

FIRST REGULAR SESSION

# SENATE BILL NO. 266

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time January 20, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1241S.011

## AN ACT

To amend chapter 71, RSMo, by adding thereto one new section relating to the authority of municipalities to offer certain services.

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

Section A. Chapter 71, RSMo, is amended by adding thereto one new section, to be known as section 71.289, to read as follows:

**71.289. 1. For the purposes of this section, the following terms mean:**

(1) "Competitive service" or "service", a wholesale or retail offering of a good or service, or substantially similar good or service, which is provided by one or more private businesses within the boundaries of a city, town, or village. "Competitive service" shall not be construed to mean any service which is recreational in nature or where the private business has no physical business presence or assets in the city, town, or village;

(2) "Fiscal impact", the total cost of providing the proposed service, including the annual operating cost, the fair market value of all resources provided by the city, town, or village, the cost of physical facilities, and salaries of staff;

(3) "Substantially similar", a good or service that, when viewed from the consumer's perspective, is used for the same purpose as the good or service it is being compared to, irrespective of how the good or service is delivered.

2. Notwithstanding any provision of law to the contrary, on or after August 28, 2015, no city, town, or village may offer to provide any competitive service unless:

(1) The city, town, or village offered such competitive service for

22 purchase prior to August 28, 2015;

23 (2) The competitive service is not being offered by any private  
24 business within the boundaries of such city, town, or village;

25 (3) The annual fiscal impact to the city, town, or village of  
26 providing such competitive service is less than one hundred thousand  
27 dollars; or

28 (4) Such competitive service offering is approved by a majority  
29 of the voters of the city, town, or village voting thereon, as provided in  
30 this section.

31 3. To place the question of providing a competitive service on the  
32 ballot, the city, town, or village shall:

33 (1) Complete a study concerning the feasibility of offering the  
34 service, including the financial implications to the city, town, or  
35 village, access to the service being provided by private business, and  
36 other relevant factors, and shall release the results of the study to the  
37 public at least ninety days prior to the question being placed before the  
38 voters; and

39 (2) Determine the total estimated cost of the project for the city,  
40 town, or village within the next five years.

41 4. The question shall be submitted in substantially the following  
42 form:

43 Shall . . . . . (name of city, town, or village) offer. . . . .  
44 (name and description of service), despite such service  
45 being currently offered within . . . . . (name of city, town,  
46 or village) by . . . . . (number of all businesses providing  
47 such service) private businesses, at an estimated cost to  
48 (name of city, town, or village) of (estimated cost of the  
49 project determined pursuant to subdivision (2) of  
50 subsection 3 of this section) within the next five years?

51 5. In the event the question fails to receive a majority vote, the  
52 question shall not be resubmitted to the voters for a period of at least  
53 two years.

54 6. If a city, town, or village offers a competitive service where a  
55 private business offers such service:

56 (1) No financial subsidization to support the service shall be  
57 allowed from revenue collected from other services offered by the city,  
58 town, or village; and

59           **(2) No funds of the city, town, or village shall support such**  
60 **service, unless the voters of the city, town, or village approve a specific**  
61 **revenue stream for the service.**

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