



March 19, 2004

## ***The GA Capitol Report***

Governmental Affairs 573/522-1924

**HOUSE TRANSPORTATION COMMITTEE HEARS TOLL LEGISLATION:** The House Transportation Committee heard testimony March 17 on two legislative proposals that would enable the MHTC and MoDOT to build toll roads in Missouri. The committee heard House Bill 857, sponsored by Rep. Lanie Black, R-Charleston, and House Joint Resolution 31, sponsored by Rep. Jeff Harris, D-Columbia.

The joint resolution proposes a change in the Missouri constitution that would allow the MHTC to use state highway funds to build, operate and maintain toll roads in the state. Because the resolution would change the constitution, Missouri voters also would have to approve the proposal. The bill would authorize MoDOT to build the toll projects.

MoDOT Chief Engineer Kevin Keith testified in favor of the bill. Others testifying in support of the bill included:

- Laura Radcliffe, AG Edwards;
- Jim Herfurth, Lake of the Ozarks Transportation Council;
- Jerry Mugg, HNTB

Testifying against the bill were:

- Ron Leone, executive director of the Missouri Petroleum Marketers and Convenience Store Association
- Mike Wright, AAA Auto Club of Missouri
- George Burrus, Motor Carrier Association

Rep. Black began the hearing by stating the toll legislation isn't going to advance any further this session, but it is important to continue to discuss tolling and other ways to generate more funding to improve Missouri's roads.

Those supporting the legislation said toll roads could help Missouri pay for some of the state's largest transportation projects such as rebuilding Interstate 70. Other funding proposals, such as a bill that would end the diversion of highway funds to other state agencies, would help but would not generate enough funds for some of the most expensive projects.

They said they know toll roads are not popular with some people, but Missourians must consider alternate ways to pay for highway improvements because they do not seem willing to increase the state's fuel tax to generate more transportation funding.

Radcliffe and Herfurth spoke about the importance of a quality transportation system to economic development throughout the state. Mugg talked about the toll road study HNTB has conducted for MoDOT.

Leone said tolling would have a negative impact on business for gas stations and convenience stores located along any highway that is rebuilt as a toll road. Wright said his organization has surveyed its members, and the majority are against toll roads. Burrus said motor carriers would be burdened by the additional cost of a toll. Truckers are already paying their fair share for Missouri's roads, he added.

The committee took no action on the tolling legislation.

**HOUSE COMMITTEE CONSIDERS TALL TOWERS:** The House Committee on Communication, Energy and Technology heard testimony March 16 on a resolution that requests MoDOT, in conjunction with the state Public Service Commission, to study problems associated with telecommunications towers being located near airports. House Concurrent Resolution 22, is sponsored by Rep. Jack Jackson, R-Wildwood.

The issue is a legislative priority for the MHTC. The commission and MoDOT are concerned that the construction of tall structures, such as telecommunication towers, could pose a safety hazard to airplanes departing and arriving at airports.

Rep. Jackson, who noted that he was a pilot and a cell phone user, said he knows the issue has been studied in the past, but he needs more information in order to draft legislation for next session. He said the towers are needed, but he is unsure how the problem can be resolved.

The resolution calls for MoDOT to:

- Determine the nature and extent of the hazard telecommunications towers pose to aviation;
- Assess the feasibility of relocating existing telecommunications towers the department believes are an aviation hazard;
- Identify areas in the state where telecommunications towers can safely be located near airports;
- Recommend location and design of towers to minimize aviation hazards;
- Make any other recommendations regarding aviation hazards associated with telecommunication towers.

Testifying in favor of the resolution were:

- Carolyn Morris, president of the Missouri Pilots Association and a member of the Missouri State Aviation Council
- Joe Pestka, administrator of aviation for MoDOT

Rick Telthorst, representing the Missouri Telecommunication Industry Association, testified against the resolution because it could lead to legislation that would place more restrictions on the telecommunications industry.

The committee took no action on the proposal.

**COMMITTEE HEARS TESTIMONY ON CONDEMNATION BILL:** The Senate Pensions and General Laws Committee heard testimony March 16 on the “Truth in Taking Act,” which would modify the laws governing the condemnation of property by the state or other political subdivisions. Senate Bill 1264 is sponsored by Sen. Delbert Scott, R-Lowry City.

The bill would:

- Require the entity condemning the property to declare the exact location of the property and specify the intended use of the property.
- Prohibit the entity from using the property for any purpose other than the original intended purpose.
- Prohibit the entity from transferring the property to another entity.
- Give the property owner the right to buy back any condemned property that is not used for 10 years.
- Require the entity to pay for all costs of litigation.
- Establish a method for the court to appoint commissioners for condemnation proceedings.

