

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1346
103RD GENERAL ASSEMBLY

2838H.04P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 68.010, 68.015, 68.025, 68.035, 68.040, 68.045, 68.055, 68.057, 68.060, 68.075, 68.080, 68.205, and 68.259, RSMo, and to enact in lieu thereof fourteen new sections relating to port authorities.

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

Section A. Sections 68.010, 68.015, 68.025, 68.035, 68.040, 68.045, 68.055, 68.057, 68.060, 68.075, 68.080, 68.205, and 68.259, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 68.010, 68.015, 68.025, 68.035, 68.040, 68.045, 68.055, 68.057, 68.060, 68.075, 68.080, 68.085, 68.205, and 68.253, to read as follows:

68.010. 1. Every city or county which is situated upon, or adjacent to, or which embraces within its boundaries a navigable waterway, is hereby authorized to form a local port authority, and upon approval of the highways and transportation commission of the state of Missouri, the port authority shall be a political subdivision of this state. In every constitutional charter city not within a county, a local "Port Authority" is created by sections 68.010, 68.015, 68.025, 68.040, 68.045, 68.060 and 68.070 and shall become a political subdivision of this state September 28, 1975.

2. The highways and transportation commission of the state of Missouri is hereby authorized to accept applications, conduct hearings, and approve or disapprove applications for approval of local or regional port authorities as political subdivisions of this state, as provided herein, but in determining the approval or disapproval of such applications, the highways and transportation commission shall consider the following criteria:

(1) The population of any city and/or county submitting the application;

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.

14 (2) The desirability and economic feasibility of having more than a single port
15 authority within the same geographic area;

16 (3) The technical and economic capability of participating cities and/or counties, as
17 well as private interests, to plan and carry out port development within the proposed district;

18 (4) The amount of actual and potential river traffic that would make use of any
19 facilities developed by a port authority;

20 (5) The potential economic impact on the immediate area from which the application
21 originates; and

22 (6) The potential impact on the economic development of the entire state and how the
23 proposed port authority's developmental activities relate to any state plans.

24

25 Provided, however, any such application shall be granted if it is made by a city or county of at
26 least three hundred thousand population, having a common boundary with the state of
27 Kansas, or by a group of cities or counties at least one of which meets the aforesaid criteria,
28 and if no proposed boundary of the port authority described in such application overlaps the
29 boundary of any then existing port authority.

30 3. No city shall create a port authority under sections 68.010, 68.015, 68.025, 68.040,
31 68.045, 68.060 and 68.070 if said city is located within a county that has, **prior to the**
32 **creation of such port authority by such city**, created a port authority which has received
33 approval as a political subdivision of this state under sections 68.010, 68.015, 68.025, 68.040,
34 68.045, 68.060 and 68.070.

68.015. 1. (1) The legislative body, or county commission, of each county or city
2 creating a port authority or any port authority created within said city pursuant to section
3 68.010 hereof shall designate what areas within such county or city shall comprise one or
4 more port districts, subject to the limitation that any area designated as within a port district
5 shall be or could be reasonably connected to the business of a port. The boundaries of any
6 port district shall be filed with the clerk of the county commission, city clerk, or clerk of the
7 legislative or governing body of the county as applicable and shall become effective upon
8 approval of the transportation commission. The legislative body or county commission may
9 from time to time enlarge or reduce the area comprising any port district. Any change of
10 boundaries shall be submitted for approval to the highways and transportation commission
11 and upon approval shall be filed with the appropriate clerk and thereupon become effective.

12 (2) **If a port authority created and approved as a political subdivision as**
13 **provided in section 68.010 purchases or leases real property located within adjoining**
14 **municipalities or states, as applicable, such real property shall be deemed included**
15 **within the port district and the port authority shall be empowered to exercise its powers**
16 **under section 68.025 with respect to such real property, and any personal property**

17 located thereon, to the extent not otherwise precluded by applicable law, and to the
18 extent such property is located within a city or county that is situated upon, or adjacent
19 to, or embraces within its boundaries a navigable waterway.

20 (3) Notwithstanding any provision of subdivision (2) of this subsection to the
21 contrary, no port authority shall be empowered to exercise its powers under section
22 68.025 with respect to property located within the boundaries of another local or
23 regional port authority approved as a political subdivision of the state.

24 2. The legislative body or county commission of any county or city authorized to
25 create a local port authority may appropriate, allocate and expend such funds of the county or
26 city for the planning and development of a port district as are reasonable and necessary to
27 carry out the provisions of this chapter.

