

SENATE BILL NO. 1007

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

4889S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 204, RSMo, by adding thereto two new sections relating to reorganized common 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
2 two new sections, to be known as sections 204.603 and 204.605,
3 to read as follows:

204.603. 1. When the board of trustees of a
2 reorganized common sewer district and the governing body of
3 a public water supply district as defined in chapter 247
4 mutually determine that a consolidation of the reorganized
5 common sewer district and the public water supply district
6 would better serve the area within their boundaries, the
7 reorganized common sewer district and the public water
8 supply district shall jointly prepare a plan of
9 consolidation. The plan of consolidation shall be filed
10 with the public water supply district and the reorganized
11 common sewer district and shall be open for public
12 inspection. Each district shall, at the direction of its
13 governing body, separately conduct a hearing to consider the
14 plan of consolidation. Not less than ten days before such
15 hearing, each district shall mail to the owners of record of
16 the real property receiving service from such public water
17 supply district, at their last known post office address, a
18 notice of the hearing. Such notice shall state the date,

19 time, and place of such hearing, the general nature of the
20 plan of consolidation, and that verified petitions of
21 objection will be accepted and considered at the hearing.
22 The failure of any owner to receive such notice shall not
23 invalidate the proceedings.

24 2. At the respective hearings to consider the plan of
25 consolidation, each governing body shall receive verified
26 petitions of objection from customers of the public water
27 supply district and hear and pass upon all objections to the
28 plan of consolidation, if any, and may consider amendments
29 to the plan of consolidation, or by resolution, the
30 governing bodies may order that the plan of consolidation be
31 implemented.

32 3. If both governing bodies order the plan of
33 consolidation be implemented, the districts shall jointly
34 petition the circuit court of the county containing the
35 majority of the consolidated service territory of the public
36 water supply district to amend the decree of incorporation
37 of the reorganized common sewer district to allow it to
38 consolidate the public water supply district into the
39 reorganized common sewer district. The petition shall
40 include the plan of consolidation, the transcripts of the
41 hearings conducted by the two districts, and all verified
42 petitions of objection. All proceedings before the circuit
43 court shall be conducted in the same manner and have the
44 same effect as in an action for the amendment of the decree
45 of incorporation of the reorganized common sewer district
46 pursuant to subsection 12 of section 204.602, and no vote of
47 the customers of the reorganized common sewer district or
48 the public water supply district shall be required;
49 provided, however, a vote of the customers of the public
50 water supply district shall be required if the reorganized

51 common sewer district and the public water supply district
52 receive and the court finds that verified petitions of
53 objection were received from more than twenty percent of the
54 customers of the public water supply district. Should the
55 court find that verified petitions of objection were
56 received from more than twenty percent of the customers of
57 record receiving service from the public water supply
58 district, the decree of incorporation shall not become final
59 and conclusive until it is submitted to a vote of the
60 customers of the public water supply district and until it
61 is assented to by a majority of the customers of the public
62 water supply district voting on the proposition.

204.605. Any such reorganized common sewer district
2 that is authorized to engage in the construction,
3 maintenance, and operation of water supply and distribution
4 facilities is hereby authorized to acquire, construct,
5 improve or extend, maintain, and operate a combined
6 waterworks and sewerage system. Any such combined
7 waterworks and sewerage system may consist of an existing
8 sewerage system, an existing waterworks, a sewerage system
9 to be acquired or to be constructed, or a waterworks to be
10 acquired or constructed, or any combination thereof, and may
11 include any improvements or extensions to be acquired or
12 constructed either to an existing sewerage system or to an
13 existing waterworks or to both. Any such reorganized common
14 sewer district desiring to operate and maintain a combined
15 waterworks and sewerage system shall adopt a resolution
16 declaring that its waterworks, whether then existing or to
17 be acquired or constructed, and its sewerage system then
18 existing or to be acquired or constructed shall thenceforth
19 be operated and maintained as a combined waterworks and
20 sewerage system and may provide that such combined system

21 shall include all future improvements or extensions, whether
22 to the waterworks or to the sewerage system, or to both.
23 All applicable provisions of this chapter shall apply to the
24 construction, operation, and maintenance of combined
25 waterworks and sewerage system facilities, including the
26 issuance of bonds payable from the revenues of the combined
27 waterworks and sewerage system, in the same manner as they
28 apply to like functions relating to sewer treatment
29 facilities.

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