

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 704, Page 41, Section 162.441, Line 24

2 of said page, by inserting immediately after said line the
3 following:

4 "227.600. 1. Sections 227.600 to 227.669 shall be known
5 and may be cited as the "Missouri Public-Private Partnerships
6 Transportation Act".

7 2. As used in sections 227.600 to 227.669, unless the
8 context clearly requires otherwise, the following terms mean:

9 (1) "Commission", the Missouri highways and transportation
10 commission;

11 (2) "Comprehensive agreement", the final binding written
12 comprehensive project agreement between a private partner and the
13 commission required in section 227.621 to finance, develop,
14 and/or operate the project;

15 (3) "Department", the Missouri department of
16 transportation;

17 (4) "Develop" or "development", to plan, locate, relocate,
18 establish, acquire, lease, design, or construct;

19 (5) "Finance", to fund the costs, expenses, liabilities,
20 fees, profits, and all other charges incurred to finance,
21 develop, and/or operate the project;

22 (6) "Interim agreement", a preliminary binding written
23 agreement between a private partner and the commission that

1 provides for completion of studies and any other activities to
2 advance the financing, development, and/or operation of the
3 project required by section 227.618;

4 (7) "Material default", any uncured default by a private
5 partner in the performance of its duties that jeopardizes
6 adequate service to the public from the project as determined by
7 the commission;

8 (8) "Operate" or "operation", to improve, maintain, equip,
9 modify, repair, administer, or collect user fees;

10 (9) "Private partner", any natural person, corporation,
11 partnership, limited liability company, joint venture, business
12 trust, nonprofit entity, other business entity, or any
13 combination thereof;

14 (10) "Project", exclusively includes any pipeline, ferry,
15 port facility, water facility, water way, water supply facility
16 or pipeline, stormwater facility or system, wastewater system or
17 [wastewater] treatment facility, public building, airport,
18 railroad, light rail, vehicle parking facility, mass transit
19 facility, or other similar facility currently available or to be
20 made available to a government entity for public use, including
21 any structure, parking area, appurtenance and other property
22 required to operate the structure or facility to be financed,
23 developed, and/or operated under agreement between the commission
24 and a private partner. The commission or private partner shall
25 not have the authority to collect user fees in connection with
26 the project from motor carriers as defined in section 227.630.
27 Project shall not include any highway, interstate or bridge
28 construction, or any rest area, rest stop, or truck parking
29 facility connected to an interstate or other highway under the

1 authority of the commission. Any project not specifically
2 included in this subdivision shall not be financed, developed, or
3 operated by a private partner until such project is approved by a
4 vote of the people;

5 (11) "Public use", a finding by the commission that the
6 project to be financed, developed, and/or operated by a private
7 partner under sections 227.600 to 227.669 will improve or is
8 needed as a necessary addition to the state transportation
9 system;

10 (12) "Revenues", include but are not limited to the
11 following which arise out of or in connection with the financing,
12 development, and/or operation of the project:

13 (a) Income;

14 (b) Earnings;

15 (c) Proceeds;

16 (d) User fees;

17 (e) Lease payments;

18 (f) Allocations;

19 (g) Federal, state, and local moneys; or

20 (h) Private sector moneys, grants, bond proceeds, and/or
21 equity investments;

22 (13) "State", the state of Missouri;

23 (14) "State highway system", the state system of highways
24 and bridges planned, located, relocated, established, acquired,
25 constructed, and maintained by the commission under Section
26 30(b), Article IV, Constitution of Missouri;

27 (15) "State transportation system", the state system of
28 nonhighway transportation programs, including but not limited to
29 aviation, transit and mass transportation, railroads, ports,

1 waterborne commerce, freight and intermodal connections;

2 (16) "User fees", tolls, fees, or other charges authorized
3 to be imposed by the commission and collected by the private
4 partner for the use of all or a portion of a project under a
5 comprehensive agreement.

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

15 2. As used in this section, the term "concession agreement"
16 shall mean a license or lease between a private partner and a
17 political subdivision for the development, finance, operation, or
18 maintenance of a project, as such term is defined in section
19 227.600.

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

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

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

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

29 (4) The political subdivision shall have the right to

1 terminate the agreement if the private partner does not comply
2 with the concession agreement.

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

9 5. Except as provided in subsection 1 of this section, the
10 provisions of sections 71.530, 71.550, 78.190, 78.630, 81.190,
11 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not
12 apply to concession agreements that are approved as provided in
13 this section."; and

14 Further amend the title and enacting clause accordingly.
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