

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1963

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZWATER.

4390H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 227.600, RSMo, and to enact in lieu thereof one new section relating to high speed transportation.

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

Section A. Section 227.600, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 227.600, to read as follows:

227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited as the "Missouri Public-Private Partnerships Transportation Act".

2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise, the following terms mean:

(1) "Commission", the Missouri highways and transportation commission;

(2) "Comprehensive agreement", the final binding written comprehensive project agreement between a private partner and the commission required in section 227.621 to finance, develop, and/or operate the project;

(3) "Department", the Missouri department of transportation;

(4) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease, design, or construct;

(5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other charges incurred to finance, develop, and/or operate the project;

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.

14 (6) "Interim agreement", a preliminary binding written agreement between a private
15 partner and the commission that provides for completion of studies and any other activities to
16 advance the financing, development, and/or operation of the project required by section 227.618;

17 (7) "Material default", any uncured default by a private partner in the performance of its
18 duties that jeopardizes adequate service to the public from the project as determined by the
19 commission;

20 (8) "Operate" or "operation", to improve, maintain, equip, modify, repair, administer, or
21 collect user fees;

22 (9) "Private partner", any natural person, corporation, partnership, limited liability
23 company, joint venture, business trust, nonprofit entity, other business entity, or any combination
24 thereof;

25 (10) "Project", exclusively includes any pipeline, ferry, port facility, water facility, water
26 way, water supply facility or pipeline, stormwater facility or system, wastewater system or
27 treatment facility, public building, airport, railroad, light rail, vehicle parking facility, mass
28 transit facility, **tube transport system**, or other similar facility currently available or to be made
29 available to a government entity for public use, including any structure, parking area,
30 appurtenance and other property required to operate the structure or facility to be financed,
31 developed, and/or operated under agreement between the commission and a private partner. The
32 commission or private partner shall not have the authority to collect user fees in connection with
33 the project from motor carriers as defined in section 227.630. Project shall not include any
34 highway, interstate or bridge construction, or any rest area, rest stop, or truck parking facility
35 connected to an interstate or other highway under the authority of the commission. Any project
36 not specifically included in this subdivision shall not be financed, developed, or operated by a
37 private partner until such project is approved by a vote of the people;

38 (11) "Public use", a finding by the commission that the project to be financed, developed,
39 and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed
40 as a necessary addition to the state transportation system;

41 (12) "Revenues", include but are not limited to the following which arise out of or in
42 connection with the financing, development, and/or operation of the project:

43 (a) Income;

44 (b) Earnings;

45 (c) Proceeds;

46 (d) User fees;

47 (e) Lease payments;

48 (f) Allocations;

49 (g) Federal, state, and local moneys; or

50 (h) Private sector moneys, grants, bond proceeds, and/or equity investments;

51 (13) "State", the state of Missouri;

52 (14) "State highway system", the state system of highways and bridges planned, located,
53 relocated, established, acquired, constructed, and maintained by the commission under Section
54 30(b), Article IV, Constitution of Missouri;

55 (15) "State transportation system", the state system of nonhighway transportation
56 programs, including but not limited to aviation, transit and mass transportation, railroads, ports,
57 waterborne commerce, freight and intermodal connections;

58 (16) **"Tube transport system", a high-speed transportation system, including**
59 **infrastructure and facilities, in which pressurized pods containing passengers or freight**
60 **ride or coast upon a cushion of air through magnetic levitation within a reduced-pressure**
61 **or vacuum tube, propelled by electric power;**

62 (17) "User fees", tolls, fees, or other charges authorized to be imposed by the
63 commission and collected by the private partner for the use of all or a portion of a project under
64 a comprehensive agreement.

65 **3. Notwithstanding any provision of law to the contrary, the power of eminent**
66 **domain shall not apply to the tube transport system.**

67 **4. Under section 23.253 of the Missouri sunset act:**

68 (1) **The provisions of the tube transport system authorized under this section shall**
69 **automatically sunset five years after the effective date of this section unless reauthorized**
70 **by an act of the general assembly; and**

71 (2) **If the tube transport system is reauthorized, the program authorized under this**
72 **section shall automatically sunset five years after the effective date of the reauthorization**
73 **of this section; and**

74 (3) **This section shall terminate on September first of the calendar year immediately**
75 **following the calendar year in which the program authorized under this section is sunset.**

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