

FIRST REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 322

94TH GENERAL ASSEMBLY

Reported from the Special Committee on Urban Issues April 5, 2007 with recommendation that House Committee Substitute for Senate Bill No. 322 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1536L.04C

AN ACT

To repeal sections 8.007, 8.110, 8.120, 8.177, 8.250, 8.255, 8.291, and 304.190, RSMo, and to enact in lieu thereof six new sections relating to construction-related activities.

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

- Section A. Sections 8.007, 8.110, 8.120, 8.177, 8.250, 8.255, 8.291, and 304.190, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 8.007, 8.110, 8.250, 8.255, 8.291, and 304.190, to read as follows:
- 8.007. 1. The commission shall:
- (1) Exercise general supervision of the administration of sections 8.001 to 8.007;
 - (2) Evaluate and recommend courses of action on the restoration and preservation of the capitol, the preservation of historical significance of the capitol and the history of the capitol;
 - (3) Evaluate and recommend courses of action to ensure accessibility to the capitol for physically disabled persons;
 - (4) Advise, consult, and cooperate with the office of administration, the archives division of the office of the secretary of state, the historic preservation program within the department of natural resources, the division of tourism within the department of economic development and the historical society of Missouri in furtherance of the purposes of sections 8.001 to 8.007;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 (5) Be authorized to cooperate or collaborate with other state agencies and not-for-profit
12 organizations to publish books and manuals concerning the history of the capitol, its
13 improvement or restoration;

14 (6) Before each September first, recommend options to the governor on budget allocation
15 for improvements or restoration of the capitol premises;

16 (7) Encourage, participate in, or conduct studies, investigations, and research and
17 demonstrations relating to improvement and restoration of the state capitol it may deem
18 advisable and necessary for the discharge of its duties pursuant to sections 8.001 to 8.007; and

19 (8) Hold hearings, issue notices of hearings and take testimony as the commission deems
20 necessary.

21 2. The "Second Capitol Commission Fund" is hereby created in the state treasury. Any
22 moneys received from sources other than appropriation by the general assembly, including from
23 private sources, gifts, donations and grants, shall be credited to the second capitol commission
24 fund and shall be appropriated by the general assembly.

25 3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in
26 the second capitol commission fund shall not be transferred and placed to the credit of the
27 general revenue fund.

28 4. The commission is authorized to accept all gifts, bequests and donations from any
29 source whatsoever. The commission may also apply for and receive grants consistent with the
30 purposes of sections 8.001 to 8.007. All such gifts, bequests, donations and grants shall be used
31 or expended upon appropriation in accordance with their terms or stipulations, and the gifts,
32 bequests, donations or grants may be used or expended for the preservation, restoration and
33 improved accessibility and for promoting the historical significance of the capitol.

34 **5. The commission may copyright or obtain a trademark for any photograph,**
35 **written work, art object, or any product created of the capitol or capitol grounds. The**
36 **commission may grant access or use of any such works to other organizations or**
37 **individuals for a fee, at its sole discretion, or waive all fees. All funds obtained through**
38 **licensing fees shall be credited to the capitol commission fund in a manner similar to funds**
39 **the commission receives as gifts, donations, and grants. The funds shall be used for**
40 **repairs, refurbishing, or to create art, exhibits, decorations, or other beautifications or**
41 **adornments to the capitol or its grounds.**

2 8.110. There is hereby created within the office of administration a "Division of
3 Facilities Management, Design, and Construction", which shall supervise the design,
4 construction, renovations, maintenance, and repair of state facilities, except as provided
5 in sections 8.015 and 8.017, and except those facilities belonging to the institutions of higher
education, the highways and transportation commission, and the conservation commission,

6 **which shall be responsible to review all requests for appropriations for capital**
7 **improvements.** Except as otherwise provided by law, the director of the division of facilities
8 management, **design, and construction** shall be responsible for the management and operation
9 of office buildings titled in the name of the governor. The director shall exercise all diligence
10 to ensure that all facilities within his management and control comply with the designated
11 building codes; that they are clean, safe and secure, and in proper repair; and that they are
12 adequately served by all necessary utilities.

8.250. 1. "Project" for the purposes of this chapter means the labor or material necessary
2 for the construction, renovation, or repair of improvements to real property so that the work,
3 when complete, shall be ready for service for its intended purpose and shall require no other
4 work to be a completed system or component.

5 2. All contracts for projects, the cost of which exceeds twenty-five thousand dollars,
6 entered into by any [officer or agency of this state or of any] city containing five hundred
7 thousand inhabitants or more shall be let to the lowest, responsive, responsible bidder or bidders
8 after notice and publication of an advertisement for five days in a daily newspaper in the county
9 where the work is located, or at least twice over a period of ten days or more in a newspaper in
10 the county where the work is located, and in two daily newspapers in the state which do not have
11 less than fifty thousand daily circulation, and by such other means as are determined to be most
12 likely to reach potential bidders.