68.025. 1. Every local and regional port authority, approved as a political subdivision
2 of the state, shall have the following powers to:

3 (1) Confer with any similar body created under laws of this or any other state for the
4 purpose of adopting a comprehensive plan for the future development and improvement of its
5 port districts;

6 (2) Consider and adopt detailed and comprehensive plans for future development and
7 improvement of its port districts and to coordinate such plans with regional and state
8 programs;

9 (3) Establish a port improvement district in accordance with this chapter;

10 (4) Carry out any of the projects enumerated in subdivision (17) of section 68.205;

11 (5) Within the boundaries of any established port improvement district, to levy either
12 a sales and use tax or a real property tax, or both, for the purposes of paying any part of the
13 cost of a project benefitting property in a port improvement district; except that no port
14 improvement district real property tax may be levied on any property, real or personal, which
15 is assessed pursuant to sections 151.010 to 151.340, unless such real property tax levy is
16 agreed to in writing by the property's owner;

17 (6) Pledge both revenues generated by any port improvement district and any other
18 port authority revenue source to the repayment of any outstanding obligations;

19 (7) Either jointly with a similar body, or separately, recommend to the proper
20 departments of the government of the United States, or any state or subdivision thereof, or to
21 any other body, the carrying out of any public improvement for the benefit of its port districts;

22 (8) Provide for membership in any official, industrial, commercial, or trade
23 association, or any other organization concerned with such purposes, for receptions of
24 officials or others as may contribute to the advancement of its port districts and any industrial
25 development therein, and for such other public relations activities as will promote the same,
26 and such activities shall be considered a public purpose;

27 (9) Represent its port districts before all federal, state and local agencies;

28 (10) Cooperate with other public **or private** agencies [~~and with~~], **individuals,**
29 **partnerships, corporations,** industry, business, and labor in port district improvement
30 matters;

31 (11) Enter into any agreement with any other states, agencies, authorities,
32 commissions, municipalities, persons, corporations, or the United States, to effect any of
33 the provisions contained in this chapter;

34 (12) Approve the construction of all wharves, piers, bulkheads, jetties, or other
35 structures;

36 (13) Prevent or remove, or cause to be removed, obstructions in harbor areas,
37 including the removal of wrecks, wharves, piers, bulkheads, derelicts, jetties or other
38 structures endangering the health and general welfare of the port districts; in case of the
39 sinking of a facility from any cause, such facility or vessel shall be removed from the harbor
40 at the expense of its owner or agent so that it shall not obstruct the harbor;

41 (14) Recommend the relocation, change, or removal of dock lines and shore or harbor
42 lines;

43 (15) Acquire, own, construct, redevelop, lease, maintain, and conduct land
44 reclamation and resource recovery, including the removal of sand, rock, or gravel,
45 residential developments, commercial developments, mixed-use developments, recreational
46 facilities, industrial parks, industrial facilities, and terminals, terminal facilities, warehouses
47 and any other type port facility;

48 (16) Acquire, own, lease, sell, **mortgage, encumber,** or otherwise dispose of interest
49 in and to real property and improvements situate thereon and in personal property necessary
50 to fulfill the purposes of the port authority **including, but not limited to, property in**
51 **adjoining municipalities and states;**

52 (17) Acquire rights-of-way and property of any kind or nature within its port districts
53 necessary for its purposes. Every port authority shall have the right and power to acquire the
54 same by purchase, negotiation, or by condemnation, and should it elect to exercise the right of
55 eminent domain, condemnation proceedings shall be maintained by and in the name of the
56 port authority, and it may proceed in the manner provided by the laws of this state for any
57 county or municipality. The power of eminent domain shall not apply to property actively
58 being used in relation to or in conjunction with river trade or commerce, unless such use is by
59 a port authority pursuant to a lease in which event the power of eminent domain shall apply;

60 (18) Contract and be contracted with, and to sue and be sued;

61 (19) Accept gifts, grants, loans or contributions from the United States of America,
62 the state of Missouri, political subdivisions, municipalities, foundations, other public or
63 private agencies, [~~individual, partnership~~] **individuals, partnerships,** or corporations;

64 (20) Employ such managerial, engineering, legal, technical, clerical, accounting,
65 advertising, stenographic, and other assistance as it may deem advisable. The port authority
66 may also contract with independent contractors for any of the foregoing assistance;

67 (21) Improve navigable and nonnavigable areas as regulated by federal statute;

68 (22) Disburse funds for its lawful activities and fix salaries and wages of its
69 employees; ~~and~~

70 (23) Adopt, alter or repeal its own bylaws, rules and regulations governing the
71 manner in which its business may be transacted; however, said bylaws, rules and regulations
72 shall not exceed the powers granted to the port authority by this chapter;

73 (24) Create and operate such agencies and departments as may be deemed
74 necessary or useful for the furtherance of the port authority's purpose;

75 (25) Perform such other acts and things necessary or useful in the exercise of
76 powers enumerated in this section;

77 (26) Establish port rangers as follows:

78 (a) A port authority may appoint and commission such port rangers as the port
79 authority deems advisable to assist the municipal police force in maintaining order and
80 preserving the peace within the boundaries of any real property owned or leased by the
81 port authority within the state and on public streets within the boundaries of or abutting
82 any real property owned or leased by the port authority within the state;

83 (b) Such port rangers shall have satisfactorily completed a training course as
84 prescribed by chapter 590 for peace officers within the state or shall otherwise comply
85 with the requirements of chapter 590 for certification within the time periods specified
86 in such chapter;

87 (c) Each port ranger shall take and subscribe an oath of office to perform the
88 duties of such office faithfully and impartially and shall be given a certificate of
89 commission as a port ranger granting such port ranger the power to carry a firearm,
90 maintain order, preserve the peace, issue citations, and make arrests for violations of
91 state statutes and municipal ordinances within the port ranger's jurisdiction. The
92 municipal police force shall at all times maintain primary jurisdiction and no provision
93 of this subdivision shall be construed as depriving, curtailing, restricting, or otherwise
94 impairing such municipal police force in the performance of such police force's duties;

