

FIRST REGULAR SESSION

# SENATE BILL NO. 38

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SILVEY.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0544S.011

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## AN ACT

To repeal sections 227.290, 230.110, and 230.250, RSMo, and to enact in lieu thereof six new sections relating to supplementary state highway maintenance.

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

Section A. Sections 227.290, 230.110, and 230.250, RSMo, are repealed  
2 and six new sections enacted in lieu thereof, to be known as sections 227.290,  
3 230.110, 230.250, 230.270, 230.280, and 230.290, to read as follows:

227.290. 1. Whenever in the opinion of the state highways and  
2 transportation commission the advantageous use of any interest in land or any  
3 leasehold which has heretofore or may hereafter be acquired by the commission  
4 has ceased, or for any other lawful reason the commission wishes to dispose of the  
5 property, the commission shall have authority to convey or exchange such interest  
6 in land or leasehold for its approximate fair market value pursuant to any  
7 administrative procedure or process as determined by the commission, by deed  
8 signed by its chair or vice chair and attested by its secretary. Before any sale  
9 shall be consummated under this section, the original owner of the property  
10 which is now offered for sale by the commission and if such owner shall at the  
11 time of sale be in possession of the adjoining land, shall be notified by written  
12 notice by the department of transportation of such contemplated sale. All moneys  
13 received from the disposal of any such interest in land or leasehold shall be  
14 deposited by the commission in the state treasury to the credit of the state road  
15 fund. Any land or leasehold herein described that has been donated without  
16 charge by the owner to the purpose of state highway construction or maintenance  
17 and such owner is still in possession of contiguous property, the same shall revert  
18 to such original owner without cost to the owner if and when relinquished by the  
19 commission.

20           2. The commission may also, in its discretion, convey at no cost, or  
21 exchange its interest in any land or leasehold that is no longer necessary to be  
22 used for the construction, maintenance, or operation of the state highway system,  
23 or for any other lawful reason, to any federal, state, or local governmental entity.

24           **3. On January 1, 2018, the commission shall convey, at no cost,**  
25 **its interest in lands or leaseholds on which hard surfaced roads are**  
26 **located that are not part of the primary state highway system, which**  
27 **shall include interstate highways, United States highways, and state**  
28 **highways designated by number as of January 1, 2017, to the county**  
29 **highway commission in which the land or leasehold is located. Such**  
30 **hard surface roads shall be eligible for the multiyear maintenance**  
31 **program described in sections 230.270 to 230.290.**

          230.110. 1. If, and when, the state highways and transportation  
2 commission is authorized by law so to do, and may so desire it may take over all  
3 or any part of the highways of the county highway system and make refund  
4 therefor in such manner as may now or hereafter be provided by law for making  
5 refund to the several counties of this state, and road districts thereof, for  
6 highways heretofore designated and taken over by said state transportation  
7 department, whereupon it shall be the duty of the county highway commission,  
8 by proper deed of conveyance, to transfer to state transportation department that  
9 part of county highway system so taken over.

10           **2. As of January 1, 2018, any part of the highways of the county**  
11 **highway system previously transferred to the state transportation**  
12 **department under this section and not listed as part of the primary**  
13 **state highway system, which shall include interstate highways, United**  
14 **States highways, and state highways designated by number as of**  
15 **January 1, 2017, shall have control and maintenance of such highways**  
16 **transferred to the county highway commission in which the highway is**  
17 **located. Such highways shall be eligible for the multiyear maintenance**  
18 **program described in sections 230.270 to 230.290.**

          230.250. 1. Any county adopting sections 230.200 to 230.260 may,  
2 through their county highway commission, designate not less than twenty-five  
3 miles nor more than fifty miles of roads within the county which are connecting  
4 roads between present supplementary farm to market state highways. Upon  
5 designation and approval by the state highways and transportation commission,  
6 these roads shall become a part of the permanent supplementary state highway

7 system.

