

SECOND REGULAR SESSION

SENATE BILL NO. 805

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Pre-filed December 10, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4236S.011

AN ACT

To repeal sections 99.805, 99.820, and 99.825, RSMo, and to enact in lieu thereof three new sections relating to tax increment financing.

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

Section A. Sections 99.805, 99.820, and 99.825, RSMo, are repealed and
2 three new sections enacted in lieu thereof, to be known as sections 99.805, 99.820,
3 and 99.825, to read as follows:

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

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

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

13 (3) "Conservation area", any improved area within the boundaries of a
14 redevelopment area located within the territorial limits of a municipality in which
15 fifty percent or more of the structures in the area have an age of thirty-five years
16 or more. Such an area is not yet a blighted area but is detrimental to the public
17 health, safety, morals, or welfare and may become a blighted area because of any
18 one or more of the following factors: dilapidation; obsolescence; deterioration;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 illegal use of individual structures; presence of structures below minimum code
20 standards; abandonment; excessive vacancies; overcrowding of structures and
21 community facilities; lack of ventilation, light or sanitary facilities; inadequate
22 utilities; excessive land coverage; deleterious land use or layout; depreciation of
23 physical maintenance; and lack of community planning. A conservation area
24 shall meet at least three of the factors provided in this subdivision for projects
25 approved on or after December 23, 1997;

26 (4) "Economic activity taxes", the total additional revenue from taxes
27 which are imposed by a municipality and other taxing districts, and which are
28 generated by economic activities within a redevelopment area over the amount
29 of such taxes generated by economic activities within such redevelopment area
30 in the calendar year prior to the adoption of the ordinance designating such a
31 redevelopment area, while tax increment financing remains in effect, but
32 excluding personal property taxes, taxes imposed on sales or charges for sleeping
33 rooms paid by transient guests of hotels and motels, licenses, fees or special
34 assessments. For redevelopment projects or redevelopment plans approved after
35 December 23, 1997, if a retail establishment relocates within one year from one
36 facility to another facility within the same county and the governing body of the
37 municipality finds that the relocation is a direct beneficiary of tax increment
38 financing, then for purposes of this definition, the economic activity taxes
39 generated by the retail establishment shall equal the total additional revenues
40 from economic activity taxes which are imposed by a municipality or other taxing
41 district over the amount of economic activity taxes generated by the retail
42 establishment in the calendar year prior to its relocation to the redevelopment
43 area;

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

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

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

53 (c) Result in preservation or enhancement of the tax base of the
54 municipality;

55 (6) "Gambling establishment", an excursion gambling boat as defined in
56 section 313.800 and any related business facility including any real property
57 improvements which are directly and solely related to such business facility,
58 whose sole purpose is to provide goods or services to an excursion gambling boat
59 and whose majority ownership interest is held by a person licensed to conduct
60 gambling games on an excursion gambling boat or licensed to operate an
61 excursion gambling boat as provided in sections 313.800 to 313.850. This
62 subdivision shall be applicable only to a redevelopment area designated by
63 ordinance adopted after December 23, 1997;

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

70 (8) "Municipality", a city, village, or incorporated town or any county of
71 this state. For redevelopment areas or projects approved on or after December
72 23, 1997, "municipality" applies only to cities, villages, incorporated towns or
73 counties established for at least one year prior to such date;

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

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

80 (11) "Payment in lieu of taxes", those estimated revenues from real
81 property in the area selected for a redevelopment project, which revenues
82 according to the redevelopment project or plan are to be used for a private use,
83 which taxing districts would have received had a municipality not adopted tax
84 increment allocation financing, and which would result from levies made after the
85 time of the adoption of tax increment allocation financing during the time the
86 current equalized value of real property in the area selected for the
87 redevelopment project exceeds the total initial equalized value of real property
88 in such area until the designation is terminated pursuant to subsection 2 of
89 section 99.850;

