

# 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

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

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

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

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

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

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or 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

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

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

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

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

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

(5) In a municipality which is a county with a charter form of government having a population in excess of nine 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

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

3. Beginning August 28, 2008:

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

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

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

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

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

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

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



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

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

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