

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 242

95TH GENERAL ASSEMBLY  
2009

1130S.05T

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## AN ACT

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

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

Section A. Section 204.569, RSMo, is repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 204.363, 204.569, and 1, to read  
3 as follows:

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

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

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

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  
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 1. No city of the third classification with more than  
2 nineteen thousand nine hundred but fewer than twenty thousand two  
3 hundred inhabitants that imposes a storm water usage fee based on the  
4 runoff rate of storm water on impervious surfaces shall impose such  
5 user fee on property owned by any church, public school, nonprofit  
6 organization, or political subdivision.**

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

✓  
Bill

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