

SENATE BILL NO. 715

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

2866S.011

KRISTINA MARTIN, Secretary

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, 68.205, 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,
2 68.040, 68.045, 68.055, 68.057, 68.060, 68.075, 68.205, and
3 68.259, RSMo, are repealed and fourteen new sections enacted in
4 lieu thereof, to be known as sections 68.010, 68.015, 68.025,
5 68.035, 68.040, 68.045, 68.055, 68.057, 68.060, 68.075, 68.085,
6 68.205, 68.253, and 68.259, to read as follows:

68.010. 1. Every city or county which is situated
2 upon, or adjacent to, or which embraces within its
3 boundaries a navigable waterway, is hereby authorized to
4 form a local port authority, and upon approval of the
5 highways and transportation commission of the state of
6 Missouri, the port authority shall be a political
7 subdivision of this state. In every constitutional charter
8 city not within a county, a local "Port Authority" is
9 created by sections 68.010, 68.015, 68.025, 68.040, 68.045,
10 68.060 and 68.070 and shall become a political subdivision
11 of this state September 28, 1975.

12 2. The highways and transportation commission of the
13 state of Missouri is hereby authorized to accept
14 applications, conduct hearings, and approve or disapprove

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 applications for approval of local or regional port
16 authorities as political subdivisions of this state, as
17 provided herein, but in determining the approval or
18 disapproval of such applications, the highways and
19 transportation commission shall consider the following
20 criteria:

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

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

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

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

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

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

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

45 3. No city shall create a port authority under
46 sections 68.010, 68.015, 68.025, 68.040, 68.045, 68.060 and
47 68.070 if said city is located within a county that has,
48 **prior to the creation of said port authority by said city,**
49 created a port authority which has received approval as a
50 political subdivision of this state under sections 68.010,
51 68.015, 68.025, 68.040, 68.045, 68.060 and 68.070.

68.015. 1. The legislative body, or county
2 commission, of each county or city creating a port authority
3 or any port authority created within said city pursuant to
4 section 68.010 hereof shall designate what areas within such
5 county or city shall comprise one or more port districts,
6 subject to the limitation that any area designated as within
7 a port district shall be or could be reasonably connected to
8 the business of a port. The boundaries of any port district
9 shall be filed with the clerk of the county commission, city
10 clerk, or clerk of the legislative or governing body of the
11 county as applicable and shall become effective upon
12 approval of the transportation commission. The legislative
13 body or county commission may from time to time enlarge or
14 reduce the area comprising any port district. Any change of
15 boundaries shall be submitted for approval to the highways
16 and transportation commission and upon approval shall be
17 filed with the appropriate clerk and thereupon become
18 effective. **In the event a port authority having been**
19 **created and approved as a political subdivision as provided**
20 **in section 68.010 thereafter purchases or leases real**
21 **property located within adjoining municipalities or states,**
22 **as applicable, such real property shall be deemed included**
23 **within the port district and the port authority shall be**
24 **empowered to exercise its powers under section 68.025 with**
25 **respect to such real property, and any personal property**

26 **located thereon, to the extent not otherwise precluded by**
27 **law.**

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

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

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

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

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

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

16 (5) Within the boundaries of any established port
17 improvement district, to levy either a sales and use tax or
18 a real property tax, or both, for the purposes of paying any
19 part of the cost of a project benefitting property in a port
20 improvement district; except that no port improvement
21 district real property tax may be levied on any property,
22 real or personal, which is assessed pursuant to sections
23 151.010 to 151.340, unless such real property tax levy is
24 agreed to in writing by the property's owner;

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

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

33 (8) Provide for membership in any official,
34 industrial, commercial, or trade association, or any other
35 organization concerned with such purposes, for receptions of
36 officials or others as may contribute to the advancement of
37 its port districts and any industrial development therein,
38 and for such other public relations activities as will
39 promote the same, and such activities shall be considered a
40 public purpose;

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

43 (10) Cooperate with [other public agencies and with]
44 industry, business, and labor, **and other public or private**
45 **agencies, individuals, partnerships, and corporations,** in
46 port district improvement matters;

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

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

53 (13) Prevent or remove, or cause to be removed,
54 obstructions in harbor areas, including the removal of
55 wrecks, wharves, piers, bulkheads, derelicts, jetties or
56 other structures endangering the health and general welfare

