

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SCS/House Bill No. 1553, Page 15, Section 94.579, Line 158,

2 by inserting after all of said line the following:

3 "99.805. As used in sections 99.800 to 99.865, unless the  
4 context clearly requires otherwise, the following terms shall  
5 mean:

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

15 (2) "Collecting officer", the officer of the municipality  
16 responsible for receiving and processing payments in lieu of  
17 taxes or economic activity taxes from taxpayers or the department  
18 of revenue;

19 (3) "Conservation area", any improved area within the  
20 boundaries of a redevelopment area located within the territorial  
21 limits of a municipality in which fifty percent or more of the  
22 structures in the area have an age of thirty-five years or more.

1 Such an area is not yet a blighted area but is detrimental to the  
2 public health, safety, morals, or welfare and may become a  
3 blighted area because of any one or more of the following  
4 factors: dilapidation; obsolescence; deterioration; illegal use  
5 of individual structures; presence of structures below minimum  
6 code standards; abandonment; excessive vacancies; overcrowding of  
7 structures and community facilities; lack of ventilation, light  
8 or sanitary facilities; inadequate utilities; excessive land  
9 coverage; deleterious land use or layout; depreciation of  
10 physical maintenance; and lack of community planning. A  
11 conservation area shall meet at least three of the factors  
12 provided in this subdivision for projects approved on or after  
13 December 23, 1997;

14 (4) "Economic activity taxes", the total additional revenue  
15 from taxes which are imposed by a municipality and other taxing  
16 districts, and which are generated by economic activities within  
17 a redevelopment area over the amount of such taxes generated by  
18 economic activities within such redevelopment area in the  
19 calendar year prior to the adoption of the ordinance designating  
20 such a redevelopment area, while tax increment financing remains  
21 in effect, but excluding personal property taxes, taxes imposed  
22 on sales or charges for sleeping rooms paid by transient guests  
23 of hotels and motels, licenses, fees or special assessments. For  
24 redevelopment projects or redevelopment plans approved after  
25 December 23, 1997, if a retail establishment relocates within one  
26 year from one facility to another facility within the same county  
27 and the governing body of the municipality finds that the  
28 relocation is a direct beneficiary of tax increment financing,  
29 then for purposes of this definition, the economic activity taxes

1 generated by the retail establishment shall equal the total  
2 additional revenues from economic activity taxes which are  
3 imposed by a municipality or other taxing district over the  
4 amount of economic activity taxes generated by the retail  
5 establishment in the calendar year prior to its relocation to the  
6 redevelopment area;

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

14 (a) Discourage commerce, industry or manufacturing from  
15 moving their operations to another state; or

16 (b) Result in increased employment in the municipality; or

17 (c) Result in preservation or enhancement of the tax base  
18 of the municipality;

19 (6) "Gambling establishment", an excursion gambling boat as  
20 defined in section 313.800 and any related business facility  
21 including any real property improvements which are directly and  
22 solely related to such business facility, whose sole purpose is  
23 to provide goods or services to an excursion gambling boat and  
24 whose majority ownership interest is held by a person licensed to  
25 conduct gambling games on an excursion gambling boat or licensed  
26 to operate an excursion gambling boat as provided in sections  
27 313.800 to 313.850. This subdivision shall be applicable only to  
28 a redevelopment area designated by ordinance adopted after  
29 December 23, 1997;

1           (7) "Greenfield area", any vacant, unimproved, or  
2 agricultural property that is located wholly outside the  
3 incorporated limits of a city, town, or village, or that is  
4 substantially surrounded by contiguous properties with  
5 agricultural zoning classifications or uses unless said property  
6 was annexed into the incorporated limits of a city, town, or  
7 village ten years prior to the adoption of the ordinance  
8 approving the redevelopment plan for such greenfield area;

9           (8) "Municipality", a city, village, or incorporated town  
10 or any county of this state. For redevelopment areas or projects  
11 approved on or after December 23, 1997, "municipality" applies  
12 only to cities, villages, incorporated towns or counties  
13 established for at least one year prior to such date;