8           **2. As of January 1, 2018, any part of the highways of the county**  
9 **highway system previously transferred to the state transportation**  
10 **department under this section and not listed as part of the primary**  
11 **state highway system, which shall include interstate highways, United**  
12 **States highways, and state highways designated by number as of**  
13 **January 1, 2017, shall have control and maintenance of such highways**  
14 **transferred to the county highway commission in which the highway is**  
15 **located. Such highways shall be eligible for the multiyear maintenance**  
16 **program defined in sections 230.270 to 230.290.**

**230.270. As used in sections 230.270 to 230.290, the following**  
2 **terms shall mean:**

3           **(1) "Application period", a rolling three-year period during which**  
4 **the state highways and transportation commission accepts applications**  
5 **for funds from county highway commissions for hard surfaced road**  
6 **maintenance;**

7           **(2) "Commission", the state highways and transportation**  
8 **commission created under the provisions of sections 226.010;**

9           **(3) "Supplementary state highway", any highway designated by**  
10 **letter which is not listed as part of the primary state highway system,**  
11 **which shall include interstate highways, United States highways, and**  
12 **state highways designated by number as of January 1, 2017; and**

13           **(4) "Multiyear maintenance program", a compilation of road and**  
14 **bridge projects anticipated to be contracted for by the commission**  
15 **based on applications for maintenance by the county highway**  
16 **commissions during a three-year period.**

**230.280. 1. Any supplementary state highway under the control**  
2 **of the commission as of January 1, 2017, and for which control and**  
3 **maintenance was transferred to a county highway commission on**  
4 **January 1, 2018, pursuant to sections 227.290, 230.110, and 230.250 shall**  
5 **be eligible for the multiyear maintenance program created in sections**  
6 **230.270 to 230.290.**

7           **2. The state transportation department shall annually allocate**  
8 **funds for the multiyear maintenance program in the amount of one-**  
9 **third the average total annual dollar amount expended in the five-year**  
10 **period prior to the enactment of this section on maintenance of**  
11 **supplementary state highways described in subsection 1 of this section.**

12           **3. Any amounts allocated for the multiyear maintenance program**  
13 **that the commission does not award to the county highway commissions**  
14 **in any year shall carry over to the next year.**

15           **4. Each county highway commission shall be eligible to be**  
16 **awarded the average total annual dollar amount expended in the five-**  
17 **year period prior to the enactment of this section on maintenance of**  
18 **supplementary state highways for which control and maintenance was**  
19 **transferred to such county highway commission once during a three-**  
20 **year period.**

21           **5. Any amounts for which a county highway commission is**  
22 **otherwise eligible under subsection 3 of this section but are not**  
23 **awarded under section 230.090 in any application period shall carry**  
24 **over to the next application period.**

**230.290. 1. Beginning January 1, 2018, each county highway**  
2 **commission may submit a proposal for maintenance of supplementary**  
3 **state highways eligible under the multiyear maintenance program to**  
4 **the commission. The proposal shall contain all projects proposed to be**  
5 **completed during the succeeding three-year period by the county**  
6 **highway commission and a proposed budget for each project. The total**  
7 **proposed budget shall be less than or equal to the amount to which the**  
8 **county highway commission is eligible under section 230.280, including**  
9 **any amounts carried over from a previous application period.**

10           **2. If a county highway commission proposal is accepted by the**  
11 **commission and funds are awarded to such county highway**  
12 **commission, such county highway commission shall be ineligible to**  
13 **submit further proposals to the commission the succeeding two years.**

14           **3. The commission shall establish a process for the receipt and**  
15 **review of proposals for maintenance under the multiyear maintenance**  
16 **program. Such process shall, at a minimum, establish a specific**  
17 **schedule for review by the commission of the proposals, a process for**  
18 **alteration of such schedule by the commission as the commission deems**  
19 **such changes are necessary due to the scope or complexity of proposals**  
20 **received and the type and amount of information necessary for**  
21 **adequate review of proposals in each stage of review.**

22           **4. The commission may, at its discretion, approve or deny**  
23 **proposals submitted by a county highway commission or individual**  
24 **projects contained in such proposal. The commission may award**

25 amounts to the county highway commissions up to the amounts  
26 allocated under section 230.280, including any amounts carried over  
27 from a previous year.

28       5. Any county highway commission that has had a project  
29 request or proposal disapproved by the commission may, within fifteen  
30 days of the commission's disapproval, request a hearing before the  
31 commission to review the commission's determination. Such request  
32 shall be made in writing. Within thirty days after receipt of the written  
33 request, the commission shall grant a hearing and set a date therefor.

34       6. Any project undertaken by a county highway commission  
35 under a multiyear maintenance program for which funds are allocated  
36 by the commission that is completed under-budget shall have the  
37 remaining funds transferred to the county highway commission to be  
38 used at the discretion of the county highway commission for the  
39 construction, reconstruction, maintenance, and repairs of roads,  
40 bridges, and highways as the county commission shall direct.

Bill ✓

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