

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 835, Page 1, Section A, Line 2, by inserting after
2 all of said section and line the following:

3
4 "204.569. When an unincorporated sewer subdistrict of a common sewer district has been formed
5 pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer district shall have the
6 same powers with regard to the subdistrict as for the common sewer district as a whole, plus the following
7 additional powers:

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

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

16 (3) For the purpose of meeting the costs of activities undertaken pursuant to the authority granted in
17 this section, to issue bonds in anticipation of revenues of the subdistrict in the same manner as set out in
18 sections 204.360 to 204.450, for other bonds of the common sewer district. Issuance of such bonds for the
19 subdistrict shall require the assent only of four-sevenths of the voters of the subdistrict voting on the
20 question~~[-and]~~ except that, as an alternative to such a vote, if the subdistrict is a part of a common sewer
21 district located in whole or in part in any county of the first classification without a charter form of
22 government adjacent to a county of the first classification with a charter form of government and a population
23 of at least six hundred thousand and not more than seven hundred fifty thousand, bonds may be issued for
24 such subdistrict if the question receives the written assent of three-quarters of the customers of the subdistrict
25 in a manner consistent with section 204.370, where "customer", as used in this subdivision, means any
26 political subdivision within the subdistrict that has a service or user agreement with the common sewer
27 district. The principal and interest of such bonds shall be payable only from the revenues of the subdistrict
28 and not from any revenues of the common sewer district as a whole;

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

33 (5) With prior concurrence of the subdistrict's advisory board, to provide for the treatment and
34 disposal of sewage from the subdistrict in or by means of facilities of the common sewer district not located
35 within the subdistrict, in which case the board of trustees shall also have authority to charge a proportionate
36 share of the costs of the common sewer district for operation and maintenance to revenues of the subdistrict
37 and to consider such costs in determining reasonable charges to impose within the subdistrict under section
38 204.440.

39 386.370. 1. The commission shall, prior to the beginning of each fiscal year beginning with the
40 fiscal year commencing on July 1, 1947, make an estimate of the expenses to be incurred by it during such

Action Taken _____ Date _____

1 fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and
 2 393 and shall also separately estimate the amount of such expenses directly attributable to such regulation of
 3 each of the following groups of public utilities: Electrical corporations, gas corporations, water corporations,
 4 heating companies and telephone corporations, telegraph corporations, sewer corporations, and any other
 5 public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to
 6 any such group. For purposes of this section, water corporations and sewer corporations will be combined
 7 and considered one group of public utilities.

8 2. The commission shall allocate to each such group of public utilities the estimated expenses
 9 directly attributable to the regulation of such group and an amount equal to such proportion of the estimated
 10 expenses not directly attributable to any group as the gross intrastate operating revenues of such group during
 11 the preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject
 12 to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then
 13 assess the amount so allocated to each group of public utilities, subject to reduction as herein provided, to the
 14 public utilities in such group in proportion to their respective gross intrastate operating revenues during the
 15 preceding calendar year, except that the total amount so assessed to all such public utilities shall not exceed
 16 ~~one-fourth~~ thirty-eight hundredths of one percent of the total gross intrastate operating revenues of all
 17 utilities subject to the jurisdiction of the commission.

18 3. The commission shall render a statement of such assessment to each such public utility on or
 19 before July first and the amount so assessed to each such public utility shall be paid by it to the director of
 20 revenue in full on or before July fifteenth next following the rendition of such statement, except that any such
 21 public utility may at its election pay such assessment in four equal installments not later than the following
 22 dates next following the rendition of said statement, to wit: July fifteenth, October fifteenth, January fifteenth
 23 and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

24 4. The state treasurer shall credit such payments to a special fund, which is hereby created, to be
 25 known as "The Public Service Commission Fund", which fund, or its successor fund created pursuant to
 26 section 33.571, shall be devoted solely to the payment of expenditures actually incurred by the commission
 27 and attributable to the regulation of such public utilities subject to the jurisdiction of the commission, as
 28 aforesaid. Any amount remaining in such special fund or its successor fund at the end of any fiscal year shall
 29 not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the
 30 payment of such expenditures of the commission in the succeeding fiscal year and shall be applied by the
 31 commission to the reduction of the amount to be assessed to such public utilities in such succeeding fiscal
 32 year, such reduction to be allocated to each group of public utilities in proportion to the respective gross
 33 intrastate operating revenues of the respective groups during the preceding calendar year.

34 5. In order to enable the commission to make the allocations and assessments herein provided for,
 35 each public utility subject to the jurisdiction of the commission as aforesaid shall file with the commission,
 36 within ten days after August 28, 1996, and thereafter on or before March thirty-first of each year, a statement
 37 under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public
 38 utility shall fail to file such statement within the time aforesaid the commission shall estimate such revenue
 39 which estimate shall be binding on such public utility for the purpose of this section."; and

40
 41 Further amend said bill, Page 2, Section 393.106, Line 53, by inserting after all of said section and line the
 42 following:

43
 44 "394.120. 1. No person shall become a member of a cooperative unless such person shall agree to
 45 use electric energy furnished by the cooperative when such electric energy shall be available through its
 46 facilities. The bylaws of a cooperative may provide that any person, including an incorporator, shall cease to
 47 be a member thereof if he or she shall fail or refuse to use electric energy made available by the cooperative
 48 or if electric energy shall not be made available to such person by the cooperative within a specified time
 49 after such person shall have become a member thereof. Membership in the cooperative shall not be
 50 transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and
 51 limitations in respect of membership.

52 2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

53 3. Special meetings of the members may be called by the board of directors, by any three directors,

1 by not less than ten percent of the members, or by the president.

2 4. Meetings of members shall be held at such place as may be provided in the bylaws. In the
3 absence of any such provisions, all meetings shall be held in the city or town in which the principal office of
4 the cooperative is located.

5 5. Except as herein otherwise provided, written or printed notice stating the time and place of each
6 meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is
7 called, shall be given to each member, either personally or by mail, not less than ten nor more than twenty-
8 five days before the date of the meeting.

9 6. Two percent of the first two thousand members and one percent of the remaining members,
10 present in person, or if the bylaws so provide, participating electronically or by mail, shall constitute a
11 quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the
12 presence of a greater percentage of the members for a quorum. If less than a quorum is present at any
13 meeting, a majority of those present in person may adjourn the meeting from time to time without further
14 notice.

15 7. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting
16 shall be in person, but, if the bylaws so provide, may also be by proxy, by electronic means, by mail, or any
17 combination thereof. If the bylaws provide for voting by proxy, by electronic means, or by mail, they shall
18 also prescribe the conditions under which proxy, electronic, or mail voting shall be exercised. In any event,
19 no person shall vote as proxy for more than two members at any meeting of the members.

20 8. Notwithstanding the provisions of subsections 2 and 7 of this section, the board of directors shall
21 have the power to set the time and place of the annual meeting and also to provide for voting by proxy,
22 electronic means, by mail, or any combination thereof, and to prescribe the conditions under which such
23 voting shall be exercised. The meeting requirement provided in this section may be satisfied through virtual
24 means. The provisions of this subsection shall expire on August 28, 2022."; and

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