

SECOND REGULAR SESSION

# HOUSE BILL NO. 2817

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FITZPATRICK.

6575H.031

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 67.650 and 67.653, RSMo, and to enact in lieu thereof three new sections relating to the regional convention and sports complex authority.

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

Section A. Sections 67.650 and 67.653, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 67.647, 67.650, and 67.653, to read as follows:

**67.647. 1. Notwithstanding any provision to the contrary, the regional convention and sports complex authority created under section 67.650 shall not make any new expenditures for the purpose of improving or expanding any facilities held by the authority and shall not build or acquire new facilities.**

**2. Notwithstanding section 67.657 to the contrary, the regional convention and sports authority shall not enter into a new contract, agreement, lease, or sublease with the state of Missouri or any agency, department, or instrumentality thereof or with any county, city, political subdivision, public agency, public body, or any combination thereof, and no such entity shall enter into any such agreement with the authority. This subsection shall not apply to any transaction that liquidates the authority's assets.**

**3. On or before June 30, 2017, the regional convention and sports complex authority shall liquidate all of its assets by public auction. All proceeds from such liquidation shall be proportionally distributed to all outstanding debts and bonds held by the authority for the purpose of paying the principal of such debts and bonds.**

67.650. **1.** In each city not within a county and in each first class county with a charter form of government which adjoins such city not within a county there is hereby established a joint "Regional Convention and Sports Complex Authority".

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4           **2. The regional convention and sports complex authority shall dissolve upon the**  
5 **repayment of all debts and bonds held by the authority. Any assets held by the authority**  
6 **at the time of its dissolution shall be distributed as follows:**

7           **(a) Fifty percent of such assets to the state of Missouri;**

8           **(b) Twenty-five percent of such assets to the City of St. Louis; and**

9           **(c) Twenty-five percent of such assets to St. Louis County.**

67.653. 1. The authority shall have the following powers:

2           **(1) (a) Before August 28, 2016,** to acquire by gift, bequest, purchase, lease or sublease  
3 from public or private sources and to plan, construct, operate and maintain, or to lease or  
4 sublease to or from others for construction, operation and maintenance, convention centers,  
5 sports stadiums, field houses, indoor and outdoor convention, recreational, and entertainment  
6 facilities and centers, playing fields, parking facilities and other suitable concessions, and all  
7 things incidental or necessary to a complex suitable for all types of convention, entertainment  
8 and meeting activities and for all types of sports and recreation, either professional or amateur,  
9 commercial or private, either upon, above or below the ground, except that no such stadium,  
10 complex or facility shall be used, in any fashion, for the purpose of horse racing or dog racing,  
11 and any stadium, complex or facility newly constructed by the authority shall be suitable for  
12 multiple purposes and designed and constructed to meet National Football League franchise  
13 standards and shall be located adjacent to an existing convention facility; **and**

14           **(b) On or after August 28, 2016, to receive lease payments from the city, state, and**  
15 **county for the purpose of retiring debt or bonds held by the authority and to maintain and**  
16 **repair existing facilities until they have been sold at public auction;**

17           (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

18           (3) To maintain an office, and to conduct its meetings at such place or places in the city  
19 or in the county as it may designate;

20           (4) To charge and collect fees and rents for use of the facilities owned or operated by it  
21 or leased or subleased from or to others and to deposit any funds received under the provisions  
22 of sections 67.650 to 67.658 in a savings or checking account in a bank, credit union, or savings  
23 and loan association in this state;

24           (5) To adopt a common seal;

25           **(6) Before August 28, 2016,** to contract and to be contracted with, including, but  
26 without limitation, the authority to enter into contracts with cities, counties and other political  
27 subdivisions and public agencies under sections 70.210 to 70.325, and otherwise, and to enter  
28 into contracts with other entities, in connection with the acquisition by gift, bequest, purchase,  
29 lease or sublease and in connection with the planning, construction, financing, leasing,

30 subleasing, operation and maintenance of any convention or sports facility and for any other  
31 lawful purpose, and to sue and to be sued; **and**

32 (7) To receive for its lawful activities any rentals, contributions or moneys appropriated  
33 or otherwise designated for payment to the authority by municipalities, counties, state or other  
34 political subdivisions or public agencies or by the federal government or any agency or officer  
35 thereof or from any other source;

