

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5239-01
Bill No.: HB 2253
Subject: Roads and Highways; Transportation Department; Boards, Commissions, Committees, Councils
Type: Original
Date: March 11, 2010

Bill Summary: Modifies requirements relating to highway corridors and the highway commission.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
State Road Fund	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Missouri Department of Transportation (MoDOT)** assume this proposed legislation takes away MoDOT discretion to decide when a corridor map should be filed, and mandates MoDOT to take action to stop any development within those corridors. This means that MoDOT may be required to acquire unnecessary properties for highway projects that are subject to change between the time the highway corridor map is filed and final design/construction. A knowing failure to prevent such development within a filed corridor may subject responsible MoDOT employees to salary freezes for the following fiscal year pay period. MoDOT assumes an unknown cost to the State Road Fund of greater than \$100,000.

Officials at the **Office of the State Auditor** assume this legislation requires the state auditor's office to annually audit and investigate any failure to comply. The office will need one staff auditor FTE.

Officials at the **Office of the State Courts Administrator** assume that there is no fiscal impact from this proposal.

Oversight assumes the Office of the State Auditor can absorb the cost of the annual audit proposed in this legislation with existing staff. Should the Auditor's Office determine that it would need the additional auditor it can request the FTE through the appropriations process.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
STATE ROAD FUND			
<u>Cost - MoDOT</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>
ESTIMATED NET EFFECT ON STATE ROAD FUND	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies the highway corridor preservation process.

Under the act, the Highways and Transportation Commission must file a certified copy of a corridor map with the proper regulatory authorities whenever the commission has approved the location of the highway corridor of a new or relocated state highway. Current law makes this act discretionary.

Under current law, the commission is not required to file or record a corridor map for a highway corridor of a new or relocated state highway project funded with state funds and without any federal funds. This act repeals this exemption.

Under current law, the commission is not required to file or record a corridor map for a highway corridor for a new or relocated state highway to be located within an area which is already developed at or near its maximum use with commercial, industrial or residential structures. This act repeals this exemption.

Under this act, the commission must institute proper legal actions in circuit court to prevent violations of the highway corridor preservation statutes and must immediately obtain court orders to stop any construction in violation of such statutes. Under current law, the decision to institute such legal proceedings is vested solely to the discretion of the commission.

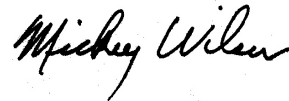
The act also requires the State Auditor to annually audit and investigate any failure of the commission or its employees to institute the proper legal proceedings. If the State Auditor finds that the commission or the employees under their supervision knowingly failed to institute the proper legal proceedings and such violation caused a loss of state road fund moneys or the failure to act necessitated a greater expenditure of road fund moneys than would have been required if action had been taken, then the commission shall freeze the existing salaries of those employees involved with the violations for the following fiscal year pay period.

FISCAL DESCRIPTION (continued)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Department of Transportation
Office of the State Auditor
Office of the State Courts Administrator



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