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GOVERNOR SIGNS ACCOUNTABILITY BILL, VETOES OTHER

TRANSPORTATION-RELATED LEGISLATION: Gov. Bob Holden signed legislation July 11 designed to bring more accountability to MoDOT. Earlier in the week the governor vetoed several transportation bills, including an omnibus bill that would have made numerous changes to transportation-related laws. The governor had until July 15 to sign or veto bills.

Transportation Accountability

The transportation accountability legislation, House Bill 668, will impact MoDOT and the MHTC in several ways.

EXTERNAL INSPECTOR GENERAL

The bill creates the Office of Transportation Inspector General, which reports to the General Assembly. This “external” inspector general will serve as executive director of the Joint Committee on Transportation Oversight and will be appointed to a five-year term by a majority vote of the Speaker and the Minority Floor Leader of the House of Representatives and the President Pro Tem and the Minority Floor Leader of the Senate.

The inspector general must have training and experience in transportation policy, management of transportation organizations, accounting, auditing, financial analysis, law, management analysis or public administration.

The inspector general is required to:

- Perform specific investigations, reviews, audits, or other studies of the Department of Transportation as required by the joint committee;
- Receive and process citizen complaints relating to transportation issues; Investigate complaints from current and former employees of the department relating to the department.

Note: This legislation and the creation of an external inspector general will not impact the work of MoDOT’s internal inspector general and staff.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

The bill expands the duties of the Joint Committee on Transportation Oversight. The committee will be required to meet two times a year, in addition to its annual meeting.

Additional duties assigned to the committee include:

- Require the inspector general to review, examine, or verify the contents of the annual report submitted to the committee; and
- Direct the external inspector general to conduct a management evaluation or program evaluations.

HIGHWAYS AND TRANSPORTATION COMMISSION

The bill reorganizes the terms of members of the Highways and Transportation Commission and spells out the initial appointments in order to stagger the terms of the commissioners so no more than two commission terms will expire each year.

Appointments will be made by March 1 in odd-numbered years. Present members will serve the remainder of the term for which they were appointed or reappointed as provided in the bill. When a vacancy occurs in any term of a commissioner due to death, resignation, or removal, a successor will be appointed for only the remainder of the unexpired term. The chair and vice chair of the commission will be appointed from the two commission members who are beginning to serve the last two years of their term. One member will serve as the chair; and the other will serve as vice chair, reversing positions the following year.

Commissioners appointed or reappointed after March 1, 2004, will be prohibited from hosting or managing a political fund-raiser or soliciting funds for any candidate who is seeking a statewide or nationally elected office; or serving on the board or as the chair of any political action committee, political party committee, or continuing committee.

STATE OF TRANSPORTATION ADDRESS

The bill requires the director of MoDOT to present a state of transportation address to a joint session of the General Assembly by Feb. 15 each year.

ARBITRATION

The bill requires that any dispute or controversy in excess of \$25,000 but not more than \$327,000 against the Department of Transportation stemming from a contract award be settled, upon request, by arbitration administered by the American Arbitration Association in accordance with its Construction Industry Arbitration Rules.

TRANSPORTATION DEVELOPMENT DISTRICTS

Under the bill, property separated by easements or rights-of-way will be considered contiguous for establishing a transportation development district. Districts formed by property owners need not contain contiguous properties if:

- The petition provides that the sole funding method is a sales tax;
- A court finds that all the property within the proposed district will benefit district projects; and
- Each parcel within the district is within five miles of every other parcel.

As an alternative method for forming a transportation development district, the bill allows two or more local transportation authorities that have adopted a resolution calling for the joint establishment of a district to form a district. The proposed district area must be contiguous and may contain all or any portion of a county or city.

The bill allows the alternatively formed development district to impose a sales tax contingent upon voter approval. The district may impose a funding mechanism other than a sales tax if approved by the voters within the district.

CONDEMNATION PROCEEDINGS

The bill requires that 90 days after an award is paid into court and no agreement has been filed and no party having an interest in the award has filed a distribution motion, the court will determine the percentage of the award to which each party is entitled.

Amber Alert

Holden also recently signed House Bill 185 and Senate Bill 30 to create the Amber Alert System to aid in the identification and location of abducted persons. The bill requires all state agencies capable of providing information to the public, as well as broadcasters and other entities who volunteer, to disseminate urgent public information.

Highway Designations

The governor signed a number of bills that designate sections of highway in Missouri to honor a person or group of people. The bills include:

- House Bill 162: This bill designates Highway 63 in Macon County as the “Pearl Harbor Memorial Highway.”
- House Bill 245: This bill designates a 13.5 mile section of Highway 60 from Highway 65 west to Route 360, northwest to Interstate 44 as the “Korean War Veterans’ Memorial Freeway.”
- House Bill 249: This bill designates a portion of Route WW in Marshall as the “Butterfield Ranch Road.”
- House Bill 261: This bill designates the entire section of Highway 65 in Missouri, except where otherwise designated, as the “American Legion Memorial Highway.”

- Senate Bill 289: This bill designates the portion of Highway 71 within Jasper County the “Trooper Charles B. Corbin Memorial Highway” and a portion of Interstate 29 in Holt County as the “William ‘Bill’ Lark Memorial Highway.”
- Senate Bill 423: This bill designates a portion of Highway 65 in Taney County as the “Trooper Jimmie Linegar Memorial Highway” and a portion of State Route 19 near New London as “The Short Line Railroad Spur Historic Trail.”
- Senate Bill 598: This bill designates the portion of Highway 71 in McDonald County as the “Corporal Bobbie J. Harper Memorial Highway.”
- Senate Bill 697: This bill designates a portion of Interstate 44 within Jasper and Newton counties as the “George Washington Carver Memorial Highway.”

