed redevelopment plan,
14 redevelopment project, or designation of a redevelopment area, or any amendments thereto, a
15 municipality desiring to approve such project, plan, designation, or amendments shall do so only
16 upon a two-thirds majority vote of the governing body of such municipality. For plans, projects,
17 designations, or amendments approved by a municipality over the recommendation in opposition by
18 the commission formed under ~~[subsection 3 of]~~ section 99.820, the economic activity taxes and
19 payments in lieu of taxes generated by such plan, project, designation, or amendment shall be
20 restricted to paying only those redevelopment project costs contained in subparagraphs b. and c. of
21 paragraph (c) of subdivision (15) of section 99.805 per redevelopment project.

22 ~~[3. Tax incremental financing projects within an economic development area shall apply to~~
23 ~~and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic~~
24 ~~control systems and devices, water distribution and supply systems, curbing, sidewalks and any~~
25 ~~other similar public improvements, but in no case shall it include buildings.]"; and~~

26
27 Further amend said amendment and page, Lines 36 to 48, and Page 10, Lines 1 to 7, by deleting all
28 of said lines and inserting in lieu thereof the following:

29
30 "(4) The board or body that oversees a taxing district, as that term is defined under section
31 99.805, may elect to have fifty percent of the property or sales taxes levied by such district excluded
32 from a tax increment allocation financing project or plan by passing a resolution by two-thirds
33 majority no later than sixty days after the project or plan is adopted or approved by ordinance. The
34 vote may occur before the ordinance is adopted. At least ten days prior to the vote on the
35 resolution, the board shall post notice of and hold a public hearing. If the resolution passes, the
36 board shall notify the director of revenue, the county collector, and every other taxing district in the
37 redevelopment area. If the resolution passes, subdivision (2) of this subsection shall not apply to
38 fifty percent of the tax levied by the taxing district, and fifty percent of the revenue from such tax
39 shall be allocated to the district and shall not be allocated to redevelopment costs and obligations;
40 and

41 (5) A school board of a school district may elect to have fifty percent of the portion of
42 property tax revenue allocated to the school district by a county or municipality excluded from a tax
43 increment allocation financing project or plan by passing a resolution by two-thirds majority no
44 later than sixty days after the project or plan is adopted or approved by ordinance. The vote may
45 occur before the ordinance is adopted. At least ten days prior to the vote on the resolution, the
46 board shall post notice of and hold a public hearing. If the resolution passes, the board shall notify
47 the director of revenue, the county collector, and every other taxing district in the redevelopment
48 area. If the resolution passes, subdivision (2) of this subsection shall not apply to fifty percent of

1 the percentage of property tax revenue equal to the average percentage of property tax revenue
2 allocated to the school district over the preceding five years, and such percentage of revenue
3 attributable to the increase in the current equalized assessed valuation of each taxable lot, block,
4 tract, or parcel of real property within the redevelopment project area shall be allocated to the
5 school district and shall not be allocated to redevelopment costs and obligations.""; and

6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.

9
10 THIS AMENDMENT AMENDS 4485S03.05H