

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 629, Page 1, Section A, Line 2, by
2 inserting immediately after all of said section and line the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (12) "Previously commercial land", an area that for the previous forty years was
43 continuously assessed as utility, industrial, commercial, railroad, and all other real property and not
44 as residential property or agricultural or horticultural property as those subclasses are named under
45 article X, section 4(b) of the Constitution of Missouri;

46 (13) "Redevelopment area", an area designated by a municipality, in respect to which:

47 (a) The municipality has made a finding that there exist conditions which cause the area to
48 be classified as a blighted area, a conservation area, an economic development area, an enterprise

1 zone pursuant to sections 135.200 to 135.256, or a combination thereof~~[, which]~~ ;

2 (b) Is located in:

3 a. Any county of the first classification with more than ninety-two thousand but fewer than
4 one hundred one thousand inhabitants;

5 b. Any county of the first classification with more than two hundred thousand but fewer
6 than two hundred sixty thousand inhabitants;

7 c. Any county of the first classification with more than two hundred sixty thousand but
8 fewer than three hundred thousand inhabitants;

9 d. Any county with a charter form of government and with more than six hundred thousand
10 but fewer than seven hundred thousand inhabitants;

11 e. Any county with a charter form of government and with more than two hundred thousand
12 but fewer than three hundred fifty thousand inhabitants;

13 f. Any county of the first classification with more than eighty-three thousand but fewer than
14 ninety-two thousand inhabitants and with a city of the fourth classification with more than four
15 thousand five hundred but fewer than five thousand inhabitants as the county seat;

16 g. Any county with a charter form of government and with more than three hundred
17 thousand but fewer than four hundred fifty thousand inhabitants;

18 h. A city not within a county; or

19 i. Any county with a charter form of government and with more than nine hundred fifty
20 thousand inhabitants;

21 (c) Is previously commercial land; and

22 (d) Whose area includes only those parcels of real property directly and substantially
23 benefitted by the proposed redevelopment project;

24 ~~[(13)]~~ (14) "Redevelopment plan", the comprehensive program of a municipality for
25 redevelopment intended by the payment of redevelopment costs to reduce or eliminate those
26 conditions, the existence of which qualified the redevelopment area as a blighted area, conservation
27 area, economic development area, or combination thereof, and to thereby enhance the tax bases of
28 the taxing districts which extend into the redevelopment area. Each redevelopment plan shall
29 conform to the requirements of section 99.810;

30 ~~[(14)]~~ (15) "Redevelopment project", any development project within a redevelopment area
31 in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall
32 include a legal description of the area selected for the redevelopment project;

33 ~~[(15)]~~ (16) "Redevelopment project costs" include the sum total of all reasonable or
34 necessary costs incurred or estimated to be incurred, and any such costs incidental to a
35 redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited
36 to, the following:

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

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

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

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

45 b. Demolition of buildings; and

46 c. The clearing and grading of land;

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

1 (e) Initial costs for an economic development area;
 2 (f) Costs of construction of public works or improvements;
 3 (g) Financing costs, including, but not limited to, all necessary and incidental expenses
 4 related to the issuance of obligations, and which may include payment of interest on any obligations
 5 issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of
 6 any redevelopment project for which such obligations are issued and for not more than eighteen
 7 months thereafter, and including reasonable reserves related thereto;

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

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

14 (j) Payments in lieu of taxes;

15 ~~[(16)]~~ (17) "Special allocation fund", the fund of a municipality or its commission which
 16 contains at least two separate segregated accounts for each redevelopment plan, maintained by the
 17 treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes
 18 are deposited in one account, and economic activity taxes and other revenues are deposited in the
 19 other account;

20 ~~[(17)]~~ (18) "Special taxing district", a fire protection district or other political subdivision
 21 that levies a sales tax whose revenue is dedicated to a purpose within such district. "Special taxing
 22 district" shall include a municipality or county that levies a sales tax whose revenue is dedicated to a
 23 purpose other than the municipality's or county's general revenue including, but not limited to,
 24 education and public safety;

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

26 ~~[(18)]~~ (20) "Taxing districts' capital costs", those costs of taxing districts for capital
 27 improvements that are found by the municipal governing bodies to be necessary and to directly
 28 result from the redevelopment project; and

29 ~~[(19)]~~ (21) "Vacant land", any parcel or combination of parcels of real property not used for
 30 industrial, commercial, or residential buildings.