36 (8) To disburse funds for its lawful activities and fix salaries and wages of its officers  
37 and employees;

38 (9) **Before August 28, 2016**, to invest any of the authority's funds in such types of  
39 investments as shall be determined by a resolution adopted by the commissioners of the  
40 authority;

41 (10) **Before August 28, 2016**, to borrow money for the acquisition, planning,  
42 construction, equipping, operation, maintenance, repair, extension and improvement of any  
43 facility, or any part or parts thereof, which it has the power to own, lease or operate, and for any  
44 other proper corporate purpose, and to issue negotiable notes, bonds, or other instruments in  
45 writing as evidence of sums borrowed, as hereinafter provided in this section:

46 (a) Bonds issued hereunder shall be issued pursuant to a resolution adopted by the  
47 commissioners of the authority which shall set out the estimated cost to the authority of the  
48 proposed facility or facilities, and shall further set out the amount of bonds to be issued, their  
49 purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest,  
50 time or times of payment, both of principal and of interest, place or places of payment and all  
51 other details in connection therewith. Any such bonds may be subject to such provision for  
52 redemption prior to maturity, with or without premium, and at such times and upon such  
53 conditions as may be provided by the resolution;

54 (b) Notwithstanding the provisions of section 108.170, such bonds shall bear interest at  
55 such rate or rates determined by the authority and shall mature within a period not exceeding fifty  
56 years and may be sold at public or private sale for not less than ninety-five percent of the  
57 principal amount thereof. Bonds issued by the authority shall possess all of the qualities of  
58 negotiable instruments under the laws of this state;

59 (c) Such bonds may be payable to bearer, may be registered or coupon bonds and if  
60 payable to bearer, may contain such registration provisions as to either principal and interest, or  
61 principal only, as may be provided in the resolution authorizing the same, which resolution may  
62 also provide for the exchange of registered and coupon bonds. Such bonds and any coupons  
63 attached thereto shall be signed in such manner and by such officers of the authority as may be  
64 provided for by the resolution authorizing the same. The authority may provide for the  
65 replacement of any bond which shall become mutilated, destroyed or lost;

66 (d) Bonds issued by the authority shall be payable as to principal, interest and  
67 redemption premium, if any, out of all or any part of the general funds of the authority, including  
68 rents, revenues, receipts and income derived and to be derived for the use of any facility or  
69 combination of facilities, or any part or parts thereof, acquired, constructed, improved or  
70 extended in whole or in part from the proceeds of such bonds, including but not limited to  
71 convention center and stadium rentals, concessions, parking facilities and from funds derived  
72 from any other facilities or part or parts thereof, owned or operated by the authority, all or any  
73 part of which rents, revenues, receipts and income the authority is authorized to pledge for the  
74 payment of said principal, interest, and redemption premium, if any, except that direct  
75 appropriations of tax revenues received by the authority pursuant to sections 67.656 and 67.657  
76 or otherwise, other than appropriations for the payment of rent, shall not be pledged for the  
77 payment of such bonds. Neither the commissioners of the authority nor any person executing  
78 its bonds shall be personally liable on such bonds by reason of the issuance thereof. Bonds  
79 issued under the provisions of sections 67.653 to 67.655 shall not constitute a debt, liability, or  
80 obligation of this state, or any political subdivision of this state, nor shall any such obligations  
81 be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and  
82 assets held by the authority. The issuance of bonds under sections 67.653 to 67.655 shall not,  
83 directly, indirectly, or contingently, obligate the state of Missouri or any political subdivision  
84 thereof, or the authority, to levy any form of taxation therefor or to make any appropriation for  
85 their payment. Each obligation or bond issued under sections 67.653 to 67.655 shall contain on  
86 the face thereof a statement to the effect that the authority shall not be obligated to pay the same  
87 nor the interest on such bond, except from the revenues received by the authority or assets of the  
88 authority lawfully pledged therefor, and that neither the faith and credit nor the taxing power of  
89 this state or of any political subdivision of this state is pledged to the payment of the principal  
90 of or the interest on such obligation or bond. Bonds issued pursuant to this section may be  
91 further secured by a mortgage, deed of trust, trust agreement, pledge agreement, assignment or  
92 security agreement upon the rents, revenues, receipts and income herein referred to or any part  
93 thereof, or upon any leasehold interest or other property owned by the authority, or any part  
94 thereof, whether then owned or thereafter acquired, except that direct appropriations of tax  
95 revenues received by the authority pursuant to sections 67.656 and 67.657 or otherwise, other  
96 than appropriations for the payment of rent, shall not secure such bonds. The proceeds of such  
97 bonds shall be disbursed in such manner and under such restrictions as the authority may provide  
98 in the resolution authorizing the issuance of such bonds or in any such mortgage, deed of trust,  
99 trust agreement, pledge agreement or security agreement;

