

SECOND REGULAR SESSION

HOUSE BILL NO. 2096

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

6263L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 230.200, 230.205, 230.210, 230.215, 230.220, 230.225, 230.230, 230.235, 230.240, 230.245, 230.250, 230.255, and 230.260, RSMo, relating to alternative county highway commissions.

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

Section A. Sections 230.200, 230.205, 230.210, 230.215, 230.220, 230.225, 230.230,
2 230.235, 230.240, 230.245, 230.250, 230.255, and 230.260, are repealed:

2 [230.200. There is hereby provided an alternative county highway
3 commission which may be adopted by any county of the third or fourth class in
4 this state, except counties of the third class containing all or a part of a city
5 having a population of three hundred fifty thousand or more, in lieu of the county
6 highway commission established by sections 230.020 to 230.110.]

2 [230.205. 1. The alternative county highway commission provided by
3 sections 230.200 to 230.260 shall not become operative in any county unless
4 adopted by a vote of the majority of the voters of the county voting upon the
5 question at an election. All counties of this state which have adopted the
6 alternative county highway commission may abolish it and return to the county
7 highway commission provided for by sections 230.010 to 230.110 by submitting
8 the question to a vote of the voters of the county in the manner provided by law.

9 2. Any county which does not adopt the alternative county highway
10 commission provided by sections 230.200 to 230.260, or any county in which a
11 majority of the voters of the county voting upon the question reject the alternative
12 county highway commission provided by sections 230.200 to 230.260 shall retain
13 the county highway commission provided by sections 230.010 to 230.110.]

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.

2 [230.210. 1. Upon petition filed in the office of the clerk of the county
3 commission, of voters equal to five percent of the vote cast for governor in the
4 last preceding general election, requesting the adoption of the alternative county
5 highway commission provided by sections 230.200 to 230.260, the county
6 commission shall, by order of record, submit the question of the adoption of the
7 alternative county highway commission to a vote of the voters of the county at
8 the next general election.

9 2. The question shall be submitted in substantially the following form:

10 Shall the alternative county highway commission be adopted in
11 County?

12 3. If a majority of the voters voting upon the question vote for its
13 adoption, the alternative county highway commission shall be declared adopted.
14 If a majority of the voters voting upon the question vote against the adoption of
15 the alternative county highway commission, the county in which the election was
16 held shall retain the county highway commission provided by sections 230.010
17 to 230.110.]

2 [230.215. The clerk of the county commission shall record the abstract
3 at length upon the records of the county commission of the county, and shall
4 certify the abstract to the secretary of state.]

2 [230.220. 1. In each county adopting it, the county highway commission
3 established by sections 230.200 to 230.260 shall be composed of the three
4 commissioners of the county commission and one person elected from the
5 unincorporated area of each of the two county commission districts. Except that
6 the presiding commissioner and one of the associate commissioners by process
7 of election may reside in the same township, not more than one member of the
8 county highway commission shall be a resident of the same township of the
9 county. The county commission shall designate one county commission district
10 as district A and the other as district B. The member of the county highway
11 commission first elected from district A shall serve a term of two years. The
12 member first elected from district B shall serve a term of four years. Upon the
13 expiration of the term of each such member, his successors shall be elected for
14 a term of four years. The commissioners of the county commission shall serve
15 as members of the county highway commission during their term as county
16 commissioners.

17 2. The elected members of the county highway commission shall be
18 nominated at the primary election and elected at the general election next
19 following the adoption of the proposition for the alternative county highway
20 commission by the voters of the county. Candidates shall file and the election
21 shall be conducted in the same manner as for the nomination and election of
22 candidates for county office. Within thirty days after the adoption of an
alternative county highway commission by the voters of any county as provided

23 in sections 230.200 to 230.260, the governor shall appoint a county highway
 24 commissioner from each district from which a member will be elected at the next
 25 following general election. The commissioners so appointed shall hold their
 26 office until their successors are elected at the following general election.
 27 Appointments shall be made by naming one member from each of the two
 28 political parties casting the highest number of votes in the preceding general
 29 election.

30 3. Members of the county highway commission who are not also
 31 members of the county's governing body shall receive an attendance fee in an
 32 amount per meeting as set by the county's governing body, not to exceed one
 33 hundred dollars, and a mileage allowance for miles actually and necessarily
 34 traveled in the performance of their duties in the same amount per mile received
 35 by the members of the county's governing body to be paid out of the road and
 36 bridge fund of the county.