Testifying in favor of the bill were:

- Leslie Holloway, representing the Missouri Farm Bureau
- Chris Roling, president of the Howard County Farm Bureau
- Bill McClarin, a farm owner from Franklin County
- Doug McDaniel, a farm owner from Osage County
- Claire Cramer, a farm owner in Pulaski County

Holloway said the issue of condemnation has been a concern for the Farm Bureau for many years. She said she has been working with a number of people during the past year to compromise on some issues in the bill to make it more acceptable to the entities that have the power of eminent domain and can use condemnation to acquire property.

The farm owners expressed frustration with the condemnation process. McClarin had been involved in the condemnation process with MoDOT, and McDaniel and Cramer recounted their experiences with the condemnation of their property by Ameren UE.

Testifying in opposition to the bill were:

- Drew Duncan, Ameren UE
- Jeff Douglas, Ameren UE
- Alan Garner, city attorney for Independence and the Missouri Municipal League
- Craig Brown, MEDA
- Bill Gamble, City of Kansas City
- Terry Sampson, MoDOT’s right of way director.

Sampson expressed his concern that the proposed changes in the condemnation process would create a number of problems for MoDOT that would increase the costs the department would have to pay to acquire right of way and delay transportation projects.

No action was taken on the bill.

**HOUSE COMMITTEE HEARS MINORITY BUSINESS BILL:** The House Committee on Small Business heard testimony March 17 on a bill that would make changes in the state's Minority Business Advocacy Commission. House Bill 891 is sponsored by Rep. Craig Bland, D-Kansas City.

Rep. Bland said Missouri should be doing more to encourage minority businesses and state agencies should increase the amount of business they do with minority-owned companies. He pointed to MoDOT as an example and said the department should be working with more minority contractors.

Sharon Taegel, director of MoDOT's Disadvantaged Business Enterprises program, testified in opposition to the bill because it could put MoDOT out of compliance with federal law since the bill focuses only on minorities and does not include businesses owned by women or economically disadvantaged individuals. MoDOT could lose up to \$655 million in federal funds if the bill is approved.

An executive order currently calls for an increase in the state's use of minority businesses, but Rep. Bland said he wants to see the executive order become state law.

According to Taegel, MoDOT is exempt from the executive order because the department was not included in a state disparity study that preceded the executive order.

Marvin Eason, from the state Office of Equal Opportunity in the Office of Administration, testified in support of the concept of the bill.

The committee took no action on the proposal.

**AMTRAK FUNDING GOES TO CONFERENCE COMMITTEE:** A supplementary budget bill (House Bill 1014) containing additional funding for Amtrak was approved March 17 by the Senate and now goes to a conference committee that will work out the differences in the House and Senate versions of the bill.

The additional \$884,815 in funding was requested by Amtrak to keep two trains operating daily between Kansas City and St. Louis.

**HOUSE DEBATES BILLS:** The House debated a number of bills March 17. Legislation given first round approval includes:

- House Bill 1167, sponsored by Rep. Van Kelly, R-Norwood, would create a special license plate for the Missouri Foxtrotting Horse Breed Association.

- House Bill 978, sponsored by Rep. Brian Baker, R-Belton, would create the Small Business Regulatory Fairness Board to serve as liaison between state agencies and small businesses.
- House Bill 1616, sponsored by Speaker of the House Catherine Hanaway, R-Warson Woods, would allow the Secretary of State to publish administrative rules electronically.

The bills await final approval in the House.

The House passed House Bill 1317, sponsored by Rep. Kingery, R-Poplar Bluff, which would create a special license plate for the Boy Scouts of America.

The bill will now go to the Senate for consideration.

**SENATE APPROVES BILLS:** The Senate passed a number of bills March 17 including:

- Senate Bill 718, sponsored by Sen. Anita Yeckel, R-St. Louis, would create the Small Business Regulatory Fairness Board to serve as liaison between agencies and small businesses.
- Senate Bill 845, sponsored by Sen. Yeckel, would name a section of I-44 the Grand Army of the Republic Veterans' Memorial Highway;
- Senate Bill 899, sponsored by Sen. Wayne Goode, D-St. Louis, would amend the school bus inspection law to include the inspection of frames on school buses.
- Senate Bill 958, sponsored by Sen. Delbert Scott, R-Lowry City, would allow people operating animal driven vehicles to use lanterns and reflective material during nighttime hours.
- Senate Bill 824, sponsored by Sen. John Griesheimer, R-Washington, would modify the law regarding the seizure of motor vehicles that have missing or illegible identification numbers.
- Senate Bill 1020, sponsored by Sen. Sarah Steelman, R-Rolla, would modify Missouri's Sunshine Law, setting a standard fee per copy for public documents and expand electronic access to meetings and records.