14           (9) "Obligations", bonds, loans, debentures, notes, special  
15 certificates, or other evidences of indebtedness issued by a  
16 municipality to carry out a redevelopment project or to refund  
17 outstanding obligations;

18           (10) "Ordinance", an ordinance enacted by the governing  
19 body of a city, town, or village or a county or an order of the  
20 governing body of a county whose governing body is not authorized  
21 to enact ordinances;

22           (11) "Payment in lieu of taxes", those estimated revenues  
23 from real property in the area selected for a redevelopment  
24 project, which revenues according to the redevelopment project or  
25 plan are to be used for a private use, which taxing districts  
26 would have received had a municipality not adopted tax increment  
27 allocation financing, and which would result from levies made  
28 after the time of the adoption of tax increment allocation  
29 financing during the time the current equalized value of real

1 property in the area selected for the redevelopment project  
2 exceeds the total initial equalized value of real property in  
3 such area until the designation is terminated pursuant to  
4 subsection 2 of section 99.850;

5 (12) "Redevelopment area", an area designated by a  
6 municipality, in respect to which the municipality has made a  
7 finding that there exist conditions which cause the area to be  
8 classified as a blighted area, a conservation area, an economic  
9 development area, an enterprise zone pursuant to sections 135.200  
10 to 135.256, or a combination thereof, which area includes only  
11 those parcels of real property directly and substantially  
12 benefitted by the proposed redevelopment project;

13 (13) "Redevelopment plan", the comprehensive program of a  
14 municipality for redevelopment intended by the payment of  
15 redevelopment costs to reduce or eliminate those conditions, the  
16 existence of which qualified the redevelopment area as a blighted  
17 area, conservation area, economic development area, or  
18 combination thereof, and to thereby enhance the tax bases of the  
19 taxing districts which extend into the redevelopment area. Each  
20 redevelopment plan shall conform to the requirements of section  
21 99.810;

22 (14) "Redevelopment project", any development project  
23 within a redevelopment area in furtherance of the objectives of  
24 the redevelopment plan; any such redevelopment project shall  
25 include a legal description of the area selected for the  
26 redevelopment project;

27 (15) "Redevelopment project costs" include the sum total of  
28 all reasonable or necessary costs incurred or estimated to be  
29 incurred, and any such costs incidental to a redevelopment plan

1 or redevelopment project, as applicable. Such costs include, but  
2 are not limited to, the following:

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

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

12 (c) Property assembly costs, including, but not limited  
13 to[, ]:

14 a. Acquisition of land and other property, real or  
15 personal, or rights or interests therein[, ] and

16 b. Demolition of buildings, and the clearing and grading of  
17 land;

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

20 (e) Initial costs for an economic development area;

21 (f) Costs of construction of public works or improvements;

22 (g) Financing costs, including, but not limited to, all  
23 necessary and incidental expenses related to the issuance of  
24 obligations, and which may include payment of interest on any  
25 obligations issued pursuant to sections 99.800 to 99.865 accruing  
26 during the estimated period of construction of any redevelopment  
27 project for which such obligations are issued and for not more  
28 than eighteen months thereafter, and including reasonable  
29 reserves related thereto;

1 (h) All or a portion of a taxing district's capital costs  
2 resulting from the redevelopment project necessarily incurred or  
3 to be incurred in furtherance of the objectives of the  
4 redevelopment plan and project, to the extent the municipality by  
5 written agreement accepts and approves such costs;

6 (i) Relocation costs to the extent that a municipality  
7 determines that relocation costs shall be paid or are required to  
8 be paid by federal or state law;

9 (j) Payments in lieu of taxes;

10 (16) "Special allocation fund", the fund of a municipality  
11 or its commission which contains at least two separate segregated  
12 accounts for each redevelopment plan, maintained by the treasurer  
13 of the municipality or the treasurer of the commission into which  
14 payments in lieu of taxes are deposited in one account, and  
15 economic activity taxes and other revenues are deposited in the  
16 other account;

17 (17) "Taxing districts", any political subdivision of this  
18 state having the power to levy taxes;

19 (18) "Taxing districts' capital costs", those costs of  
20 taxing districts for capital improvements that are found by the  
21 municipal governing bodies to be necessary and to directly result  
22 from the redevelopment project; and

23 (19) "Vacant land", any parcel or combination of parcels of  
24 real property not used for industrial, commercial, or residential  
25 buildings.

