

FIRST REGULAR SESSION

# HOUSE BILL NO. 728

91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HOPPE.

Read 1<sup>st</sup> time February 8, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1337L.03I

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## AN ACT

To repeal section 393.705, RSMo 2000, relating to contracts for public water and sewer supply and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Section 393.705, RSMo 2000, is repealed and two new sections enacted in lieu thereof, to be known as sections 247.213 and 393.705, to read as follows:

**247.213. 1. A public water supply district shall not purchase the assets of any water corporation or sewer corporation regulated pursuant to chapter 386, RSMo, or chapter 393, RSMo, unless that public water supply district has obtained the approval of both the public service commission and the corporation whose assets are being purchased.**

**2. When a public water supply district purchases any water corporation or sewer corporation regulated pursuant to chapter 386, RSMo, or chapter 393, RSMo, the public water supply district may continue to serve any location that received water or sewer services from the purchased corporation, even if such location is outside the boundary lines of the geographical area of the public water supply district. New water or sewer services may be provided by the public water supply district to any area located within one-fourth of one mile of any real property served by the purchased corporation prior to the purchase.**

393.705. As used in sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295, the following terms shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Bond" or "bonds", any bonds, interim certificates, notes, debentures or other obligations of a commission issued pursuant to sections 393.700 to 393.770 and sections

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

6 386.025, RSMo, and 393.295;

7 (2) "Commission", any joint municipal utility commission established by a joint contract  
8 under sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295;

9 (3) "Contracting municipality", each municipality which is a party to a joint contract  
10 establishing a commission under sections 393.700 to 393.770 and sections 386.025, RSMo, and  
11 393.295, a water supply district formed under the provisions of chapter 247, RSMo, or a sewer  
12 district formed pursuant to the provisions of chapter 204, RSMo, or chapter 249, RSMo;

13 (4) "Joint contract", the contract entered into among or by and between two or more [of  
14 the following contracting entities for the purpose of establishing a commission:

15 (a) Municipalities;

16 (b) Public water supply districts;

17 (c) Sewer districts;

18 (d) Nonprofit water companies] **contracting municipalities or between municipalities**  
19 **and public water supply districts or between municipalities and sewer districts, for the**  
20 **purpose of establishing a commission; or**

21 (e) Nonprofit sewer companies;

22 (5) "Person", a natural person, cooperative or private corporation, association, firm,  
23 partnership, or business trust of any nature whatsoever, organized and existing under the laws  
24 of any state or of the United States and any municipality or other municipal corporation,  
25 governmental unit, or public corporation created under the laws of this state or the United States,  
26 and any person, board, or other body declared by the laws of any state or the United States to be  
27 a department, agency or instrumentality thereof;

28 (6) "Project", the purchasing, construction, extending or improving of any  
29 revenue-producing water, sewage, gas or electric light works, heating or power plants, including  
30 all real and personal property of any nature whatsoever to be used in connection therewith,  
31 together with all parts thereof and appurtenances thereto, used or useful in the generation,  
32 production, transmission, distribution excluding retail sales, purchase, sale, exchange, transport  
33 and treatment of sewage or interchange of water, sewage, electric power and energy, or any  
34 interest therein or right to capacity thereof and the acquisition of fuel of any kind for any such  
35 purposes.