

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2056
102ND GENERAL ASSEMBLY

4054H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 71.340 and 226.220, RSMo, and to enact in lieu thereof three new sections relating to reimbursement of costs associated with utility facility relocation.

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

Section A. Sections 71.340 and 226.220, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 71.340, 226.220, and 226.224, to read as
3 follows:

71.340. **1.** The mayor and city council of any city or the chairman and board of
2 trustees of any incorporated town or village shall have the power to annually appropriate and
3 pay out of the treasury of such city or incorporated town or village a sum of money, not to
4 exceed ten percent of the annual general revenue thereof, for the purpose of constructing,
5 building, repairing, working, grading or macadamizing any public road, street and highway
6 and any bridge thereon leading to and from such city or incorporated town or village; and
7 such appropriation shall be made by ordinance and the money so appropriated shall be
8 applied under the supervision and direction of the engineers of such city or incorporated town
9 or village, and of the county highway engineer of the county in which such city, town or
10 village is located, or of some competent person selected by such city, town or village and
11 approved by the county highway engineer, who shall make a report thereof, in writing, to the
12 mayor and city council of such city, or to the chairman and board of trustees of such
13 incorporated town or village; but this privilege shall not extend to a greater distance than five
14 miles from the corporate limits of such city, town or village, and shall not be construed so as
15 to allow any obstruction to or interference with the free use of any such public road, street or
16 highway by the public, except so far as may be necessary while such work is being done, and

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.

17 further shall not be construed to affect the liability of such city, town or village, which
18 liability shall be the same as if such roads, streets and highways were inside the city limits.

19 **2. The mayor and city council of any city or the chairman and board of trustees**
20 **of any incorporated town or village shall pay out of the treasury of such city or**
21 **incorporated town or village reimbursement for facility relocation that is required due**
22 **to road maintenance or construction to any nonrate regulated utility provider.**

23 **3. For the purposes of this section and sections 226.220 and 226.224, "nonrate**
24 **regulated utility provider" shall mean:**

25 **(1) A telecommunications company as defined in subdivision (52) of section**
26 **386.020 whose telecommunications services are not subject to regulation by the public**
27 **service commission;**

28 **(2) A provider of broadband and other internet-protocol-enabled services as**
29 **defined in subsection 2 of section 392.611;**

30 **(3) A video service provider as defined in subdivision (17) of subsection 1 of**
31 **section 67.2677; or**

32 **(4) A cable operator as defined in subdivision (1) of subsection 1 of section**
33 **67.2677.**

226.220. 1. There is hereby created and set up the "State Road Fund" which shall
2 receive all moneys and credits from

3 (1) The sale of state road bonds;

4 (2) The United States government and intended for highway purposes;

5 (3) The state road bond and interest sinking fund as provided in section 226.210; and

6 (4) Any other source if they are held for expenditure by or under the department of
7 transportation or the state highways and transportation commission and if they are not
8 required by section 226.200 to be transferred to the state highway department fund.

9 2. The costs and expenses withdrawn from the state treasury

10 (1) For locating, relocating, establishing, acquiring, reimbursing for, constructing,
11 improving and maintaining state highways in the systems specified in Article IV, Section 30
12 (b), of the Constitution;

13 **(2) For reimbursing nonrate regulated utility providers, as defined in subsection**
14 **3 of section 71.340, for any costs incurred in facility relocation that is required due to**
15 **road maintenance or construction;**

16 **(3) For acquiring materials, equipment and buildings; and**

17 ~~(3)~~ **(4) For other purposes and contingencies relating and appertaining to the**
18 **construction and maintenance of said highways shall be paid from the state road fund upon**
19 **warrants drawn by the state auditor, based upon bills of particulars and vouchers preapproved**
20 **and certified for payment by the commissioner of administration and by the state highways**

21 and transportation commission acting through such of their employees as may be designated
22 by them.

23 3. No payments or transfers shall ever be made from the state road fund except for an
24 expenditure made

25 (1) Under the supervision and direction of the state highways and transportation
26 commission; and

27 (2) For a purpose set out in Subparagraph (1), (2), (3), (4), or (5) of Section 30(b),
28 Article IV, of the Constitution.

**226.224. The department shall reimburse nonrate regulated utility providers, as
2 defined in subsection 3 of section 71.340, for any costs incurred in facility relocation that
3 is required due to road maintenance or construction.**

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