



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2962		DATE: 2/12/2026	
COMMITTEE: Government Efficiency			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: TOM DEMPSEY		PHONE NUMBER: 636-288-7461	
REPRESENTING: ST. CHARLES COUNTY		TITLE:	
ADDRESS: 3103 BUCKSKIN PATH			
CITY: ST. CHARLES		STATE: MO	ZIP: 63301
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/12/2026 12:00 AM	

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: In-Person	SUBMIT DATE: 2/12/2026 11:48 PM	
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I am Opposed to this Bill as written. the State shall not appropriate any State Funds for the City of Saint Louis International Airport, located in Saint Louis County. The City Airport charges Fees and has Leases to pay for all Operations, Expenses and Employees at he City-Owned Airport. This Airport must be treated as an "Enterprise Fund," being totally self-sufficient and solvent with its Revenues.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: JACQUELINE BARDGETT		PHONE NUMBER: 314-239-9444	
REPRESENTING: THE CITY OF ST. LOUIS		TITLE:	
ADDRESS: 205 E CAPITOL AVE			
CITY: ST. LOUIS		STATE: MO	ZIP: 65101
EMAIL: jacque@bardgett.net	ATTENDANCE: In-Person	SUBMIT DATE: 2/12/2026 7:53 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/10/2026 1:07 PM	

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I submit this testimony in opposition to House Bill 2962 because it attempts to insulate a political subdivision from judicial review through legislative declaration, expands implied governmental power without standards, and creates direct conflict risk with federal aviation law.

House Bill 2962 repeals and reenacts the statute establishing the Missouri-St. Louis Metropolitan Airport Authority, while declaring that all actions of the authority are in the public interest and for a public purpose and authorizing the exercise of powers “herein granted or necessarily implied.” This structure is constitutionally defective.

Under Missouri law, whether an action serves a “public purpose” is a judicial determination, not a legislative one.

The General Assembly may not conclusively declare that all actions of an authority satisfy constitutional requirements in order to preempt judicial review. Legislative labeling cannot substitute for constitutional analysis, particularly where public funds, delegated authority, and quasi-governmental power are involved.

Additionally, the bill authorizes the exercise of “necessarily implied” powers without articulating limiting principles or standards. Such open-ended delegation violates Missouri’s nondelegation doctrine by granting a political subdivision broad discretion untethered from clear legislative guidance. A mandate justified by “general welfare” alone is insufficient under Missouri’s separation-of-powers framework.

House Bill 2962 also exposes the state and local governments to federal preemption risk. Airports operating in the St. Louis metropolitan region are subject to binding federal aviation statutes and grant assurances enforced by the Federal Aviation Administration. State law cannot expand permissible authority, revenue use, or operational scope beyond what federal law allows. Reliance on this statute will not protect the authority from federal enforcement actions, funding clawbacks, or loss of eligibility for future federal assistance.

Finally, by pre-declaring all actions of the authority to be in the public interest, the bill undermines due-process protections and meaningful judicial scrutiny. Courts do not permit statutes to shield public entities from accountability by statutory fiat. Attempts to do so invite immediate constitutional challenge.

For these reasons, House Bill 2962 is facially unconstitutional, exposes taxpayers to unnecessary

litigation and financial risk, and will not survive judicial review. I respectfully urge the committee to oppose House Bill 2962.

Because this bill attempts to pre-approve government action and evade judicial scrutiny, it will be enjoined upon first challenge.

FOOTNOTES — HOUSE BILL 2962

[1] Public Purpose Is a Judicial Question (Missouri Law)

See *State ex rel. Mitchell v. City of Sikeston*, 555 S.W.2d 281, 287 (Mo. banc 1977) (holding that whether an expenditure serves a “public purpose” is ultimately a judicial determination, not conclusively resolved by legislative declaration); *Menorah Med. Ctr. v. Health & Educ. Facilities Auth.*, 584 S.W.2d 73, 79 (Mo. banc 1979) (legislative declarations of public purpose are entitled to respect but are not controlling).

[2] Legislative Declarations Cannot Preempt Judicial Review

See *State ex rel. Wagner v. St. Louis County Port Auth.*, 604 S.W.2d 592, 597 (Mo. banc 1980) (courts retain authority to examine whether actions of a port authority comply with constitutional limits notwithstanding statutory findings); *State ex rel. City of Springfield v. Smith*, 421 S.W.2d 260, 266 (Mo. banc 1967).

[3] Nondelegation & Requirement of Legislative Standards

Mo. Const. art. III, §1; see *State ex rel. Missouri Growth Ass’n v. State Tax Comm’n*, 998 S.W.2d 786, 789–90 (Mo. banc 1999) (invalidating delegations lacking adequate standards); *State ex rel. Fischer v. Brooks*, 181 S.W.2d 847, 850 (Mo. banc 1944).

[4] “Implied Powers” Must Be Narrowly Construed

See *State ex rel. Kansas City v. Public Serv. Comm’n*, 524 S.W.2d 855, 861 (Mo. banc 1975) (political subdivisions possess only powers expressly granted or necessarily implied, and doubts are resolved against the grant of power).

[5] Separation of Powers — Legislature May Not Insulate Executive Action

Mo. Const. art. II, §1; see *State ex rel. Missouri Dep’t of Nat. Res. v. Crouch*, 899 S.W.2d 838, 840–41 (Mo. banc 1995) (legislature may not control execution of law through post-enactment mechanisms).

[6] Federal Aviation Grant Assurances & Revenue Restrictions

49 U.S.C. §47107(b); FAA Airport Improvement Program Grant Assurance No. 25 (Airport Revenues); see *City of Los Angeles v. FAA*, 239 F.3d 1033, 1038–39 (9th Cir. 2001) (airport sponsors must strictly comply with federal revenue-use restrictions).

[7] Supremacy Clause & Federal Preemption

U.S. Const. art. VI, cl. 2; see *Gade v. Nat’l Solid Wastes Mgmt. Ass’n*, 505 U.S. 88, 108 (1992) (state law preempted where it conflicts with federal regulatory scheme).

[8] Due Process & Right to Meaningful Judicial Review

Mo. Const. art. I, §10; see *State ex rel. St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38, 51 (1936) (due process requires opportunity for judicial review of governmental action affecting property rights).