31 99.820. 1. A municipality may:

32 (1) By ordinance introduced in the governing body of the municipality within fourteen to
 33 ninety days from the completion of the hearing required in section 99.825, approve redevelopment
 34 plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice
 35 and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved
 36 unless a redevelopment plan has been approved and a redevelopment area has been designated prior
 37 to or concurrently with the approval of such redevelopment project and the area selected for the
 38 redevelopment project shall include only those parcels of real property and improvements thereon
 39 directly and substantially benefitted by the proposed redevelopment project improvements;

40 (2) Make and enter into all contracts necessary or incidental to the implementation and
 41 furtherance of its redevelopment plan or project;

42 (3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by
 43 purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey,
 44 lease, mortgage, or dispose of land and other property, real or personal, or rights or interests therein,
 45 and grant or acquire licenses, easements and options with respect thereto, all in the manner and at
 46 such price the municipality or the commission determines is reasonably necessary to achieve the
 47 objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other
 48 property, acquired by the municipality, or agreement relating to the development of the property

1 shall be made except upon the adoption of an ordinance by the governing body of the municipality.
2 Each municipality or its commission shall establish written procedures relating to bids and proposals
3 for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or
4 other disposition of land or agreement relating to the development of property shall be made
5 without making public disclosure of the terms of the disposition and all bids and proposals made in
6 response to the municipality's request. Such procedures for obtaining such bids and proposals shall
7 provide reasonable opportunity for any person to submit alternative proposals or bids;

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

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

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

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

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

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

20 (10) Incur redevelopment costs and issue obligations;

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

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

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

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

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

34 (13) If any member of the governing body of the municipality, a member of a commission
35 established pursuant to subsection 2 or 3 of this section, or an employee or consultant of the
36 municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment
37 project for a redevelopment area or proposed redevelopment area, owns or controls an interest,
38 direct or indirect, in any property included in any redevelopment area, or proposed redevelopment
39 area, which property is designated to be acquired or improved pursuant to a redevelopment project,
40 he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose
41 the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be
42 acknowledged by the governing body of the municipality and entered upon the minutes books of the
43 governing body of the municipality. If an individual holds such an interest, then that individual
44 shall refrain from any further official involvement in regard to such redevelopment plan,
45 redevelopment project or redevelopment area, from voting on any matter pertaining to such
46 redevelopment plan, redevelopment project or redevelopment area, or communicating with other
47 members concerning any matter pertaining to that redevelopment plan, redevelopment project or
48 redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or

1 indirect, in any property in a redevelopment area or proposed redevelopment area after either (a)
2 such individual obtains knowledge of such plan or project, or (b) first public notice of such plan,
3 project or area pursuant to section 99.830, whichever first occurs;

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

8 2. Prior to adoption of an ordinance approving the designation of a redevelopment area or
9 approving a redevelopment plan or redevelopment project, the municipality shall create a
10 commission [~~of nine persons if the municipality is a county or a city not within a county and not a~~
11 ~~first class county with a charter form of government with a population in excess of nine hundred~~
12 ~~thousand, and eleven persons if the municipality is not a county and not in a first class county with a~~
13 ~~charter form of government having a population of more than nine hundred thousand, and twelve~~
14 ~~persons if the municipality is located in or is a first class county with a charter form of government~~
15 ~~having a population of more than nine hundred thousand, to be appointed]~~ as follows:

16 (1) ~~[(1)]~~ For all municipalities, nine members as follows:

17 (a) Two members shall be appointed by the school boards whose districts are included
18 within the redevelopment plan or redevelopment area. Such members shall be appointed in any
19 manner agreed upon by the affected districts;

20 ~~[(2) In all municipalities]~~ (b) One member shall be appointed, in any manner agreed upon
21 by the affected districts, to represent all special taxing districts or other districts levying ad valorem
22 taxes within the area selected for a redevelopment project or the redevelopment area, excluding
23 representatives of the governing body of the municipality; and

