

FIRST REGULAR SESSION

SENATE BILL NO. 268

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STAPLES.

Read 1st time January 13, 1999, and 1,000 copies ordered printed.

S1079.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 8.843, 104.160, 104.180, 226.060, 226.100 and 301.273, RSMo 1994, and section 226.445, RSMo Supp. 1998, relating to the department of transportation, and to enact in lieu thereof seven new sections relating to the same subject.

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

Section A. Sections 8.843, 104.160, 104.180, 226.060, 226.100 and 301.273, RSMo 1994, and section 226.445, RSMo Supp. 1998, are repealed and seven new sections enacted in lieu thereof, to be known as sections 8.843, 104.160, 104.180, 226.060, 226.100, 226.445 and 301.273, to read as follows:

8.843. There is hereby established an interagency advisory committee on energy cost reduction and savings. The committee shall consist of the commissioner of administration, the director of the division of design and construction, the director of the department of natural resources, the director of the environmental improvement and energy resources authority, the director of the division of energy, the [chief engineer] **director** of the department of transportation, the director of the department of conservation and the commissioner of higher education. The committee shall advise the department on the development of the minimum energy efficiency standard and state building energy efficiency rating system and shall assist the office of administration in implementing sections 8.833 and 8.835.

104.160. [Until January 1, 1993, the board of trustees shall remain the same as it was on August 28, 1992. Beginning January 1, 1993,] The board of trustees shall consist of three members of the state highways and transportation commission elected by the members of the commission. The superintendent of the highway patrol and the [chief engineer] **director** of the

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

[transportation] department **of transportation** shall serve as members by virtue of their respective offices, and their successors shall succeed them as members of the board of trustees. In addition, one member of the senate appointed by the president pro tem of the senate and one member of the house of representatives, appointed by the speaker of the house shall serve as members of the board of trustees. In addition to the appointed legislators, two active employee members of the system shall be elected by a plurality vote of the active employee members of the system, herein designated for four-year terms to commence July 1, 1982, and every four years thereafter. One elected member shall be elected from the active employees of the [transportation] department **of transportation** and one elected member shall be elected from the active employees of the civilian or uniformed highway patrol. In addition to the two active employee members, one retired member of the system shall be elected to serve on the board by a plurality vote of the retired members of the system. The retired member shall be elected by the retired employees of the transportation department and the retired members of the civilian or uniformed highway patrol. The first retired member elected to the board shall serve for a term which shall commence on January 1, 1993, and expire on June 30, 1994. Subsequently elected retired members shall serve for four-year terms commencing on July 1, 1994, and every four years thereafter, which shall coincide with the terms of the active employee members of the board. The board shall determine the procedures for nomination and election of the elective board members. Nominations may be entered by any member of the system, [providing] **provided** members of the system have a reasonable opportunity to vote.

104.180. 1. The board of trustees shall meet within the state of Missouri upon the written call of the chairman or by agreement of any four members of the board. Notice of the meeting shall be delivered to all other trustees in person, or by depositing notice in a United States post office, in a properly stamped and addressed envelope, not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

2. Six trustees shall constitute a quorum for the transaction of business, and any official action of the board shall be based on the majority vote of the trustees present.

3. The trustees shall serve without compensation, but shall receive their necessary expenses incurred in the performance of their duties for the system.

4. The executive director and other employees of the system shall receive such salaries as may be fixed by the board and their necessary travel expense within and without the state as may be authorized by the board.

5. Duties performed for the system by the [chief engineer] **director** or any employee of the **state** highways and transportation commission or by the superintendent of the state highway patrol or any employee or member of the patrol shall be considered duties in connection with the regular employment of such individual, and [he] **the employee** shall suffer no loss in regular

compensation by reason of the performance of such duties.

226.060. The state highways and transportation commission shall select and fix the salary of a chief counsel who shall possess the same qualifications as judges of the supreme court and who shall serve at the pleasure of the commission and shall appear for and represent the commission in all actions and proceedings under chapters 226 and 227, RSMo, or any other law administered by the [highways and transportation] commission, or in any decision, order or proceeding of the commission, or of the [chief engineer] **director** and shall commence, prosecute or defend all actions or proceedings authorized or requested by the commission or to which the commission is a party and shall advise the commission or the [chief engineer] **director**, when requested, in all matters in connection with the organization, powers and duties of the commission or the powers and duties of the [chief engineer] **director**. The chief counsel shall, with the consent of the commission, appoint such assistant attorneys as the commission may deem necessary and their salaries shall be fixed by the commission. The [legal department] **chief counsel's office** of the commission shall be furnished offices in the [state transportation] department **of transportation** building.