95 (27) (a) Exercise the powers and duties under the provisions of sections 99.010
96 to 99.230, sections 99.300 to 99.660, sections 100.300 to 100.620, and chapter 353. If the
97 governing bodies established in sections 99.010 to 99.230, sections 99.300 to 99.660,
98 sections 100.300 to 100.620, and chapter 353 have previously considered and voted to
99 disapprove such housing project, land clearance project, industrial development or
100 redevelopment project, as such terms are defined in sections 99.010 to 99.230, sections

101 **99.300 to 99.660, sections 100.300 to 100.620, and chapter 353, as applicable, the local or**
102 **regional port authority shall not be empowered to undertake any housing project, land**
103 **clearance project, industrial development or redevelopment project under such**
104 **provisions;**

105 **(b) Notwithstanding any provision of sections 99.010 to 99.230, sections 99.300 to**
106 **99.660, sections 100.300 to 100.620, and chapter 353 to the contrary, except as otherwise**
107 **provided in paragraphs (a) and (c) of this subdivision, in exercising such powers and**
108 **duties, the board of port authority commissioners shall be empowered to act in lieu of**
109 **the governing bodies established by sections 99.010 to 99.230, sections 99.300 to 99.660,**
110 **sections 100.300 to 100.620, and chapter 353;**

111 **(c) This subdivision shall not be construed as delegating to any port authority**
112 **the power or authority to take any action expressly reserved to the governing body of**
113 **the municipality; and**

114 **(28) Contract with any other port authority for the purpose of providing**
115 **administrative support and exercising, on such other port authority's behalf and in such**
116 **other port authority's name, the powers delegated to port authorities by this chapter.**

117 **2. In implementing its powers, the port authority shall have the power to enter into**
118 **agreements with private operators or public entities for the joint development, redevelopment,**
119 **and reclamation of property within a port district or for other uses to fulfill the purposes of the**
120 **port authority.**

68.035. 1. The state may make grants to a state port fund, as appropriated by the
2 general assembly, to be allocated by the department of transportation to local port authorities
3 or regional port coordinating agencies. These grants, administered on a nonmatching basis,
4 ~~could~~ **may** be used for managerial, engineering, legal, research, promotion, planning, and
5 any other expenses **but shall exclude the funding of any housing project undertaken**
6 **under the provisions of sections 99.010 to 99.230.**

7 **2. In addition the state may make capital improvement matching grants contributing**
8 **eighty percent of the funds and local port authorities contributing twenty percent of the funds**
9 **for specific undertakings of port development such as land acquisitions, construction,**
10 **terminal facility development, port improvement projects, and other related port facilities.**
11 **Notwithstanding the foregoing, any matching grants awarded by the Missouri highways and**
12 **transportation commission under the Port Capital Improvement Program shall be**
13 **transportation related and shall not be used for purposes of funding any housing**
14 **project undertaken under the provisions of sections 99.010 to 99.230.**

15 **3. The grants provided herein may be used as the local share in applying for other**
16 **grant programs.**

17 **4. (1) If the general assembly includes within any appropriation bill a**
18 **designation of moneys for a project to be undertaken by a port authority, the**
19 **department or office of the state to whom the appropriation is made shall be empowered**
20 **to advance the designated moneys to the port authority in the fiscal year for which the**
21 **appropriation was made and in lieu of providing such moneys on a reimbursement**
22 **basis. Such advancement shall be subject to such form of agreement as the department**
23 **or office of the state requires for purposes of ensuring that the port authority is**
24 **obligated to expend the designated moneys for their intended purpose and none other.**
25 **Such agreement shall further obligate the port authority to the repayment of such**
26 **designated moneys in the event the port authority fails to abide by the requirements of**
27 **such agreement.**

28 **(2) In lieu of the provisions of subdivision (1) of this section, the department or**
29 **office of the state to whom the appropriation is made shall be empowered to deposit the**
30 **designated moneys with a financial institution or escrow agent acceptable to the**
31 **department or office, to be held and disbursed under such form and subject to the terms**
32 **of such agreement as the department or office shall require for purposes of ensuring**
33 **that the designated moneys are expended for their intended purpose and none other.**
34 **Any designated moneys advanced to the port authority or deposited with a financial**
35 **institution or escrow agent and not expended or contractually obligated within five**
36 **years from the date of their advance or deposit shall escheat to the state unless otherwise**
37 **reappropriated by the general assembly.**

68.040. 1. Every local and regional port authority, approved as a political subdivision
2 of the state, may from time to time issue its negotiable revenue bonds or notes in such
3 principal amounts as, in its opinion, shall be necessary to provide sufficient funds for
4 achieving its purposes, including the construction of port facilities and the financing of port
5 improvement projects; establish reserves to secure such bonds and notes; and make other
6 expenditures, incident and necessary to carry out its purposes and powers.

7 2. (1) This state shall not be liable on any notes or bonds of any port authority.

8 (2) Any such notes or bonds shall not be a debt of the state and shall contain on the
9 faces thereof a statement to such effect.

