

SECOND REGULAR SESSION

# HOUSE BILL NO. 2764

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HURLBERT.

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JOSEPH ENGLER, Chief Clerk

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### AN ACT

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

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*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Section A. Section 68.040, RSMo, is repealed and one new section enacted in lieu  
2 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  
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. This state shall not be liable on any notes or bonds of any port authority. Any such  
8 notes or bonds shall not be a debt of the state and shall contain on the faces thereof a  
9 statement to such effect.

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

13       4. The notes and bonds of every port authority are securities in which all public  
14 officers and bodies of this state and all political subdivisions and municipalities, all insurance  
15 companies and associations, and other persons carrying on an insurance business, all banks,  
16 trust companies, saving associations, savings and loan associations, credit unions, investment  
17 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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