

HB 155 -- INTERSTATE 70 PUBLIC-PRIVATE PARTNERSHIP ACT

SPONSOR: Corlew

This bill enacts the Interstate 70 Public-Private Partnership Act.

In its main provisions, the bill:

- 1) Allows any private partner to submit a request for approval to the Missouri Highways and Transportation Commission to finance, develop, or operate a new reconstruction project of I-70, funded by user fees (Section 227.706, RSMo);
- 2) Requires the commission to use a competitive procurement process to form a public-private partnership to proceed with the project, including the publication of a public notice of the commission's requests for proposals. The commission shall also establish a process for receiving and reviewing requests for approval or requests for proposals (Sections 227.709, 227.712, 227.715, 227.718, 227.721, and 227.724);
- 3) Specifies all requests for approval and proposals are closed records until the private partner and the commission execute the comprehensive agreement information provided by the private partner; then the interim agreement and the comprehensive agreement are subject to the open record requirements under Chapter 610 (Section 227.727);
- 4) Specifies the powers and required documents of the private partner (Sections 227.730 and 227.733);
- 5) Allows the commission to delegate any powers, establish rules, and make final decisions regarding the performance and acceptance of project work as specified in the bill (Section 227.736);
- 6) Provides that public-private partnership shall be controlled by the restrictions therein and a comprehensive agreement between the commission and the private partner. Any financing of the project may be in the amounts, terms, and conditions in the interim or comprehensive agreement. The private partner may issue specified bonds and may also contract with the commission to issue state road bonds for the project and loan the proceeds to the private partner (Sections 227.739, 227.742, and 227.745);
- 7) Exempts revenue collected or received under these provisions from income tax and property tax, if the project is financed, developed, or operated by a private partner in the comprehensive agreement are exempt from state, political subdivision ad valorem and property tax, as specified in the bill (Section 227.746);

- 8) Allows the commission to authorize or require a private partner to exercise provisions regarding procurement for the financing, development, or operation of the project (Section 227.748);
- 9) Requires the private partner to submit a disadvantaged business enterprise participation plan, as specified in the bill (Section 227.751);
- 10) Allows the commission to lease any right-of-way or easement necessary for the project and condemn land for the project, if necessary, and as specified in the bill (Sections 227.754 and 227.757); and
- 11) Allows the commission and private partner to impose, collect, and enforce user fees on the project. Tort liability is established in the bill and the commission must submit an annual status report to the Governor and General Assembly once a comprehensive agreement is executed (Sections 227.760, 227.763, 227.766, and 227.769).