

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 843, Page 36, Section 210.1210, Line 19, by inserting immediately after said section
3 and line the following:
4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 5. Except as provided in subsection 1 of this section, the provisions of sections 71.530,

Action Taken _____ Date _____

1 71.550, 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not apply
2 to concession agreements that are approved as provided in this section."; and
3
4 Further amend said bill by amending the title, enacting clause, and intersectional references
5 accordingly.