

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 283
95TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, April 15, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1090S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer districts.

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

Section A. Section 393.829, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 393.829, to read as follows:

393.829. A nonprofit sewer company shall have power:

- 2 (1) To sue and be sued, in its corporate name;
- 3 (2) To have succession by its corporate name for the period stated in its
4 articles of incorporation or, if no period is stated in its articles of incorporation,
5 to have such succession perpetually;
- 6 (3) To adopt a corporate seal and alter the same at pleasure;
- 7 (4) To provide wastewater disposal and wastewater treatment services to
8 its members, to governmental agencies and political subdivisions;
- 9 (5) To make loans to persons to whom wastewater disposal or wastewater
10 treatment is or will be supplied by the company for the purpose of, and otherwise
11 to assist such persons in, installing therein plumbing fixtures, appliances,
12 apparatus and equipment of any and all kinds and character, and in connection
13 therewith, to purchase, acquire, lease, sell, distribute, install and repair such
14 plumbing fixtures, appliances, apparatus and equipment, and to accept or
15 otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and
16 otherwise dispose of notes, bonds and other evidences of indebtedness and any
17 and all types of security therefor;

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

18 (6) To make loans to persons to whom wastewater disposal or wastewater
19 treatment is or will be supplied by the company for the purpose of, and otherwise
20 to assist such persons in, constructing, maintaining and operating commercial or
21 industrial plants or facilities;

22 (7) To construct, purchase, take, receive, lease as lessee, or otherwise
23 acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign,
24 transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose
25 of or encumber, wastewater provision or collection or treatment systems, plants,
26 lands, buildings, structures, dams, and equipment, and any and all kinds and
27 classes of real or personal property whatsoever, which shall be deemed necessary,
28 convenient or appropriate to accomplish the purpose for which the company is
29 organized;

30 (8) To purchase or otherwise acquire, and to own, hold, use and exercise
31 and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise
32 dispose of or encumber, franchises, rights, privileges, licenses, rights-of-way and
33 easements;

34 (9) To borrow money and otherwise contract indebtedness, and to issue
35 notes, bonds, and other evidences of indebtedness therefor, and to secure the
36 payment thereof by mortgage, pledge, deed of trust, or any other encumbrance
37 upon any or all of its then-owned or after-acquired real or personal property,
38 assets, franchises, revenues or income;

39 (10) To construct, maintain and operate wastewater distribution and
40 collection and treatment plants and lines along, upon, under and across all public
41 thoroughfares, including without limitation, all roads, highways, streets, alleys,
42 bridges and causeways, and upon, under and across all publicly owned lands;

43 (11) To exercise the power of eminent domain in the manner provided by
44 the laws of this state for the exercise of that power by corporations constructing
45 or operating electric transmission and distribution lines or systems;

46 (12) To conduct its business and exercise any or all of its powers within
47 or without this state;

48 (13) To adopt, amend and repeal bylaws; [and]

49 (14) To do and perform any and all other acts and things, and to have and
50 exercise any and all other powers which may be necessary, convenient or
51 appropriate to accomplish the purpose for which the company is organized; **and**

52 **(15) To provide all services and assume all responsibilities**
53 **authorized to a nonprofit water company organized under sections**

54 **393.900 to 393.954, when approved by its members, provided that no**
55 **domestic water services may be provided within the boundaries of an**
56 **existing public water supply district, municipal utility, or within the**
57 **certificated area of a water corporation as defined in section 386.020,**
58 **RSMo.**

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