24 ~~[(3) In all municipalities]~~ (c) Six members shall be appointed by the chief elected officer of
25 the municipality, with the consent of the majority of the governing body of the municipality. If the
26 municipality is a city, village, or incorporated town located in a county, then no more than four
27 members shall be appointed by the chief elected officer of such city, village, or incorporated town,
28 and the remainder shall be appointed by the chief elected officer of the county; and

29 ~~[(4)]~~ (2) In ~~[all municipalities which are]~~ addition to the members under subdivision (1) of
30 this subsection, any municipality that is not ~~[counties]~~ a county and not in a ~~[first class]~~ county with
31 a charter form of government having a population in excess of nine hundred thousand~~;~~ shall have
32 two additional members ~~[shall be]~~ appointed by the county of such municipality in the same manner
33 as members are appointed in paragraph (c) of subdivision [(3)] (1) of this subsection; or

34 ~~[(5)]~~ (3) In addition to the members under subdivision (1) of this subsection, a municipality
35 ~~[which] that is a county with a charter form of government having a population in excess of nine~~
36 hundred thousand~~;~~ shall have three additional members ~~[shall be]~~ appointed by the cities in the
37 county which have tax increment financing districts in a manner in which the cities shall agree; or

38 ~~[(6)]~~ (4) In addition to the members under subdivision (1) of this subsection, a municipality
39 ~~[which] that is located in ~~[the first class]~~ a county with a charter form of government having a~~
40 population in excess of nine hundred thousand~~;~~ shall have three additional members ~~[shall be]~~
41 appointed by the county of such municipality in the same manner as members are appointed in
42 paragraph (c) of subdivision [(3)] (1) of this subsection;

43 ~~[(7)]~~ .

44
45 At the option of the members appointed by the municipality, the members who are appointed by the
46 school boards and other taxing districts may serve on the commission for a term to coincide with the
47 length of time a redevelopment project, redevelopment plan or designation of a redevelopment area
48 is considered for approval by the commission, or for a definite term pursuant to this subdivision. If

1 the members representing school districts and other taxing districts are appointed for a term
2 coinciding with the length of time a redevelopment project, plan or area is approved, such term shall
3 terminate upon final approval of the project, plan or designation of the area by the governing body
4 of the municipality. Thereafter the commission shall consist of the six members appointed by the
5 municipality, except that members representing school boards and other taxing districts shall be
6 appointed as provided in this section prior to any amendments to any redevelopment plans,
7 redevelopment projects or designation of a redevelopment area. If any school district or other
8 taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of
9 written notice of a proposed redevelopment plan, redevelopment project or designation of a
10 redevelopment area, the remaining members may proceed to exercise the power of the commission.
11 Of the members first appointed by the municipality, two shall be designated to serve for terms of
12 two years, two shall be designated to serve for a term of three years and two shall be designated to
13 serve for a term of four years from the date of such initial appointments. Thereafter, the members
14 appointed by the municipality shall serve for a term of four years, except that all vacancies shall be
15 filled for unexpired terms in the same manner as were the original appointments. Members
16 appointed by the county executive or presiding commissioner prior to August 28, 2008, shall
17 continue their service on the commission established in subsection 3 of this section without further
18 appointment unless the county executive or presiding commissioner appoints a new member or
19 members.

20 3. Beginning August 28, 2008:

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

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

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

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

37 (d) One member to represent all other districts levying ad valorem taxes in the proposed
38 redevelopment area in a manner in which all such districts agree.
39

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

45 (2) Members appointed to the commission created under this subsection, except those six
46 members appointed by either the county executive or presiding commissioner, shall serve on the
47 commission for a term to coincide with the length of time a redevelopment project, redevelopment
48 plan, or designation of a redevelopment area is considered for approval by the commission. The six

1 members appointed by either the county executive or the presiding commissioner shall serve on all
2 such commissions until replaced. The city, town, or village that creates a commission under this
3 subsection shall send notice thereof by certified mail to the county executive or presiding
4 commissioner, to the school districts whose boundaries include any portion of the proposed
5 redevelopment area, and to the other taxing districts whose boundaries include any portion of the
6 proposed redevelopment area. The city, town, or village that creates the commission shall also be
7 solely responsible for notifying all other cities, towns, and villages in the county that have tax
8 increment financing districts and shall exercise all administrative functions of the commission. The
9 school districts receiving notice from the city, town, or village shall be solely responsible for
10 notifying the other school districts within the county of the formation of the commission. If the
11 county, school board, or other taxing district fails to appoint members to the commission within
12 thirty days after the city, town, or village sends the written notice, as provided herein, that it has
13 convened such a commission or within thirty days of the expiration of any such member's term, the
14 remaining duly appointed members of the commission may exercise the full powers of the
15 commission.

