

SECOND REGULAR SESSION

HOUSE BILL NO. 2764

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HURLBERT.

6442H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 68.040, RSMo, and to enact in lieu thereof one new section relating to port authority indebtedness.

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

Section A. Section 68.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 68.040, to read as follows:

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

2. This state shall not be liable on any notes or bonds of any port authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

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

4. The notes and bonds of every port authority are securities in which all public officers and bodies of this state and all political subdivisions and municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, trust companies, saving associations, savings and loan associations, credit unions, investment companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all

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.

18 other persons whatsoever, who now or may hereafter be authorized to invest in notes and
19 bonds or other obligations of this state, may properly and legally invest funds, including
20 capital, in their control or belonging to them.

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

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

38 7. (1) **In order to incur indebtedness for any development located more than two**
39 **thousand feet from the shoreline of the Missouri River or the Mississippi River, a port**
40 **authority shall order that the question be submitted to the qualified voters of the**
41 **counties in which the development is located to determine whether or not bonds shall be**
42 **issued by the port authority, as authorized in this section. The question shall state the**
43 **amount of indebtedness to be incurred.**

44 (2) **The question shall be submitted in substantially the following form:**

45 **Shall the port authority of _____ incur indebtedness, evidenced**
46 **by the issuance of bonds, in the amount of _____ dollars, for the**
47 **purpose of _____?**

48 ☐ YES

☐ NO

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