

FIRST REGULAR SESSION

[CORRECTED]

[PERFECTED]

# HOUSE BILL NO. 354

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHLOTTACH (Sponsor), FAITH,  
LOEHNER AND STORCH (Co-sponsors).

1244L.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 144.054, 227.600, and 227.615, RSMo, and to enact in lieu thereof nine new sections relating to transportation projects.

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

Section A. Sections 144.054, 227.600, and 227.615, RSMo, are repealed and nine new  
2 sections enacted in lieu thereof, to be known as sections 144.054, 227.600, 227.615, 227.646,  
3 and sections 1, 2, 3, 4, and 5, to read as follows:

144.054. 1. As used in this section, the following terms mean:

2 (1) "Processing", any mode of treatment, act, or series of acts performed upon materials  
3 to transform or reduce them to a different state or thing, including treatment necessary to  
4 maintain or preserve such processing by the producer at the production facility;

5 (2) "Recovered materials", those materials which have been diverted or removed from  
6 the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent  
7 separation and processing.

8 2. In addition to all other exemptions granted under this chapter, there is hereby  
9 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to  
10 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010  
11 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or  
12 propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used  
13 or consumed in the manufacturing, processing, compounding, mining, or producing of any

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.

14 product, or used or consumed in the processing of recovered materials, or used in research and  
15 development related to manufacturing, processing, compounding, mining, or producing any  
16 product. The exemptions granted in this subsection shall not apply to local sales taxes as defined  
17 in section 32.085, RSMo, and the provisions of this subsection shall be in addition to any state  
18 and local sales tax exemption provided in section 144.030.

19 3. In addition to all other exemptions granted under this chapter, there is hereby  
20 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to  
21 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085,  
22 RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010  
23 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as  
24 defined in section 32.085, RSMo, all utilities, machinery, and equipment used or consumed  
25 directly in television or radio broadcasting and all sales and purchases of tangible personal  
26 property, utilities, services, or any other transaction that would otherwise be subject to the state  
27 or local sales or use tax when such sales are made to or purchases are made by a contractor for  
28 use in fulfillment of any obligation under a defense contract with the United States government,  
29 and all sales and leases of tangible personal property by any county, city, incorporated town, or  
30 village, provided such sale or lease is authorized under chapter 100, RSMo, and such transaction  
31 is certified for sales tax exemption by the department of economic development, and tangible  
32 personal property used for railroad infrastructure brought into this state for processing,  
33 fabrication, or other modification for use outside the state in the regular course of business.

34 **4. In addition to all other exemptions granted under this chapter, there is hereby**  
35 **specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to**  
36 **144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085,**  
37 **RSMo, and from the computation of the tax levied, assessed, or payable under sections**  
38 **144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales**  
39 **tax law as defined in section 32.085, RSMo, all sales and purchases of tangible personal**  
40 **property, utilities, services, or any other transaction that would otherwise be subject to the**  
41 **state or local sales or use tax when such sales are made to or purchases are made by a**  
42 **private partner for use in completing a project under sections 227.600 to 227.669, RSMo.**

227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited as the  
2 "Missouri Public-Private Partnerships Transportation Act".

3 2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise,  
4 the following terms mean:

5 (1) "Commission", the Missouri highways and transportation commission;

- 6 (2) "Comprehensive agreement", the final binding written comprehensive project  
7 agreement between a private partner and the commission required in section 227.621 to finance,  
8 develop, and/or operate the project;
- 9 (3) "Department", the Missouri department of transportation;
- 10 (4) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease,  
11 design, or construct;
- 12 (5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other charges  
13 incurred to finance, develop, and/or operate the project;
- 14 (6) "Interim agreement", a preliminary binding written agreement between a private  
15 partner and the commission that provides for completion of studies and any other activities to  
16 advance the financing, development, and/or operation of the project required by section 227.618;
- 17 (7) "Material default", any uncured default by a private partner in the performance of its  
18 duties that jeopardizes adequate service to the public from the project as determined by the  
19 commission;
- 20 (8) "Operate" or "operation", to improve, maintain, equip, modify, repair, administer, or  
21 collect user fees;
- 22 (9) "Private partner", any natural person, corporation, partnership, limited liability  
23 company, joint venture, business trust, nonprofit entity, other business entity, or any combination  
24 thereof;
- 25 (10) "Project", [a bridge to be owned by the commission and the Illinois department of  
26 transportation or any other suitable public body of the state of Illinois, which is located across  
27 the boundaries of the state of Illinois and the state of Missouri in a city not within a county to be  
28 financed, developed, and/or operated under agreement between the commission, a private  
29 partner, the Illinois department of transportation, and, if appropriate, any other suitable public  
30 body of the state of Illinois] **includes any pipeline, ferry, river port, airport, railroad, light  
31 rail or other mass transit facility, and any similar or related improvement or infrastructure  
32 to be financed, developed, and/or operated under agreement between the commission and  
33 a private partner;**
- 34 (11) "Public use", a finding by the commission that the project to be financed, developed,  
35 and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed  
36 as a necessary addition to the state highway system **or state transportation system;**
- 37 (12) "Revenues", include but are not limited to the following which arise out of or in  
38 connection with the financing, development, and/or operation of the project:
- 39 (a) Income;
- 40 (b) Earnings;
- 41 (c) Proceeds;

- 42 (d) User fees;
- 43 (e) Lease payments;
- 44 (f) Allocations;
- 45 (g) Federal, state, and local moneys; or
- 46 (h) Private sector moneys, grants, bond proceeds, and/or equity investments;
- 47 (13) "State", the state of Missouri;
- 48 (14) "State highway system", the state system of highways and bridges planned, located,
- 49 relocated, established, acquired, constructed, and maintained by the commission under section
- 50 30(b), article IV, Constitution of Missouri;
- 51 (15) **"State transportation system", the state system of nonhighway transportation**
- 52 **programs, including, but not limited to aviation, transit and mass transportation, railroads,**
- 53 **ports, waterborne commerce, freight and intermodal connections;**
- 54 (16) "User fees", tolls, fees, or other charges authorized to be imposed by the
- 55 commission and collected by the private partner for the use of all or a portion of a project under
- 56 a comprehensive agreement.

