

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 22, Page 10, Section 99.810, Line 86,

2 by inserting after all of said line the following:

3 "99.820. 1. A municipality may:

4 (1) By ordinance introduced in the governing body of
 5 the municipality within fourteen to ninety days from the
 6 completion of the hearing required in section 99.825,
 7 approve redevelopment plans and redevelopment projects, and
 8 designate redevelopment project areas pursuant to the notice
 9 and hearing requirements of sections 99.800 to 99.865. No
 10 redevelopment project shall be approved unless a
 11 redevelopment plan has been approved and a redevelopment
 12 area has been designated prior to or concurrently with the
 13 approval of such redevelopment project and the area selected
 14 for the redevelopment project shall include only those
 15 parcels of real property and improvements thereon directly
 16 and substantially benefitted by the proposed redevelopment
 17 project 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,
 23 lease or, as part of a redevelopment project, eminent
 24 domain, own, convey, lease, mortgage, or dispose of land and
 25 other property, real or personal, or rights or interests
 26 therein, and grant or acquire licenses, easements and

27 options with respect thereto, all in the manner and at such
28 price the municipality or the commission determines is
29 reasonably necessary to achieve the objectives of the
30 redevelopment plan. No conveyance, lease, mortgage,
31 disposition of land or other property, acquired by the
32 municipality, or agreement relating to the development of
33 the property shall be made except upon the adoption of an
34 ordinance by the governing body of the municipality. Each
35 municipality or its commission shall establish written
36 procedures relating to bids and proposals for implementation
37 of the redevelopment projects. Furthermore, no conveyance,
38 lease, mortgage, or other disposition of land or agreement
39 relating to the development of property shall be made
40 without making public disclosure of the terms of the
41 disposition and all bids and proposals made in response to
42 the municipality's request. Such procedures for obtaining
43 such bids and proposals shall provide reasonable opportunity
44 for any person to submit alternative proposals or bids;

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

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

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

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

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

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

62 (10) Incur redevelopment costs and issue obligations;

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

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

67 (a) Such surplus payments in lieu of taxes shall be
68 distributed to taxing districts within the redevelopment
69 area which impose ad valorem taxes on a basis that is
70 proportional to the current collections of revenue which
71 each taxing district receives from real property in the
72 redevelopment area;

73 (b) Surplus economic activity taxes shall be
74 distributed to taxing districts in the redevelopment area
75 which impose economic activity taxes, on a basis that is
76 proportional to the amount of such economic activity taxes
77 the taxing district would have received from the
78 redevelopment area had tax increment financing not been
79 adopted;

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

85 (13) If any member of the governing body of the
86 municipality, a member of a commission established pursuant
87 to subsection 2 or 3 of this section, or an employee or
88 consultant of the municipality, involved in the planning and
89 preparation of a redevelopment plan, or redevelopment
90 project for a redevelopment area or proposed redevelopment
91 area, owns or controls an interest, direct or indirect, in
92 any property included in any redevelopment area, or proposed

93 redevelopment area, which property is designated to be
94 acquired or improved pursuant to a redevelopment project, he
95 or she shall disclose the same in writing to the clerk of
96 the municipality, and shall also so disclose the dates,
97 terms, and conditions of any disposition of any such
98 interest, which disclosures shall be acknowledged by the
99 governing body of the municipality and entered upon the
100 minutes books of the governing body of the municipality. If
101 an individual holds such an interest, then that individual
102 shall refrain from any further official involvement in
103 regard to such redevelopment plan, redevelopment project or
104 redevelopment area, from voting on any matter pertaining to
105 such redevelopment plan, redevelopment project or
106 redevelopment area, or communicating with other members
107 concerning any matter pertaining to that redevelopment plan,
108 redevelopment project or redevelopment area. Furthermore,
109 no such member or employee shall acquire any interest,
110 direct or indirect, in any property in a redevelopment area
111 or proposed redevelopment area after either (a) such
112 individual obtains knowledge of such plan or project, or (b)
113 first public notice of such plan, project or area pursuant
114 to section 99.830, whichever first occurs;

115 (14) Charge as a redevelopment cost the reasonable
116 costs incurred by its clerk or other official in
117 administering the redevelopment project. The charge for the
118 clerk's or other official's costs shall be determined by the
119 municipality based on a recommendation from the commission,
120 created pursuant to this section.