57 of the port districts; in case of the sinking of a facility
58 from any cause, such facility or vessel shall be removed
59 from the harbor at the expense of its owner or agent so that
60 it shall not obstruct the harbor;

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

63 (15) Acquire, own, construct, redevelop, lease,
64 maintain, and conduct land reclamation and resource
65 recovery, including the removal of sand, rock, or gravel,
66 residential developments, commercial developments, mixed-use
67 developments, recreational facilities, industrial parks,
68 industrial facilities, and terminals, terminal facilities,
69 warehouses and any other type port facility;

70 (16) Acquire, own, lease, sell, **mortgage, encumber,** or
71 otherwise dispose of interest in and to real property and
72 improvements situate thereon and in personal property
73 necessary to fulfill the purposes of the port authority,
74 **including, but not limited to, property in adjoining**
75 **municipalities and states;**

76 (17) Acquire rights-of-way and property of any kind or
77 nature within its port districts necessary for its
78 purposes. Every port authority shall have the right and
79 power to acquire the same by purchase, negotiation, or by
80 condemnation, and should it elect to exercise the right of
81 eminent domain, condemnation proceedings shall be maintained
82 by and in the name of the port authority, and it may proceed
83 in the manner provided by the laws of this state for any
84 county or municipality. The power of eminent domain shall
85 not apply to property actively being used in relation to or
86 in conjunction with river trade or commerce, unless such use
87 is by a port authority pursuant to a lease in which event
88 the power of eminent domain shall apply;

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

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

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

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

103 (22) Disburse funds for its lawful activities and fix
104 salaries and wages of its employees; [~~and~~]

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

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

113 **(25) Perform such other actions necessary or useful in**
114 **the exercise of those powers enumerated herein.**

115 **2. Without limiting any other powers granted to port**
116 **authorities by this section, every local or regional port**
117 **authority approved as a political subdivision of the state**
118 **and whose port district is located in whole or in part**
119 **within any home rule city with more than four hundred**

120 thousand inhabitants and located in more than one county,
121 shall have the additional powers to:

122 (1) Establish park rangers. A port authority may
123 appoint and commission such park rangers as it may deem
124 advisable to assist the municipal police force in
125 maintaining order and preserving the peace within the
126 boundaries of any real property owned or leased by the port
127 authority within the state and on public streets within the
128 boundaries of or abutting any real property owned or leased
129 by the port authority within the state; provided, however,
130 that such park rangers shall have satisfactorily completed a
131 training course as prescribed by chapter 590 for peace
132 officers within the state or shall otherwise comply with the
133 requirements of chapter 590 for certification within the
134 time periods specified in that chapter. Each park ranger
135 shall take and subscribe an oath of office to perform their
136 duties faithfully and impartially and shall be given a
137 certificate of commission as a park ranger granting to them
138 the power to carry a firearm, maintain order, preserve the
139 peace, issue citations, and make arrests for violations of
140 state statutes and municipal ordinances within their
141 jurisdiction. The municipal police force shall at all times
142 maintain primary jurisdiction, and nothing in this section
143 shall be construed to deprive, curtail, restrict, or
144 otherwise impair such municipal police force in the
145 performance of its duties;

146 (2) Exercise those powers and duties under the
147 provisions of sections 99.010 to 99.230, sections 99.300 to
148 99.660, sections 100.300 to 100.620, and sections 353.010 to
149 353.190. In exercising such powers and duties, the board of
150 port authority commissioners shall be empowered to act in
151 lieu of the governing bodies established by such sections,

152 anything to the contrary therein notwithstanding; provided,
153 however, that this subdivision shall not be construed as
154 delegating to any port authority the power or authority to
155 take any action expressly reserved to the governing body of
156 the municipality; and

157 (3) Contract with any other port authority for the
158 purpose of providing administrative support and exercising,
159 on such port authority's behalf and in its name, the powers
160 delegated to port authorities by this chapter.

161 3. In implementing its powers, the port authority
162 shall have the power to enter into agreements with private
163 operators or public entities for the joint development,
164 redevelopment, and reclamation of property within a port
165 district or for other uses to fulfill the purposes of the
166 port authority.

68.035. 1. The state may make grants to a state port
2 fund, as appropriated by the general assembly, to be
3 allocated by the department of transportation to local port
4 authorities or regional port coordinating agencies. These
5 grants, administered on a nonmatching basis, could be used
6 for managerial, engineering, legal, research, promotion,
7 planning and any other expenses.