227.615. The commission may by commission minute approve the project if the

2 commission determines the project will improve and is a needed addition to the state highway

3 system **or the state transportation system.**

**227.646. Any revenues received under sections 227.600 to 227.669 shall be exempt**

2 **from any tax on income imposed by any law of this state.**

**Section 1. The governor is hereby authorized and empowered to sell, transfer, grant,**

2 **convey, remise, release and forever quitclaim to the state highways and transportation**

3 **commission all interest of the state of Missouri in real property located in part of City**

4 **Block Number 239 and 240 in the city of St. Louis. The property to be conveyed is more**

5 **particularly described as follows:**

6 **Commencing at the Northwest corner of City Block Number 239; thence South 18**

7 **degrees 13 minutes 13 seconds East for a distance of 62.14 feet to centerline Station**

8 **68+00.00; thence South 62 degrees 38 minutes 07 seconds West for a distance of**

9 **241.54 feet to centerline P.T. Station 65+58.46; BEGINNING AGAIN at centerline**

10 **Station 68+00.00; on the centerline of Interstate Highway 70; thence North 62**

11 **degrees 38 minutes 07 seconds East for a distance of 239.19 feet to centerline P.C.**

12 **Station 70+39.19; thence Northeasterly along the arc of a curve to the right having**

13 **a radius of 1,892.60 for a distance of 81.74 feet to centerline Station 71+20.93;**

14 **thence Southeasterly leaving the centerline of said Interstate Route 70 to a point**

15 **4.87 feet Southeasterly of and radial to said centerline Station 71+20.93, BEING**

16 **THE POINT OF BEGINNING; thence Southerly to a point 73.35 feet Southeasterly**

17 of and radial to centerline Station 71+08.40; thence Southwesterly along the arc of  
18 a curve to the left having a radius of 1910 feet a distance of 76.83 feet to a point  
19 74.77 feet Southeasterly of and at a right angle to centerline Station 70+31.57;  
20 thence Southwesterly to a point 66.72 feet Southeasterly of and at a right angle to  
21 centerline Station 68+99.79; thence southwesterly to a point 79.31 feet southeasterly  
22 of and at right angle to centerline Station 68+04.62; thence southwesterly to a point  
23 79.83 feet southeasterly of and at right angle to centerline station 67+78.62; thence  
24 Northerly to a point 61.35 feet Northwesterly of and at a right angle to centerline  
25 Station 68+09.88; thence Easterly to the point of BEGINNING, and containing  
26 32,682 square feet, more or less.

27 Also, all of abutter's rights of direct access between the highway now known as Interstate  
28 Highway 70 and grantor's abutting land in City Block Number 239 and 240, St. Louis City,  
29 Missouri.

Section 2. The governor is also hereby authorized and empowered to give, grant,  
2 bargain, and convey a permanent transmission easement for construction and maintenance  
3 of utilities to the state highways and transportation commission, and any successors or  
4 assigns as designated by the commission, which is located in part of City Block Number 239  
5 and 240 in the City of St. Louis, Missouri. The permanent transmission easement is more  
6 particularly described as follows:

7 Commencing at the Northwest corner of City Block Number 239; thence South 18  
8 degrees 13 minutes 13 seconds East for a distance of 62.14 feet to centerline Station  
9 68+00.00; thence South 62 degrees 38 minutes 07 seconds West for a distance of  
10 241.54 feet to centerline P.T. Station 65+58.46; BEGINNING AGAIN at centerline  
11 Station 68+00.00 on the centerline of Interstate Highway 70; thence North 62  
12 degrees 38 minutes 07 seconds East for a distance of 4.62 feet to centerline Station  
13 68+04.62; thence Southeasterly to a point 79.31 feet Southeasterly of and at a right  
14 angle to said centerline Station 68+04.62, BEING THE POINT OF BEGINNING;  
15 thence Southerly to a point 265.03 feet Southeasterly of and at a right angle to  
16 centerline Station 67+63.71; thence Southerly to a point 703.22 feet Southeasterly  
17 of and at a right angle to centerline Station 66+15.05; thence continuing Southerly  
18 to a point 759.86 feet Southeasterly of and at a right angle to centerline Station  
19 65+66.31; thence Northerly to a point 278.24 feet Southeasterly of and at a right  
20 angle to centerline Station 67+34.70; thence Northerly to a point 79.83 feet  
21 Southeasterly of and at a right angle to centerline Station 67+78.62; thence  
22 Northeasterly to the point of BEGINNING, and containing 17,333 square feet, more  
23 or less.

**Section 3. In addition, the instruments of conveyance noted in sections 1 and 2 shall  
2 contain such other restrictions, temporary easements, and any other conditions as are  
3 deemed necessary by the governor and the commission to construct a new Mississippi  
4 River bridge and necessary accompanying state highways.**

**Section 4. Consideration for the conveyance shall be as negotiated by the  
2 commissioner of administration and the Missouri highways and transportation  
3 commission.**

**Section 5. The attorney general shall approve the form of the instrument of  
2 conveyance.**

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