121 2. Prior to adoption of an ordinance approving the
122 designation of a redevelopment area or approving a
123 redevelopment plan or redevelopment project, the
124 municipality shall create a commission of nine persons if
125 the municipality is a county or a city not within a county

126 and not a first class county with a charter form of
127 government with a population in excess of nine hundred
128 thousand, and eleven persons if the municipality is not a
129 county and not in a first class county with a charter form
130 of government having a population of more than nine hundred
131 thousand, and twelve persons if the municipality is located
132 in or is a first class county with a charter form of
133 government having a population of more than nine hundred
134 thousand, to be appointed as follows:

135 (1) In all municipalities two members shall be
136 appointed by the school boards whose districts are included
137 within the redevelopment plan or redevelopment area. Such
138 members shall be appointed in any manner agreed upon by the
139 affected districts;

140 (2) In all municipalities one member shall be
141 appointed, in any manner agreed upon by the affected
142 districts, to represent all other districts levying ad
143 valorem taxes within the area selected for a redevelopment
144 project or the redevelopment area, excluding representatives
145 of the governing body of the municipality;

146 (3) In all municipalities six members shall be
147 appointed by the chief elected officer of the municipality,
148 with the consent of the majority of the governing body of
149 the municipality;

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

156 (5) In a municipality which is a county with a charter
157 form of government having a population in excess of nine
158 hundred thousand, three members shall be appointed by the

159 cities in the county which have tax increment financing
160 districts in a manner in which the cities shall agree;

161 (6) In a municipality which is located in the first
162 class county with a charter form of government having a
163 population in excess of nine hundred thousand, three members
164 shall be appointed by the county of such municipality in the
165 same manner as members are appointed in subdivision (3) of
166 this subsection;

167 (7) At the option of the members appointed by the
168 municipality, the members who are appointed by the school
169 boards and other taxing districts may serve on the
170 commission for a term to coincide with the length of time a
171 redevelopment project, redevelopment plan or designation of
172 a redevelopment area is considered for approval by the
173 commission, or for a definite term pursuant to this
174 subdivision. If the members representing school districts
175 and other taxing districts are appointed for a term
176 coinciding with the length of time a redevelopment project,
177 plan or area is approved, such term shall terminate upon
178 final approval of the project, plan or designation of the
179 area by the governing body of the municipality. Thereafter
180 the commission shall consist of the six members appointed by
181 the municipality, except that members representing school
182 boards and other taxing districts shall be appointed as
183 provided in this section prior to any amendments to any
184 redevelopment plans, redevelopment projects or designation
185 of a redevelopment area. If any school district or other
186 taxing jurisdiction fails to appoint members of the
187 commission within thirty days of receipt of written notice
188 of a proposed redevelopment plan, redevelopment project or
189 designation of a redevelopment area, the remaining members
190 may proceed to exercise the power of the commission. Of the
191 members first appointed by the municipality, two shall be

192 designated to serve for terms of two years, two shall be
193 designated to serve for a term of three years and two shall
194 be designated to serve for a term of four years from the
195 date of such initial appointments. Thereafter, the members
196 appointed by the municipality shall serve for a term of four
197 years, except that all vacancies shall be filled for
198 unexpired terms in the same manner as were the original
199 appointments. Members appointed by the county executive or
200 presiding commissioner prior to August 28, 2008, shall
201 continue their service on the commission established in
202 subsection 3 of this section without further appointment
203 unless the county executive or presiding commissioner
204 appoints a new member or members.

205 3. Beginning August 28, 2008:

206 (1) In lieu of a commission created under subsection 2
207 of this section, any city, town, or village in a county with
208 a charter form of government and with more than one million
209 inhabitants, in a county with a charter form of government
210 and with more than two hundred fifty thousand but fewer than
211 three hundred fifty thousand inhabitants, [or] in a county
212 of the first classification with more than one hundred
213 eighty-five thousand but fewer than two hundred thousand
214 inhabitants, or in a county of the first classification with
215 more than ninety-two thousand but fewer than one hundred one
216 thousand inhabitants shall, prior to adoption of an
217 ordinance approving the designation of a redevelopment area
218 or approving a redevelopment plan or redevelopment project,
219 create a commission consisting of twelve persons to be
220 appointed as follows:

