



March 14, 2003

The G A Capitol Report

Governmental Affairs 573/522-1924

HOUSE TRANSPORTATION COMMITTEE CONSIDERS CHANGES TO MHTC: A bill that would change the way members of the Missouri Highways and Transportation Commission are appointed was heard March 12 by the House Transportation and Motor Vehicles Committee. The legislation, House Bill 334, sponsored by Rep. Lanie Black, R-Charleston, would require the governor to appoint members to the commission from a list of candidates supplied by House and Senate leaders of each political party.

Currently, the House and Senate leaders do not offer a list of suggested candidates to the governor when he selects commission members.

The legislation also would require the governor to appoint one candidate from each party every two years. Candidates must be appointed by July 1 in even-numbered years. When a seat on the commission becomes vacant, the House and Senate leaders of the same political party as the member leaving the commission would submit within 30 days the names of three candidates for the seat. The governor would then have 15 days to appoint a new member. The new member would serve only the remainder of the unexpired six-year term.

No further action was taken on the bill.

LEGISLATION AUTHORIZING GOVERNOR TO APPOINT MoDOT DIRECTOR INTRODUCED IN HOUSE: A resolution that would make major changes to the way MoDOT operates was introduced this week in the House. The legislation, House Joint Resolution 22, sponsored by Rep. Tom Green, D-St. Charles, would authorize the governor to appoint a director to replace the commission in overseeing department operations. The commission would serve primarily in an advisory role.

The resolution also would change the way commission members are selected. Beginning in 2005, the commission would be made up of one member from each congressional district. Commissioners would continue to be appointed by the governor and serve six-year terms as they do now. The commission would serve as an advisory group and be responsible for approving a statewide multimodal transportation plan submitted by the department director.

The resolution also reduced the appropriation of highway revenues to agencies other than MoDOT. The Department of Revenue, the state Highway Patrol and the Office of Administration would continue to receive highway revenue for certain purposes.

In addition, the legislation would require the state auditor to conduct an annual audit of expenditures from the State Road Fund and the State Highways and Transportation Department

Fund. The findings of the audit must be reported to the governor and the General Assembly by Oct. 1 each year.

House Joint Resolution 22, which is similar to Senate Joint Resolution 20 introduced last month by Sen. Joan Bray, D-St. Louis, has not yet been assigned to committee for a public hearing.

COMMITTEE APPROVES BILL TO MOVE HIGHWAY SAFETY DIVISION TO

MoDOT: The Senate Economic Development Committee approved a bill March 12 that would make a number of changes to state government including the transfer of the Division of Highway Safety to MoDOT. The Highway Safety Division currently is housed in the Department of Public Safety. Gov. Bob Holden signed an executive order calling for these changes earlier in the legislative session.

The legislation, Senate Bill 635, is sponsored by Sen. Jim Mathewson, D-Sedalia. The legislation now goes to the full Senate for consideration.

STATE BUDGET BATTLES CONTINUE: Debate on the state budget took a surprise turn this week when the House Budget Committee, lead by the Republicans decided to set appropriations for fiscal year 2004 at levels similar to those appropriated in fiscal year 2001. The appropriations would be granted primarily as lump sums and not as specific amounts for the hundreds of programs operated by state departments, the way state funds are traditionally allocated.

The plan, if approved by the House and Senate, would require departments to decide which programs would be cut rather than legislators making those decisions. Departments would have to prioritize their programs and make cuts totaling nearly \$360 million.

Democrats question whether this method of appropriation state funds would violate the Missouri Constitution.

House Republicans say they reject Gov. Bob Holden's budget because it is balanced only if tax increases, requiring approval by Missouri voters, are approved later this year. The General Assembly would have to approve putting the tax increase measures on the ballot. Republicans complain that state departments have not been helpful making recommendations to lawmakers about programs that could be cut.

Under the House's current proposal, MoDOT would receive \$9, 289,379. That would be a drop from the \$10,812,775 that MoDOT received for fiscal year 2003. The department is requesting \$10,817,592 for fiscal year 2004.

The full House is expected to debate the budget next week. Once the House approves the budget, it goes to the Senate for consideration.

BILL WOULD EXEMPT SALES TAX ON MATERIALS USED BY CONTRACTORS

FOR MoDOT PROJECTS: The Senate Ways and Means Committee heard testimony March 11 on a bill that would exempt contractors from paying sales tax on materials used for MoDOT projects. The legislation, Senate Bill 501, is sponsored by Sen. Check Gross, R-St. Charles.

Testifying in favor of the bill were David Horsmeyer, a small business owner from St. Charles, and Ray McCarty, director of fiscal affairs for the Missouri Chamber of Commerce. No one testified in opposition of the bill, and no further action was taken on the legislation.

