

SECOND REGULAR SESSION

HOUSE BILL NO. 2227

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

5551H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 67.653, RSMo, and to enact in lieu thereof one new section relating to powers of a regional convention and sports complex authority.

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

Section A. Section 67.653, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.653, to read as follows:

67.653. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase, lease or sublease from public or private sources and to plan, construct, operate and maintain, or to lease or sublease to or from others for construction, operation and maintenance, convention centers, sports stadiums, field houses, indoor and outdoor convention, recreational, and entertainment facilities and centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of convention, entertainment and meeting activities and for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground, except that no such stadium, complex or facility shall be used, in any fashion, for the purpose of horse racing or dog racing, and any stadium, complex or facility newly constructed by the authority shall be suitable for multiple purposes and designed and constructed to meet National Football League franchise standards [and shall be located adjacent to an existing convention facility];

(2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(3) To maintain an office, and to conduct its meetings at such place or places in the city or in the county as it may designate;

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.

17 (4) To charge and collect fees and rents for use of the facilities owned or operated by it
18 or leased or subleased from or to others and to deposit any funds received under the provisions
19 of sections 67.650 to 67.658 in a savings or checking account in a bank, credit union, or savings
20 and loan association in this state;

21 (5) To adopt a common seal;

22 (6) To contract and to be contracted with, including, but without limitation, the authority
23 to enter into contracts with cities, counties and other political subdivisions and public agencies
24 under sections 70.210 to 70.325, and otherwise, and to enter into contracts with other entities,
25 in connection with the acquisition by gift, bequest, purchase, lease or sublease and in connection
26 with the planning, construction, financing, leasing, subleasing, operation and maintenance of any
27 convention or sports facility and for any other lawful purpose, and to sue and to be sued;

28 (7) To receive for its lawful activities any rentals, contributions or moneys appropriated
29 or otherwise designated for payment to the authority by municipalities, counties, state or other
30 political subdivisions or public agencies or by the federal government or any agency or officer
31 thereof or from any other source;

32 (8) To disburse funds for its lawful activities and fix salaries and wages of its officers
33 and employees;

34 (9) To invest any of the authority's funds in such types of investments as shall be
35 determined by a resolution adopted by the commissioners of the authority;

36 (10) To borrow money for the acquisition, planning, construction, equipping, operation,
37 maintenance, repair, extension and improvement of any facility, or any part or parts thereof,
38 which it has the power to own, lease or operate, and for any other proper corporate purpose, and
39 to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed,
40 as hereinafter provided in this section:

41 (a) Bonds issued hereunder shall be issued pursuant to a resolution adopted by the
42 commissioners of the authority which shall set out the estimated cost to the authority of the
43 proposed facility or facilities, and shall further set out the amount of bonds to be issued, their
44 purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest,
45 time or times of payment, both of principal and of interest, place or places of payment and all
46 other details in connection therewith. Any such bonds may be subject to such provision for
47 redemption prior to maturity, with or without premium, and at such times and upon such
48 conditions as may be provided by the resolution;

49 (b) Notwithstanding the provisions of section 108.170, such bonds shall bear interest at
50 such rate or rates determined by the authority and shall mature within a period not exceeding fifty
51 years and may be sold at public or private sale for not less than ninety-five percent of the

52 principal amount thereof. Bonds issued by the authority shall possess all of the qualities of
53 negotiable instruments under the laws of this state;

54 (c) Such bonds may be payable to bearer, may be registered or coupon bonds and if
55 payable to bearer, may contain such registration provisions as to either principal and interest, or
56 principal only, as may be provided in the resolution authorizing the same, which resolution may
57 also provide for the exchange of registered and coupon bonds. Such bonds and any coupons
58 attached thereto shall be signed in such manner and by such officers of the authority as may be
59 provided for by the resolution authorizing the same. The authority may provide for the
60 replacement of any bond which shall become mutilated, destroyed or lost;

61 (d) Bonds issued by the authority shall be payable as to principal, interest and
62 redemption premium, if any, out of all or any part of the general funds of the authority, including
63 rents, revenues, receipts and income derived and to be derived for the use of any facility or
64 combination of facilities, or any part or parts thereof, acquired, constructed, improved or
65 extended in whole or in part from the proceeds of such bonds, including but not limited to
66 convention center and stadium rentals, concessions, parking facilities and from funds derived
67 from any other facilities or part or parts thereof, owned or operated by the authority, all or any
68 part of which rents, revenues, receipts and income the authority is authorized to pledge for the
69 payment of said principal, interest, and redemption premium, if any, except that direct
70 appropriations of tax revenues received by the authority pursuant to sections 67.656 and 67.657
71 or otherwise, other than appropriations for the payment of rent, shall not be pledged for the
72 payment of such bonds. Neither the commissioners of the authority nor any person executing
73 its bonds shall be personally liable on such bonds by reason of the issuance thereof. Bonds
74 issued under the provisions of sections 67.653 to 67.655 shall not constitute a debt, liability, or
75 obligation of this state, or any political subdivision of this state, nor shall any such obligations
76 be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and
77 assets held by the authority. The issuance of bonds under sections 67.653 to 67.655 shall not,
78 directly, indirectly, or contingently, obligate the state of Missouri or any political subdivision
79 thereof, or the authority, to levy any form of taxation therefor or to make any appropriation for
80 their payment. Each obligation or bond issued under sections 67.653 to 67.655 shall contain on
81 the face thereof a statement to the effect that the authority shall not be obligated to pay the same
82 nor the interest on such bond, except from the revenues received by the authority or assets of the
83 authority lawfully pledged therefor, and that neither the faith and credit nor the taxing power of
84 this state or of any political subdivision of this state is pledged to the payment of the principal
85 of or the interest on such obligation or bond. Bonds issued pursuant to this section may be
86 further secured by a mortgage, deed of trust, trust agreement, pledge agreement, assignment or
87 security agreement upon the rents, revenues, receipts and income herein referred to or any part