8 2. In addition the state may make capital improvement
9 matching grants contributing eighty percent of the funds and
10 local port authorities contributing twenty percent of the
11 funds for specific undertakings of port development such as
12 land acquisitions, construction, terminal facility
13 development, port improvement projects, and other related
14 port facilities. Notwithstanding the foregoing, any
15 matching grants awarded by the Missouri highways and
16 transportation commission under the Port Capital Improvement
17 Program shall be transportation related.

18 3. The grants provided herein may be used as the local
19 share in applying for other grant programs.

20 **4. In the event the general assembly includes within**
21 **any appropriation bill a designation of funds for a project**
22 **to be undertaken by a port authority, the department or**
23 **office of the state to whom the appropriation is made shall**
24 **be empowered to advance the designated funds to the port**
25 **authority in the fiscal year in which the appropriation was**
26 **made in lieu of providing such funding on a reimbursement**
27 **basis, subject to such form of agreement as the department**
28 **or office of the state shall reasonably require for purposes**
29 **of ensuring that the port authority is obligated to expend**
30 **the designated funds for their intended purpose and none**
31 **other, and further obligating the port authority to the**
32 **repayment of such designated funds in the event the port**
33 **authority fails to abide by the requirements thereof.**

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

11 2. This state shall not be liable on any notes or
12 bonds of any port authority. Any such notes or bonds shall
13 not be a debt of the state and shall contain on the faces
14 thereof a statement to such effect; **provided, however, the**
15 **failure to include such statement on the faces thereof shall**

16 **not invalidate the notes or bonds, nor render the state**
17 **liable on such notes or bonds.**

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

23 4. The notes and bonds of every port authority are
24 securities in which all public officers and bodies of this
25 state and all political subdivisions and municipalities, all
26 insurance companies and associations, and other persons
27 carrying on an insurance business, all banks, trust
28 companies, saving associations, savings and loan
29 associations, credit unions, investment companies, all
30 administrators, guardians, executors, trustees, and other
31 fiduciaries, and all other persons whatsoever, who now or
32 may hereafter be authorized to invest in notes and bonds or
33 other obligations of this state, may properly and legally
34 invest funds, including capital, in their control or
35 belonging to them.

36 5. No port authority shall be required to pay any
37 taxes or any assessments whatsoever to this state or to any
38 political subdivisions, municipality, or other governmental
39 agency of this state. The notes and bonds of every port
40 authority and the income therefrom shall, at all times, be
41 exempt from any taxes and any assessments, except for death
42 and gift taxes and taxes on transfers. Additionally, the
43 leases of both real and personal property by or to any port
44 authority involving the issuance of bonds authorized under
45 this chapter shall be exempt from taxation. A port
46 authority issuing bonds under this chapter for incentivized
47 development shall require the developer of any project which

48 is to be leased to such developer, or any other party, to
49 confer with the affected taxing authorities, and
50 subsequently contractually require the payment of such sums
51 as they may agree upon, or the port authority may elect to
52 require such sums to be allocated among such taxing
53 authorities on the same pro rata basis as are ad valorem
54 property tax revenues.

55 6. Every port authority shall have the powers and be
56 governed by the procedures now or hereafter conferred upon
57 or applicable to the environmental improvement authority,
58 chapter 260, relating to the manner of issuance of revenue
59 bonds and notes, and the port authority shall exercise all
60 such powers and adhere to all such procedures insofar as
61 they are consistent with the necessary and proper
62 undertaking of its purposes.

68.045. 1. Every local port authority shall be
2 administered by a board of port authority commissioners
3 which shall consist of at least seven members; provided,
4 however, that the number of members of one political party
5 shall not exceed the number of members of the other party by
6 more than one. Newly created port authorities as well as
7 those presently constituted shall structure the terms of
8 those commissioners so that no more than three members'
9 terms shall expire in any one year; **provided, however, each**
10 **member shall continue to serve until their successor has**
11 **been appointed as provided herein.** The legislative body or
12 county commission of the county or city creating the port
13 authority or in the case of a port authority created in this
14 act in a constitutional charter city not within a county,
15 the legislative body of that constitutional charter city
16 shall determine the method of appointment, and subject to
17 the limitations expressed in the first sentence of this

18 section, shall determine their qualifications, salaries,
19 powers and duties consistent with the provisions of this
20 chapter; **provided, however, in the event the legislative**
21 **body or county commission, as applicable, does not determine**
22 **such qualifications, salaries, powers, and duties prior to**
23 **appointment, the board of port authority commissioners may**
24 **elect to do so pursuant to its bylaws, consistent with the**
25 **provisions of this chapter.** The legislative body or county
26 commission shall also provide for the filing of annual
27 reports by the board of port authority commissioners and for
28 periodic independent audits of the accounts of the port
29 authority.

