

HCS SB 206 -- CONTRACTS FOR GOVERNMENT FACILITIES

SPONSOR: Arthur (Richey)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 7 to 3.

Currently, an "energy cost savings measure" is defined as a training program or facility alteration designed to reduce energy consumption or operating costs. This bill adds improvement, modernization, or system replacement to the definition and adds to eligible building projects as specified in the bill (Section 8.231, RSMo).

Currently, a guaranteed energy cost savings contract must include a written guarantee from the provider that either the energy or operational cost savings, or both, will meet or exceed the costs of the project within 15 years. If there is a shortfall in the savings the provider must reimburse the governmental unit of the guaranteed energy cost savings on an annual basis and the contract may allow for payments over a period of time, not to exceed 15 years. This bill changes the time frame for the savings to equal or exceed the costs from 15 years to 20 years and requires the contract to provide for payments over a period of time not to exceed 20 years or the expected life of any equipment or systems.

The bill adds that the contract for a project must provide a scope of work describing the specific energy cost savings measures in the proposal and include any energy or operational audit performed by the agency with energy cost savings included in the proposal. If an energy audit is not provided, then proposer must provide the audit (Section 8.231).

This bill establishes procedures governing the use of and access to student data by third parties.

Beginning August 28, 2019, any time a school provides access to student data to a contractor, the contractor shall agree to a written contract with the school governing the contractor's access to and use of student data. A contractor shall maintain security practices designed to protect student data. The school shall notify students and parents whose data is affected by the contract.

The bill requires the operators of school websites that collect, maintain, or use student data to maintain security practices designed to protect student data. Operators are prohibited from keeping or using student data except for authorized purposes specified in the bill.

Notification of the school and affected students and parents is required if security breaches cause the unauthorized disclosure of student data.

The bill establishes a task force to study issues relating to student data privacy. The members of the task force are specified in the bill and include two members appointed by the Speaker of the House of Representatives. The task force must submit a report to the Joint Committee on Education before January 31, 2020 (Sections 167.2000, 167.2005, 167.2015, and 167.2020).

Currently, any school district authorizing the construction of facilities that may cost more than \$15,000 shall advertise in a newspaper and comply with certain bidding requirements. This bill increases that amount to \$25,000. The bill adds additional clarification on the bidding process including limits on proprietary products as specified in the bill (Section 177.086).

PROPONENTS: Supporters say that this bill will reduce unnecessary cost, streamline the process for bids, and be in line with other states. Supporters also pointed out that it had been 16 years since significant changes have been made to this process.

Testifying for the bill were Senator Arthur; Missouri School Board Association; and School Administrators Coalition.

OPPONENTS: There was no opposition voiced to the committee.

This bill is similar HCS HB 2332 (2018) and SB 206 (2019).