

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 156

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Read 1st time January 6, 2005, and ordered printed.

Read 2nd time January 18, 2005, and referred to the Committee on Transportation.

Reported from the Committee March 1, 2005, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 8, 2005. Read 3rd time and placed upon its final passage; bill passed.

0622S.01P

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 68.020 and 68.025, RSMo, and to enact in lieu thereof two new sections relating to port authorities.

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

Section A. Sections 68.020 and 68.025, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 68.020 and 68.025, to read as follows:

68.020. It shall be the purposes of every port authority to promote the general welfare, **to promote development within the port district**, to encourage private capital investment by fostering the creation of industrial facilities and industrial parks within the port district and to endeavor to increase the volume of commerce, and to promote the establishment of a foreign trade zone within the port districts.

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

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

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

(3) Either jointly with a similar body, or separately, recommend to the proper

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

departments of the government of the United States, or any state or subdivision thereof, or to any other body, the carrying out of any public improvement for the benefit of its port districts;

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

(5) Represent its port districts before all federal, state and local agencies;

(6) Cooperate with other public agencies and with industry, business, and labor in port district improvement matters;

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

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

(9) Prevent or remove, or cause to be removed, obstructions in harbor areas, including the removal of wrecks, wharves, piers, bulkheads, derelicts, jetties or other structures endangering the health and general welfare of the port districts; in case of the sinking of a facility from any cause, such facility or vessel shall be removed from the harbor at the expense of its owner or agent so that it shall not obstruct the harbor;

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

(11) Acquire, own, construct, **redevelop**, lease, [and] maintain, **and conduct land reclamation and resource recovery with respect to unimproved land, residential developments, commercial developments, mixed-use developments**, recreational facilities, industrial parks, industrial facilities, and terminals, terminal facilities, warehouses and any other type port facility;

(12) Acquire, own, lease, sell or otherwise dispose of interest in and to real property and improvements situate thereon and in personal property necessary to fulfill the purposes of the port authority;

(13) Acquire rights-of-way and property of any kind or nature within its port districts necessary for its purposes. Every port authority shall have the right and power to acquire the same by purchase, negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, condemnation proceedings shall be maintained by and in the name of the port authority, and it may proceed in the manner provided by the laws of this state for any county or municipality. The power of eminent domain shall not apply to property actively being used in relation to or in conjunction with river trade or commerce, unless such

use is by a port authority pursuant to a lease in which event the power of eminent domain shall apply;

(14) Contract and be contracted with, and to sue and be sued;

(15) Accept gifts, grants, loans or contributions from the United States of America, the state of Missouri, political subdivisions, municipalities, foundations, other public or private agencies, individual, partnership or corporations;

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

(17) Improve navigable and nonnavigable areas as regulated by federal statute;

(18) Disburse funds for its lawful activities and fix salaries and wages of its employees; and

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

2. [When private operators are not interested or available, the port authority shall have the power to operate a recreational facility, industrial parks, and terminals, and terminal facilities, warehouses and any other type port facility for a period not to exceed five years, after which the facility shall again be offered for competitive bids for private operation. In the event that such bids are not responsive, the port authority shall submit these bids to the highways and transportation commission for review. In the event that the commission concurs, the port authority may petition the commission, at least nine months before the expiration of the operating provision, to extend the provision for one additional period not to exceed five years.] **In implementing its powers, the port authority shall have the power to enter into agreements with private operators or public entities for the joint development, redevelopment, and reclamation of property within a port district or for other uses to fulfill the purposes of the port authority.**