30 **2. A member of a board of port authority commissioners**
31 **shall be removed from office in such manner as is provided**
32 **for the appointment of members, as provided in subsection 1**
33 **of this section, for malfeasance, willful neglect of duty,**
34 **or other cause after notice and public hearing, unless such**
35 **notice or hearing is expressly waived in writing. Removal**
36 **for any other reason, and the process to be undertaken in**
37 **effecting such removal, shall be reserved to the board of**
38 **port authority commissioners and exercised as prescribed by**
39 **the bylaws.**

68.055. 1. Every port authority shall let contracts
2 for all work to be done and for equipment, supplies or
3 materials to be purchased. Excepting as otherwise provided
4 herein, such contracts shall be given to the [lowest
5 responsible bidder therefor, upon not less than twenty days'
6 notice of the letting, given by publication in a newspaper
7 of general circulation in the city or county creating the
8 port authority; and in the discretion of the commissioners,
9 in one or more newspapers of general circulation among
10 contractors. The port authority shall have the power and

11 authority to reject any and all bids and to readvertise the
12 work or proposed purchase] bidder or proposer whose bid or
13 proposal, when evaluated considering factors such as ability
14 to perform, timeliness, character and reputation, quality of
15 past performance, compliance with applicable laws, quality
16 and availability, and ability to provide future maintenance
17 and services where applicable, is determined to be lowest
18 and best.

19 2. Every port authority may utilize such additional
20 procurement methods authorized by any provision of state law
21 with respect to political subdivisions, or not otherwise
22 precluded by any provision of state law with respect to
23 political subdivisions, provided such non-precluded methods
24 are structured and implemented in a manner as to ensure an
25 open, transparent, competitive, and fair process.
26 Notwithstanding the foregoing, nothing in this section shall
27 be construed to authorize a port authority to utilize
28 anything other than a qualifications-based procurement
29 method with respect to professional architecture or
30 engineering services in connection with the design,
31 construction, alteration, addition, remodeling, or
32 improvement of any public facility.

33 3. Notwithstanding the provisions of subsection 1 of
34 this section, every port authority may let contracts in a
35 manner consistent with the procedures set forth in 24 CFR
36 Section 85.36, "Uniform Administrative Requirements for
37 Grants and Cooperative Agreements to State and Local
38 Government", as may be revised from time to time, regardless
39 of the source of funds for the procurement, except that if a
40 funding source mandates specific procedures for letting
41 contracts as a condition to receipt of funds which are
42 inconsistent with the procedures authorized in this section

43 for letting contracts, a port authority may use such
44 procedures required by the funding source.

45 [3.] 4. Notwithstanding the provisions of subsection
46 [2] 3 of this section, the dollar limit of procurements
47 which may, pursuant to subsection [2] 3 of this section, be
48 accomplished using "small purchase procedures", shall, for
49 the purposes of procurements to be paid for with funds other
50 than federal funds, adjust annually based on the rate of
51 inflation according to the Consumer Price Index, commencing
52 in 1995.

68.057. Any expenditure made by a port authority[, as
2 defined in section 68.205,] that is over [twenty-five] **fifty**
3 thousand dollars, including professional service contracts,
4 shall be competitively [bid] **procured. Contracts shall be**
5 **awarded upon not less than twenty days' notice of the**
6 **letting, given by publication in a newspaper of general**
7 **circulation in the city or county creating the port**
8 **authority; and in the discretion of the commissioners, in**
9 **one or more newspapers of general circulation among**
10 **contractors. The port authority shall have the power and**
11 **authority to reject any and all bids or proposals and to**
12 **readvertise the work or proposed purchase.**

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

10 2. The **boards of existing local port authorities and**
11 **the** legislative bodies or county commissions of cities or
12 counties desiring to form a regional port authority are
13 hereby authorized to enter into contractual agreements with
14 each other for the purpose of creating within each
15 jurisdiction regional port districts administered by the
16 regional port authority. All terms and provisions of said
17 contractual agreements shall be consistent with the
18 provisions of this chapter. The contractual agreement shall
19 be filed in the office of county clerk, city clerk or clerk
20 of the county council of each party to the agreement.

