

FIRST REGULAR SESSION

HOUSE BILL NO. 928

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROSS.

1917H.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to government entities competing in the marketplace.

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

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be
2 known as section 407.312, to read as follows:

- 407.312. 1. Neither the state nor any political subdivision thereof shall offer any**
2 **good or service for rent or purchase to the public if a private business offers a substantially**
3 **comparable good or service in the same county or same city not within a county unless:**
4 **(1) A statute specifically authorizes the offering of the good or service;**
5 **(2) Voters of the political subdivision have specifically authorized the offering of**
6 **the good or service;**
7 **(3) The good is a food or beverage;**
8 **(4) The good is merchandise or the service is the rental of space reasonably related**
9 **to the state agency or political subdivision of the state;**
10 **(5) The good or service is offered at a school or library and is reasonably related**
11 **to a purpose of the school or library;**
12 **(6) The service is internet access or excess dark fiber by a municipality; or**
13 **(7) The good or service is reasonably related to an essential government function**
14 **including, but not limited to, the providing of infrastructure and monopoly utility services.**
15 **2. No state or political subdivision funds shall support the offering of any good or**
16 **service for rent or purchase to the public unless such offering is allowed under subsection**

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.

17 **1 of this section. No revenue collected by the state or any political subdivision thereof from**
18 **the sale or rental of goods or services allowed under subsection 1 of this section shall be:**

19 **(1) Used to fund the offering of any other good or service offered by the state or any**
20 **political subdivision thereof; or**

21 **(2) Transferred into any other account, including the general revenue of the state**
22 **or political subdivision, unless such transfer is to dispose of assets upon the termination of**
23 **the offering of the good or service.**

24 **3. The state or a political subdivision thereof shall be prohibited from possessing**
25 **a permit or other authorization issued by a federal or state entity that allows the holder to**
26 **offer a good or service unless such authorization is exclusively limited to a governmental**
27 **entity or no private business applied for such permit or authorization.**

28 **4. Any good or service offered by the state or a political subdivision thereof shall**
29 **be done in a nondiscriminatory manner.**

30 **5. This section shall be read and construed in a way that favors a private business**
31 **that is competing with a government good or service and with the purpose of limiting**
32 **government competition.**

33 **6. If a private business believes the state or any political subdivision of the state is**
34 **acting in violation of this section, the private business may file a complaint with the**
35 **attorney general, who shall have authority to investigate the allegations and take any**
36 **actions within the attorney general's authority. A private business may also file a lawsuit**
37 **in a court of competent jurisdiction to enjoin the state or any political subdivision of the**
38 **state from violating this section.**

39 **7. The state or a political subdivision thereof shall not enter into any agreement,**
40 **contract, or other arrangement with a company or organization to offer any good or**
41 **service that the state or political subdivision is prohibited under this section from offering**
42 **itself.**

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