226.100. The principal office of the commission shall be in the City of Jefferson, Missouri[, where the engineer shall reside during his term of office]. The said office shall be provided and assigned by the board of public buildings which board may rent or lease offices, if it be found necessary. [The office of the commission shall at all times, except Sundays and holidays, be open for the transaction of business.] The commission shall have a seal bearing the inscription, "[State Highway] **Missouri Highways and Transportation** Commission [of Missouri]", which shall be in the custody of the secretary, and shall be affixed to all official documents of the commission, or of the [engineer] **director**, and to such other instruments as the commission shall direct. The courts of this state shall take judicial notice of said seal. The commission may sue and be sued in its official name, and for the purpose of suit and other legal proceedings, service may be had on the secretary. The commission shall be supplied with all necessary books, maps, charts, stationery, office furniture, telephone and other necessary appliances, supplies and incidentals, to be paid for in the same manner as other expenses authorized by chapters 226 and 227, RSMo. Each of the members of the commission, the secretary and the [engineer] **director** shall have power and authority to administer oaths in all parts of the state, so far as such authority is incidental to the performance of their duties.

226.445. 1. The commission shall be composed of nine members who are residents of the state of Missouri. Two of the commissioners shall be members of the senate appointed by the president pro tem of the senate, two shall be members of the house of representatives appointed by the speaker of the house of representatives, and five shall be appointed by the governor with the advice and consent of the senate. No two committee members appointed by the speaker of the house of representatives or appointed by the president pro tem of the senate shall be members of

the same political party, and no more than three of the members appointed by the governor shall be members of the same political party. All members, other than legislative members, shall reside in counties which are adjacent to the Mississippi River. To the extent practicable, legislative members shall represent counties which are adjacent to the Mississippi River. The [chief engineer] **director** of the [transportation] department **of transportation** or the [chief engineer's] **director's** designee; the director of the division of tourism of the department of economic development or the director's designee; the director of the department of conservation or the director's designee; the director of the division of state parks of the department of natural resources or the director's designee; the director of the department of agriculture or the director's designee and the director of the department of economic development or the director's designee shall be ex officio members in addition to the nine members provided. Nothing in this section shall be construed to mandate the attendance of any ex officio members to any commission meeting or commission-related function. All costs associated with travel of any ex officio member to any commission meeting or any commission-related function shall be paid from the existing budget of the department represented by the ex officio member. No funds of the Mississippi River Parkway Commission shall be used to pay the costs associated with such travel by any ex officio member.

2. Commission members serving on August 28, 1996, shall continue to serve the remainder of their term. The first two terms to expire shall be filled by one appointment by the speaker of the house of representatives and one by the president pro tem of the senate. The speaker of the house of representatives and president pro tem of the senate shall each appoint one other member after August 28, 1996. The governor shall fill the remaining five positions on the commission as their terms expire. The term of each member appointed by the governor after August 28, 1996, shall be five years. Legislative members shall serve during their term of office as a member of the general assembly or five years, whichever is shorter. A [chairman] **chairperson** shall be chosen from the membership for a two-year term during the first regular meeting of the commission in odd-numbered years; however, no member of the general assembly shall serve as [chairman] **chairperson** of the commission. All members shall serve until their successors are appointed and qualified. Vacancies on the commission shall be filled in the same manner and by the same appointing authority as the original appointment. The national commission shall be notified of all such appointments, and shall be given the names and addresses of the appointed members.

3. The governor may remove any member appointed by the governor for cause or for continued nonfeasance.

4. The members of the commission shall not receive any compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the commission from moneys appropriated therefor from general revenue.

5. The commission shall be assigned to the department of transportation. No staff or

personnel shall be hired, employed, or contracted for by the commission, but the department of transportation may provide such staff services as may be necessary for the commission.

301.273. 1. There is hereby created a "Missouri Highway Reciprocity Commission" to be composed of the governor, the attorney general, the director of the division of motor carrier and railroad safety in the department of economic development, the director of revenue, the superintendent of the Missouri state highway patrol and the [chief engineer] **director** of the [transportation] department **of transportation**, and any member may designate a qualified employee to act for and in [his] **the member's** stead on the commission. The designation shall be made in writing filed with the commission and may be revoked at any time by the designating official. The commission shall elect from its members a [chairman] **chairperson** and such other officers as it deems necessary, fix its times and places of meeting and determine its own procedure. The commission is hereby authorized to appoint a secretary, who shall have charge of the office of the commission and shall be the custodian of the records of the commission, and such other employees as shall be necessary to properly perform the duties of the commission and shall fix the compensation of such secretary and other employees within the amount appropriated by the general assembly.

2. The commission shall keep written records of the minutes of all meetings which shall be kept, together with copies of all agreements entered into and rules and regulations promulgated by the commission, in the office of the secretary of the commission. Such records shall be public records of the state of Missouri and shall be open to public inspection. All rules and regulations promulgated by the commission shall be filed in the office of the secretary of state and shall take effect and become operative not sooner than ten days after they are so filed.

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