

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 242
95TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, February 25, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1130S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 204.569, RSMo, and to enact in lieu thereof one new section relating to sewer subdistricts, with an emergency clause.

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

Section A. Section 204.569, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 204.569, to read as follows:

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

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

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

17 (3) For the purpose of meeting the costs of activities undertaken pursuant
18 to the authority granted in this section, to issue bonds in anticipation of revenues

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 of the subdistrict in the same manner as set out in sections 204.360 to 204.450,
20 for other bonds of the common sewer district. Issuance of such bonds for the
21 subdistrict shall require the assent only of four-sevenths of the voters of the
22 subdistrict voting on the question, [and] **except that, as an alternative to**
23 **such a vote, if the subdistrict is a part of a common sewer district**
24 **located in whole or in part in any county of the first classification with**
25 **more than eighty-two thousand but fewer than eighty-two thousand one**
26 **hundred inhabitants, bonds may be issued for such subdistrict if the**
27 **question receives the written assent of three-quarters of the customers**
28 **of the subdistrict in a manner consistent with section 204.370, where**
29 **"customer", as used in this subdivision, means any political subdivision**
30 **within the subdistrict that has a service or user agreement with the**
31 **common sewer district.** The principal and interest of [such] any bonds
32 **issued under this subdivision** shall be payable only from the revenues of the
33 subdistrict and not from any revenues of the common sewer district as a whole;

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

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

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

✓