

FIRST REGULAR SESSION

# HOUSE BILL NO. 417

97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STREAM.

1403L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapters 49, 67, 71, 247, 248, 249, and 278, RSMo, by adding thereto seven new sections relating to political subdivision contracts for water storage tanks.

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

Section A. Chapters 49, 67, 71, 247, 248, 249, and 278, RSMo, are amended by adding  
2 thereto seven new sections to be known as sections 49.295, 67.285, 71.289, 247.700, 248.210,  
3 249.1200, and 278.157, to read as follows:

**49.295. Notwithstanding any provision of law to the contrary, county  
2 commissioners may comply with section 67.285 regarding any contract for the engineering,  
3 repair, sustainability, water quality management, and maintenance of an existing water  
4 storage tank and appurtenant facilities that does not change the size or capacity.**

**67.285. 1. The following political subdivisions may enter into, by direct negotiation  
2 or through the solicitation of requests for proposals or requests for qualifications, a  
3 multiyear, asset management professional service contract for the engineering, repair,  
4 sustainability, water quality management, and maintenance of an existing water storage  
5 tank and appurtenant facilities that does not change the size or capacity, which are owned,  
6 controlled, or operated by that political subdivision. Notwithstanding any other provision  
7 of law to the contrary, any of the following political subdivisions entering into or  
8 maintaining such an asset management professional services contract as described in this  
9 section shall not be required to pay prevailing wages for the maintenance work performed  
10 under such asset management contract. The provisions of this section shall apply only if  
11 the contract complies with subsection 2 of this section:**

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.

12           **(1) County commissioners, a board of directors of a public water supply district,**  
13 **a board of soil and water district supervisors, a board of trustees of a sanitary district, or**  
14 **a board of trustees of a sewer district;**

15           **(2) A municipal corporation through its director, mayor, city manager, village**  
16 **administrator, or other contracting officer, commission, board, or authority as authorized**  
17 **by ordinance of the municipal corporation's legislative authority.**

18           **2. A contract entered into under subsection 1 of this section shall include provisions**  
19 **that do all of the following:**

20           **(1) Provide that the contracting political subdivision is not required to make total**  
21 **payments in a single year that exceed the excess of:**

22           **(a) The political subdivision's water utility charges less;**

23           **(b) The operating expenses of the water system payable from such charges and the**  
24 **principal, interest, and other debt charges, including reserves and coverage requirements,**  
25 **for outstanding debt due in that year;**

26           **(2) Require that the work performed be done under the supervision of a**  
27 **professional engineer licensed under chapter 327, who certifies that the work will be**  
28 **performed in compliance with all applicable codes and engineering standards; and**

29           **(3) Provide that if, on the date of commencement of the contract, the water tank or**  
30 **appurtenant facilities require engineering, repair, sustainability, water quality**  
31 **management, or service in order to bring the tank or facilities into compliance with federal,**  
32 **state, or local requirements, the party contracting with the political subdivision shall**  
33 **provide the engineering, repair, sustainability, water quality management, or service. The**  
34 **cost of the work necessary to ensure such compliance shall be itemized separately and may**  
35 **be charged to the political subdivision in payments spread over a period of not less than**  
36 **three years from the date of commencement of the contract. The charges shall be paid**  
37 **after provision is made to pay operating expenses and the principal, interest, and other**  
38 **debt service charges, including reserves and coverage requirements for outstanding debt**  
39 **due in that year.**

**71.289. Notwithstanding any provision of law to the contrary, any municipal**  
2 **corporation that may be required by law to award contracts may comply with section**  
3 **67.285 regarding any contract for the engineering, repair, sustainability, water quality**  
4 **management, and maintenance of an existing water storage tank and appurtenant facilities.**

**247.700. Notwithstanding any provision of the law to the contrary, a board of**  
2 **directors of a public water supply district may comply with section 67.285 regarding any**  
3 **contract for the engineering, repair, sustainability, water quality management, and**  
4 **maintenance of an existing water storage tank and appurtenant facilities.**

2           **248.210. Notwithstanding any provision of law to the contrary, a board of trustees**  
3 **of a sanitary district may comply with section 67.285 regarding any contract for the**  
4 **engineering, repair, sustainability, water quality management, and maintenance of an**  
5 **existing water storage tank and appurtenant facilities.**

2           **249.1200. Notwithstanding any provision of law to the contrary, a board of trustees**  
3 **of a sewer district may comply with section 67.285 regarding any contract for the**  
4 **engineering, repair, sustainability, water quality management, and maintenance of an**  
5 **existing water storage tank and appurtenant facilities.**

2           **278.157. Notwithstanding any provision of law to the contrary, a board of soil and**  
3 **water district supervisors may comply with section 67.285 regarding any contract for the**  
4 **engineering, repair, sustainability, water quality management, and maintenance of an**  
5 **existing water storage tank and appurtenant facilities.**

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