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

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

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

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

235 No city, town, or village subject to this subsection shall
236 create or maintain a commission under subsection 2 of this
237 section, except as necessary to complete a public hearing
238 for which notice under section 99.830 has been provided
239 prior to August 28, 2008, and to vote or make
240 recommendations relating to redevelopment plans,
241 redevelopment projects, or designation of redevelopment
242 areas, or amendments thereto that were the subject of such
243 public hearing;

244 (2) Members appointed to the commission created under
245 this subsection, except those six members appointed by
246 either the county executive or presiding commissioner, shall
247 serve on the commission for a term to coincide with the
248 length of time a redevelopment project, redevelopment plan,
249 or designation of a redevelopment area is considered for
250 approval by the commission. The six members appointed by
251 either the county executive or the presiding commissioner
252 shall serve on all such commissions until replaced. The
253 city, town, or village that creates a commission under this
254 subsection shall send notice thereof by certified mail to
255 the county executive or presiding commissioner, to the
256 school districts whose boundaries include any portion of the
257 proposed redevelopment area, and to the other taxing

258 districts whose boundaries include any portion of the
259 proposed redevelopment area. The city, town, or village
260 that creates the commission shall also be solely responsible
261 for notifying all other cities, towns, and villages in the
262 county that have tax increment financing districts and shall
263 exercise all administrative functions of the commission.
264 The school districts receiving notice from the city, town,
265 or village shall be solely responsible for notifying the
266 other school districts within the county of the formation of
267 the commission. If the county, school board, or other
268 taxing district fails to appoint members to the commission
269 within thirty days after the city, town, or village sends
270 the written notice, as provided herein, that it has convened
271 such a commission or within thirty days of the expiration of
272 any such member's term, the remaining duly appointed members
273 of the commission may exercise the full powers of the
274 commission.

275 4. (1) Any commission created under this section,
276 subject to approval of the governing body of the
277 municipality, may exercise the powers enumerated in sections
278 99.800 to 99.865, except final approval of plans, projects
279 and designation of redevelopment areas. The commission
280 shall hold public hearings and provide notice pursuant to
281 sections 99.825 and 99.830.

282 (2) Any commission created under subsection 2 of this
283 section shall vote on all proposed redevelopment plans,
284 redevelopment projects and designations of redevelopment
285 areas, and amendments thereto, within thirty days following
286 completion of the hearing on any such plan, project or
287 designation and shall make recommendations to the governing
288 body within ninety days of the hearing referred to in
289 section 99.825 concerning the adoption of or amendment to
290 redevelopment plans and redevelopment projects and the

291 designation of redevelopment areas. The requirements of
292 subsection 2 of this section and this subsection shall not
293 apply to redevelopment projects upon which the required
294 hearings have been duly held prior to August 31, 1991.

295 (3) Any commission created under subsection 3 of this
296 section shall, within fifteen days of the receipt of a
297 redevelopment plan meeting the minimum requirements of
298 section 99.810, as determined by counsel to the city, town,
299 or village creating the commission and a request by the
300 applicable city, town, or village for a public hearing, fix
301 a time and place for the public hearing referred to in
302 section 99.825. The public hearing shall be held no later
303 than seventy-five days from the commission's receipt of such
304 redevelopment plan and request for public hearing. The
305 commission shall vote and make recommendations to the
306 governing body of the city, town, or village requesting the
307 public hearing on all proposed redevelopment plans,
308 redevelopment projects, and designations of redevelopment
309 areas, and amendments thereto within thirty days following
310 the completion of the public hearing. A recommendation of
311 approval shall only be deemed to occur if a majority of the
312 commissioners voting on such plan, project, designation, or
313 amendment thereto vote for approval. A tied vote shall be
314 considered a recommendation in opposition. If the
315 commission fails to vote within thirty days following the
316 completion of the public hearing referred to in section
317 99.825 concerning the proposed redevelopment plan,
318 redevelopment project, or designation of redevelopment area,
319 or amendments thereto, such plan, project, designation, or
320 amendment thereto shall be deemed rejected by the commission.

321 5. It shall be the policy of the state that each
322 redevelopment plan or project of a municipality be carried
323 out with full transparency to the public. The records of

324 the tax increment financing commission including, but not
325 limited to, commission votes and actions, meeting minutes,
326 summaries of witness testimony, data, and reports submitted
327 to the commission shall be retained by the governing body of
328 the municipality that created the commission and shall be
329 made available to the public in accordance with chapter
330 610."; and

331 Further amend the title and enacting clause accordingly.