AN ACT

To amend chapter 71, RSMo, by adding thereto one new section relating to municipal competitive 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 71.295, to read as follows:

71.295. 1. Notwithstanding any provision of law to the contrary, beginning 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 purchase prior to August 28, 2015;
   (2) The competitive service is not being offered by any private business within the boundaries of such city, town, or village;
   (3) The annual fiscal impact to the city, town, or village of providing such competitive service is less than one hundred thousand dollars; or
   (4) Such competitive service offering is approved by a majority of the voters of the city, town, or village voting thereon, as provided in this section.

2. If a city, town, or village places the question of providing such competitive service on the ballot, the city, town, or village shall:

   (1) Complete a study concerning the feasibility of offering such service including, but not limited to, the financial implications to the city, town, or village; access to such service being provided by private business; and other relevant factors; and shall release the results of such study to the public at least ninety days prior to the question being placed before the voters; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
(2) Determine the total estimated cost of the project for the city, town, or village over the following five-year period.

3. The question shall be submitted in substantially the following form:

   “Shall ............. (insert name of city, town, or village) offer ............. (insert name and description of service), despite such service being currently offered within ............. (insert name of city, town, or village) by ............. (insert number of all businesses providing such service) private businesses at an estimated cost of ........... (insert cost estimate) to ............. (insert name of city, town, or village) over the following five-year period?”

4. In the event that the question proposed under this section fails to receive a majority vote, the question shall not be resubmitted to the voters for a period of at least two years.

5. If a city, town, or village offers a competitive service where a private business also offers such service, no financial subsidy to support the service shall be allowed from revenue collected from other services offered by the city, town, or village.

6. If a city, town, or village offers a competitive service where a private business provider offers such service, no city, town, or village funds shall support such service unless the voters of the city, town, or village approve a specific revenue stream for the service.

7. For the purposes of this section, the following terms shall mean:

   (1) “Competitive service” or “service”, a wholesale or retail offering of a good, service, or substantially similar good or service, which is provided by one or more private businesses within the boundaries of the 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, but not limited to, 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, if 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.