

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1974
94TH GENERAL ASSEMBLY

Reported from the Committee on Transportation April 1, 2008 with recommendation that House Committee Substitute for House Bill No. 1974 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

4568L.07C

AN ACT

To repeal sections 144.054, 227.600, and 227.615, RSMo, and to enact in lieu thereof four new sections relating to the Missouri public-private partnerships transportation act.

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

Section A. Sections 144.054, 227.600, and 227.615, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 144.054, 227.600, 227.615, and
3 227.646, to read as follows:

144.054. 1. As used in this section, the following terms mean:

2 (1) "Processing", any mode of treatment, act, or series of acts performed upon materials
3 to transform or reduce them to a different state or thing, including treatment necessary to
4 maintain or preserve such processing by the producer at the production facility;

5 (2) "Recovered materials", those materials which have been diverted or removed from
6 the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent
7 separation and processing.

8 2. In addition to all other exemptions granted under this chapter, there is hereby
9 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
10 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010
11 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or
12 propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used
13 or consumed in the manufacturing, processing, compounding, mining, or producing of any

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 product, or used or consumed in the processing of recovered materials, or used in research and
15 development related to manufacturing, processing, compounding, mining, or producing any
16 product. The exemptions granted in this subsection shall not apply to local sales taxes as defined
17 in section 32.085, RSMo, and the provisions of this subsection shall be in addition to any state
18 and local sales tax exemption provided in section 144.030.

19 3. In addition to all other exemptions granted under this chapter, there is hereby
20 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
21 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085,
22 RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010
23 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as
24 defined in section 32.085, RSMo, all utilities, machinery, and equipment used or consumed
25 directly in television or radio broadcasting and all sales and purchases of tangible personal
26 property, utilities, services, or any other transaction that would otherwise be subject to the state
27 or local sales or use tax when such sales are made to or purchases are made by a contractor for
28 use in fulfillment of any obligation under a defense contract with the United States government,
29 and all sales and leases of tangible personal property by any county, city, incorporated town, or
30 village, provided such sale or lease is authorized under chapter 100, RSMo, and such transaction
31 is certified for sales tax exemption by the department of economic development, and tangible
32 personal property used for railroad infrastructure brought into this state for processing,
33 fabrication, or other modification for use outside the state in the regular course of business.

34 **4. In addition to all other exemptions granted under this chapter, there is hereby**
35 **specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to**
36 **144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085,**
37 **RSMo, and from the computation of the tax levied, assessed, or payable under sections**
38 **144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales**
39 **tax law as defined in section 32.085, RSMo, all sales and purchases of tangible personal**
40 **property, utilities, services, or any other transaction that would otherwise be subject to the**
41 **state or local sales or use tax when such sales are made to or purchases are made by a**
42 **contractor for use in completing a project under sections 227.600 to 227.669, RSMo.**

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

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

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

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

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

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

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

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", [a bridge to be owned by the commission and the Illinois department of
26 transportation or any other suitable public body of the state of Illinois, which is located across
27 the boundaries of the state of Illinois and the state of Missouri in a city not within a county to be
28 financed, developed, and/or operated under agreement between the commission, a private
29 partner, the Illinois department of transportation, and, if appropriate, any other suitable public
30 body of the state of Illinois] **includes any bridge, road, highway, access road, ferry, river
31 port, airport, railroad, light rail or other mass transit facility, and any similar or related
32 improvement or infrastructure to be financed, developed, and/or operated under
33 agreement between the commission and a private partner;**

34 (11) "Public use", a finding by the commission that the project to be financed, developed,
35 and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed
36 as a necessary addition to the [state highway system] **total transportation infrastructure needs
37 of the state;**

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

40 (a) Income;

41 (b) Earnings;

42 (c) Proceeds;
43 (d) User fees;
44 (e) Lease payments;
45 (f) Allocations;
46 (g) Federal, state, and local moneys; or
47 (h) Private sector moneys, grants, bond proceeds, and/or equity investments;
48 (13) "State", the state of Missouri;
49 (14) ["State highway system", the state system of highways and bridges planned, located,
50 relocated, established, acquired, constructed, and maintained by the commission under section
51 30(b), article IV, Constitution of Missouri;
52 (15)] "User fees", tolls, fees, or other charges authorized to be imposed by the
53 commission and collected by the private partner for the use of all or a portion of a project under
54 a comprehensive agreement.

227.615. The commission may by commission minute approve the project if the
2 commission determines the project will improve and is a needed addition to the [state highway
3 system] **total transportation infrastructure needs of the state. The commission shall only**
4 **approve highway, road, mass transit, and bridge projects with a total value in excess of**
5 **twenty-five million dollars, but shall not approve any project, maintenance, or**
6 **improvement involving any existing interstate highway.**

227.646. Any revenues received under sections 227.600 to 227.669 shall be exempt
2 **from any tax on income imposed by any law of this state.**

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