

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 908
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation April 13, 2006 with recommendation that House Committee Substitute for Senate Bill No. 908 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

4637L.02C

AN ACT

To repeal section 227.290, RSMo, and to enact in lieu thereof two new sections relating to the state highways and transportation commission.

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

Section A. Section 227.290, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 227.102 and 227.290, to read as follows:

- 227.102. 1. Notwithstanding any other provision of law to the contrary, the commission is authorized to receive bids and bid bonds for any contract for construction, maintenance, repair, or improvement of any bridge or highway on the state highway system electronically via the Internet. Such electronically submitted bids and bid bonds shall contain digital signatures and seals, and all other required bid information and certifications, in accordance with commission administrative rules, sections 432.200 to 432.295, RSMo, and with any applicable federal competitive bidding requirements. At its discretion, the commission may elect to receive both electronic and paper bids, or the commission may specify electronic bidding exclusively for any proposed contract.**
- 2. Any electronic bidding program or service implemented by the commission and the electronic bid and bid bond vendor shall meet the following criteria, at a minimum:**
- (1) Each bidder must be able to transmit an electronic bid and bid bond securely and confidentially through bid encryption or other protection measures;**

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 (2) Each bidder must receive prompt confirmation of the timely electronic filing of
15 the bidder's bid and bid bond;

16 (3) Each bidder must be able to withdraw or replace the bidder's filed electronic
17 bid and bid bond prior to the time bids are opened;

18 (4) Each bid filed electronically must be inaccessible or unreadable to all others
19 except for the bidder prior to the time bids are opened;

20 (5) The portal for filing bids must have a mechanism to block any additional bids
21 or modifications to bids when bids are scheduled to be opened; and

22 (6) Commission representatives and officials of the department of transportation
23 must have full and immediate access to the bids and bid bonds at the time bids are
24 designated to be opened, but not prior to that time.

25 3. The commission is authorized to promulgate administrative rules to administer
26 the provisions in this section. Any rule or portion of a rule, as that term is defined in
27 section 536.010, RSMo, that is created under the authority delegated in this section shall
28 become effective only if it complies with and is subject to all of the provisions of chapter
29 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
30 RSMo, are nonseverable and if any of the powers vested with the general assembly
31 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
32 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
33 authority and any rule proposed or adopted after August 28, 2006, shall be invalid and
34 void.

227.290. 1. Whenever in the opinion of the state highways and transportation
2 commission the advantageous use of any interest in land or any leasehold which has heretofore
3 or may hereafter be acquired by the commission has ceased, **or for any other lawful reason the**
4 **commission wishes to dispose of the property**, the [state highways and transportation]
5 commission shall have authority to convey [the same for the best available cash price] **or**
6 **exchange such interest in land or leasehold for its approximate fair market value pursuant**
7 **to any administrative procedure or process as determined by the commission**, by deed
8 signed by its [chairman] **chair** or vice [chairman] **chair** and attested by its secretary[; provided,
9 however, that] . Before any sale shall be consummated under this section, the [grantor to the
10 state of] **original owner of the property which is now** offered for sale[, if real estate,] **by the**
11 **commission** and if such [grantor] **owner** shall at the time **of sale** be in possession of the
12 adjoining land, shall be notified by written notice [of] **by** the [state transportation] department[
13 .] **of transportation** of such contemplated sale[; provided, that] . All moneys received from the
14 disposal of any such interest in land or leasehold shall be deposited **by the commission** in the
15 state treasury to the credit of the state road fund[; provided further, that when] . Any land or

16 leasehold herein described **that** has been donated without charge [whatsoever,] by the owner
17 [and grantor of said property] to the purpose of state highway construction or maintenance and
18 such [grantor] **owner** is still in possession of contiguous property, the same shall revert to such
19 original owner without cost to [him] **the owner** if and when relinquished by the [state]
20 **commission.**

21 **2. The commission may also, in its discretion, convey at no cost, or exchange its**
22 **interest in any land or leasehold that is no longer necessary to be used for the construction,**
23 **maintenance, or operation of the state highway system, or for any other lawful reason, to**
24 **any federal, state, or local governmental entity.**

✓