

FIRST REGULAR SESSION

HOUSE BILL NO. 1226

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RODEN.

2346H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 644.122, RSMo, and to enact in lieu thereof two new sections relating to wastewater treatment.

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

Section A. Section 644.122, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 393.340 and 644.122, to read as follows:

393.340. 1. Notwithstanding any other provision of law to the contrary, any entity offering wastewater disposal or treatment services to a community with five thousand or fewer inhabitants shall, prior to the construction or installation of a new wastewater collection or treatment facility, or connection to an existing collection or treatment facility outside the community, conduct a financial analysis with respect to the costs to be incurred and the impact of any rate changes on ratepayers.

2. Any financial analysis conducted under the provisions of this section shall include an examination of the feasibility and cost of expanding or upgrading existing treatment facilities and technologies.

3. The public service commission may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held

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.

17 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
18 **after August 28, 2015, shall be invalid and void.**

644.122. 1. There is hereby created in the state treasury for use of the department a fund
2 to be known as "The Water and Wastewater Loan Fund". All moneys received by the department
3 for activities authorized in subdivisions (1), (3), (4), (5), and (6) of subsection 2 of this section
4 shall be deposited in the fund for the use of the commission. Moneys received for the drinking
5 water state revolving fund shall be used for the purposes identified in the federal Safe Drinking
6 Water Act as amended and shall be accounted for separately.

7 2. The commission is hereby authorized to expend or use moneys deposited in the water
8 and wastewater loan fund, upon appropriation by the general assembly to the department, for one
9 or more of the following purposes as the same relate to the construction of public drinking water
10 and water pollution control projects as authorized by the commission pursuant to this chapter:

11 (1) To make loans to any county, instrumentality of the state, municipality, public water
12 district, public sewer district, community water system, nonprofit noncommunity water system
13 or any combination of the same, **regardless of whether the political subdivision serves as the**
14 **provider**, or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the
15 Clean Water Act, as amended;

16 (2) For the costs of administering programs and projects financed, in part, by the water
17 and wastewater loan fund;

18 (3) As a source of revenue or security for the payment of principal and interest on
19 revenue or general obligation bonds or notes issued by the state or any agency or instrumentality
20 thereof;

21 (4) To buy or refinance the debt obligation of any county, instrumentality of the state,
22 municipality, public water district, public sewer district, community water system, nonprofit
23 noncommunity water system, or any combination of the same;

24 (5) To guarantee, or purchase insurance for, notes or obligations of any county,
25 instrumentality of the state, municipality, public water district, public sewer district, community
26 water system, nonprofit noncommunity water system or any combination of the same, where
27 such action would improve credit market access or reduce interest rates;

28 (6) To provide loan guarantees for similar revolving funds established by any county,
29 instrumentality of the state, municipality, public water district, public sewer district, or any
30 combination of the same; and

31 (7) To earn interest on the water and wastewater loan fund accounts.

32 3. The unexpended balance in the water and wastewater loan fund at the end of the
33 biennium shall not be transferred to the ordinary revenue fund of the state treasury and

34 accordingly shall be exempt from the provisions of section 33.080 relating to transfer of funds
35 to the ordinary revenue funds of the state by the state treasurer.

36 4. For purposes of this section, public drinking water and water pollution control projects
37 shall include, but not be limited to, the planning, design, **upgrading**, and construction of water
38 or wastewater facilities, or both, and the planning, design, **upgrading**, and construction of
39 nonpoint source control facilities identified in a nonpoint source control plan prepared by the
40 department of natural resources.

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