10 **(3) The failure to include such statement on the faces of such notes or bonds shall**
11 **neither invalidate the notes or bonds nor render the state liable on such notes or bonds.**

12 3. No commissioner of any port authority or any authorized person executing port
13 authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to
14 any personal liability or accountability by reason of the issuance thereof.

15 4. The notes and bonds of every port authority are securities in which all public
16 officers and bodies of this state and all political subdivisions and municipalities, all insurance

17 companies and associations, and other persons carrying on an insurance business, all banks,
18 trust companies, saving associations, savings and loan associations, credit unions, investment
19 companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all
20 other persons whatsoever, who now or may hereafter be authorized to invest in notes and
21 bonds or other obligations of this state, may properly and legally invest funds, including
22 capital, in their control or belonging to them.

23 5. No port authority shall be required to pay any taxes or any assessments whatsoever
24 to this state or to any political subdivisions, municipality, or other governmental agency of
25 this state. The notes and bonds of every port authority and the income therefrom shall, at all
26 times, be exempt from any taxes and any assessments, except for death and gift taxes and
27 taxes on transfers. Additionally, the leases of both real and personal property by or to any
28 port authority involving the issuance of bonds authorized under this chapter shall be exempt
29 from taxation. A port authority issuing bonds under this chapter for incentivized development
30 shall require the developer of any project which is to be leased to such developer, or any other
31 party, to confer with the affected taxing authorities, and subsequently contractually require the
32 payment of such sums as they may agree upon, or the port authority may elect to require such
33 sums to be allocated among such taxing authorities on the same pro rata basis as are ad
34 valorem property tax revenues.

35 6. Every port authority shall have the powers and be governed by the procedures now
36 or hereafter conferred upon or applicable to the environmental improvement authority,
37 chapter 260, relating to the manner of issuance of revenue bonds and notes, and the port
38 authority shall exercise all such powers and adhere to all such procedures insofar as they are
39 consistent with the necessary and proper undertaking of its purposes.

68.045. 1. Every local port authority shall be administered by a board of port
2 authority commissioners which shall consist of at least seven members; provided, however,
3 that the number of members of one political party shall not exceed the number of members of
4 the other party by more than one.

5 2. Newly created port authorities as well as those presently constituted shall structure
6 the terms of those commissioners so that no more than three members' terms shall expire in
7 any one year. **Each member shall continue to serve until a successor has been appointed**
8 **as provided in this section.**

9 3. **In the event the county or city creating the port authority operates under a**
10 **charter form of government, the method of appointment and the qualifications, salaries,**
11 **powers, and duties of the appointees shall be as provided by such charter. In all other**
12 **cases, or if the charter is silent as to such matters,** the legislative body or county
13 commission of the county or city creating the port authority or, in the case of a port authority
14 created in this act in a constitutional charter city not within a county, the legislative body of

15 that constitutional charter city shall determine the method of appointment, and subject to the
16 limitations expressed in ~~[the first sentence]~~ **subsection 1** of this section, shall determine their
17 qualifications, salaries, powers and duties consistent with the provisions of this chapter. **If**
18 **the legislative body or county commission, as applicable, fails to determine such**
19 **qualifications, salaries, powers, and duties prior to appointment, the board of port**
20 **authority commissioners may elect to do so under the port authority's bylaws, consistent**
21 **with the provisions of this chapter.**

22 **4. A member of a board of port authority commissioners shall be removed from**
23 **office in such manner as is provided for the appointment of members as provided in**
24 **subsections 2 and 3 of this section for malfeasance, willful neglect of duty, or other cause**
25 **after notice and public hearing, unless such member expressly waives such notice or**
26 **hearing in writing. Removal for any other reason and the process to be undertaken in**
27 **effecting such removal shall be reserved to the board of port authority commissioners**
28 **and exercised as prescribed by the bylaws.**

29 **5.** The legislative body or county commission shall also provide for the filing of
30 annual reports by the board of port authority commissioners and for periodic independent
31 audits of the accounts of the port authority.

68.055. 1. Every port authority shall let contracts for all work to be done and for
2 equipment, supplies or materials to be purchased. Excepting as otherwise provided herein,
3 such contracts shall be given to the ~~[lowest responsible bidder therefor, upon not less than~~
4 ~~twenty days' notice of the letting, given by publication in a newspaper of general circulation~~
5 ~~in the city or county creating the port authority; and in the discretion of the commissioners, in~~
6 ~~one or more newspapers of general circulation among contractors. The port authority shall~~
7 ~~have the power and authority to reject any and all bids and to readvertise the work or~~
8 ~~proposed purchase]~~ **bidder or proposer whose bid or proposal, when evaluated alongside**
9 **factors such as ability to perform, timeliness, character and reputation, quality of past**
10 **performance, compliance with applicable laws, quality and availability, and ability to**
11 **provide future maintenance and services where applicable, is determined to be lowest**
12 **and best.**

13 **2. (1) Every port authority shall be authorized to use such additional**
14 **procurement methods authorized by any provision of state law with respect to political**
15 **subdivisions or not otherwise precluded by any provision of state law with respect to**
16 **political subdivisions, provided such nonprecluded methods are structured and**
17 **implemented in a manner as to ensure an open, transparent, competitive, and fair**
18 **process.**