21 3. The boundaries of any regional port district, and
22 the number, method of appointment, terms, qualifications,
23 salaries, powers and duties of a regional board of
24 commissioners shall be fixed by the contractual agreement;
25 provided, however, that any contractual agreement shall not
26 become effective until it has been submitted to and approved
27 by:

28 (1) All of the legislative bodies or county
29 commissions entering into said contractual agreement, **with**
30 **respect to those cities and counties not currently having**
31 **local port authorities approved by the highways and**
32 **transportation commission of the state of Missouri; and**

33 (2) **The boards of the existing port authorities**
34 **entering into said contractual agreement.**

35 4. The port districts to be included within the
36 regional port authority need not be contiguous, adjacent, or
37 abutting.

38 5. Any local port authority is authorized to contract
39 with an existing regional port authority for inclusion in
40 the regional port authority. The contractual agreement
41 shall be formulated by the terms and procedures expressed in

42 subsections 2 and 3 of this section. Approval of the
43 highways and transportation commission shall be required to
44 make the annexation effective.

45 6. Any local port authority established by a city or
46 county, that subsequently enters into a contractual
47 agreement and is approved as part of a regional port
48 authority, is dissolved as of the date that the annexation
49 is approved by the highways and transportation commission of
50 the state. On said date, all funds and other assets of the
51 local port authority shall be transferred to the regional
52 port authority. The regional port authority shall
53 faithfully perform all existing contracts and assume all
54 legal obligations of the local port authority.

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

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

5 (1) "AIM zone", an area identified through a
6 resolution passed by the port authority board of
7 commissioners appointed under section 68.045 that is being
8 developed or redeveloped for any purpose so long as any
9 infrastructure and building built or improved is in the
10 development area. The port authority board of commissioners
11 shall file an annual report indicating the established AIM
12 zones with the department of revenue;

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

20 (3) "New job", the number of full-time employees
21 located at the project facility that exceeds the project
22 facility base employment less any decrease in the number of
23 full-time employees at related facilities below the related
24 facility base employment. No job that was created prior to
25 the date of the notice of intent shall be deemed a new job;
26 **provided, however, any job determined by the department of**
27 **economic development to be eligible for retention of**
28 **withholding tax under the Missouri works program, sections**
29 **620.2000 to 620.2020, shall be deemed a new job for purposes**
30 **of this section, notwithstanding that it may have been**
31 **created prior to the date of the notice of intent.** An
32 employee that spends less than fifty percent of the
33 employee's work time at the facility is still considered to
34 be located at a facility if the employee receives his or her
35 directions and control from that facility, is on the
36 facility's payroll, one hundred percent of the employee's
37 income from such employment is Missouri income, and the
38 employee is paid at or above the county average wage;

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

44 3. Any port authority located in this state may
45 establish an AIM zone. Such zone may only include the area
46 within the port authority's jurisdiction, ownership, or
47 control, and may include any such area. The port authority
48 shall determine the boundaries for each AIM zone, and more
49 than one AIM zone may exist within the port authority's
50 jurisdiction or under the port authority's ownership or

51 control, and may be expanded or contracted by resolution of
52 the port authority board of commissioners.

53 4. Fifty percent of the state tax withholdings imposed
54 by sections 143.191 to 143.265 on new jobs within such zone
55 after development or redevelopment has commenced shall not
56 be remitted to the general revenue fund of the state of
57 Missouri. Such moneys shall be deposited into the port
58 authority AIM zone fund established under subsection 5 of
59 this section for the purpose of continuing to expand,
60 develop, and redevelop AIM zones identified by the port
61 authority board of commissioners and may be used for
62 managerial, engineering, legal, research, promotion,
63 planning, satisfaction of bonds issued under section 68.040,
64 and any other expenses.

65 5. There is hereby created in the state treasury the
66 "Port Authority AIM Zone Fund", which shall consist of money
67 collected under this section. The state treasurer shall be
68 custodian of the fund and shall approve disbursements from
69 the fund in accordance with sections 30.170 and 30.180 to
70 the port authorities from which the funds were collected,
71 less the pro-rata portion appropriated by the general
72 assembly to be used solely for the administration of this
73 section which shall not exceed ten percent of the total
74 amount collected within the zones of a port authority.
75 Notwithstanding the provisions of section 33.080 to the
76 contrary, any moneys remaining in the fund at the end of the
77 biennium shall not revert to the credit of the general
78 revenue fund. The state treasurer shall invest moneys in
79 the fund in the same manner as other funds are invested.
80 Any interest and moneys earned on such investments shall be
81 credited to the fund.

