

FIRST REGULAR SESSION

HOUSE BILL NO. 247

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALFERMAN.

0864H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 81.190, 88.770, and 91.550, RSMo, and to enact in lieu thereof three new section relating to utilities, with an emergency clause.

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

Section A. Sections 81.190, 88.770, and 91.550, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 81.190, 88.770, and 91.550, to read as follows:

81.190. Any such city may acquire, by condemnation, purchase, gift, lease or otherwise, property, real and personal, within such city or beyond the limits thereof, and establish, construct, maintain, add to, equip, improve, own, control, regulate and operate libraries, art galleries, museums, parks, places of recreation, auditoriums, convention halls, refrigerating plants, fountains, bathing places, watering troughs, public toilets, markets, market houses, abattoirs, medical dispensaries, laboratories, infirmaries, hospitals, poorhouses, charitable institutions, employment agencies, pawnshops, jails, city halls, engine houses, houses of correction, reform schools, workhouses and work farms, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction plants and equipments, street cleaning and sprinkling plants and equipment, gas plants, telephone systems, telegraph systems, electric light systems, electric or other heat systems, electric or other power systems, electric or other railways, ferries and transportation systems of any kind; waterworks, quarries, wharves, docks, waterways, canals, streets, avenues, alleys, lanes and all other public buildings, places, works, equipment and institutions, and all other public utilities, not herein enumerated and everything required therefor; and to sell, convey and encumber the same, to sell water, gas, electric current and all products of any utilities operated by the city; and to lease to corporations or to individuals when

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 authorized by a vote of a two-thirds majority of the voters of the city, voting at any general city
18 election, for the purpose of maintenance and operation and for a term not exceeding ten years,
19 any public utility owned by the city, but no sale of any utility shall be made, unless the same shall
20 be authorized by a **majority** [~~two-thirds~~] vote of the voters of said city at a general city election
21 thereof. **If a municipally-owned water or sewer system serves less than fifty percent of the**
22 **city's population, no voter ratification is required for sale of the system.**

88.770. 1. The board of aldermen may provide for and regulate the lighting of streets
2 and the erection of lamp posts, poles and lights therefor, and may make contracts with any
3 person, association or corporation, either private or municipal, for the lighting of the streets and
4 other public places of the city with gas, electricity or otherwise, except that each initial contract
5 shall be ratified by a majority of the voters of the city voting on the question and any renewal
6 contract or extension shall be subject to voter approval of the majority of the voters voting on
7 the question, pursuant to the provisions of section 88.251. The board of aldermen may erect,
8 maintain and operate gas works, electric light works, or light works of any other kind or name,
9 and to erect lamp posts, electric light poles, or any other apparatus or appliances necessary to
10 light the streets, avenues, alleys or other public places, and to supply private lights for the use
11 of the inhabitants of the city and its suburbs, and may regulate the same, and may prescribe and
12 regulate the rates to be paid by the consumers thereof, and may acquire by purchase, donation
13 or condemnation suitable grounds within or without the city upon which to erect such works and
14 the right-of-way to and from such works, and also the right-of-way for laying gas pipes, electric
15 wires under or above the grounds, and erecting posts and poles and such other apparatus and
16 appliances as may be necessary for the efficient operation of such works. The board of aldermen
17 may, in its discretion, grant the right to any person, persons or corporation, to erect such works
18 and lay the pipe, wires, and erect the posts, poles and other necessary apparatus and appliances
19 therefor, upon such terms as may be prescribed by ordinance. Such rights shall not extend for
20 a longer time than twenty years, but may be renewed for another period or periods not to exceed
21 twenty years per period. Every initial grant shall be approved by a majority of the voters of the
22 municipality voting on the question, and each renewal or extension of such rights shall be subject
23 to voter approval of the majority of the voters voting on the question, pursuant to the provisions
24 of section 88.251. Nothing herein contained shall be so construed as to prevent the board of
25 aldermen from contracting with any person, persons or corporation for furnishing the city with
26 gas or electric lights in cities where franchises have already been granted, and where gas or
27 electric light plants already exist, without a vote of the people, except that the board of aldermen
28 may sell, convey, encumber, lease, abolish or otherwise dispose of any public utilities owned by
29 the city including electric light systems, electric distribution systems or transmission lines, or any
30 part of the electric light systems, electric or other heat systems, electric or other power systems,

31 electric or other railways, gas plants, telephone systems, telegraph systems, transportation
 32 systems of any kind, waterworks, equipments and all public utilities not herein enumerated and
 33 everything acquired therefor, after first having passed an ordinance setting forth the terms of the
 34 sale, conveyance or encumbrance and when ratified by a majority [~~two-thirds~~] of the voters
 35 voting on the question. **If a municipally-owned water or sewer system serves less than fifty**
 36 **percent of the city's population, no voter ratification is required for sale of the system.**

37 2. The ballots shall be substantially in the following form and shall indicate the property,
 38 or portion thereof, and whether the same is to be sold, leased or encumbered:

39 Shall. (Indicate the property by stating
 40 whether electric distribution system, electric transmission lines or waterworks, etc.) be
 41 (Indicate whether sold, leased or encumbered.)?

91.550. Before any city of the third class shall sell or dispose of, in any way, or abandon
 2 or cease to operate any electric light plant, waterworks plant, gas plant, street railway or any
 3 other public utility which may be owned by it, it shall first submit the proposition for such sale
 4 or disposition or abandonment or ceasing to operate, by ordinance, to the voters of said city and
 5 it shall require a majority of the votes cast to be in favor of the proposition before any authority
 6 shall exist for such sale, disposition, abandonment or ceasing to operate. **If a municipally-**
 7 **owned water or sewer system serves less than fifty percent of the city's population, no voter**
 8 **ratification is required for sale of the system.**

Section B. Because immediate action is necessary to provide safe and adequate water
 2 and sewer service at just and reasonable rates, the repeal and reenactment of sections 81.190,
 3 88.770, and 91.550 of this act are deemed necessary for the immediate preservation of the public
 4 health, welfare, peace, and safety, and the repeal and reenactment of sections 81.190, 88.770, and
 5 91.550 of this act are hereby declared to be an emergency act within the meaning of the
 6 constitution, and the repeal and reenactment of section 81.190, 88.770, and 91.550 of this act
 7 shall be in full force and effect upon its passage and approval.

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