

SECOND REGULAR SESSION

SENATE BILL NO. 905

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time March 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6090S.011

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.

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
2 amended by adding thereto seven new sections to be known as sections 49.295,
3 67.285, 71.289, 247.700, 248.210, 249.1200, and 278.157, to read as follows:

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

**67.285. 1. The following political subdivisions may enter into, by
2 direct negotiation or through the solicitation of requests for proposals
3 or requests for qualifications, a multiyear, asset management
4 professional service contract for the engineering, repair, sustainability,
5 water quality management, and maintenance of an existing water
6 storage tank and appurtenant facilities that does not change the size
7 or capacity, which are owned, controlled, or operated by that political
8 subdivision:**

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

13 **(2) A municipal corporation through its director, mayor, city
14 manager, village administrator, or other contracting officer,
15 commission, board, or authority as authorized by ordinance of the**

16 municipal corporation's legislative authority.

17 Notwithstanding any other provision of law to the contrary, any of the
18 political subdivisions in this subsection entering into or maintaining
19 such an asset management professional services contract shall not be
20 required to pay prevailing wages for the maintenance work performed
21 under such asset management contract. The provisions of this section
22 shall apply only if the contract complies with subsection 2 of this
23 section.

24 2. A contract entered into under subsection 1 of this section
25 shall:

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

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

30 (b) The operating expenses of the water system payable from
31 such charges and the principal, interest, and other debt charges,
32 including reserves and coverage requirements, for outstanding debt
33 due in that year;

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

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

71.289. Notwithstanding any provision of law to the contrary, any

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

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

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

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

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

Copy ✓