16 4. (1) Any commission created under this section, subject to approval of the governing
17 body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except
18 final approval of plans, projects and designation of redevelopment areas. The commission shall
19 hold public hearings and provide notice pursuant to sections 99.825 and 99.830.

20 (2) Any commission created under subsection 2 of this section shall vote on all proposed
21 redevelopment plans, redevelopment projects and designations of redevelopment areas, and
22 amendments thereto, within thirty days following completion of the hearing on any such plan,
23 project or designation and shall make recommendations to the governing body within ninety days of
24 the hearing referred to in section 99.825 concerning the adoption of or amendment to
25 redevelopment plans and redevelopment projects and the designation of redevelopment areas. The
26 requirements of subsection 2 of this section and this subsection shall not apply to redevelopment
27 projects upon which the required hearings have been duly held prior to August 31, 1991.

28 (3) Any commission created under subsection 3 of this section shall, within fifteen days of
29 the receipt of a redevelopment plan meeting the minimum requirements of section 99.810, as
30 determined by counsel to the city, town, or village creating the commission and a request by the
31 applicable city, town, or village for a public hearing, fix a time and place for the public hearing
32 referred to in section 99.825. The public hearing shall be held no later than seventy-five days from
33 the commission's receipt of such redevelopment plan and request for public hearing. The
34 commission shall vote and make recommendations to the governing body of the city, town, or
35 village requesting the public hearing on all proposed redevelopment plans, redevelopment projects,
36 and designations of redevelopment areas, and amendments thereto within thirty days following the
37 completion of the public hearing. A recommendation of approval shall only be deemed to occur if a
38 majority of the commissioners voting on such plan, project, designation, or amendment thereto vote
39 for approval. A tied vote shall be considered a recommendation in opposition. If the commission
40 fails to vote in favor for a recommendation for approval within thirty days following the completion
41 of the public hearing referred to in section 99.825 concerning the proposed redevelopment plan,
42 redevelopment project, or designation of redevelopment area, or amendments thereto, such plan,
43 project, designation, or amendment thereto shall be deemed rejected by the commission.

44 5. Beginning August 28, 2018:

45 (1) All redevelopment plans, before final approval of the project, shall obtain an opinion
46 from the department of economic development as to whether the redevelopment plan is financially
47 feasible without economic activity taxes and payments in lieu of taxes;

48 (2) The department shall assume that the redevelopment plan is financially feasible without

1 economic activity taxes and payments in lieu of taxes, and the burden shall be on the proponents of
 2 the redevelopment plan to show otherwise:

3 (3) No redevelopment plan that the department of economic development determines is
 4 feasible without economic activity taxes and payments in lieu of taxes shall be implemented; and

5 (4) The department of economic development may promulgate rules to implement the
 6 provisions of this subsection. Any rule or portion of a rule, as that term is defined in section
 7 536.010, that is created under the authority delegated in this section shall become effective only if it
 8 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
 9 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the
 10 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
 11 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
 12 rule proposed or adopted after August 28, 2018, shall be invalid and void.

13 6. It shall be the policy of the state that each redevelopment plan or project of a
 14 municipality be carried out with full transparency to the public. The records of the tax increment
 15 financing commission including, but not limited to, commission votes and actions, meeting minutes,
 16 summaries of witness testimony, data, and reports submitted to the commission shall be retained by
 17 the governing body of the municipality that created the commission and shall be made available to
 18 the public in accordance with chapter 610.

