

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SCS/House Bill No. 355, Page 1, Section Title, Lines 3-4,

2 by striking "matters within the scope of the public service
3 commission" and inserting in lieu thereof the following:
4 "utilities"; and

5 Further amend said bill and page, Section A, line 3, by
6 inserting after all of said line the following:

7 "88.770. 1. The board of aldermen may provide for and
8 regulate the lighting of streets and the erection of lamp posts,
9 poles and lights therefor, and may make contracts with any
10 person, association or corporation, either private or municipal,
11 for the lighting of the streets and other public places of the
12 city with gas, electricity or otherwise, except that each initial
13 contract shall be ratified by a majority of the voters of the
14 city voting on the question and any renewal contract or extension
15 shall be subject to voter approval of the majority of the voters
16 voting on the question, pursuant to the provisions of section
17 88.251. The board of aldermen may erect, maintain and operate
18 gas works, electric light works, or light works of any other kind
19 or name, and to erect lamp posts, electric light poles, or any
20 other apparatus or appliances necessary to light the streets,
21 avenues, alleys or other public places, and to supply private
22 lights for the use of the inhabitants of the city and its
23 suburbs, and may regulate the same, and may prescribe and
24 regulate the rates to be paid by the consumers thereof, and may

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

1 plants, telephone systems, telegraph systems, transportation
2 systems of any kind, waterworks, equipments and all public
3 utilities not herein enumerated and everything acquired therefor,
4 after first having passed an ordinance setting forth the terms of
5 the sale, conveyance or encumbrance and when ratified by
6 two-thirds of the voters voting on the question, except for the
7 sale of a water or wastewater system, or the sale of a gas plant,
8 which shall be authorized by a simple majority vote of the voters
9 voting on the question. In the event of the proposed sale of a
10 water or wastewater system, or a gas plant, the board of alderman
11 shall hold a public meeting on such proposed sale at least thirty
12 days prior to the vote. The municipality in question shall
13 notify its customers of the informational meeting through radio,
14 television, newspaper, regular mail, electronic mail, or any
15 combination of notification methods to most effectively notify
16 customers at least fifteen days prior to the informational
17 meeting. In advance of putting a proposed sale of a water or
18 wastewater system, or a gas plant before the voters, the board of
19 aldermen may seek an appraisal as set forth in subsections 3 and
20 4 of section 393.320. The board may also seek and provide
21 additional reasonable analyses to inform voters of such sale,
22 including but not limited to, the impact of such sale on all city
23 funds and revenues, other city services, and annexation. Nothing
24 in this section shall be so construed as to discourage the board
25 of aldermen from seeking multiple bids when considering the
26 disposal of a water or wastewater system or a gas plant by sale.

27 2. The board of aldermen's determination of the fair market
28 value of a water or wastewater system or a gas plant for the
29 purposes of this section shall not be dispositive of the price of

1 a water or wastewater system, or a gas plant, which may be
2 subject to negotiation by the board of aldermen.

3 3. The board of aldermen may consider alternatives to
4 disposing of a water or wastewater system, or a gas plant by
5 sale, including entering into a finance agreement, purchase
6 agreement, management agreement, or lease agreement with another
7 entity.

8 4. The board of aldermen may make available on its internet
9 site, if such internet site exists, at least forty-five days
10 prior to submitting a proposal for election pursuant to this
11 section, a copy of the appraisal or additional reasonable
12 analyses under subsection 1 of this section and the fair market
13 value of a water or wastewater system or a gas plant. Such
14 information may also be posted in the building where the board of
15 aldermen has its monthly meetings.

16 5. The board of aldermen may make a good-faith effort to
17 notify each property owner of the city and each ratepayer of a
18 water or wastewater system or a gas plant of the proposal to
19 dispose of the water or wastewater system, or a gas plant, by
20 sale through radio, television, newspaper, regular mail,
21 electronic mail, or any combination of such notification methods.
22 Such notice may also include instructions for locating a summary
23 of the proposal and a summary of any appraisal and analyses as
24 under subsection 1 of this section on the board of aldermen's
25 internet site, if such internet site exists. In the event the
26 board of aldermen does not have an internet site, the notice may
27 inform the recipient that written copies of such information may
28 be made available at the building where the board of aldermen has
29 its monthly meetings.

1 6. Nothing in this section shall be construed as a
2 violation of section 115.646, relating to the use of public funds
3 to advocate, support, or oppose the ballot measure prescribed in
4 subsection 7 of this section.

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

8 Shall _____ (Indicate the property by stating whether
9 electric distribution system, electric transmission lines or
10 waterworks, etc.) be _____ (Indicate whether sold, leased or
11 encumbered.)?"; and

12 Further amend the title and enacting clause accordingly.