

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1149
93RD GENERAL ASSEMBLY

Reported from the Special Committee on Energy and Environment March 14, 2006 with recommendation that House Committee Substitute for House Bill No. 1149 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3774L.03C

AN ACT

To repeal section 227.240, RSMo, and to enact in lieu thereof five new sections relating to water pollution control bonds and public utility equipment.

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

Section A. Section 227.240, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 67.1848, 227.240, 644.587, 644.588, and 644.589, to read as follows:

67.1848. All public water supply districts, sewer districts, and municipalities, including villages, shall have the right to lay, install, construct, repair, and maintain sewer and water lines in public highways, roads, streets, and alleys, subject to the reasonable rules and regulations of governmental bodies having jurisdiction of such public places. Due regard shall be taken for the rights of the public in its use of thoroughfares and the equal rights of other utilities thereto.

227.240. 1. The location and removal of all telephone, cable television, and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, **municipality, public water supply district, sewer district**, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission. **Nothing contained in**

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.

8 **this section shall lessen, remove, or eliminate property rights bestowed upon sewer districts**
9 **established under the Missouri Constitution at their creation.**

10 2. A cable television corporation or company shall be permitted to place its lines within
11 the right-of-way of any state highway, consistent with the rules and regulations of the state
12 highways and transportation commission. The state highways and transportation commission
13 shall establish a system for receiving and resolving complaints with respect to cable television
14 lines placed in, or removed from, the right-of-way of a state highway.

15 [3. The commission or some officer selected by the commission shall serve a written
16 notice upon the entity, person or corporation owning or maintaining any such lines, poles, wires,
17 conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places
18 on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be
19 maintained. The notice shall also state the time when the work of hard surfacing said roads is
20 proposed to commence, and shall further state that a hearing shall be had upon the proposed plan
21 of location and matters incidental thereto, giving the place and date of such hearing.
22 Immediately after such hearing the said owner shall be given a notice of the findings and orders
23 of the commission and shall be given a reasonable time thereafter to comply therewith; provided,
24 however, that the effect of any change ordered by the commission shall not be to remove all or
25 any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the
26 highway. The removal of the same shall be made at the cost and expense of the owners thereof
27 unless otherwise provided by said commission, and in the event of the failure of such owners to
28 remove the same at the time so determined they may be removed by the state highways and
29 transportation commission, or under its direction, and the cost thereof collected from such
30 owners, and such owners shall not be liable in any way to any person for the placing and
31 maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed
32 by the commission.

33 4. The commission is authorized in the name of the state of Missouri to institute and
34 maintain, through the attorney general, such suits and actions as may be necessary to enforce the
35 provisions of this section. Any corporation, association or the officers or agents of such
36 corporations or associations, or any other person who shall erect or maintain any such lines,
37 poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are
38 hard-surfaced, which are not in accordance with such orders of the commission, shall be deemed
39 guilty of a misdemeanor.]

644.587. In addition to those sums authorized prior to August 28, 2005, the board
2 **of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III**
3 **of the Constitution of the state of Missouri, may borrow on the credit of this state the sum**

4 of ten million dollars in the manner described, and for the purposes set out, in chapter 640,
5 RSMo, and this chapter.

644.588. In addition to those sums authorized prior to August 28, 2005, the board
2 of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III
3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum
4 of ten million dollars in the manner described, and for the purposes set out, in chapter 640,
5 RSMo, and in this chapter.

644.589. In addition to those sums authorized prior to August 28, 2005, the board
2 of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III
3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum
4 of twenty million dollars in the manner described, and for the purposes set out, in chapter
5 640, RSMo, and in this chapter.

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