

SECOND REGULAR SESSION

# SENATE BILL NO. 658

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4492S.011

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## AN ACT

To repeal section 88.770, RSMo, and to enact in lieu thereof one new section relating to municipally-owned utilities.

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

Section A. Section 88.770, RSMo, is repealed and one new section enacted  
2 in lieu thereof, to be known as section 88.770, to read as follows:

88.770. 1. The board of aldermen may provide for and regulate the  
2 lighting of streets and the erection of lamp posts, poles and lights therefor, and  
3 may make contracts with any person, association or corporation, either private  
4 or municipal, for the lighting of the streets and other public places of the city  
5 with gas, electricity or otherwise, except that each initial contract shall be  
6 ratified by a majority of the voters of the city voting on the question and any  
7 renewal contract or extension shall be subject to voter approval of the majority  
8 of the voters voting on the question, pursuant to the provisions of section  
9 88.251. The board of aldermen may erect, maintain and operate gas works,  
10 electric light works, or light works of any other kind or name, and to erect lamp  
11 posts, electric light poles, or any other apparatus or appliances necessary to light  
12 the streets, avenues, alleys or other public places, and to supply private lights for  
13 the use of the inhabitants of the city and its suburbs, and may regulate the same,  
14 and may prescribe and regulate the rates to be paid by the consumers thereof,  
15 and may acquire by purchase, donation or condemnation suitable grounds within  
16 or without the city upon which to erect such works and the right-of-way to and  
17 from such works, and also the right-of-way for laying gas pipes, electric wires  
18 under or above the grounds, and erecting posts and poles and such other  
19 apparatus and appliances as may be necessary for the efficient operation of such  
20 works. The board of aldermen may, in its discretion, grant the right to any

21 person, persons or corporation, to erect such works and lay the pipe, wires, and  
 22 erect the posts, poles and other necessary apparatus and appliances therefor,  
 23 upon such terms as may be prescribed by ordinance. Such rights shall not extend  
 24 for a longer time than twenty years, but may be renewed for another period or  
 25 periods not to exceed twenty years per period. Every initial grant shall be  
 26 approved by a majority of the voters of the municipality voting on the question,  
 27 and each renewal or extension of such rights shall be subject to voter approval of  
 28 the majority of the voters voting on the question, pursuant to the provisions of  
 29 section 88.251. Nothing herein contained shall be so construed as to prevent the  
 30 board of aldermen from contracting with any person, persons or corporation for  
 31 furnishing the city with gas or electric lights in cities where franchises have  
 32 already been granted, and where gas or electric light plants already exist, without  
 33 a vote of the people, except that the board of aldermen may sell, convey,  
 34 encumber, lease, abolish or otherwise dispose of any public utilities owned by the  
 35 city including electric light systems, electric distribution systems or transmission  
 36 lines, or any part of the electric light systems, electric or other heat systems,  
 37 electric or other power systems, electric or other railways, gas plants, telephone  
 38 systems, telegraph systems, transportation systems of any kind, waterworks,  
 39 equipments and all public utilities not herein enumerated and everything  
 40 acquired therefor, after first having passed an ordinance setting forth the terms  
 41 of the sale, conveyance or encumbrance and when ratified by two-thirds of the  
 42 voters voting on the question, **except for the sale of a water or wastewater**  
 43 **system, which shall be authorized by a simple majority vote of the**  
 44 **voters voting on the question.**

45 2. The ballots shall be substantially in the following form and shall  
 46 indicate the property, or portion thereof, and whether the same is to be sold,  
 47 leased or encumbered:

48 Shall \_\_\_\_\_ (Indicate the  
 49 property by stating whether electric distribution system, electric  
 50 transmission lines or waterworks, etc.) be \_\_\_\_\_ (Indicate  
 51 whether sold, leased or encumbered.)?

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