100 (e) The authority shall fix and maintain rates and rentals and make and collect charges  
101 for the use and services of its interest in the facility or facilities or any part thereof owned or

102 operated by the authority which shall be sufficient to pay the cost of operation and maintenance  
103 thereof, to pay the principal of and interest on any such bonds payable from such rates, rentals  
104 and charges and to provide funds sufficient to meet all requirements of the resolution by which  
105 such bonds have been issued;

106 (f) The resolution authorizing the issuance of any such bonds may provide for the  
107 allocation of rents, revenues, receipts and income derived and to be derived by the authority from  
108 the use of any facility or part thereof, and of the proceeds received pursuant to sections 67.656  
109 and 67.657, into such separate accounts as shall be deemed to be advisable to assure the proper  
110 operation and maintenance of any facility or part thereof and the prompt payment of any bonds  
111 issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts  
112 necessary for the proper operation and maintenance of any such facility or any part thereof, and  
113 for the payment of any such bonds. Such resolution may include such other covenants and  
114 agreements by the authority as in its judgment are advisable or necessary properly to secure the  
115 payment of such bonds;

116 (g) The authority may issue negotiable refunding bonds for the purpose of refunding,  
117 extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes  
118 or other obligations issued by any other public agency, public body or political subdivision in  
119 connection with any facilities to be acquired, leased or subleased by the authority, which  
120 refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding  
121 bonds to be refunded and the accrued interest thereon to the date of such refunding, together with  
122 any redemption premium, amounts necessary to establish reserve and escrow funds and all costs  
123 and expenses incurred in connection with the refunding. The authority may provide for the  
124 payment of interest on such refunding bonds at a rate in excess of the bonds to be refunded;

125 [(h)] (11) (a) In case any of the commissioners or officers of the authority whose  
126 signatures appear on any bonds or coupons shall cease to be such commissioners or officers  
127 before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for  
128 all purposes, the same as if such commissioners or officers had remained in office until such  
129 delivery;

130 [(i)] (b) The authority is hereby declared to be performing a public function and bonds  
131 of the authority are declared to be issued for an essential public and governmental purpose and,  
132 accordingly, interest thereon and income therefrom shall be exempt from income taxation by the  
133 state of Missouri;

134 [(11)] (12) **Before August 28, 2016**, to condemn any and all rights or property of any  
135 kind or character, necessary for the purposes of the authority, in the manner provided in chapter  
136 523, except that no property now or hereafter vested in or held by the state, the county or the city  
137 shall be taken by the authority without the authorization or consent of such party; provided

138 however, that the authority shall provide relocation benefits to all individuals and businesses,  
139 occupying said property, in the same manner as such relocation benefits are provided pursuant  
140 to the federal Relocation Assistance Act;

141 ~~[(12)]~~ **(13)** To perform all other necessary and incidental functions, and to exercise such  
142 additional powers as shall be conferred by the general assembly or by act of Congress.

143 2. The authority shall proceed to carry out its duties, functions and powers in accordance  
144 with sections 67.650 to 67.658, and the authority is vested with all necessary and appropriate  
145 powers not inconsistent with the constitution or the laws of the United States to effectuate the  
146 same, except the power to levy taxes or assessments. In no event shall the state be liable for any  
147 deficiency or indebtedness incurred by the authority.

148 3. The authority shall grant or award at least fifteen percent of all contracts, employment  
149 opportunities, professional services and all other special contracts to persons who are members  
150 of a racial minority group, as defined in section 37.013. 4. The authority and any city,  
151 county, other political subdivision or public agency obtaining funds pursuant to the provisions  
152 of this chapter shall be subject to the provisions of sections 34.073 and 34.076.

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