90 (12) "Redevelopment area", an area designated by a municipality, in

91 respect to which the municipality has made a finding that there exist conditions
92 which cause the area to be classified as a blighted area, a conservation area, an
93 economic development area, an enterprise zone pursuant to sections 135.200 to
94 135.256, or a combination thereof, which area includes only those parcels of real
95 property directly and substantially benefitted by the proposed redevelopment
96 project;

97 (13) "Redevelopment plan", the comprehensive program of a municipality
98 for redevelopment intended by the payment of redevelopment costs to reduce or
99 eliminate those conditions, the existence of which qualified the redevelopment
100 area as a blighted area, conservation area, economic development area, or
101 combination thereof, and to thereby enhance the tax bases of the taxing districts
102 which extend into the redevelopment area. Each redevelopment plan shall
103 conform to the requirements of section 99.810;

104 (14) "Redevelopment project", any development project within a
105 redevelopment area in furtherance of the objectives of the redevelopment plan;
106 any such redevelopment project shall include a legal description of the area
107 selected for the redevelopment project;

108 (15) "Redevelopment project costs" include the sum total of all reasonable
109 or necessary costs incurred or estimated to be incurred, and any such costs
110 incidental to a redevelopment plan or redevelopment project, as applicable. Such
111 costs include, but are not limited to, the following:

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

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

119 (c) Property assembly costs, including, but not limited to[.]:

120 **a.** Acquisition of land and other property, real or personal, or rights or
121 interests therein[.]; **and**

122 **b.** Demolition of buildings, and the clearing and grading of land;

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

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

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

127 (g) Financing costs, including, but not limited to, all necessary and
128 incidental expenses related to the issuance of obligations, and which may include
129 payment of interest on any obligations issued pursuant to sections 99.800 to
130 99.865 accruing during the estimated period of construction of any redevelopment
131 project for which such obligations are issued and for not more than eighteen
132 months thereafter, and including reasonable reserves related thereto;

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

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

139 (j) Payments in lieu of taxes;

140 (16) "Special allocation fund", the fund of a municipality or its commission
141 which contains at least two separate segregated accounts for each redevelopment
142 plan, maintained by the treasurer of the municipality or the treasurer of the
143 commission into which payments in lieu of taxes are deposited in one account,
144 and economic activity taxes and other revenues are deposited in the other
145 account;

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

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

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

99.820. 1. A municipality may:

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

- 11 substantially benefitted by the proposed redevelopment project improvements;
- 12 (2) Make and enter into all contracts necessary or incidental to the
13 implementation and furtherance of its redevelopment plan or project;
- 14 (3) Pursuant to a redevelopment plan, subject to any constitutional
15 limitations, acquire by purchase, donation, lease or, as part of a redevelopment
16 project, eminent domain, own, convey, lease, mortgage, or dispose of land and
17 other property, real or personal, or rights or interests therein, and grant or
18 acquire licenses, easements and options with respect thereto, all in the manner
19 and at such price the municipality or the commission determines is reasonably
20 necessary to achieve the objectives of the redevelopment plan. No conveyance,
21 lease, mortgage, disposition of land or other property, acquired by the
22 municipality, or agreement relating to the development of the property shall be
23 made except upon the adoption of an ordinance by the governing body of the
24 municipality. Each municipality or its commission shall establish written
25 procedures relating to bids and proposals for implementation of the
26 redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other
27 disposition of land or agreement relating to the development of property shall be
28 made without making public disclosure of the terms of the disposition and all bids
29 and proposals made in response to the municipality's request. Such procedures
30 for obtaining such bids and proposals shall provide reasonable opportunity for
31 any person to submit alternative proposals or bids;
- 32 (4) Within a redevelopment area, clear any area by demolition or removal
33 of existing buildings and structures;
- 34 (5) Within a redevelopment area, renovate, rehabilitate, or construct any
35 structure or building;
- 36 (6) Install, repair, construct, reconstruct, or relocate streets, utilities, and
37 site improvements essential to the preparation of the redevelopment area for use
38 in accordance with a redevelopment plan;
- 39 (7) Within a redevelopment area, fix, charge, and collect fees, rents, and
40 other charges for the use of any building or property owned or leased by it or any
41 part thereof, or facility therein;
- 42 (8) Accept grants, guarantees, and donations of property, labor, or other
43 things of value from a public or private source for use within a redevelopment
44 area;
- 45 (9) Acquire and construct public facilities within a redevelopment area;
- 46 (10) Incur redevelopment costs and issue obligations;

