

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 861, Page 12, Section 143.2115, Line  
2 174, by inserting immediately after all of said line the following:

3  
4 "227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited as the "Missouri  
5 Public-Private Partnerships Transportation Act".

6 2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise, the  
7 following terms mean:

8 (1) "Commission", the Missouri highways and transportation commission;

9 (2) "Comprehensive agreement", the final binding written comprehensive project agreement  
10 between a private partner and the commission required in section 227.621 to finance, develop,  
11 and/or operate the project;

12 (3) "Department", the Missouri department of transportation;

13 (4) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease, design,  
14 or construct;

15 (5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other charges  
16 incurred to finance, develop, and/or operate the project;

17 (6) "Interim agreement", a preliminary binding written agreement between a private partner  
18 and the commission that provides for completion of studies and any other activities to advance the  
19 financing, development, and/or operation of the project required by section 227.618;

20 (7) "Material default", any uncured default by a private partner in the performance of its  
21 duties that jeopardizes adequate service to the public from the project as determined by the  
22 commission;

23 (8) "Operate" or "operation", to improve, maintain, equip, modify, repair, administer, or  
24 collect user fees;

25 (9) "Private partner", any natural person, corporation, partnership, limited liability company,  
26 joint venture, business trust, nonprofit entity, other business entity, or any combination thereof;

27 (10) "Project", exclusively includes any pipeline, ferry, [river] port facility, water facility,  
28 water way, fuel supply facility or pipeline, water supply facility or pipeline, public work,  
29 wastewater or wastewater treatment facility, public building, airport, railroad, light rail, vehicle  
30 parking facility, mass transit facility, or other similar facility currently available or to be made  
31 available to a government entity for public use, including any structure, parking area, appurtenance  
32 and other property required to operate the structure or facility [mass transit facility,] to be financed,  
33 developed, and/or operated under agreement between the commission and a private partner. Any  
34 project not specifically included in this subdivision shall not be financed, developed, or operated by  
35 a private partner until such project is approved by a vote of the people;

36 (11) "Public use", a finding by the commission that the project to be financed, developed,

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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1 and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed as  
2 a necessary addition to the state transportation system;

3 (12) "Revenues", include but are not limited to the following which arise out of or in  
4 connection with the financing, development, and/or operation of the project:

5 (a) Income;

6 (b) Earnings;

7 (c) Proceeds;

8 (d) User fees;

9 (e) Lease payments;

10 (f) Allocations;

11 (g) Federal, state, and local moneys; or

12 (h) Private sector moneys, grants, bond proceeds, and/or equity investments;

13 (13) "State", the state of Missouri;

14 (14) "State highway system", the state system of highways and bridges planned, located,  
15 relocated, established, acquired, constructed, and maintained by the commission under Section  
16 30(b), Article IV, Constitution of Missouri;

17 (15) "State transportation system", the state system of nonhighway transportation programs,  
18 including but not limited to aviation, transit and mass transportation, railroads, ports, waterborne  
19 commerce, freight and intermodal connections;

20 (16) "User fees", tolls, fees, or other charges authorized to be imposed by the commission  
21 and collected by the private partner for the use of all or a portion of a project under a comprehensive  
22 agreement."; and

23  
24 Further amend said bill by amending the title, enacting clause, and intersectional references  
25 accordingly.