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

87 7. The provision of section 23.253 notwithstanding, no
88 AIM zone may be established after August 28, 2030. Any AIM
89 zone created prior to that date shall continue to exist and
90 be coterminous with the retirement of all debts incurred
91 under subsection 4 of this section. No debts may be
92 incurred or reauthorized using AIM zone revenue after August
93 28, 2030.

**68.085. 1. Records and documents submitted to a local
2 or regional port authority and pertaining to a business
3 prospect the port authority is currently negotiating may be
4 deemed a closed record as such term is defined in section
5 610.010.**

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

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

4 (1) "Act", the port improvement district act, sections
5 68.200 to 68.260;

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

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

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

14 (a) Owners of real property collectively owning more
15 than **[sixty] fifty** percent by assessed value of real
16 property within the boundaries of the proposed port
17 improvement district; and

18 (b) More than **[sixty] fifty** percent per capita of the
19 owners of all real property within the boundaries of the
20 proposed port improvement district;

21 (5) "Director of revenue", the director of the
22 department of revenue of the state of Missouri;

23 (6) "Disposal of solid waste or sewage", the entire
24 process of storage, collection, transportation, processing,
25 and disposal of solid wastes or sewage;

26 (7) "District" or "port improvement district", an area
27 designated by the port authority which is located within its
28 port district boundaries at the time of establishment;

29 (8) "Election authority", the election authority
30 having jurisdiction over the area in which the boundaries of
31 the district are located under chapter 115;

32 (9) "Energy conservation", the reduction of energy
33 consumption;

34 (10) "Energy efficiency", the increased productivity
35 or effectiveness of the use of energy resources, the
36 reduction of energy consumption, or the use of renewable
37 energy sources;

38 (11) "Obligations", revenue bonds and notes issued for
39 the repayment of any money obtained by a port authority from
40 any public or private source along with any associated

41 financing costs, including, but not limited to, the costs of
42 issuance, capitalized interest, and debt service;

43 (12) "Owner", the individual or individuals or entity
44 or entities who own a fee interest in real property that is
45 located within the boundaries of a district based upon the
46 recorded real estate records of the county recorder, or the
47 city recorder of deeds if the district is located in a city
48 not within a county, as of the thirtieth day prior to any
49 action;

50 (13) "Petition", a petition to establish a port
51 improvement district within the port district boundaries or
52 a petition to make a substantial change to an existing
53 district;

54 (14) "Pollution", the existence of any noxious
55 substance in the air or waters or on the lands of the state
56 in sufficient quantity and of such amounts, characteristics,
57 and duration as to injure or harm the public health or
58 welfare or animal life or property;

59 (15) "Port authority", a political subdivision
60 established pursuant to this chapter;

61 (16) "Port district boundaries", the boundaries of any
62 port authority on file with the clerk of the county
63 commission, city clerk, or clerk of the legislative or
64 governing body of the county as applicable, which became
65 effective upon approval by the Missouri highways and
66 transportation commission;

67 (17) "Project" or "port improvement project", with
68 respect to any property within a port improvement district,
69 or benefitting property within a port improvement district:

70 (a) Providing for, or contracting for the provision
71 of, environmental cleanup, including the disposal of solid

72 waste, services to brownfields, or other polluted real
73 property;

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

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

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

84 (e) Modifications to, or the relocation of, any
85 existing building, structure, infrastructure, fixture, or
86 facility that has been acquired or constructed, or which is
87 to be acquired or constructed for the purpose of developing
88 energy resources, preventing, reducing, or eliminating
89 pollution, or providing water facilities or the disposal of
90 solid waste;

91 (f) The acquisition, clearing, and grading of real
92 property and the acquisition of other property and
93 improvements, or rights and interest therein, which are
94 determined by the port authority to be significant in, or in
95 the furtherance of, the history, architecture, archeology,
96 or culture of the United States, the state of Missouri, or
97 its political subdivisions;