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

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

51 (a) Such surplus payments in lieu of taxes shall be distributed to taxing
52 districts within the redevelopment area which impose ad valorem taxes on a basis
53 that is proportional to the current collections of revenue which each taxing
54 district receives from real property in the redevelopment area;

55 (b) Surplus economic activity taxes shall be distributed to taxing districts
56 in the redevelopment area which impose economic activity taxes, on a basis that
57 is proportional to the amount of such economic activity taxes the taxing district
58 would have received from the redevelopment area had tax increment financing
59 not been adopted;

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

64 (13) If any member of the governing body of the municipality, a member
65 of a commission established pursuant to subsection 2 or 3 of this section, or an
66 employee or consultant of the municipality, involved in the planning and
67 preparation of a redevelopment plan, or redevelopment project for a
68 redevelopment area or proposed redevelopment area, owns or controls an interest,
69 direct or indirect, in any property included in any redevelopment area, or
70 proposed redevelopment area, which property is designated to be acquired or
71 improved pursuant to a redevelopment project, he or she shall disclose the same
72 in writing to the clerk of the municipality, and shall also so disclose the dates,
73 terms, and conditions of any disposition of any such interest, which disclosures
74 shall be acknowledged by the governing body of the municipality and entered
75 upon the minutes books of the governing body of the municipality. If an
76 individual holds such an interest, then that individual shall refrain from any
77 further official involvement in regard to such redevelopment plan, redevelopment
78 project or redevelopment area, from voting on any matter pertaining to such
79 redevelopment plan, redevelopment project or redevelopment area, or
80 communicating with other members concerning any matter pertaining to that
81 redevelopment plan, redevelopment project or redevelopment area. Furthermore,
82 no such member or employee shall acquire any interest, direct or indirect, in any

83 property in a redevelopment area or proposed redevelopment area after either (a)
84 such individual obtains knowledge of such plan or project, or (b) first public notice
85 of such plan, project or area pursuant to section 99.830, whichever first occurs;

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

90 2. Prior to adoption of an ordinance approving the designation of a
91 redevelopment area or approving a redevelopment plan or redevelopment project,
92 the municipality shall create a commission of nine persons if the municipality is
93 a county or a city not within a county and not a first class county with a charter
94 form of government with a population in excess of nine hundred thousand, and
95 eleven persons if the municipality is not a county and not in a first class county
96 with a charter form of government having a population of more than nine
97 hundred thousand, and twelve persons if the municipality is located in or is a
98 first class county with a charter form of government having a population of more
99 than nine hundred thousand, to be appointed as follows:

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

104 (2) In all municipalities one member shall be appointed, in any manner
105 agreed upon by the affected districts, to represent all other districts levying ad
106 valorem taxes within the area selected for a redevelopment project or the
107 redevelopment area, excluding representatives of the governing body of the
108 municipality;

109 (3) In all municipalities six members shall be appointed by the chief
110 elected officer of the municipality, with the consent of the majority of the
111 governing body of the municipality;

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

117 (5) In a municipality which is a county with a charter form of government
118 having a population in excess of nine hundred thousand, three members shall be

119 appointed by the cities in the county which have tax increment financing districts
120 in a manner in which the cities shall agree;

