

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 881
90TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 10, 2000, with recommendation that the House Committee Substitute for Senate Bill No. 881 Do Pass.

ANNE C. WALKER, Chief Clerk

4047L.02C

AN ACT

To repeal sections 92.418 and 238.060, RSMo 1994, relating to transportation in cities, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 92.418 and 238.060, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 92.418 and 238.060, to read as follows:

92.418. 1. All moneys received by a city imposing a sales tax under the provisions of sections 92.400 to 92.421, less two percent for the cost of handling, which shall be deposited in the city's general fund, shall be deposited by the city treasurer, or other city officer authorized by ordinance, in a special fund to be known as the "Public Mass Transportation Trust Fund" for the primary benefit of a public mass transportation system **and motor pool operations** operating within the city[, provided, however, that not more than six and one-half percent of the moneys deposited in the public mass transportation trust fund may be appropriated and expended by the city for motor pool operations as may be required by law].

2. The moneys in the public mass transportation trust fund accumulated by the city beyond the end of the city's fiscal year in which such funds were collected, and not needed by the city to meet its contractual obligations to an interstate transportation authority or for motor pool operations, may be appropriated and paid directly to such interstate transportation authority to be used by the interstate transportation authority for its general purposes in providing a public mass transportation system within an interstate transportation district, or the city may appropriate and expend such excess funds for the purposes set forth in section 30(a)(2), of article IV, of the Constitution of Missouri, as amended.

3. A city may designate by contract from time to time with an interstate transportation authority to provide specific services, frequency of service, to underwrite a certain fare structure or for any purpose consistent with providing a sound public mass transportation system to serve the city, and the city shall appropriate and pay directly to the interstate transportation authority from the public mass transportation trust fund the amounts of money that the city finds is sufficient to enable the interstate transportation authority to perform its contractual obligations to the city, or a city may appropriate and pay all of the funds on deposit in a public mass transportation trust fund directly to an interstate transportation authority to be

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

used by such interstate transportation authority for its general purposes in providing a public mass transportation system within an interstate transportation district.

4. Any provisions of sections 92.400 to 92.421 to the contrary notwithstanding, seven and one-half percent of the proceeds of any sales tax imposed under sections 92.400 to 92.421 that are appropriated and paid by a city to an interstate transportation authority shall be used only by the city and the interstate transportation authority for the purchase of new equipment, for the construction of public mass transportation facilities or for any other capital expenditures or improvements to the property of the interstate transportation authority, or to pay the interest or principal payments or to satisfy sinking fund requirements on any negotiable notes or bonds or other instruments in writing issued by the interstate transportation authority for any of the above purposes.

5. Ninety-two and one-half percent of the proceeds of any sales tax imposed under sections 92.400 to 92.421 that are appropriated and paid by a city to an interstate transportation authority shall be used to supply funds to be applied to the expenses of the organization and costs of operation of the public mass transportation system and the facilities thereof, and may be used to supply additional funds for capital expenditures as set forth in subsection 4 of this section.

6. Transportation authorities operating a public mass transportation system under sections 92.400 to 92.421 may provide for interior and exterior advertising on each vehicle for mass transportation purposes.

7. Transportation authorities operating a public mass transportation system under sections 92.400 to 92.421 shall set and attain goals for the inclusion of minority business enterprises as defined in section 33.750, RSMo, for contracts in operating motor pools, construction, repairs and related projects for the public mass transportation system. The attainment of such goals on these contracts shall be based on the availability of minority-owned businesses operating within the city that perform the services for which such contract is to be awarded.

238.060. 1. [Within sixty days after October 13, 1965, commissioners of the Kansas City area transportation authority, created by compact between the states of Missouri and Kansas shall be appointed as follows:

(1) There shall be five commissioners appointed from within the district established by the compact and at least three of said commissioners shall reside within the city of Kansas City, Missouri;

(2) Within thirty days after October 13, 1965, by majority vote of each county commission from Cass, Clay, Jackson, and Platte counties there shall be submitted to the governor a panel of three qualified persons who reside in their respective counties and on each panel from Clay, Jackson and Platte counties at least one person shall reside within the city of Kansas City. The mayor of Kansas City, Missouri, with the approval of a majority of the members of the city council of the city of Kansas City shall submit to the governor a panel of three qualified persons who reside within the city of Kansas City. The governor within thirty days thereafter shall appoint with the advice and consent of the senate one commissioner from each panel so submitted; provided, however, that if any panel is not submitted to the governor by the time the appointment is required he shall appoint a qualified person meeting the residency requirements to fill said vacancy;

(3) Within sixty days before the expiration of the term of each commissioner, or within thirty days after a vacancy shall otherwise exist, the county commission of the county or the city of Kansas City from which the vacancy exists shall submit a panel of three eligible persons to the governor who shall appoint with the advice and consent of the senate from said panel a successor who shall hold office for a term of

five years or for the unexpired term of his predecessor;

(4) Of the commissioners first appointed, the governor shall appoint and designate one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years.

2. Each commissioner shall hold office until his successor has been appointed and qualified.] **There shall be five commissioners of the Kansas City area transportation authority appointed from within the district established by the compact between the states of Missouri and Kansas. The commissioners serving on August 28, 2000, shall serve the remainder of the term for which they were appointed.**

2. **Within sixty days before the expiration of the term of each commissioner holding office on August 28, 2000, or any commissioner holding office after August 28, 2000, or within thirty days after the position of a commissioner shall become vacant, that commissioner's successor shall be appointed as follows:**

(1) **If the current commissioner or the position which has become vacant was appointed from Cass, Platte or Clay County, the county commission of the county shall submit a panel of three persons who are residents of that county and of any city, including the city of Kansas City, Missouri, that has appropriated funds for operations of the Kansas City area transportation authority in its current or immediately preceding fiscal year, selected by a majority vote of the commission, to the mayor of Kansas City, Missouri, who shall appoint with the approval of a majority of the members of the city council of the city of Kansas City, Missouri, a successor;**

(2) **If the current commissioner or the position which has become vacant was appointed from Jackson County, the county executive of Jackson County shall appoint a successor who shall be a resident of any city, town or village, other than the city of Kansas City, Missouri, that has appropriated funds for operations of the Kansas City area transportation authority in its current or immediately preceding fiscal year;**

(3) **If the current commissioner or the position which has become vacant was appointed from Kansas City, Missouri, the mayor of Kansas City, Missouri, shall appoint a successor who is a resident of that city.**

3. **Each commissioner appointed pursuant to this section shall hold office for a term of four years or for the unexpired term of his or her predecessor and shall continue in office until his or her successor has been appointed and has qualified. No person shall serve more than two consecutive four-year terms as a commissioner, provided that a person appointed to serve the unexpired term of a predecessor whose remaining term at the time of such appointment is more than two and one-half years shall only be permitted to serve one additional, consecutive four-year term.**