

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 291, Page 3, Section 57.280, Line 52, by inserting after all of said section and line  
3 the following:  
4

5 "88.770. 1. The board of aldermen may provide for and regulate the lighting of streets and  
6 the erection of lamp posts, poles and lights therefor, and may make contracts with any person,  
7 association or corporation, either private or municipal, for the lighting of the streets and other public  
8 places of the city with gas, electricity or otherwise, except that each initial contract shall be ratified  
9 by a majority of the voters of the city voting on the question and any renewal contract or extension  
10 shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the  
11 provisions of section 88.251. The board of aldermen may erect, maintain and operate gas works,  
12 electric light works, or light works of any other kind or name, and to erect lamp posts, electric light  
13 poles, or any other apparatus or appliances necessary to light the streets, avenues, alleys or other  
14 public places, and to supply private lights for the use of the inhabitants of the city and its suburbs,  
15 and may regulate the same, and may prescribe and regulate the rates to be paid by the consumers  
16 thereof, and may acquire by purchase, donation or condemnation suitable grounds within or without  
17 the city upon which to erect such works and the right-of-way to and from such works, and also the  
18 right-of-way for laying gas pipes, electric wires under or above the grounds, and erecting posts and  
19 poles and such other apparatus and appliances as may be necessary for the efficient operation of  
20 such works. The board of aldermen may, in its discretion, grant the right to any person, persons or  
21 corporation, to erect such works and lay the pipe, wires, and erect the posts, poles and other  
22 necessary apparatus and appliances therefor, upon such terms as may be prescribed by ordinance.  
23 Such rights shall not extend for a longer time than twenty years, but may be renewed for another  
24 period or periods not to exceed twenty years per period. Every initial grant shall be approved by a  
25 majority of the voters of the municipality voting on the question, and each renewal or extension of  
26 such rights shall be subject to voter approval of the majority of the voters voting on the question,  
27 pursuant to the provisions of section 88.251. Nothing herein contained shall be so construed as to  
28 prevent the board of aldermen from contracting with any person, persons or corporation for  
29 furnishing the city with gas or electric lights in cities where franchises have already been granted,  
30 and where gas or electric light plants already exist, without a vote of the people, except that the  
31 board of aldermen may sell, convey, encumber, lease, abolish or otherwise dispose of any public  
32 utilities owned by the city including electric light systems, electric distribution systems or  
33 transmission lines, or any part of the electric light systems, electric or other heat systems, electric or  
34 other power systems, electric or other railways, gas plants, telephone systems, telegraph systems,  
35 transportation systems of any kind, waterworks, equipments and all public utilities not herein  
36 enumerated and everything acquired therefor, after first having passed an ordinance setting forth the

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

16 2. The board of aldermen's determination of the fair market value of a water or wastewater  
17 system or a gas plant for the purposes of this section shall not be dispositive of the price of a water  
18 or wastewater system, or a gas plant, which may be subject to negotiation by the board of aldermen.

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

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

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

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

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

41 Shall \_\_\_\_\_ (Indicate the property by stating whether electric distribution system,  
42 electric transmission lines or waterworks, etc.) be \_\_\_\_\_ (Indicate whether sold, leased or  
43 encumbered.)?"; and

44  
45 Further amend said bill by amending the title, enacting clause, and intersectional references  
46 accordingly.