

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 206, Page 4, Section 8.231, Line 91,
2 by inserting after all of said section and line the following:

3
4 "88.770. 1. The board of aldermen may provide for and regulate the lighting of streets and
5 the erection of lamp posts, poles and lights therefor, and may make contracts with any person,
6 association or corporation, either private or municipal, for the lighting of the streets and other public
7 places of the city with gas, electricity or otherwise, except that each initial contract shall be ratified
8 by a majority of the voters of the city voting on the question and any renewal contract or extension
9 shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the
10 provisions of section 88.251. The board of aldermen may erect, maintain and operate gas works,
11 electric light works, or light works of any other kind or name, and to erect lamp posts, electric light
12 poles, or any other apparatus or appliances necessary to light the streets, avenues, alleys or other
13 public places, and to supply private lights for the use of the inhabitants of the city and its suburbs,
14 and may regulate the same, and may prescribe and regulate the rates to be paid by the consumers
15 thereof, and may acquire by purchase, donation or condemnation suitable grounds within or without
16 the city upon which to erect such works and the right-of-way to and from such works, and also the
17 right-of-way for laying gas pipes, electric wires under or above the grounds, and erecting posts and
18 poles and such other apparatus and appliances as may be necessary for the efficient operation of
19 such works. The board of aldermen may, in its discretion, grant the right to any person, persons or
20 corporation, to erect such works and lay the pipe, wires, and erect the posts, poles and other
21 necessary apparatus and appliances therefor, upon such terms as may be prescribed by ordinance.
22 Such rights shall not extend for a longer time than twenty years, but may be renewed for another
23 period or periods not to exceed twenty years per period. Every initial grant shall be approved by a
24 majority of the voters of the municipality voting on the question, and each renewal or extension of
25 such rights shall be subject to voter approval of the majority of the voters voting on the question,
26 pursuant to the provisions of section 88.251. Nothing herein contained shall be so construed as to
27 prevent the board of aldermen from contracting with any person, persons or corporation for
28 furnishing the city with gas or electric lights in cities where franchises have already been granted,
29 and where gas or electric light plants already exist, without a vote of the people, except that the
30 board of aldermen may sell, convey, encumber, lease, abolish or otherwise dispose of any public
31 utilities owned by the city including electric light systems, electric distribution systems or
32 transmission lines, or any part of the electric light systems, electric or other heat systems, electric or
33 other power systems, electric or other railways, gas plants, telephone systems, telegraph systems,
34 transportation systems of any kind, waterworks, equipments and all public utilities not herein
35 enumerated and everything acquired therefor, after first having passed an ordinance setting forth the
36 terms of the sale, conveyance or encumbrance and when ratified by two-thirds of the voters voting

Action Taken _____ Date _____

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

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

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

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

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

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

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

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

43
 44 Further amend said bill by amending the title, enacting clause, and intersectional references
 45 accordingly.