Township Road Reporting

Holden signed House Bill 597 to remove the requirement that township clerks file a copy of the township’s fiscal and inventory report regarding roads and bridges with MoDOT.

Vetoed Legislation

The transportation omnibus legislation (House Bill 327) vetoed by the governor addresses a variety of transportation issues. According to governor’s veto statement, he vetoed the legislation because a provision in the bill would have exempted contractors from paying sales tax on materials used for MoDOT projects. The letter stated the legislation would have decreased state revenue by more than \$10 million dollars. Other provisions in House Bill 327 included:

EMINENT DOMAIN: The bill would have required the MHTC to take the loss of access to a highway into consideration in determining damages when using eminent domain to acquire property.

OUTSTANDING PARKING TICKETS: The bill would have allowed counties to pass ordinances to include charges for outstanding parking tickets on personal property tax bills. Cities currently have this authority.

MISSOURI EMERGENCY RESPONSE COMMISSION: The bill would have made the director of MoDOT a member of the Emergency Response Commission in place of the director of the Department of Economic Development.

TRUCKS IN LEFT-HAND LANES: The bill would have prohibited trucks (in excess of 48,000 pounds) from being driven in the far left-hand lane on interstate highways, freeways or expressways in urban areas of Missouri except in certain circumstances.

COMMERCIAL MOTOR CARRIERS:

The bill would have required courts to forward a record of any guilty conviction involving a moving traffic violation to the Department of Revenue within seven days. The department is required to enter information about the conviction into the appropriate computer systems and transmit the information as required by federal law.

In addition, commercial driver's license holders would not have been allowed to operate a commercial motor vehicle if their driving privileges are suspended, revoked, cancelled denied or disqualified.

The bill would have modified the definition of "serious traffic violation" to include driving a commercial motor vehicle: without a commercial driver's license, without a commercial driver's license in possession and without the proper commercial driver's license class of endorsement.

The bill would have required applicants for a commercial driver's license to disclose the names of all states that have issued them a commercial drivers license during the previous 10-year period. A commercial driver's license driving record must contain a complete history of the driver including information and convictions from states where the driver has previously held licenses.

The director of the Department of Revenue would have been required to disqualify any driver the U.S. Secretary of Transportation has determined to constitute an imminent hazard.

The bill would have allowed that any person operating emergency or fire equipment during official department or agency business be exempt from the commercial driver's licensing provisions. In addition, individuals who operate school buses would have had to meet the requirement for school bus endorsement as required by the U.S. Secretary of Transportation. This provision would have taken effect on Sept. 30, 2005.

LOW-SPEED VEHICLES: The bill would have allowed low-speed vehicle operators to use public highways under certain conditions.

TOWING PROVISION: The bill would have required that tow trucks be considered an emergency vehicle after arriving at the scene of an accident.

ALCOHOL-RELATED OFFENSES: The bill would have required that drivers charged with alcohol-related offenses be ineligible for a suspended imposition of sentence whether the drivers are in municipal court or state court.

POINTS FOR YOUNGER DRIVERS: The bill would have required that drivers under the age of 18 who exceed the speed limit by 20 miles per hour or more be assessed eight points for their first conviction and 12 points for their second conviction

RAILROAD CROSSINGS: The bill would have required operators of commercial motor vehicles, other than those required to stop by law, to approach railroad crossings at a speed that will allow the vehicle to stop before reaching the nearest rail or crossing and not drive over a crossing until the driver has determined the course is clear.

ROAD SIGNS: The bill would have allowed regionally accredited post-secondary education facilities to be eligible for tourist directional and travel information signs.

WORK ZONES: The bill would have required that work zone warning signs not be visible during any time in which no workers are present for four hours or more. Current law states two hours or more.

SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM: The bill would have modified the Substance Abuse Traffic Offender Program (SATOP) so the fees for the program are remitted to the appropriate fund.

ANIMAL-DRIVEN VEHICLES: The bill would have required persons operating animal-driven vehicles after dark to use lamps or lanterns and reflective material that comply with rules set by the Department of Public Safety

TRAFFIC VIOLATIONS: The bill would have allowed cities and counties to pass an ordinance to include outstanding vehicle-related fees and fines on personal property tax bills.

DRIVEAWAY OPERATIONS: The bill would have modified the definition of a “driveway operation” to include the transporting of vehicles from one place to another by drive-away or tow-away methods.

AIRBAGS: The bill would have made it a class D felony to install an airbag that does not comply with federal standards or an airbag that previously has been installed in another motor vehicle without disclosing that fact.

ALL-TERRAIN VEHICLES: The bill would have modified the definition of “all terrain vehicle” (ATV) by increasing the dry weight of an ATV from 600 pounds to 1000 pounds and by providing that an ATC may be a vehicle with a seat designed to carry more than one person.

The governor also vetoed a bill (House Bill 598) that would have established 17 additional specialty license plates. Holden’s veto letter said he vetoed the bill because the fiscal note for the bill states that the cost of issuing the plates would total more than \$125,000, however the General Assembly did not appropriate funds to cover these costs. In addition, law enforcement officials have repeatedly expressed their disapproval of the specialty plates due to the challenges that the plates present to them in their jobs.

Currently, more than 100 specialty license plates are available in Missouri.