

CCS SS SCS HS HB 668 -- TRANSPORTATION ACCOUNTABILITY

This bill establishes various accountability measures for the Department of Transportation.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

The bill expands the duties of the Joint Committee on Transportation Oversight. The committee will be required to meet two times a year, in addition to its annual meeting. In addition to its current duties, the committee may:

- (1) Require the Inspector General to review, examine, or verify the contents of the annual report submitted to the committee; and
- (2) Direct the Inspector General to conduct a management evaluation or program evaluations.

ANNUAL REPORT

The annual report that is required to be submitted before the General Assembly, Governor, and Lieutenant Governor, prior to November 10 each year, must also be posted to the department's Internet web site so that General Assembly members may elect to access a copy of the report electronically.

INSPECTOR GENERAL

The Office of Transportation Inspector General is created and assigned to the General Assembly. The Inspector General will serve as Executive Director of the Joint Committee on Transportation Oversight and will be appointed to a five-year term by a majority vote of the Speaker and the Minority Floor Leader of the House of Representatives and the President Pro Tem and the Minority Floor Leader of the Senate. The Inspector General must have training and experience in transportation policy, management of transportation organizations, accounting, auditing, financial analysis, law, management analysis, or public administration.

The Inspector General is required to:

- (1) Perform specific investigations, reviews, audits, or other studies of the Department of Transportation as required by the joint committee;
- (2) Receive and process citizen complaints relating to transportation issues;
- (3) Investigate complaints from current and former employees of

the department relating to the department; and

(4) Maintain records and confidentiality with respect to the various investigations and tasks.

HIGHWAYS AND TRANSPORTATION COMMISSION

The bill reorganizes the terms of members of the Highways and Transportation Commission and spells out the initial appointments. Appointments will be made by March 1 in odd-numbered years. Present members will serve the remainder of the term for which they were appointed or reappointed as provided in the bill. When a vacancy occurs in any term of a commissioner due to death, resignation, or removal, a successor will be appointed for only the remainder of the unexpired term. The chair and vice chair of the commission will be appointed from the two commission members who are beginning to serve the last two years of their term. One member will serve as the chair; and the other will serve as vice chair, reversing positions the following year.

Commissioners appointed or reappointed after March 1, 2004, will be prohibited from: (1) hosting or managing a political fund-raiser or soliciting funds for any candidate who is seeking a statewide or nationally elected office; or (2) serving on the board or as the chair of any political action committee, political party committee, or continuing committee.

STATE OF THE STATE ON TRANSPORTATION

The bill requires the Director of the Department of Transportation to present a state of transportation address to a joint session of the General Assembly by February 15 each year.

ARBITRATION

The bill requires that any dispute or controversy in excess of \$25,000 but not more than \$327,000 against the Department of Transportation stemming from a contract award be settled, upon request, by arbitration administered by the American Arbitration Association in accordance with its Construction Industry Arbitration Rules. The dollar amounts will be adjusted on an annual basis on January 1 in accordance with the Implicit Price Deflator for Personal Consumption Expenditure. Any judgment on the award rendered by the arbitrator may be entered in the circuit court of Cole County.

TRANSPORTATION DEVELOPMENT DISTRICTS

Under the bill, property separated by easements or rights-of-way

will be considered contiguous for transportation development district purposes. Districts formed by property owners need not contain contiguous properties if:

(1) The petition provides that the sole funding method is a sales tax;

(2) A court finds that all the property within the proposed district will benefit district projects; and

(3) Each parcel within the district is within five miles of every other parcel.

As an alternative method for forming a transportation development district, the bill allows two or more local transportation authorities which have adopted a resolution calling for the joint establishment of a district to form a district. The proposed district area must be contiguous and may contain all or any portion of a county or city. The bill outlines the requirements of the petition.

The bill allows the alternatively formed development district to impose a sales tax contingent upon voter approval. The district may impose a funding mechanism other than a sales tax if approved by the voters within the district.

CONDEMNATION PROCEEDINGS

The bill requires that 90 days after an award is paid into court and no agreement has been filed and no party having an interest in the award has filed a distribution motion, the court will determine the percentage of the award to which each party having an interest is entitled.