

# HOUSE BILL NO. 437

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MILLER.

1087H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 71, RSMo, by adding thereto one new section relating to municipal competitive services.

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*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.

18           **(2) Determine the total estimated cost of the project for the city, town, or village**  
19 **over the following five-year period.**

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

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

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

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

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

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

37           **(1) “Competitive service” or “service”, a wholesale or retail offering of a good,**  
38 **service, or substantially similar good or service, which is provided by one or more private**  
39 **businesses within the boundaries of the city, town, or village. “Competitive service” shall**  
40 **not be construed to mean any service which is recreational in nature or where the private**  
41 **business has no physical business presence or assets in the city, town, or village;**

42           **(2) “Fiscal impact”, the total cost of providing the proposed service including, but**  
43 **not limited to, the annual operating cost, the fair market value of all resources provided**  
44 **by the city, town, or village, the cost of physical facilities and salaries of staff;**

45           **(3) “Substantially similar”, a good or service that, if viewed from the consumer’s**  
46 **perspective, is used for the same purpose as the good or service it is being compared to,**  
47 **irrespective of how the good or service is delivered.**

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