19 **(2) Notwithstanding the provisions of subdivision (1) of this subsection to the**
20 **contrary, nothing in this section shall be construed to authorize a port authority to use**

21 **anything other than a qualifications-based procurement method with respect to**
22 **professional architecture or engineering services in connection with the design,**
23 **construction, alteration, addition, remodeling, or improvement of any public facility.**

24 **3.** Notwithstanding the provisions of subsection 1 of this section, every port authority
25 may let contracts in a manner consistent with the procedures set forth in 24 CFR Section
26 85.36, "Uniform Administrative Requirements for Grants and Cooperative Agreements to
27 State and Local Government", as may be revised from time to time, regardless of the source
28 of funds for the procurement, except that if a funding source mandates specific procedures for
29 letting contracts as a condition to receipt of funds which are inconsistent with the procedures
30 authorized in this section for letting contracts, a port authority may use such procedures
31 required by the funding source.

32 ~~[3-]~~ **4.** Notwithstanding the provisions of subsection ~~[2]~~ **3** of this section, the dollar
33 limit of procurements which may, pursuant to subsection ~~[2]~~ **3** of this section, be
34 accomplished using "small purchase procedures", shall, for the purposes of procurements to
35 be paid for with funds other than federal funds, adjust annually based on the rate of inflation
36 according to the Consumer Price Index, commencing in 1995.

68.057. **1.** Any expenditure made by a port authority~~[-as defined in section 68.205,]~~
2 that is over ~~[twenty-five]~~ **seventy-five** thousand dollars, including professional service
3 contracts, shall be competitively ~~[bid]~~ **procured. Contracts shall be awarded upon not less**
4 **than twenty days' notice of the letting, given by publication in a newspaper of general**
5 **circulation in the city or county creating the port authority and, in the discretion of the**
6 **commissioners, in one or more newspapers of general circulation among contractors. In**
7 **the event no newspaper of general circulation exists in the city or county creating the**
8 **port authority, the notice required in this subsection shall be given by publication in a**
9 **newspaper of general circulation in an adjoining city or county or in such city or county**
10 **having a newspaper of general circulation as is geographically closest to the port**
11 **authority.**

12 **2.** The port authority shall have the power and authority to reject any and all
13 **bids or proposals and to readvertise the work or proposed purchase.**

68.060. **1.** Any combination of cities and counties **that do not have local port**
2 **authorities approved by the highways and transportation commission of the state of**
3 **Missouri as of the effective date of this section but that are** individually eligible to form
4 local port authorities, and ~~[cities and counties with]~~ **the boards of** existing local port
5 authorities, are authorized to directly apply to the highways and transportation commission of
6 the state for approval of a regional port authority as a political subdivision of the state.

7 **2.** The **boards of existing local port authorities and the** legislative bodies or county
8 commissions of cities or counties desiring to form a regional port authority, **or such other**

9 **persons as may be designated by charter for those cities or counties operating under a**
10 **charter form of government**, are hereby authorized to enter into contractual agreements
11 with each other for the purpose of creating within each jurisdiction regional port districts
12 administered by the regional port authority. All terms and provisions of said contractual
13 agreements shall be consistent with the provisions of this chapter. The contractual agreement
14 shall be filed in the office of county clerk, city clerk or clerk of the county council of each
15 party to the agreement.

16 3. The boundaries of any regional port district, and the number, method of
17 appointment, terms, qualifications, salaries, powers and duties of a regional board of
18 commissioners shall be fixed by the contractual agreement; provided, however, that any
19 contractual agreement shall not become effective until it has been submitted to and approved
20 by:

21 (1) All of the legislative bodies or county commissions entering into said contractual
22 agreement, **or such other persons as may be designated by charter for those cities or**
23 **counties operating under a charter form of government, with respect to those cities and**
24 **counties not having local port authorities approved by the highways and transportation**
25 **commission of the state of Missouri as of the effective date of this section; and**

26 (2) **The boards of the existing port authorities.**

27 4. The port districts to be included within the regional port authority need not be
28 contiguous, adjacent, or abutting.

29 5. Any local port authority is authorized to contract with an existing regional port
30 authority for inclusion in the regional port authority. The contractual agreement shall be
31 formulated by the terms and procedures expressed in subsections 2 and 3 of this section.
32 Approval of the highways and transportation commission shall be required to make the
33 annexation effective.

34 6. Any local port authority established by a city or county, that subsequently enters
35 into a contractual agreement and is approved as part of a regional port authority, is dissolved
36 as of the date that the annexation is approved by the highways and transportation commission
37 of the state. On said date, all funds and other assets of the local port authority shall be
38 transferred to the regional port authority. The regional port authority shall faithfully perform
39 all existing contracts and assume all legal obligations of the local port authority.

68.075. 1. This section shall be known and may be cited as the "Advanced Industrial
2 Manufacturing Zones Act".

