

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 1017

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS MATHEWSON, RUSSELL, SINGLETON, BENTLEY, QUICK, DePASCO, CHILDERS, SIMS, WESTFALL, STAPLES, EHLMANN, HOWARD, JACOB, FLOTRON, HOUSE, JOHNSON AND STOLL.

Read 1st time February 14, 2000, and 1,000 copies ordered printed.

Read 2nd time February 17, 2000, and referred to the Committee on Transportation.

Reported from the Committee March 2, 2000, with recommendation that the bill do pass with Senate Committee Amendments Nos. 1 and 2.

Taken up for Perfection March 29, 2000. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4430S.03P

AN ACT

To repeal sections 226.133 and 226.134, RSMo 1994, relating to bonding for transportation, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 226.133 and 226.134, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 226.133, 226.134 and 1 to read as follows:

226.133. 1. [The highways and transportation commission may, within the limits set by the general assembly, authorize the contracting of an indebtedness and the issuance of bonds or other evidences of indebtedness for the purpose of providing funds for use in highway and bridge construction and repairs in this state. The general assembly shall by concurrent resolution specify the total amount of the bonds which may be issued on each separate issuance of bonds pursuant to this section, except that the highways and transportation commission may immediately authorize issuance of bonds up to twenty-five million dollars for the purpose of providing funds for use in highway and bridge construction and repairs caused by the 1993 flood. The bonds shall be issued by the highways and transportation commission from time to time and in such amounts as may be necessary to carry out highway and bridge construction and repairs in this state as determined necessary by the highways and transportation commission.] **The general assembly may authorize the highways and transportation commission to issue bonds or other**

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

evidence of indebtedness in an amount not to exceed two billion dollars from fiscal year 2001 to fiscal year 2005. The principal amount of such bonds shall not exceed five hundred million dollars in any one fiscal year. Proceeds from the issuance of the bonds shall be provided to the department of transportation to pay for the cost of construction engineering and construction. The proceeds from the bonds shall not be used to pay for administrative expenses, including but not limited to planning and design expenses. Contracted design shall not be considered an administrative expense, but shall not exceed seven percent of any project.

2. To obtain authorization for the issuance of bonds, the highways and transportation commission shall annually present to the general assembly, by the tenth legislative day, a proposed plan and an analysis demonstrating the feasibility and appropriateness thereof. By concurrent resolution, the general assembly may reject the plan by simple majority by both houses within forty-five calendar days of receipt of the plan. Any such resolution shall be submitted to a vote of the membership of the house of representatives and the senate within forty-five days of introduction or receipt from the other chamber.

3. The highways and transportation commission shall offer such bonds at public sale[, and shall provide such method as it may deem necessary for the advertisement of the sale of each issue of bonds before such bonds are sold] or negotiated sale. The bonds shall be [retired serially and by installments within] for a period not to exceed [twenty-five] fifteen years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law.

[2.] 4. The proceeds of the sale or sales of any bonds issued pursuant to this section shall be paid into the state road fund pursuant to the provisions of section 226.220.

[3.] 5. Bonds issued pursuant to this section shall be state road bonds as such term is used in section 30(b) of article IV of the state constitution, and as such, principal and interest payments on such bonds shall be made from the state road fund as provided in section 30(b) of article IV of the state constitution. Bonds issued [under] pursuant to this section shall not be deemed to constitute a debt or liability of the state or a pledge of the full faith and credit of the state, and the principal and interest on such bonds shall be payable solely from the state road fund. Bonds issued [under] pursuant to this section, the interest thereon, or any proceeds from such bonds, shall be exempt from taxation in the state of Missouri for all purposes except for the state estate tax.

[4. No bonds shall be issued under this section unless both of the following conditions are met: (1) prior to the sale of such bonds, the issuer of such bonds shall adopt a marketing plan which provides for the broad distribution of such bonds to investors resident throughout the state of Missouri and (2) the underwriter or underwriters of such bonds agree in writing with the issuer thereof to make a broad distribution of such bonds to investors resident throughout the state of

Missouri and to give first priority to all orders for such bonds which are specified for purchase by investors resident within the state of Missouri.]

226.134. All projects funded by bonds authorized in section 226.133 [, except for the initial twenty-five million dollars authorized in section 226.133,] shall be funded in conformity with the priorities established in the [fifteen-year] **1992** plan developed by the transportation department.

Section 1. 1. Notwithstanding any other provision of law, when the department of transportation intends to enter into any contract or other written agreement or approve any letter of intent for payment of money by the state in excess of one hundred thousand dollars or potential reduction of a party's financial obligation to the state in excess of one hundred thousand dollars shall forward a copy to the attorney general before entering into that contract or other written agreement or approving that letter of intent.

2. Upon receiving the contract, written agreement or letter of intent, the attorney general shall, within ten days, review and approve that contract for its legal form as may be necessary to protect the legal interest of the state. If the attorney general does not approve, then the attorney general shall return the contract, written agreement or letter of intent with additional provisions as may be necessary to the proper enforcement of the contract as required to protect the state's legal interest.

3. The review shall be restricted to the legal form of the contract, written agreement or letter of intent to protect the legal interest of the state of Missouri. The basis for not approving the contract, written agreement or letter of intent shall not include the parties or economic terms to such agreements.

4. Communications related to the attorney general's review are attorney-client communications except the attorney general's written disposition shall be subject to chapter 610, RSMo, when and if the contract, written agreement or letter of intent becomes effective.