

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ Bill No. _____, Page _____, Section _____, Line _____,

by inserting immediately after said line the following:

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

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

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

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

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

(c) Such other publications or manner as the governing body

1 of the political subdivision may determine;

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

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

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

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

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

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

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

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

28 5. Except as provided in subsection 1 of this section, the
29 provisions of sections 71.530, 71.550, 78.190, 78.630, 81.190,

1 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not
2 apply to concession agreements that are approved as provided in
3 this section."; and

4 Further amend the title and enacting clause accordingly.
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