3 2. As used in this section, the following terms shall mean:

4 (1) "AIM zone", an area identified through a resolution passed by the port authority
5 board of commissioners appointed under section 68.045 that is being developed or
6 redeveloped for any purpose so long as any infrastructure and building built or improved is in

7 the development area. The port authority board of commissioners shall file an annual report
8 indicating the established AIM zones with the department of revenue;

9 (2) "County average wage", the average wage in each county as determined by the
10 Missouri department of economic development for the most recently completed full calendar
11 year. However, if the computed county average wage is above the statewide average wage,
12 the statewide average wage shall be deemed the county average wage for such county for the
13 purpose of determining eligibility;

14 (3) "New job", the number of full-time employees located at the project facility that
15 exceeds the project facility base employment less any decrease in the number of full-time
16 employees at related facilities below the related facility base employment. No job that was
17 created prior to the date of the ~~[notice of intent]~~ **establishment of the AIM zone** shall be
18 deemed a new job, **except that any job determined by the Missouri department of**
19 **economic development to be eligible for and that is approved by the Missouri**
20 **department of economic development for retention of withholding tax under the**
21 **Missouri works program established in sections 620.2000 to 620.2020 shall be deemed a**
22 **new job for purposes of this section only, provided that the establishment of the AIM**
23 **zone immediately follows the end of the period of benefits under the Missouri works**
24 **program.** An employee that spends less than fifty percent of the employee's work time at the
25 facility is still considered to be located at a facility if the employee receives his or her
26 directions and control from that facility, is on the facility's payroll, one hundred percent of the
27 employee's income from such employment is Missouri income, and the employee is paid at or
28 above the county average wage;

29 (4) "Related facility", a facility operated by a company or a related company prior to
30 the establishment of the AIM zone in question located within any port district, as defined
31 under section 68.015, which is directly related to the operations of the facility within the new
32 AIM zone.

33 3. Any port authority located in this state may establish an AIM zone. Such zone may
34 only include the area within the port authority's jurisdiction, ownership, or control, and may
35 include any such area. The port authority shall determine the boundaries for each AIM zone,
36 and more than one AIM zone may exist within the port authority's jurisdiction or under the
37 port authority's ownership or control, and may be expanded or contracted by resolution of the
38 port authority board of commissioners.

39 4. Fifty percent of the state tax withholdings imposed by sections 143.191 to 143.265
40 on new jobs within such zone after development or redevelopment has commenced shall not
41 be remitted to the general revenue fund of the state of Missouri. Such moneys shall be
42 deposited into the port authority AIM zone fund established under subsection 5 of this section
43 for the purpose of continuing to expand, develop, and redevelop AIM zones identified by the

44 port authority board of commissioners and may be used for managerial, engineering, legal,
45 research, promotion, planning, satisfaction of bonds issued under section 68.040, and any
46 other expenses.

47 5. There is hereby created in the state treasury the "Port Authority AIM Zone Fund",
48 which shall consist of money collected under this section. The state treasurer shall be
49 custodian of the fund and shall approve disbursements from the fund in accordance with
50 sections 30.170 and 30.180 to the port authorities from which the funds were collected, less
51 the pro-rata portion appropriated by the general assembly to be used solely for the
52 administration of this section which shall not exceed ten percent of the total amount collected
53 within the zones of a port authority. Notwithstanding the provisions of section 33.080 to the
54 contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the
55 credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the
56 same manner as other funds are invested. Any interest and moneys earned on such
57 investments shall be credited to the fund.

58 6. The port authority shall approve any projects that begin construction and disperse
59 any money collected under this section. The port authority shall submit an annual budget for
60 the funds to the department of economic development explaining how and when such money
61 will be spent.

62 7. The provision of section 23.253 notwithstanding, no AIM zone may be established
63 after August 28, 2030. Any AIM zone created prior to that date shall continue to exist and be
64 coterminous with the retirement of all debts incurred under subsection 4 of this section. No
65 debts may be incurred or reauthorized using AIM zone revenue after August 28, 2030.

68.080. 1. There is hereby established in the state treasury the "Waterways and Ports
2 Trust Fund". The fund shall consist of revenues appropriated to it by the general assembly.

3 2. The fund may also receive any gifts, contributions, grants, or bequests received
4 from federal, private, or other sources.

5 3. The fund shall be a revolving trust fund exempt from the provisions of section
6 33.080 relating to the transfer of unexpended balances by the state treasurer to the general
7 revenue fund of the state. All interest earned upon the balance in the fund shall be deposited
8 to the credit of the fund.

9 4. Moneys in the fund shall be withdrawn only **at the request of a Missouri port**
10 **authority for statutorily permitted port purposes and** upon appropriation by the general
11 assembly, to be administered by the state highways and transportation commission and the
12 department of transportation, in consultation with Missouri public ports, for the purposes in
13 subsection 2 of section 68.035 and for no other purpose. To be eligible to receive an
14 appropriation from the fund, a project shall be:

15 (1) A capital improvement project implementing physical improvements designed to
16 improve commerce or terminal and transportation facilities on or adjacent to the navigable
17 rivers of this state;

18 (2) Located on land owned or held in long-term lease by a Missouri port authority, **or**
19 **on land owned by a city not within a county and managed by a Missouri port authority,**
20 or within a navigable river adjacent to such land, and within the boundaries of a port
21 authority;

22 (3) Funded by alternate sources so that moneys from the fund comprise no more than
23 eighty percent of the cost of the project;

24 (4) Selected and approved by the highways and transportation commission, in
25 consultation with Missouri public ports, to support a statewide plan for waterborne
26 commerce, in accordance with subdivision (1) of section 68.065; and

27 (5) Capable of completion within two years of approval by the highways and
28 transportation commission.