37 4. If a vacancy occurs among the elected members of the county highway
 38 commission, the members of the county highway commission shall select a
 39 successor who shall serve until the next regular election.]
 40

2 [230.225. 1. All township road districts in counties adopting sections
 3 230.200 to 230.260 are abolished and all assets and liabilities of each township
 4 road district shall be transferred to the county highway commission within thirty
 5 days of the adoption of sections 230.200 to 230.260 by the county.

6 2. All special road districts in counties adopting sections 230.200 to
 7 230.260 are abolished and all assets and liabilities of each special road district
 8 shall be transferred to the county highway commission within thirty days of the
 9 adoption of sections 230.200 to 230.260 by the county. Whenever any district is
 10 located in more than one county, the assets and liabilities of the district shall be
 11 transferred to the county adopting sections 230.200 to 230.260 in the proportion
 12 that the assessed valuation of that part of the district lying in the adopting county
 13 bears to the total assessed value of the district.]

2 [230.230. In all counties adopting sections 230.200 to 230.260, all
 3 powers and duties heretofore exercised by the county commission, township
 4 boards, and special road district commissioners relating to the improvement,
 5 construction, reconstruction, restoration and maintenance of roads shall be
 6 exercised by the county highway commission.]

2 [230.235. Every county adopting sections 230.200 to 230.260 shall
 3 formulate a comprehensive road plan establishing a systematic program for the
 4 development and improvement of county roads. The plan shall be prepared by
 5 a qualified civil engineer or engineering firm familiar with road and highway
 6 engineering, and shall be approved by the state highways and transportation
 commission.]

2 [230.240. 1. In addition to the comprehensive road plan required by
3 section 230.235, all counties of the third class adopting sections 230.200 to
4 230.260 shall employ a qualified graduate civil engineer as county highway
5 engineer; except that, any person serving as county highway engineer on the date
6 the county for which he serves adopts the provisions of sections 230.200 to
7 230.260 may be retained as county highway engineer and shall be considered
8 qualified for that position within the meaning of sections 230.200 to 230.260.
9 The county highway commission shall appoint the county highway engineer and
10 shall set his salary to be paid out of the road and bridge fund of the county. The
11 services of the engineer shall be available in an advisory capacity to any
12 incorporated municipality within the county at no charge to the municipality.

13 2. The county highway engineer shall have general supervision over the
14 construction, maintenance, repair and reconstruction of all public highways,
15 roads, bridges and culverts, subject to the approval of the county highway
16 commission.]

2 [230.245. 1. In establishing the comprehensive road plan required by
3 sections 230.200 to 230.260, priority in construction, reconstruction,
4 improvement, restoration and maintenance of roads shall be given in the
5 following order:

6 (1) County roads presently used for school bus routes, mail routes and
7 milk routes;

8 (2) County roads now used for any two of the purposes named in
9 subdivision (1) above;

10 (3) County roads now used for any one of the purposes named in
11 subdivision (1) above;

12 (4) County roads which may be used if improved or restored for a school
13 bus route, mail route, or milk route;

14 (5) The construction of county roads which may be used for a school bus
15 route, mail route or milk route;

16 (6) Any other county road containing a live rural unit, as defined in
17 subsection 2 of this section, if consideration is given to the number of live rural
18 units served by the road, and the amount of traffic on the road.

19 2. The following terms as used in sections 230.200 to 230.260 mean:

20 (1) "County roads", all public roads located within the county, except
21 roads or highways constructed or maintained by the state transportation
22 department or by the federal government, and except roads, streets, or highways
23 in incorporated villages, towns, or cities;

24 (2) "Live rural unit", any church, school, dwelling, or farm.]

2 [230.250. Any county adopting sections 230.200 to 230.260 may,
3 through their county highway commission, designate not less than twenty-five
4 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.]
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2 [230.255. In all counties adopting sections 230.200 to 230.260, at least
3 twenty-five percent of the road and bridge tax collected in any incorporated city,
4 town or village in the county shall be expended within the city, town or village.]

2 [230.260. Sections 230.200 to 230.260 shall not apply to any special
3 named district which is located in two or more counties unless all such counties
shall adopt the alternative county highway commission plan as herein provided.]

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