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

126 (7) At the option of the members appointed by the municipality, the
127 members who are appointed by the school boards and other taxing districts may
128 serve on the commission for a term to coincide with the length of time a
129 redevelopment project, redevelopment plan or designation of a redevelopment
130 area is considered for approval by the commission, or for a definite term pursuant
131 to this subdivision. If the members representing school districts and other taxing
132 districts are appointed for a term coinciding with the length of time a
133 redevelopment project, plan or area is approved, such term shall terminate upon
134 final approval of the project, plan or designation of the area by the governing
135 body of the municipality. Thereafter the commission shall consist of the six
136 members appointed by the municipality, except that members representing school
137 boards and other taxing districts shall be appointed as provided in this section
138 prior to any amendments to any redevelopment plans, redevelopment projects or
139 designation of a redevelopment area. If any school district or other taxing
140 jurisdiction fails to appoint members of the commission within thirty days of
141 receipt of written notice of a proposed redevelopment plan, redevelopment project
142 or designation of a redevelopment area, the remaining members may proceed to
143 exercise the power of the commission. Of the members first appointed by the
144 municipality, two shall be designated to serve for terms of two years, two shall
145 be designated to serve for a term of three years and two shall be designated to
146 serve for a term of four years from the date of such initial
147 appointments. Thereafter, the members appointed by the municipality shall
148 serve for a term of four years, except that all vacancies shall be filled for
149 unexpired terms in the same manner as were the original
150 appointments. Members appointed by the county executive or presiding
151 commissioner prior to August 28, 2008, shall continue their service on the
152 commission established in subsection 3 of this section without further
153 appointment unless the county executive or presiding commissioner appoints a
154 new member or members.

155 3. Beginning August 28, 2008:

156 (1) In lieu of a commission created under subsection 2 of this section, any
157 city, town, or village in a county with a charter form of government and with
158 more than one million inhabitants, in a county with a charter form of government
159 and with more than two hundred fifty thousand but fewer than three hundred
160 fifty thousand inhabitants, or in a county of the first classification with more than
161 one hundred eighty-five thousand but fewer than two hundred thousand
162 inhabitants shall, prior to adoption of an ordinance approving the designation of
163 a redevelopment area or approving a redevelopment plan or redevelopment
164 project, create a commission consisting of twelve persons to be appointed as
165 follows:

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

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

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

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

176 No city, town, or village subject to this subsection shall create or maintain a
177 commission under subsection 2 of this section, except as necessary to complete a
178 public hearing for which notice under section 99.830 has been provided prior to
179 August 28, 2008, and to vote or make recommendations relating to redevelopment
180 plans, redevelopment projects, or designation of redevelopment areas, or
181 amendments thereto that were the subject of such public hearing;

182 (2) Members appointed to the commission created under this subsection,
183 except those six members appointed by either the county executive or presiding
184 commissioner, shall serve on the commission for a term to coincide with the
185 length of time a redevelopment project, redevelopment plan, or designation of a
186 redevelopment area is considered for approval by the commission. The six
187 members appointed by either the county executive or the presiding commissioner
188 shall serve on all such commissions until replaced. The city, town, or village that
189 creates a commission under this subsection shall send notice thereof by certified
190 mail to the county executive or presiding commissioner, to the school districts

191 whose boundaries include any portion of the proposed redevelopment area, and
192 to the other taxing districts whose boundaries include any portion of the proposed
193 redevelopment area. The city, town, or village that creates the commission shall
194 also be solely responsible for notifying all other cities, towns, and villages in the
195 county that have tax increment financing districts and shall exercise all
196 administrative functions of the commission. The school districts receiving notice
197 from the city, town, or village shall be solely responsible for notifying the other
198 school districts within the county of the formation of the commission. If the
199 county, school board, or other taxing district fails to appoint members to the
200 commission within thirty days after the city, town, or village sends the written
201 notice, as provided herein, that it has convened such a commission or within
202 thirty days of the expiration of any such member's term, the remaining duly
203 appointed members of the commission may exercise the full powers of the
204 commission.

205 4. (1) Any commission created under this section, subject to approval of
206 the governing body of the municipality, may exercise the powers enumerated in
207 sections 99.800 to 99.865, except final approval of plans, projects and designation
208 of redevelopment areas. The commission shall hold public hearings and provide
209 notice pursuant to sections 99.825 and 99.830.

