

FIRST REGULAR SESSION

# SENATE BILL NO. 439

92ND GENERAL ASSEMBLY

---

INTRODUCED BY SENATOR STEELMAN.

Read 1st time February 6, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1449S.011

---

## AN ACT

To amend chapter 204, RSMo, by adding thereto two new sections relating to territorial service agreements for sewer districts.

---

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

Section A. Chapter 204, RSMo, is amended by adding thereto two new sections, to be known as sections 204.247 and 204.249, to read as follows:

**204.247. 1. Except as may be otherwise provided pursuant to section 204.249, a sewer district established pursuant to chapter 204, RSMo, or chapter 249, RSMo, or section 247.035, RSMo, or any sewer district created and organized pursuant to constitutional authority, shall constitute the sole and continuing authority for the provision of the wastewater collection and treatment services within its corporate boundaries.**

**2. No public sewer district shall later be formed pursuant to chapter 204, RSMo, or chapter 249, RSMo, or section 247.035, RSMo, or any sewer district created and organized pursuant to constitutional authority, the boundaries of which shall encroach upon the corporate boundaries of any sewer district then existing, nor shall any public sewer district extend wastewater collection and treatment services within the boundaries of another without written cooperative agreement between such districts to do so.**

**3. No municipality as its corporate boundaries exist on August 28, 2003, and no other private utility entity organized for the purpose of providing wastewater collection and treatment services shall operate or extend such services within the corporate boundaries of a sewer district, other provisions of law pertaining to**

municipalities and private utilities notwithstanding, without written cooperative agreement with the sewer district having jurisdiction to provide such services.

4. Nothing contained in this section shall be construed to eliminate, dissolve, or alter the corporate boundaries or existence of any municipality or public sewer district existing as of August 28, 2003, nor shall the provisions of this section be construed to eliminate, dissolve, or alter any public utility tariffs existing as of August 28, 2003.

204.249. Whenever all or any part of a territory located within a sewer district organized or reorganized pursuant to chapter 204, RSMo, or chapter 249, RSMo, or section 247.035, RSMo, or any sewer district created and organized pursuant to constitutional authority, is included by annexation within the corporate limits of a municipality, and such area contains wastewater collection or treatment facilities owned or operated by a sewer district organized or reorganized under chapter 204 or 249, RSMo, or section 247.035, RSMo, or any sewer district created and organized pursuant to constitutional authority, within or adjacent to the annexation area, and any such sewer district is currently providing, or is capable of providing, wastewater collection and treatment services to part or all of such area at the time of such annexation, then the municipality and the board of trustees of the sewer district shall, within six months after such annexation becomes effective, develop a cooperative agreement to provide wastewater collection and treatment services to the annexed territory. Such an agreement may also be developed within six months after August 28, 2003, for territory that is within district territory that was annexed before August 28, 2003, and which is receiving wastewater collection or treatment services from such district or such municipality on August 28, 2003. When the municipality and district reach an agreement, the agreement shall be filed with the recorder of deeds and the county clerk of the county or counties in which the district is located.

Copy<sup>T</sup>