13 3. **All contracts for projects, the cost of which exceeds one hundred thousand**
14 **dollars, entered into by an officer or agency of this state shall be let to the lowest,**
15 **responsive, responsible bidder or bidders based on preestablished criteria after notice and**
16 **publication of an advertisement for five days in a daily newspaper in the county where the**
17 **work is located, or at least twice over a period of ten days or more in a newspaper in the**
18 **county where the work is located and in one daily newspaper in the state which does not**
19 **have less than fifty thousand daily circulation and by such other means as determined to**
20 **be most likely to reach potential bidders. For all contracts for projects between twenty-five**
21 **thousand dollars and one hundred thousand dollars, a minimum of three contractors shall**
22 **be solicited with the award being made to the lowest responsive, responsible bidder based**
23 **on preestablished criteria.**

24 4. The number of such public bids shall not be restricted or curtailed, but shall be open
25 to all persons complying with the terms upon which the bids are requested or solicited unless
26 debarred for cause. No contract shall be awarded when the amount appropriated for same is not
27 sufficient to complete the work ready for service.

28 [4.] 5. Dividing a project into component labor or material allocations for the purpose
29 of avoiding bidding or advertising provisions required by this section is specifically prohibited.

8.255. 1. The director may authorize any agency of the state to establish standing
2 contracts for the purpose of accomplishing construction, renovation, maintenance and repair
3 projects not exceeding one hundred thousand dollars. Such contracts shall be advertised and bid
4 in the same manner as contracts for work which exceeds one hundred thousand dollars, except
5 that each contract shall allow for multiple projects, the cost of each of which does not exceed one
6 hundred thousand dollars. Each contract shall be of a stated duration and shall have a stated
7 maximum total expenditure. **For job order contracts, the total expenditure per project shall**
8 **not exceed three hundred thousand dollars.**

9 2. The director, with full documentation, shall have the authority to authorize any agency
10 to contract for any design or construction, renovation, maintenance, or repair work which in his
11 judgment can best be procured directly by such agency. The director shall establish, by rule, the
12 procedures which the agencies must follow to procure contracts for design, construction,
13 renovation, maintenance or repair work. Each agency which procures such contracts pursuant
14 to a delegation shall file an annual report as required by rule. The director shall provide general
15 supervision over the process. The director may establish procedures by which such contracts are
16 to be procured, either generally or in accordance with each authorization.

17 3. The director, in his sole discretion, may with full documentation approve a
18 recommendation from a project designer that a material, product or system within a specification
19 for construction, renovation or repair work be designated by brand, trade name or individual
20 mark, when it is determined to be in the best interest of the state. The specification may include
21 a preestablished price for purchase of the material, product or system where required by the
22 director.

8.291. 1. The agency shall list three highly qualified firms. The agency shall then select
2 the firm considered best qualified and capable of performing the desired work and negotiate a
3 contract for the project with the firm selected.

4 2. For a basis for negotiations the agency shall prepare a written description of the scope
5 of the proposed services.

6 3. If the agency is unable to negotiate a satisfactory contract with the firm selected,
7 negotiations with that firm shall be terminated. The agency shall then undertake negotiations
8 with another of the qualified firms selected. If there is a failing of accord with the second firm,
9 negotiations with such firm shall be terminated. The agency shall then undertake negotiations
10 with the third qualified firm.

11 4. If the agency is unable to negotiate a contract with any of the selected firms, the
12 agency shall reevaluate the necessary architectural, engineering or land surveying services,
13 including the scope and reasonable fee requirements, again compile a list of qualified firms and
14 proceed in accordance with the provisions of sections 8.285 to 8.291.

15 5. The provisions of sections 8.285 to 8.291 shall not apply to any political subdivision
16 which adopts a [formal] **qualification-based selection** procedure **commensurate with state**
17 **policy** for the procurement of architectural, engineering and land surveying services.

 304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the
2 corporate limits of cities containing seventy-five thousand inhabitants or more or within two
3 miles of the corporate limits of the city or within the commercial zone of the city shall exceed
4 fifteen feet in height.

5 2. No motor vehicle operating exclusively within any said area shall have a greater
6 weight than twenty-two thousand four hundred pounds on one axle.

