

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 2079

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FUNDERBURK.

6334H.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 393.015, RSMo, and to enact in lieu thereof two new sections relating to terminations of water services.

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

Section A. Section 393.015, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 67.313 and 393.015, to read as follows:

**67.313. 1. If approved by a majority of the voters voting on the proposal, any city, town, village, sewer district, or water supply district located within this state may, by order or ordinance, levy and impose annually, upon lateral sewer service lines providing sewer service to residential property having four or fewer dwelling units within the jurisdiction of such city, town, village, sewer district, or water supply district, a fee not to exceed three dollars per month or thirty-six dollars annually.**

**2. The ballot of submission shall be in substantially the following form:**

**For the purpose of repair or replacement of lateral sewer service lines extending from the residential dwelling to its connection with the public sewer system line, due to failure of the line, shall ..... (city, town, village, sewer district, or water supply district) be authorized to impose a fee not to exceed three dollars per month or thirty-six dollars annually on residential property for each lateral sewer service line providing sewer service within the (city, town, village, sewer district, or water supply district) to residential property having four or fewer dwelling units for the purpose of paying for the costs of necessary lateral sewer service line repairs or replacements?**

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.

16           3. For the purpose of this section, a lateral sewer service line may be defined by  
17 local order or ordinance, but shall not include more than the portion of the sewer line  
18 which extends from the sewer mains owned by the utility or municipality to the point of  
19 entry into the premises receiving sewer service, and may not include facilities owned by the  
20 utility or municipality. For purposes of this section, repair may be defined and limited by  
21 local ordinance, and may include replacement or repairs.

22           4. If a majority of the voters voting thereon approve the proposal authorized in  
23 subsection 1 of this section, the governing body of the city, town, village, sewer district, or  
24 water supply district may enact an order or ordinance for the collection of such fee. The  
25 funds collected under such ordinance shall be deposited in a special account to be used  
26 solely for the purpose of paying for the reasonable costs associated with and necessary to  
27 administer and carry out the lateral sewer service line repairs as defined in the order or  
28 ordinance and to reimburse the necessary costs of lateral sewer service line repair or  
29 replacement. All interest generated on deposited funds shall be accrued to the special  
30 account established for the repair of lateral sewer service lines.

31           5. The city, town, village, sewer district, or water supply district may establish, as  
32 provided in the order or ordinance, regulations necessary for the administration of  
33 collections, claims, repairs, replacements, and all other activities necessary and convenient  
34 for the implementation of any order or ordinance adopted and approved under this  
35 section. The city, town, village, sewer district, or water supply district may administer the  
36 program or may contract with one or more persons, through a competitive process, to  
37 provide for administration of any portion of implementation activities of any order or  
38 ordinance adopted and approved under this section, and reasonable costs of administering  
39 the program may be paid from the special account established under this section not to  
40 exceed five percent of the fund on an annual basis.

41           6. Notwithstanding any other provision of law to the contrary, the collector in any  
42 city, town, village, sewer district, or water supply district that adopts an order or ordinance  
43 under this section, who now or hereafter collects any fee to provide for, ensure, or  
44 guarantee the repair of lateral sewer service lines, may add such fee to the general tax levy  
45 bills of property owners within the city, town, village, sewer district, or water supply  
46 district. All revenues received on such combined bill which are for the purpose of  
47 providing for, ensuring, or guaranteeing the repair of lateral sewer service lines shall be  
48 separated from all other revenues so collected and credited to the appropriate fund or  
49 account of the city, town, village, sewer district, or water supply district. The collector of  
50 the city, town, village, sewer district, or water supply district may collect such fee in the

51 **same manner and to the same extent as the collector now or hereafter may collect**  
52 **delinquent real estate taxes and tax bills.**

393.015. 1. Notwithstanding any other provision of law to the contrary, any sewer  
2 corporation, municipality or sewer district established under the provisions of chapter 249 or  
3 250, or sections 204.250 to 204.470, or any sewer district created and organized pursuant to  
4 constitutional authority, may contract with any water corporation, **any municipality providing**  
5 **water, or any water districts established under chapter 247, which for purposes of this**  
6 **section shall collectively be designated as a water provider**, to terminate water services to any  
7 customer premises for nonpayment of a sewer bill. No such termination of water service may  
8 occur until thirty days after the sewer corporation, municipality or statutory sewer district or  
9 sewer district created and organized pursuant to constitutional authority sends a written notice  
10 to the customer, except that if the water corporation is performing a combined water and sewer  
11 billing service for the sewer corporation, municipality or sewer district, no additional notice or  
12 any additional waiting period shall be required other than the notice and waiting period already  
13 used by the water corporation to disconnect water service for nonpayment of the water bill.  
14 Acting pursuant to a contract, the water [corporation] **provider** shall discontinue water service  
15 until such time as the sewer charges and all related costs of termination and reestablishment of  
16 sewer and water services are paid by the customer.

17 2. A water [corporation] **provider** acting pursuant to a contract with a sewer corporation,  
18 municipality or sewer district as provided in subsection 1 of this section shall not be liable for  
19 damages related to termination of water services unless such damage is caused by the negligence  
20 of such water [corporation] **provider**, in which case the water [corporation] **provider** shall be  
21 indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified  
22 in the contract, all costs related to the termination and reestablishment of services by the water  
23 [corporation] **provider** shall be reimbursed by the sewer corporation, municipality, sewer district  
24 or sewer district created and organized pursuant to constitutional authority.

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