19 99.843. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, no new
 20 tax increment financing project shall be authorized in any greenfield area, as such term is defined in
 21 section 99.805[~~, that is located within a city not within a county or any county subject to the~~
 22 authority of the East-West Gateway Council of Governments. Municipalities not subject to the
 23 authority of the East-West Gateway Council of Governments may authorize tax increment finance
 24 projects in greenfield areas]."; and

25
 26 Further amend said bill, Page 3, Section 99.845, Line 54, by deleting the number "99.850." and
 27 inserting in lieu thereof the number "99.850[~~]~~"; and

28
 29 Further amend said bill, page, and section, Line 61, by deleting the word "purposes." and inserting
 30 in lieu thereof the word "purposes[~~]~~"; and

31
 32 Further amend said bill, page, and section, Line 75, by deleting the number "1998." and inserting in
 33 lieu thereof the following:

34
 35 "1998;

36 (4) The board or body that oversees a special taxing district, as that term is defined under
 37 section 99.805, may elect to have the property or sales taxes levied by such district excluded from a
 38 tax increment allocation financing project or plan by passing a resolution by two-thirds majority
 39 prior to the time the project or plan is adopted or approved by ordinance. At least ten days prior to
 40 the vote on the resolution, the board shall post notice of and hold a public hearing. If the resolution
 41 passes, the board shall notify the director of revenue and county collector. If the resolution passes,
 42 subdivisions (1) and (2) of this subsection shall not apply to any tax levied by the special taxing
 43 district, and all revenue from such tax shall be allocated to the district and shall not be allocated to
 44 redevelopment costs and obligations; and

45 (5) A school board of a school district may elect to have the portion of property tax revenue
 46 allocated to the school district by a county or municipality excluded from a tax increment allocation
 47 financing project or plan by passing a resolution by two-thirds majority prior to the time the project
 48 or plan is adopted or approved by ordinance. At least ten days prior to the vote on the resolution,

1 the board shall post notice of and hold a public hearing. If the resolution passes, the board shall
 2 notify the director of revenue and county collector. If the resolution passes, subdivision (2) of this
 3 subsection shall not apply to the percentage of property tax revenue equal to the average percentage
 4 of property tax revenue allocated to the school district over the preceding five years, and such
 5 percentage of revenue attributable to the increase in the current equalized assessed valuation of each
 6 taxable lot, block, tract, or parcel of real property within the redevelopment project area shall be
 7 allocated to the school district and shall not be allocated to redevelopment costs and obligations.";
 8 and

9
 10 Further amend said bill and section, Page 5, Line 147, by deleting the phrase "pursuant to section
 11 99.805" and inserting in lieu thereof the phrase "~~[pursuant to section]~~ under sections 99.805 to
 12 99.865"; and

13
 14 Further amend said bill and section, Page 13, Line 416, by inserting immediately after all of said
 15 section and line the following:

16
 17 "238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

18 (1) "Board", the board of directors of a district;

19 (2) "Commission", the Missouri highways and transportation commission;

20 (3) "District", a transportation development district organized under sections 238.200 to
 21 238.275;

22 (4) "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 filing of a
 26 petition requesting the creation of a district;

27 (5) "Local transportation authority", a county, city, town, village, county highway
 28 commission, special road district, interstate compact agency, or any local public authority or
 29 political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or
 30 river port, airport, railroad, light rail or other transit improvement or service;

31 ~~[(5)]~~ (6) "Previously commercial land", an area that for the previous forty years was
 32 continuously assessed as utility, industrial, commercial, railroad, and all other real property and not
 33 as residential property or agricultural or horticultural property as those subclasses are named under
 34 article X, section 4(b) of the Constitution of Missouri;

35 (7) "Project" includes any bridge, street, road, highway, access road, interchange,
 36 intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter,
 37 rest area, dock, wharf, lake or river port, airport, railroad, light rail, or public mass transportation
 38 system and any similar or related improvement or infrastructure. In the case of a district located in
 39 a home rule city with more than four hundred thousand inhabitants and located in more than one
 40 county, whose district boundaries are contained solely within that portion of such a home rule city
 41 that is contained within a county with a charter form of government and with more than six hundred
 42 thousand but fewer than seven hundred thousand inhabitants, the term project shall also include the
 43 operation of a street car or other rail-based or fixed guideway public mass transportation system,
 44 and the revenue of such district may be used to pay for the design, construction, ownership and
 45 operation of such a street car or other rail-based or fixed guideway public mass transportation
 46 system, but not the operation of a bus system located within such district, by such district or such
 47 municipality, or by a local transportation authority having jurisdiction within such municipality;

48 ~~[(6)]~~ (8) "Public mass transportation system", a transportation system owned or operated by

1 a governmental or quasi-governmental entity, employing motor buses, rails, or any other means of
 2 conveyance, by whatsoever type of power, operated for public use in the conveyance of persons,
 3 mainly providing local transportation service within a municipality or a single metropolitan
 4 statistical area.