SENATE COMMITTEE APPROVES MASSIVE LICENSE PLATE BILL: A bill that would establish 12 new special license plates recognizing a number of different organizations and causes was approved March 12 by the Senate Transportation Committee. The legislation, Senate Committee Substitute for Senate Bill 342 et al, sponsored by Sen. Jon Dolan, R-Lake St. Louis, combines six bills into one.

The bill also revises the procedures used for issuing disabled license plates and regulating the use of disabled parking spaces. The bill would allow chiropractors, podiatrists and optometrists (in addition to medical doctors) to certify individuals for disabled license plates and placards. It also would make it a Class D felony for physicians or other healthcare practitioners to issue a disabled license plate or placard to individuals who do not meet the established conditions required by law.

The special license plates that would be established by the bill include:

- Antiterrorism Plate
- Amateur Radio Plate
- Peace Officer Killed in Line of Duty Plate
- Firefighter Killed in Line of Duty Plate
- U.S. Vet Plate
- Missouri Foxtrotting Horse Breed Association Plate
- Daughters of American Revolution Plate
- Friends of Kids with Cancer Plate
- Special Olympics Plate
- Missouri Society of Professional Engineers Plate
- Organ Donor Plate
- Alpha Phi Omega Plate

The bill also would allow Missourians to have two Silver Star Plates and would modify the law regarding Children's Trust Fund plates and would allow former members of the legislature to receive special license plates.

The Senate Transportation Committees also approved a bill that creates the Respect Life license plate. The special license plate fee (\$25 annual/\$50 biennial) would be contributed to the Missouri Alternatives to Abortion Fund, which is created by the act. The legislation, Senate Bill 386, is sponsored by Sen. John Cauthorn, R-Mexico.

In addition, the committee approved a bill that would allow low-speed vehicles to use public highways under certain conditions. Under the bill, four-wheeled vehicles with top speeds of between 20 and 25 miles per hour and is manufactured in compliance within the National Highway Traffic Safety Administration standards would be allowed to operate on roads with speed limits no greater than 35 miles per hour. Operators of the low-speed vehicles would be required to have a driver's license and maintain insurance as required by state law. The bill

would allow cities and counties to adopt ordinances that would further restrict the use of these vehicles. The legislation, Senate Bill 594, is sponsored by Sen. Joan Bray, D-St. Louis.

The bills now go to the full Senate.

HIGHWAY NAMING BILLS PASSED BY SENATE COMMITTEE: The Senate Transportation Committee on March 12 approved several bills that name sections of state highway. The bills approved by the committee include:

- Senate Bill 423, sponsored by Sen. Doyle Childers, R-Reeds Spring, which designates a portion of Highway 65 in Taney County as the Trooper Jimmie Linegar Memorial Highway;
- Senate Bill 697, sponsored by Sen. Gary Nodler, R-Joplin, which names part of Interstate 44 in Jasper and Newton counties as the George Washington Carver Memorial Highway;
- Senate Bill 598, sponsored by Sen. Doyle Childers, R-Reeds Spring, which establishes the Corporal Bobbie J. Harper Memorial Highway on Highway 71 in McDonald County;
- Senate Bill 438, sponsored by Sen. Dan Clemens, R-Marshfield, would designate a portion of Highway 60 as the Korea Veterans' Memorial Freeway.

The full Senate will now consider the bills.

SENATE COMMITTEE APPROVES OMNIBUS TRANSPORTATION SAFETY BILL:

The Senate Transportation Committee approved a transportation safety bill on March 12 that addresses a number of issues. The legislation, Senate Committee Substitute for Senate Bills 381, 384, 227, 432, 9 and 594, is sponsored by Sen. Jon Dolan, R-Lake St. Louis.

The bill would:

- Require motorists to use their vehicles' headlights whenever rain, snow, fog or other weather-related conditions require the use of windshield wipers;
- Prohibit trucks in excess of 48,000 pounds from being driven in the far left-hand lane on interstate highways, freeways or express ways in the urban areas of the state;
- Require children less than 4 years old, regardless of weight, or children weighing less than 40 pounds, regardless of age, to use a child restraint system; children between the ages of 4 and 5 or weighing from 40 to 60 pounds would have to be secured in a child passenger restraint system or booster seat; children 6 years of age or older or weighing at least 60 pounds would have to use a safety belt or a child restraint system or booster seat;
- Require operators of boats on the Mississippi and Missouri rivers and lakes in Missouri to have a boating safety identification card. Cards would be obtained by completing a boating safety course, passing an equivalency examination administered by the State Water Patrol or holding a valid license issued by the United States Coast Guard;
- Amend a current state law to prohibit motor vehicles from being driven or parked in bicycle lanes except to cross the lane;
- Establish a 20 mile per hour speed limit in school zones (governing bodies could establish lower speed limits if needed for safety);
- Cap the speed limits on certain county roads to 45 miles per hour;
- Allow operators of low-speed vehicles to use public highways under certain conditions.
- Require alcohol-related reports submitted to the Department of Revenue to be certified by law enforcement officers;

- Modifies two provisions of Missouri law addressing motor carriers that haul hazardous materials to make them consistent with federal regulations established by the Federal Motor Carrier Safety Administration.