26 99.825. 1. Prior to the adoption of an ordinance proposing  
27 the designation of a redevelopment area, or approving a  
28 redevelopment plan or redevelopment project, the commission shall  
29 fix a time and place for a public hearing as required in

1 subsection 4 of section 99.820 and notify each taxing district  
2 located wholly or partially within the boundaries of the proposed  
3 redevelopment area, plan or project. At the public hearing any  
4 interested person or affected taxing district may file with the  
5 commission written objections to, or comments on, and may be  
6 heard orally in respect to, any issues embodied in the notice.  
7 The commission shall hear and consider all protests, objections,  
8 comments and other evidence presented at the hearing. The  
9 hearing may be continued to another date without further notice  
10 other than a motion to be entered upon the minutes fixing the  
11 time and place of the subsequent hearing; provided, if the  
12 commission is created under subsection 3 of section 99.820, the  
13 hearing shall not be continued for more than thirty days beyond  
14 the date on which it is originally opened unless such longer  
15 period is requested by the chief elected official of the  
16 municipality creating the commission and approved by a majority  
17 of the commission. Prior to the conclusion of the hearing,  
18 changes may be made in the redevelopment plan, redevelopment  
19 project, or redevelopment area, provided that each affected  
20 taxing district is given written notice of such changes at least  
21 seven days prior to the conclusion of the hearing. After the  
22 public hearing but prior to the adoption of an ordinance  
23 approving a redevelopment plan or redevelopment project, or  
24 designating a redevelopment area, changes may be made to the  
25 redevelopment plan, redevelopment projects or redevelopment areas  
26 without a further hearing, if such changes do not enlarge the  
27 exterior boundaries of the redevelopment area or areas, and do  
28 not substantially affect the general land uses established in the  
29 redevelopment plan or substantially change the nature of the



1 redevelopment projects, provided that notice of such changes  
2 shall be given by mail to each affected taxing district and by  
3 publication in a newspaper of general circulation in the area of  
4 the proposed redevelopment not less than ten days prior to the  
5 adoption of the changes by ordinance. After the adoption of an  
6 ordinance approving a redevelopment plan or redevelopment  
7 project, or designating a redevelopment area, no ordinance shall  
8 be adopted altering the exterior boundaries, affecting the  
9 general land uses established pursuant to the redevelopment plan  
10 or changing the nature of the redevelopment project without  
11 complying with the procedures provided in this section pertaining  
12 to the initial approval of a redevelopment plan or redevelopment  
13 project and designation of a redevelopment area. Hearings with  
14 regard to a redevelopment project, redevelopment area, or  
15 redevelopment plan may be held simultaneously.

16 2. [Effective January 1, 2008,] If, after concluding the  
17 hearing required under this section, the commission makes a  
18 recommendation under section 99.820 in opposition to a proposed  
19 redevelopment plan, redevelopment project, or designation of a  
20 redevelopment area, or any amendments thereto, a municipality  
21 desiring to approve such project, plan, designation, or  
22 amendments shall do so only upon a two-thirds majority vote of  
23 the governing body of such municipality. For plans, projects,  
24 designations, or amendments approved by a municipality over the  
25 recommendation in opposition by the commission formed under  
26 subsection 3 of section 99.820 or a commission located in any  
27 county of the first classification with more than one hundred  
28 fifty thousand but fewer than two hundred thousand inhabitants,  
29 the economic activity taxes and payments in lieu of taxes

1 generated by such plan, project, designation, or amendment shall  
2 not exceed the costs associated with those contained in  
3 subparagraph b of paragraph (c) of subdivision (15) of section  
4 99.805 per redevelopment project.

5 3. Tax incremental financing projects within an economic  
6 development area shall apply to and fund only the following  
7 infrastructure projects: highways, roads, streets, bridges,  
8 sewers, traffic control systems and devices, water distribution  
9 and supply systems, curbing, sidewalks and any other similar  
10 public improvements, but in no case shall it include buildings.";

11 and

12 Further amend the title and enacting clause accordingly.