29 5. Appropriations made from the fund established in this section may be used as a
30 local share in applying for other grant programs.

31 6. The provisions of this section shall terminate on August 28, 2033, pending the
32 discharge of all warrants. On December 31, 2033, the fund shall be dissolved and the
33 unencumbered balance shall be transferred to the general revenue fund.

**68.085. 1. Records and documents submitted to a local or regional port
2 authority and pertaining to a business prospect that the port authority is currently
3 negotiating may be deemed a closed record as such term is defined in section 610.010.**

**4 2. Records and documents deemed a closed record under section 620.014 and
5 that are disclosed, in whole or in part, to a local or regional port authority evaluating the
6 provision of assistance under this chapter shall not lose their status as closed records by
7 virtue of such disclosure.**

68.205. As used in sections 68.200 to 68.260, unless the context clearly requires
2 otherwise, the following terms shall mean:

3 (1) "Act", the port improvement district act, sections 68.200 to 68.260;

4 (2) "Approval", for purposes of elections pursuant to this act, a simple majority of
5 those qualified voters casting votes in any election;

6 (3) "Board", the board of port authority commissioners for the particular port
7 authority that desires to establish or has established a district;

8 (4) "Consent", the written acknowledgment and approval of the creation of the district
9 by:

- 10 (a) Owners of real property collectively owning more than ~~[sixty]~~ **fifty** percent by
11 assessed value of real property within the boundaries of the proposed port improvement
12 district; and
- 13 (b) More than ~~[sixty]~~ **fifty** percent per capita of the owners of all real property within
14 the boundaries of the proposed port improvement district;
- 15 (5) "Director of revenue", the director of the department of revenue of the state of
16 Missouri;
- 17 (6) "Disposal of solid waste or sewage", the entire process of storage, collection,
18 transportation, processing, and disposal of solid wastes or sewage;
- 19 (7) "District" or "port improvement district", an area designated by the port authority
20 which is located within its port district boundaries at the time of establishment;
- 21 (8) "Election authority", the election authority having jurisdiction over the area in
22 which the boundaries of the district are located under chapter 115;
- 23 (9) "Energy conservation", the reduction of energy consumption;
- 24 (10) "Energy efficiency", the increased productivity or effectiveness of the use of
25 energy resources, the reduction of energy consumption, or the use of renewable energy
26 sources;
- 27 (11) "Obligations", revenue bonds and notes issued for the repayment of any money
28 obtained by a port authority from any public or private source along with any associated
29 financing costs, including, but not limited to, the costs of issuance, capitalized interest, and
30 debt service;
- 31 (12) "Owner", the individual or individuals or entity or entities who own a fee interest
32 in real property that is located within the boundaries of a district based upon the recorded real
33 estate records of the county recorder, or the city recorder of deeds if the district is located in a
34 city not within a county, as of the thirtieth day prior to any action;
- 35 (13) "Petition", a petition to establish a port improvement district within the port
36 district boundaries or a petition to make a substantial change to an existing district;
- 37 (14) "Pollution", the existence of any noxious substance in the air or waters or on the
38 lands of the state in sufficient quantity and of such amounts, characteristics, and duration as to
39 injure or harm the public health or welfare or animal life or property;
- 40 (15) "Port authority", a political subdivision established pursuant to this chapter;
- 41 (16) "Port district boundaries", the boundaries of any port authority on file with the
42 clerk of the county commission, city clerk, or clerk of the legislative or governing body of the
43 county as applicable, which became effective upon approval by the Missouri highways and
44 transportation commission;
- 45 (17) "Project" or "port improvement project", with respect to any property within a
46 port improvement district, or benefitting property within a port improvement district:

47 (a) Providing for, or contracting for the provision of, environmental cleanup,
48 including the disposal of solid waste, services to brownfields, or other polluted real property;

49 (b) Providing for, or contracting for the provision of, energy conservation or
50 increased energy efficiency within any building, structure, or facility;

51 (c) Providing for, or contracting for the provision of, wetland creation, preservation,
52 or relocation;

53 (d) The construction of any building, structure, infrastructure, fixture, or facility
54 determined by the port authority as essential in developing energy resources, preventing,
55 reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;

56 (e) Modifications to, or the relocation of, any existing building, structure,
57 infrastructure, fixture, or facility that has been acquired or constructed, or which is to be
58 acquired or constructed for the purpose of developing energy resources, preventing, reducing,
59 or eliminating pollution, or providing water facilities or the disposal of solid waste;

60 (f) The acquisition, clearing, and grading of real property and the acquisition of other
61 property and improvements, or rights and interest therein, which are determined by the port
62 authority to be significant in, or in the furtherance of, the history, architecture, archeology, or
63 culture of the United States, the state of Missouri, or its political subdivisions;

64 (g) The operation, maintenance, repair, rehabilitation, or reconstruction of any
65 existing public or private building, structure, infrastructure, fixture, or facility determined by
66 the port authority to be significant in, or in the furtherance of, the history, architecture,
67 archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