210 (2) Any commission created under subsection 2 of this section shall vote
211 on all proposed redevelopment plans, redevelopment projects and designations of
212 redevelopment areas, and amendments thereto, within thirty days following
213 completion of the hearing on any such plan, project or designation and shall make
214 recommendations to the governing body within ninety days of the hearing
215 referred to in section 99.825 concerning the adoption of or amendment to
216 redevelopment plans and redevelopment projects and the designation of
217 redevelopment areas. The requirements of subsection 2 of this section and this
218 subsection shall not apply to redevelopment projects upon which the required
219 hearings have been duly held prior to August 31, 1991.

220 (3) Any commission created under subsection 3 of this section shall,
221 within fifteen days of the receipt of a redevelopment plan meeting the minimum
222 requirements of section 99.810, as determined by counsel to the city, town, or
223 village creating the commission and a request by the applicable city, town, or
224 village for a public hearing, fix a time and place for the public hearing referred
225 to in section 99.825. The public hearing shall be held no later than seventy-five
226 days from the commission's receipt of such redevelopment plan and request for

227 public hearing. The commission shall vote and make recommendations to the
228 governing body of the city, town, or village requesting the public hearing on all
229 proposed redevelopment plans, redevelopment projects, and designations of
230 redevelopment areas, and amendments thereto within thirty days following the
231 completion of the public hearing. **A recommendation of approval shall only**
232 **be deemed to occur if a majority of the commissioners voting on such**
233 **plan, project, designation, or amendment thereto vote for approval. A**
234 **tied vote shall be considered a recommendation in opposition.** If the
235 commission fails to vote within thirty days following the completion of the public
236 hearing referred to in section 99.825 concerning the proposed redevelopment plan,
237 redevelopment project, or designation of redevelopment area, or amendments
238 thereto, such plan, project, designation, or amendment thereto shall be deemed
239 rejected by the commission.

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

24 if such changes do not enlarge the exterior boundaries of the redevelopment area
25 or areas, and do not substantially affect the general land uses established in the
26 redevelopment plan or substantially change the nature of the redevelopment
27 projects, provided that notice of such changes shall be given by mail to each
28 affected taxing district and by publication in a newspaper of general circulation
29 in the area of the proposed redevelopment not less than ten days prior to the
30 adoption of the changes by ordinance. After the adoption of an ordinance
31 approving a redevelopment plan or redevelopment project, or designating a
32 redevelopment area, no ordinance shall be adopted altering the exterior
33 boundaries, affecting the general land uses established pursuant to the
34 redevelopment plan or changing the nature of the redevelopment project without
35 complying with the procedures provided in this section pertaining to the initial
36 approval of a redevelopment plan or redevelopment project and designation of a
37 redevelopment area. Hearings with regard to a redevelopment project,
38 redevelopment area, or redevelopment plan may be held simultaneously.

39 2. [Effective January 1, 2008,] If, after concluding the hearing required
40 under this section, the commission makes a recommendation under section 99.820
41 in opposition to a proposed redevelopment plan, redevelopment project, or
42 designation of a redevelopment area, or any amendments thereto, a municipality
43 desiring to approve such project, plan, designation, or amendments shall do so
44 only upon a two-thirds majority vote of the governing body of such
45 municipality. **For plans, projects, designations, or amendments approved**
46 **by a municipality over the recommendation in opposition by the**
47 **commission formed under subsection 3 of section 99.820, the economic**
48 **activity taxes and payments in lieu of taxes generated by such plan,**
49 **project, designation, or amendment shall not exceed the costs**
50 **associated with those contained in subparagraph b of paragraph (c) of**
51 **subdivision (15) of section 99.805 per redevelopment project.**

52 3. Tax incremental financing projects within an economic development
53 area shall apply to and fund only the following infrastructure projects: highways,
54 roads, streets, bridges, sewers, traffic control systems and devices, water
55 distribution and supply systems, curbing, sidewalks and any other similar public
56 improvements, but in no case shall it include buildings.

✓