

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE
SENATE BILL NO. 172
95TH GENERAL ASSEMBLY

0445L.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 204.569, RSMo, and to enact in lieu thereof two new sections relating to sewer services, with an emergency clause for a certain section.

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

Section A. Section 204.569, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 204.569 and 204.659, to read as follows:

204.569. When an unincorporated sewer subdistrict of a common sewer district has been formed pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer district shall have the same powers with regard to the subdistrict as for the common sewer district as a whole, plus the following additional powers:

(1) To enter into agreements to accept, take title to, or otherwise acquire, and to operate such sewers, sewer systems, treatment and disposal facilities, and other property, both real and personal, of the political subdivisions included in the subdistrict as the board determines to be in the interest of the common sewer district to acquire or operate, according to such terms and conditions as the board finds reasonable, provided that such authority shall be in addition to the powers of the board of trustees pursuant to section 204.340;

(2) To provide for the construction, extension, improvement, and operation of such sewers, sewer systems, and treatment and disposal facilities, as the board determines necessary for the preservation of public health and maintenance of sanitary conditions in the subdistrict;

(3) For the purpose of meeting the costs of activities undertaken pursuant to the authority granted in this section, to issue bonds in anticipation of revenues of the subdistrict in the same manner as set out in sections 204.360 to 204.450, for other bonds of the common sewer district. Issuance of such bonds for the subdistrict shall require the assent only of four-sevenths of the

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.

18 voters of the subdistrict voting on the question, [and] **except that, as an alternative to such a**
19 **vote, if the subdistrict is a part of a common sewer district located in whole or in part in**
20 **any county of the first classification with more than eighty-two thousand but fewer than**
21 **eighty-two thousand one hundred inhabitants, bonds may be issued for such subdistrict**
22 **if the question receives the written assent of three-quarters of the customers of the**
23 **subdistrict in a manner consistent with section 204.370, where "customer", as used in this**
24 **subdivision, means any political subdivision within the subdistrict that has a service or user**
25 **agreement with the common sewer district.** The principal and interest of [such] **any** bonds
26 **issued under this subdivision** shall be payable only from the revenues of the subdistrict and not
27 from any revenues of the common sewer district as a whole;

28 (4) To charge the costs of the common sewer district for operation and maintenance
29 attributable to the subdistrict, plus a proportionate share of the common sewer district's costs of
30 administration to revenues of the subdistrict and to consider such costs in determining reasonable
31 charges to impose within the subdistrict under section 204.440;

32 (5) With prior concurrence of the subdistrict's advisory board, to provide for the
33 treatment and disposal of sewage from the subdistrict in or by means of facilities of the common
34 sewer district not located within the subdistrict, in which case the board of trustees shall also
35 have authority to charge a proportionate share of the costs of the common sewer district for
36 operation and maintenance to revenues of the subdistrict and to consider such costs in
37 determining reasonable charges to impose within the subdistrict under section 204.440.

204.659. No person who owns real property that is used for residential purposes
2 **within the boundaries of any district created under section 30 of article VI of the Missouri**
3 **Constitution shall be assessed any fee, charge, or tax for storm water management services**
4 **if the district does not directly provide sanitary sewer services to such property and if the**
5 **storm water runoff from such person's property does not flow, or is not otherwise**
6 **conveyed, to a sewer maintained by such district.**

Section B. Because the adequate provision of sewer services is an essential part of daily
2 existence for Missouri residents and businesses, the repeal and reenactment of section 204.569
3 of section A of this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of
5 the constitution, and the repeal and reenactment of section 204.569 of section A of this act shall
6 be in full force and effect upon its passage and approval.

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