98 (g) The operation, maintenance, repair,
99 rehabilitation, or reconstruction of any existing public or
100 private building, structure, infrastructure, fixture, or
101 facility determined by the port authority to be significant
102 in, or in the furtherance of, the history, architecture,

103 archeology, or culture of the United States, the state of
104 Missouri, or its political subdivisions;

105 (h) The construction of any new building, structure,
106 infrastructure, fixture, or facility that is determined by
107 the port authority to be significant in, or in the
108 furtherance of, the history, architecture, archeology, or
109 culture of the United States, the state of Missouri, or its
110 political subdivisions;

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

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

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

121 (b) Professional service costs, including, but not
122 limited to, architectural, engineering, legal, research,
123 marketing, financial, planning, consulting, and special
124 services, including professional service costs necessary or
125 incident to determining the feasibility or practicability of
126 any project and carrying out the same;

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

129 (d) Property assembly costs, including, but not
130 limited to, acquisition of land and other property and
131 improvements, real or personal, or rights or interests
132 therein, demolition of buildings and structures, and the
133 clearing or grading of land, machinery, and equipment

134 relating to any project, including the cost of demolishing
135 or removing any existing structures;

136 (e) Costs of operating, rehabilitating,
137 reconstructing, maintaining, and repairing existing
138 buildings, structures, infrastructure, facilities, or
139 fixtures;

140 (f) Costs of constructing new buildings, structures,
141 infrastructure, facilities, or fixtures;

142 (g) Costs of constructing, operating, rehabilitating,
143 reconstructing, maintaining, repairing or removing public
144 works or improvements;

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

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

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

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

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

162 (b) If no registered voters reside within the
163 district, the owners of one or more parcels of real property
164 within the district which would be subject to such real
165 property taxes or sales and use taxes, as applicable, based

166 upon the recorded real estate records of the county
167 recorder, or the city recorder of deeds if the district is
168 located in a city not within a county, as of the thirtieth
169 day prior to the date of the applicable election;

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

175 (21) "Respondent", unless the port authority is the
176 owner of all real property within the proposed district, the
177 municipality or municipalities within which the proposed
178 district is located, the county or counties within which the
179 proposed district is located, the Missouri highways and
180 transportation commission when the proposed district shall
181 be within the highways of the state of Missouri, and any
182 other political subdivision within the boundaries of the
183 proposed port improvement district, except the petitioning
184 port authority;

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

190 (23) "Substantial changes", with respect to an
191 established port improvement district, the addition or
192 removal of real property to or from the port improvement
193 district and any changes to the approved district funding
194 mechanism; [and]

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

198 (25) "Water facilities", any facilities for the
199 furnishing and treatment of water for industrial,
200 commercial, agricultural, or community purposes including,
201 but not limited to, wells, reservoirs, dams, pumping
202 stations, water lines, sewer lines, treatment plants,
203 stabilization ponds, storm sewers, storm water detention and
204 retention facilities, and related equipment and machinery.

68.253. Notwithstanding any provision of sections
2 **68.200 to 68.260 to the contrary, in the event that the port**
3 **authority is the owner of all the real property within the**
4 **proposed district or existing district for which a**
5 **substantial change has been proposed, or, one hundred**
6 **percent per capita of the owners of all the real property**
7 **within the proposed district or existing district for which**
8 **a substantial change has been proposed have consented in**
9 **writing to the creation of the proposed district or**
10 **substantial change, consideration of the petition by the**
11 **circuit court shall not be required. In such event,**
12 **certification of any question with respect to any tax**
13 **proposed to be levied or modified shall be made by the board**
14 **of port authority commissioners and thereafter provided to**
15 **the election authority as otherwise provided by section**
16 **68.250.**

 68.259. Notwithstanding the provisions of section
2 1.140 to the contrary, the provisions of [sections 68.025,
3 68.035, 68.040, 68.057, 68.070, 68.200, 68.205, 68.210,
4 68.215, 68.220, 68.225, 68.230, 68.235, 68.240, 68.245,
5 68.250, 68.255, and 68.260 as contained in this act] **this**
6 **chapter** shall be severable, and if any provision is for any
7 reason held to be invalid, such decision shall not
8 invalidate any of the remaining provisions of [sections
9 68.025, 68.035, 68.040, 68.057, 68.070, 68.200, 68.205,

10 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240,
11 68.245, 68.250, 68.255, and 68.260 as contained in this act]
12 **this chapter.**

✓