The bill now goes to the Senate for floor debate.

HOUSE COMMITTEE APPROVES SEVERAL TRANSPORTATION-RELATED

BILLS: The House Transportation Committee approved several transportation bills on March 12 including:

- House Bill 597, sponsored by Rep. Charles Schlottach, R-Owensville, which would remove the requirement from Missouri law that townships must submit a copy of the township’s fiscal and inventory report regarding roads and bridges with MoDOT.
- House Bill 594, sponsored by Rep. Edgar Emergy, R-Lamar, which would establish procedures to terminate a special road district in Jasper County.
- House Bill 598, sponsored by Rep. Charles Schlottach, R-Owensville, which would allow operators of commercial motor vehicle licenses in excess of 18,000 pounds to apply for special personalized license plates.
- House Bill 491, sponsored by Rep. Scott Rupp, R-Wentzville, that would allow for biennial registration for driveaway licenses and windshield placards for physically disabled individuals. Currently those licenses can only be obtained annually.

HEARINGS SCHEDULED:

Senate Hearings—

Financial & Governmental Organizations, Veterans’ Affairs & Elections

Monday, March 17

11:30 a.m.

Senate Lounge

SB 640 – Foster – Creates the state historical monuments, memorials and markers board

SB 158 – Bland – Creates the State Board of Public Records

Transportation

Tuesday, March 18

8:30 a.m.

Senate Committee Room 1

SJR 6 – Bartle – Abolishes the highway commission and replaces it with a director of transportation

SJR 12 – Increases the motor fuel tax by four cents to retire state road bonds authorized by the General Assembly

SB 495 – Yeckel – Lowers speed limits on trucks and prohibits trucks from driving in the left-hand lane on certain highways

SB 568 – Yeckel – Requires children to be at least 8 years old, 4 feet 4 inches, and 60 pounds to ride as passengers on motorcycles

SB 273 – Bland – Extends the Kansas City public mass transportation system sales tax

HB 122 – Johnson – Changes public mass transportation system sales tax

SJR 17 – Loudon - Allows the commission to design, acquire, construct, maintain, and operate toll facilities

SB 193 – Loudon – Allows the transportation commission to construct toll roads

Ways and Means

Tuesday, March 18

5 p.m.

Senate Lounge

SB 530 – Childers – Exempts ticket sales for railway excursions that travel fewer than 50 miles from their origination

Appropriations

Tuesday, March 18

7:30 p.m.

Senate Committee Room 2

Topics: Statewide leasing, Capital Improvements, Re-appropriations

Judiciary & Civil & Criminal Jurisprudence

Monday March 17

7 p.m.

Senate Lounge

SB 268 - Loudon - Authorizes special motion to dismiss in Strategic Litigation Against Public Participation (SLAPP)

SB 584 - Dolan - Creates several crimes relating to motor vehicles

House Hearings—

Crime Prevention and Public Safety

Tuesday, March 18

5 p.m.

Hearing Room 3

HB 411 – Lipke – Revises the sentencing provisions of the crime of driving while revoked by removing the requirement that previous offenses the offender must have received and served a sentence of 10 days or more

Financial Services

Tuesday, March 18

Noon

Hearing Room 6

HB 460 – Pearce – Prohibits health carriers from changing health service codes without the permission of the physician

Transportation and Motor Vehicles

Tuesday, March 18

8 a.m.

Hearing Room 6

HB 668 – Crawford – Enacts various accountability measures for the operation of the department of transportation

HJR 24 – Crawford – Proposes a constitutional amendment restricting use of transportation revenue

SB 117 – Shields – Adds to the definition of “driveway operation,” the movement of motor vehicles or trailers for the purpose of transporting vehicles from one place to another

Transportation and Motor Vehicles

Wednesday, March 19

8 a.m.

Hearing Room 6

HB 668 – Crawford – Enacts various accountability measures for the operation of MoDOT

HJR 24 – Crawford – Proposes a constitutional amendment restricting use of transportation revenue

SB 117 – Shields – Adds to the definition of “driveway operation,” the movement of motor vehicles or trailers for the purpose of transporting vehicles from one place to another

Conservation and Natural Resources

Wednesday, March 19

Noon

Hearing Room 5

HB 447 – Townley – Regulates the taking of farmland and easements by eminent domain