5 2. For the purposes of Sections 11(c), 16 and 22 of Article X of the Constitution of
 6 Missouri, section 137.073, and as used in sections 238.200 to 238.275, the following terms shall
 7 have the meanings given:

8 (1) "Approval of the required majority" or "direct voter approval", a simple majority;

9 (2) "Qualified electors", "qualified voters" or "voters":

10 (a) Within a proposed or established district, except for a district proposed under subsection
 11 1 of section 238.207, any persons residing therein who have registered to vote pursuant to chapter
 12 115; or

13 (b) Within a district proposed or established under subsection 1 or 5 of section 238.207
 14 which has no persons residing therein who have registered to vote pursuant to chapter 115, the
 15 owners of record of all real property located in the district, who shall receive one vote per acre,
 16 provided that if a registered voter subsequent to the creation of the district becomes a resident
 17 within the district and obtains ownership of property within the district, such registered voter must
 18 elect whether to vote as an owner of real property or as a registered voter, which election once made
 19 cannot thereafter be changed;

20 (3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115.

21 238.206. Any developer seeking to create a district shall complete a cost-benefit analysis
 22 and have such analysis approved by a majority vote of the commission. Such analysis shall include
 23 a but-for test examining whether the proposed developments would occur but for the establishment
 24 of the district. The commission shall not approve any analysis it deems failed the but-for test.

25 238.207. 1. Whenever the creation of a district is desired, not less than fifty registered
 26 voters from each county partially or totally within the proposed district may file a petition
 27 requesting the creation of a district. However, if no persons eligible to be registered voters reside
 28 within the district, the owners of record of all of the real property, except public streets, located
 29 within the proposed district may file a petition requesting the creation of a district. The petition
 30 shall be filed in the circuit court of any county partially or totally within the proposed district.

31 2. Alternatively, the governing body of any local transportation authority within any county
 32 in which a proposed project may be located may file a petition in the circuit court of that county,
 33 requesting the creation of a district.

34 3. The proposed district area:

35 (1) Shall not be within a greenfield area;

36 (2) Shall be previously commercial land;

37 (3) Shall only be located in:

38 (a) Any county of the first classification with more than ninety-two thousand but fewer than
 39 one hundred one thousand inhabitants;

40 (b) Any county of the first classification with more than two hundred thousand but fewer
 41 than two hundred sixty thousand inhabitants;

42 (c) Any county of the first classification with more than two hundred sixty thousand but
 43 fewer than three hundred thousand inhabitants;

44 (d) Any county with a charter form of government and with more than six hundred
 45 thousand but fewer than seven hundred thousand inhabitants;

46 (e) Any county with a charter form of government and with more than two hundred
 47 thousand but fewer than three hundred fifty thousand inhabitants;

48 (f) Any county of the first classification with more than eighty-three thousand but fewer

1 than ninety-two thousand inhabitants and with a city of the fourth classification with more than four
 2 thousand five hundred but fewer than five thousand inhabitants as the county seat;

3 (g) Any county with a charter form of government and with more than three hundred
 4 thousand but fewer than four hundred fifty thousand inhabitants;

5 (h) A city not within a county; or

6 (i) Any county with a charter form of government and with more than nine hundred fifty
 7 thousand inhabitants;

8 (4) May contain all or any portion of one or more municipalities and counties; and

9 (5) Shall be contiguous [and may contain all or any portion of one or more municipalities
 10 and counties; provided:

11 ——(1)] . Property separated only by public streets, easements, or rights-of-way shall be
 12 considered contiguous[;

13 ——(2)] . However:

14 (a) In the case of a district formed pursuant to a petition filed by the owners of record of all
 15 of the real property located within the proposed district, the proposed district area need not contain
 16 contiguous properties if:

17 [(a)] a. The petition provides that the only funding method for project costs will be a sales
 18 tax;

19 [(b)] b. The court finds that all of the real property located within the proposed district will
 20 benefit by the projects to be undertaken by the district; and

21 [(c)] c. Each parcel within the district is within five miles of every other parcel; and

22 [(3)] (b) In the case of a district created pursuant to subsection 5 of this section, property
 23 separated only by public streets, easements, or rights-of-way or connected by a single public street,
 24 easement, or right-of-way shall be considered contiguous.