88 thereof, or upon any leasehold interest or other property owned by the authority, or any part
89 thereof, whether then owned or thereafter acquired, except that direct appropriations of tax
90 revenues received by the authority pursuant to sections 67.656 and 67.657 or otherwise, other
91 than appropriations for the payment of rent, shall not secure such bonds. The proceeds of such
92 bonds shall be disbursed in such manner and under such restrictions as the authority may provide
93 in the resolution authorizing the issuance of such bonds or in any such mortgage, deed of trust,
94 trust agreement, pledge agreement or security agreement;

95 (e) The authority shall fix and maintain rates and rentals and make and collect charges
96 for the use and services of its interest in the facility or facilities or any part thereof owned or
97 operated by the authority which shall be sufficient to pay the cost of operation and maintenance
98 thereof, to pay the principal of and interest on any such bonds payable from such rates, rentals
99 and charges and to provide funds sufficient to meet all requirements of the resolution by which
100 such bonds have been issued;

101 (f) The resolution authorizing the issuance of any such bonds may provide for the
102 allocation of rents, revenues, receipts and income derived and to be derived by the authority from
103 the use of any facility or part thereof, and of the proceeds received pursuant to sections 67.656
104 and 67.657, into such separate accounts as shall be deemed to be advisable to assure the proper
105 operation and maintenance of any facility or part thereof and the prompt payment of any bonds
106 issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts
107 necessary for the proper operation and maintenance of any such facility or any part thereof, and
108 for the payment of any such bonds. Such resolution may include such other covenants and
109 agreements by the authority as in its judgment are advisable or necessary properly to secure the
110 payment of such bonds;

111 (g) The authority may issue negotiable refunding bonds for the purpose of refunding,
112 extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes
113 or other obligations issued by any other public agency, public body or political subdivision in
114 connection with any facilities to be acquired, leased or subleased by the authority [, which
115 refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding
116 bonds to be refunded and the accrued interest thereon to the date of such refunding, together with
117 any redemption premium, amounts necessary to establish reserve and escrow funds and all costs
118 and expenses incurred in connection with the refunding]. The authority may provide for the
119 payment of interest on such refunding bonds at a rate in excess of the bonds to be refunded;

120 (h) In case any of the commissioners or officers of the authority whose signatures appear
121 on any bonds or coupons shall cease to be such commissioners or officers before the delivery of
122 such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same
123 as if such commissioners or officers had remained in office until such delivery;

124 (i) The authority is hereby declared to be performing a public function and bonds of the
125 authority are declared to be issued for an essential public and governmental purpose and,
126 accordingly, interest thereon and income therefrom shall be exempt from income taxation by the
127 state of Missouri;

128 (11) To condemn any and all rights or property of any kind or character, necessary for
129 the purposes of the authority, in the manner provided in chapter 523, except that no property now
130 or hereafter vested in or held by the state, the county or the city shall be taken by the authority
131 without the authorization or consent of such party; provided however, that the authority shall
132 provide relocation benefits to all individuals and businesses, occupying said property, in the
133 same manner as such relocation benefits are provided pursuant to the federal Relocation
134 Assistance Act;

135 (12) To perform all other necessary and incidental functions, and to exercise such
136 additional powers as shall be conferred by the general assembly or by act of Congress.

137 2. The authority shall proceed to carry out its duties, functions and powers in accordance
138 with sections 67.650 to 67.658, and the authority is vested with all necessary and appropriate
139 powers not inconsistent with the constitution or the laws of the United States to effectuate the
140 same, except the power to levy taxes or assessments. In no event shall the state be liable for any
141 deficiency or indebtedness incurred by the authority.

142 3. The authority shall grant or award at least fifteen percent of all contracts, employment
143 opportunities, professional services and all other special contracts to persons who are members
144 of a racial minority group, as defined in section 37.013.

145 4. The authority and any city, county, other political subdivision or public agency
146 obtaining funds pursuant to the provisions of this chapter shall be subject to the provisions of
147 sections 34.073 and 34.076.

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