68 (h) The construction of any new building, structure, infrastructure, fixture, or facility
69 that is determined by the port authority to be significant in, or in the furtherance of, the
70 history, architecture, archeology, or culture of the United States, the state of Missouri, or its
71 political subdivisions;

72 (i) Providing for any project determined to be significant in or in furtherance of the
73 purpose of a port authority as provided in section 68.020;

74 (18) "Qualified project costs", include any and all reasonable costs incurred or
75 estimated to be incurred by a port authority, or a person or entity authorized by a port
76 authority, in furtherance of a port improvement project, which costs may include, but are not
77 limited to:

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

79 (b) Professional service costs, including, but not limited to, architectural, engineering,
80 legal, research, marketing, financial, planning, consulting, and special services, including
81 professional service costs necessary or incident to determining the feasibility or practicability
82 of any project and carrying out the same;

83 (c) Administrative fees and costs of a port authority in carrying out any of the
84 purposes of this act;

85 (d) Property assembly costs, including, but not limited to, acquisition of land and
86 other property and improvements, real or personal, or rights or interests therein, demolition of
87 buildings and structures, and the clearing or grading of land, machinery, and equipment
88 relating to any project, including the cost of demolishing or removing any existing structures;

89 (e) Costs of operating, rehabilitating, reconstructing, maintaining, and repairing
90 existing buildings, structures, infrastructure, facilities, or fixtures;

91 (f) Costs of constructing new buildings, structures, infrastructure, facilities, or
92 fixtures;

93 (g) Costs of constructing, operating, rehabilitating, reconstructing, maintaining,
94 repairing or removing public works or improvements;

95 (h) Financing costs, including, but not limited to, all necessary and incidental
96 expenses related to the port authority's issuance of obligations, which may include capitalized
97 interest on any such obligations and reasonable reserves related to any such obligations;

98 (i) All or a portion of the port authority's capital costs resulting from a port
99 improvement project necessarily incurred or to be incurred in furtherance of a port
100 improvement project, to the extent the port authority accepts and approves such costs; and

101 (j) Relocation costs, to the extent that a port authority determines that relocation costs
102 shall be paid, or are required to be paid, by federal or state law;

103 (19) "Qualified voters", for the purposes of an election for the approval of a real
104 property tax or a sales and use tax:

105 (a) Registered voters residing within the district; or

106 (b) If no registered voters reside within the district, the owners of one or more parcels
107 of real property within the district which would be subject to such real property taxes or sales
108 and use taxes, as applicable, based upon the recorded real estate records of the county
109 recorder, or the city recorder of deeds if the district is located in a city not within a county, as
110 of the thirtieth day prior to the date of the applicable election;

111 (20) "Registered voters", persons who reside within the district and who are qualified
112 and registered to vote pursuant to chapter 115 as determined by the election authority as of the
113 thirtieth day prior to the date of the applicable election;

114 (21) "Respondent", unless the port authority is the owner of all real property within
115 the proposed district, the municipality or municipalities within which the proposed district is
116 located, the county or counties within which the proposed district is located, the Missouri
117 highways and transportation commission when the proposed district shall be within the
118 highways of the state of Missouri, and any other political subdivision within the boundaries of
119 the proposed port improvement district, except the petitioning port authority;

120 (22) "Revenues", all rents, revenues from any levied real property tax and sales and
121 use tax, charges and other income received by a port authority in connection with any project,
122 including any gift, grant, loan, or appropriation received by the port authority with respect
123 thereto;

124 (23) "Substantial changes", with respect to an established port improvement district,
125 the addition or removal of real property to or from the port improvement district and any
126 changes to the approved district funding mechanism; ~~and~~

127 (24) "Taxpayer", a person or owner of real property within the proposed district who
128 would pay any real estate or use tax as a result of the district establishment;

129 (25) "Water facilities", any facilities for the furnishing and treatment of water for
130 industrial, commercial, agricultural, or community purposes including, but not limited to,
131 wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants,
132 stabilization ponds, storm sewers, storm water detention and retention facilities, and related
133 equipment and machinery.

**68.253. Notwithstanding any provision of sections 68.200 to 68.260 to the
2 contrary, if the port authority is the owner of all the real property within the proposed
3 district or existing district for which a substantial change has been proposed or one
4 hundred percent per capita of the owners of all the real property within the proposed
5 district or existing district for which a substantial change has been proposed have
6 consented in writing to the creation of the proposed district or substantial change,
7 consideration of the petition by the circuit court shall not be required. In such event,
8 certification of any question with respect to any tax proposed to be levied or modified
9 shall be made by the board of port authority commissioners and thereafter provided to
10 the election authority as otherwise provided by section 68.250.**

~~[68.259. Notwithstanding the provisions of section 1.140 to the
2 contrary, the provisions of sections 68.025, 68.035, 68.040, 68.057, 68.070,
3 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240,
4 68.245, 68.250, 68.255, and 68.260 as contained in this act shall be severable,
5 and if any provision is for any reason held to be invalid, such decision shall not
6 invalidate any of the remaining provisions of sections 68.025, 68.035, 68.040,
7 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230,
8 68.235, 68.240, 68.245, 68.250, 68.255, and 68.260 as contained in this act.]~~

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