7 3. The "commercial zone" of the city is defined to mean that area within the city together
8 with the territory extending one mile beyond the corporate limits of the city and one mile
9 additional for each fifty thousand population or portion thereof provided, however, the
10 commercial zone surrounding a city not within a county shall extend [eighteen] **twenty-five**
11 miles beyond the corporate limits of any such city not located within a county and shall also
12 extend throughout any [first class charter] county **with a charter form of government** which
13 adjoins that city **and throughout any county with a charter form of government and with**
14 **more than two hundred fifty thousand but fewer than three hundred fifty thousand**
15 **inhabitants that is adjacent to such county adjoining such city**; further, provided, however,
16 the commercial zone of a city with a population of at least four hundred thousand inhabitants but
17 not more than four hundred fifty thousand inhabitants shall extend twelve miles beyond the
18 corporate limits of any such city; except that this zone shall extend from the southern border of
19 such city's limits, beginning with the western-most freeway, following said freeway south to the
20 first intersection with a multilane undivided highway, where the zone shall extend south along
21 said freeway to include a city of the fourth classification with more than eight thousand nine
22 hundred but less than nine thousand inhabitants, and shall extend north from the intersection of
23 said freeway and multilane undivided highway along the multilane undivided highway to the city
24 limits of a city with a population of at least four hundred thousand inhabitants but not more than
25 four hundred fifty thousand inhabitants, **and shall extend east from the city limits of a special**
26 **charter city with more than two hundred seventy-five but fewer than three hundred**
27 **seventy-five inhabitants along state route 210 and northwest from the intersection of state**
28 **route 210 and state route 10 to include the boundaries of any city of the third classification**
29 **with more than ten thousand eight hundred but fewer than ten thousand nine hundred**
30 **inhabitants and located in more than one county**; further provided, however, the
31 commercial zone of a city of the third classification with more than nine thousand six
32 hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south
33 from the city limits along U.S. highway 61 to the intersection of state route OO in a county

34 **of the third classification without a township form of government and with more than**
35 **seventeen thousand eight hundred but fewer than seventeen thousand nine hundred**
36 **inhabitants.** In no case shall the commercial zone of a city be reduced due to a loss of
37 population. The provisions of this section shall not apply to motor vehicles operating on the
38 interstate highways in the area beyond two miles of a corporate limit of the city unless the United
39 States Department of Transportation increases the allowable weight limits on the interstate
40 highway system within commercial zones. In such case, the mileage limits established in this
41 section shall be automatically increased only in the commercial zones to conform with those
42 authorized by the United States Department of Transportation.

43 4. Nothing in this section shall prevent a city, county, or municipality, by ordinance,
44 from designating the routes over which such vehicles may be operated.

45 **5. No motor vehicle engaged in interstate commerce, whether unladen or with load,**
46 **whose operations in the state of Missouri are limited exclusively to the commercial zone of**
47 **a first class home rule municipality located in a county with a population between eighty**
48 **thousand and ninety-five thousand inhabitants which has a portion of its corporate limits**
49 **contiguous with a portion of the boundary between the states of Missouri and Kansas, shall**
50 **have a greater weight than twenty-two thousand four hundred pounds on one axle, nor**
51 **shall exceed fifteen feet in height.**

2 [8.120. There is hereby created within the office of administration a
3 "Division of Design and Construction", which shall supervise the design,
4 construction, renovations and repair of state facilities, except as provided in
5 sections 8.015 and 8.017, and except in those belonging to the institutions of
6 higher education and the department of conservation. The division of design and
7 construction shall be responsible to review all requests for appropriations for
8 capital improvements.]

2 [8.177. 1. The director of the department of public safety shall employ
3 Missouri capitol police officers for public safety at the seat of state government.
4 Each Missouri capitol police officer, upon appointment, shall take and subscribe
5 an oath of office to support the constitution and laws of the United States and the
6 state of Missouri and shall receive a certificate of appointment, a copy of which
7 shall be filed with the secretary of state, granting such police officers all the same
8 powers of arrest held by other police officers to maintain order and preserve the
9 peace in all state-owned or leased buildings, and the grounds thereof, at the seat
10 of government and such buildings and grounds within the county which contains
11 the seat of government.

12 2. The director of the department of public safety shall appoint a
13 sufficient number of Missouri capitol police officers, with available
14 appropriations, as appropriated specifically for the purpose designated in this
subsection, so that the capitol grounds may be patrolled at all times, and that

15 traffic and parking upon the capitol grounds and the grounds of other state
16 buildings owned or leased within the capital city and the county which contains
17 the seat of government may be properly controlled. Missouri capitol police
18 officers may make arrests for the violation of parking and traffic regulations
19 promulgated by the office of administration.

20 3. Missouri capitol police officers shall be authorized to arrest a person
21 anywhere in the county that contains the seat of state government, when there is
22 probable cause to believe the person committed a crime within capitol police
23 jurisdiction or when a person commits a crime within capitol police jurisdiction
24 or when a person commits a crime in the presence of an on-duty capitol police
25 officer.]

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Bill

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