25 4. The petition shall set forth:

26 (1) The name, voting residence and county of residence of each individual petitioner, or, if
 27 no persons eligible to be registered voters reside within the proposed district, the name and address
 28 of each owner of record of real property located within the proposed district, or shall recite that the
 29 petitioner is the governing body of a local transportation authority acting in its official capacity;

30 (2) The name and address of each respondent. Respondents must include the commission
 31 and each affected local transportation authority within the proposed district, except a petitioning
 32 local transportation authority;

33 (3) A specific description of the proposed district boundaries including a map illustrating
 34 such boundaries;

35 (4) A general description of each project proposed to be undertaken by that district,
 36 including a description of the approximate location of each project;

37 (5) The estimated project costs and the anticipated revenues to be collected from the project;

38 (6) The name of the proposed district;

39 (7) The number of members of the board of directors of the proposed district, which shall
 40 be not less than five or more than fifteen;

41 (8) A statement that the terms of office of initial board members shall be staggered in
 42 approximately equal numbers to expire in one, two or three years;

43 (9) If the petition was filed by registered voters or by a governing body, a request that the
 44 question be submitted to the qualified voters within the limits of the proposed district whether they
 45 will establish a transportation development district to develop a specified project or projects;

46 (10) A proposal for funding the district initially, pursuant to the authority granted in
 47 sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the
 48 qualified voters within the limits of the proposed district; provided, however, the funding method of

1 special assessments may also be approved as provided in subsection 1 of section 238.230;

2 (11) A statement that the proposed district shall not be an undue burden on any owner of
3 property within the district and is not unjust or unreasonable; and

4 (12) Details of the budgeted expenditures, including estimated expenditures for real
5 physical improvements, estimated land acquisition expenses, estimated expenses for professional
6 services and estimated interest charges.

7 5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if
8 two or more local transportation authorities have adopted resolutions calling for the joint
9 establishment of a district, the governing body of any one such local transportation authority may
10 file a petition in the circuit court of any county in which the proposed project is located requesting
11 the creation of a district; or, if not less than fifty registered voters from each of two or more counties
12 sign a petition calling for the joint establishment of a district for the purpose of developing a project
13 that lies in whole or in part within those same counties, the petition may be filed in the circuit court
14 of any of those counties in which not less than fifty registered voters have signed the petition.

15 (2) The proposed district area shall be contiguous and may contain all or any portion of one
16 or more municipalities and counties. Property separated only by public streets, easements, or rights-
17 of-way or connected by a single public street, easement, or right-of-way shall be considered
18 contiguous.

19 (3) The petition shall set forth:

20 (a) That the petitioner is the governing body of a local transportation authority acting in its
21 official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty
22 registered voters in each of two or more counties, it shall set forth the name, voting residence, and
23 county of residence of each individual petitioner;

24 (b) The name of each local transportation authority within the proposed district. The
25 resolution of the governing body of each local transportation authority calling for the joint
26 establishment of the district shall be attached to the petition;

27 (c) The name and address of each respondent. Respondents must include the commission
28 and each affected local transportation authority within the proposed district, except a petitioning
29 local transportation authority;

30 (d) A specific description of the proposed district boundaries including a map illustrating
31 such boundaries;

32 (e) A general description of each project proposed to be undertaken by the district,
33 including a description of the approximate location of each project;

34 (f) The name of the proposed district;

35 (g) The number of members of the board of directors of the proposed district;

36 (h) A request that the question be submitted to the qualified voters within the limits of the
37 proposed district whether they will establish a transportation development district to develop the
38 projects described in the petition;

39 (i) A proposal for funding the district initially, pursuant to the authority granted in sections
40 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted
41 to the qualified voters residing within the limits of the proposed district; provided, however, the
42 funding method of special assessments may also be approved as provided in subsection 1 of section
43 238.230; and

44 (j) A statement that the proposed district shall not be an undue burden on any owner of
45 property within the district and is not unjust or unreasonable."; and

46
47 Further amend said bill by amending the title, enacting clause, and intersectional references
48 accordingly.