

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 757, Page 5, Section 70.370, Line 128, by inserting immediately after said section
2 and line the following:

3
4 "227.601. 1. Notwithstanding any provision of sections 227.600 to 227.669 to the contrary, the
5 process and approval for concession agreements to build, maintain, operate, or finance projects owned by a
6 political subdivision shall be approved by the governing body of such political subdivision and shall not be
7 subject to approval by the commission. Notwithstanding the provisions of subsection 5 of this section, the
8 sale or conveyance of any project owned by a political subdivision shall be subject to voter approval if
9 required by law.

10 2. As used in this section, the following terms shall mean:

11 (1) "Competitive bidding process", a request for proposal for the financing, development, or
12 operation of the project, including any deadline for submission of such proposals, and notice of the request,
13 which shall be published once a week for two consecutive weeks in:

14 (a) A newspaper of general circulation in the city where the proposed project is located;

15 (b) At least one construction industry trade publication that is nationally distributed; and

16 (c) Such other publications or manner as the governing body of the political subdivision may
17 determine;

18 (2) "Concession agreement", a license or lease between a private partner and a political subdivision
19 for the development, finance, operation, or maintenance of a project, as such term is defined in section
20 227.600.

21 3. Notwithstanding any provision of law to the contrary, political subdivisions may enter into
22 concession agreements, provided that:

23 (1) The term of the concession agreement shall be for a term not exceeding thirty years;

24 (2) The political subdivision shall retain oversight of operations of any such project;

25 (3) The political subdivision shall retain oversight of rate setting methodology;

26 (4) The political subdivision shall have the right to terminate the agreement if the private partner
27 does not comply with the concession agreement; and

28 (5) The concession agreement is supported by a preliminary engineering and financial feasibility
29 study, including an estimate of the costs of the project and the rate impact on customers during the life of the
30 agreement.

31 4. The commission shall not be required to oversee, or issue an annual report under section 227.669
32 for, projects approved by political subdivisions, provided that any political subdivision entering into a
33 concession agreement shall use a public-private partnership framework that shall include a competitive
34 bidding process.

35 5. Except as provided in subsection 1 of this section, the provisions of sections 71.530, 71.550,
36 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not apply to concession
37 agreements that are approved as provided in this section."; and

38
39 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Action Taken _____ Date _____