The bills now go to the House for consideration.

**HOUSE TRANSPORTATION COMMITTEE APPROVES ACCIDENT REPORT BILL:**

The House Transportation Committee approved a bill to repeal a law that prohibits law enforcement officers from releasing accident reports to anyone who is not an interested party until 60 days after the accident. House Bill 1660, is sponsored by Rep. Brad Lager, R-Maryville.

Testifying in favor of the bill were Cpt. Bret Johnson, Missouri State Highway Patrol and Doug Crews, Missouri Press Association.

The bill now awaits debate in the House.

**SENATE COMMITTEE HEARS INSURANCE BILL:** The Senate Judiciary Committee heard testimony March 15 on a bill that would prohibit drivers who violate DWI or motor

vehicle insurance laws from seeking non-economic damages for injuries received during an accident. Non-economic damages include pain, suffering, physical impairment and disfigurement. Senate Bill 1381, is sponsored by Sen. John Loudon, R-Ballwin.

Richard Brownlee, representing the Missouri Insurance Coalition, testified in favor of the bill. Chris Schlusser, representing the Missouri Association of Trial Attorneys, testified against the bill. He said a responsible person who has an uninsured vehicle that is never driven could be injured in an accident and not be able to receive non-economic damages even though the person was driving an insured vehicle.

No further action was taken on the bill.

### **FLOOD PLAIN DEVELOPMENT FOCUS OF BILL HEARD IN SENATE**

**COMMITTEE:** The Senate Commerce and Environment Committee heard a bill that could limit development on flood plains in Missouri. Senate Bill 944, is sponsored by Sen. Wayne Goode, D-St. Louis.

The bill would apply to all construction that reduces the flood stage capacity on flood plains near the Cuivre, Meremec, Mississippi and Missouri rivers. The bill would require permits for most construction. The agency issuing the permits would be required to provide a “worst-case” analysis of the flood plain when issuing permits.

Testifying in favor of the bill were:

- Wayne Freeman, representing the Great Rivers Habitat Alliance
- Carla Klein, representing the Sierra Club
- Joe Beslaine, Missouri resident

Those supporting the bill believe the flood plains should be preserved and should not be developed commercially.

Testifying against the bill were:

- Leslie Holloway, Missouri Farm Bureau
- Joe Gibbs, Missouri Levee and Drainage Districts
- Andy Arnold, City of St. Peters
- John Bardgett, Home Builders Association

Holloway was concerned that the bill would increase regulation and decrease the value of farmland located in a flood plain. Gibbs said the bill is trying to fix a problem that has already been solved and would create unnecessary paperwork. He believes the issue should be addressed at the local level, not by state law. Arnold said St. Peters has invested more than \$12 million in a project that could be stopped if the legislation is approved.

Activities in a flood plain that would be exempt from the legislation include maintaining, removing or widening bridge decks and extending culverts (up to 40 feet).

No further action was taken on the bill.

**BOND TALKS EDUCATION AND TRANSPORTATION AT STATE CAPITOL:** Sen. Kit Bond visited the Capitol in Jefferson City March 16 to celebrate the 20<sup>th</sup> anniversary of the Parents as Teachers Program, but early childhood education wasn't the only thing on his mind. He also talked about the reauthorization of the federal transportation-funding bill currently being considered by Congress.

Under Bond's leadership, the Senate passed a reauthorization bill that he says would increase Missouri's share of federal funding by \$233 million annually over the next six years. The House is currently working on its version of the bill.

**NEXT TRANSPORTATION OVERSIGHT COMMITTEE MEETING SCHEDULED:**

The next meeting of the Joint Committee on Transportation Oversight will be held at 1 p.m. Monday, March 29 in the Senate Lounge at the Capitol.

Legislation passed by the General Assembly last year requires the committee to meet a total of three times a year. Previously, the committee met once a year to accept MoDOT's annual accountability report.

**SPRING BREAK BEGINS FRIDAY:** State lawmakers are on spring break next week. The annual break begins March 19. Session will resume March 29.

**UPCOMING HEARINGS:** The latest legislative hearing notices can be found at [www.house.mo.gov](http://www.house.mo.gov); go to Hearings and choose either House Hearing Schedule or Senate Hearing Schedule.