

FIRST REGULAR SESSION

HOUSE BILL NO. 1073

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WOOD (Sponsor) AND FISHER (Co-sponsor).

Read 1st time March 7, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2510L.011

AN ACT

To repeal sections 247.050, 247.110, 250.231, and 250.233, RSMo, and to enact in lieu thereof four new sections relating to fees and charges for water and sewer services provided by municipalities and political subdivisions.

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

Section A. Sections 247.050, 247.110, 250.231, and 250.233, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 247.050, 247.110, 250.231,
3 and 250.233, to read as follows:

247.050. The following powers are hereby conferred upon public water supply districts
2 organized under the provisions of sections 247.010 to 247.220:

3 (1) To sue and be sued;

4 (2) To purchase or otherwise acquire water for the necessities of the district;

5 (3) To accept by gift any funds or property for the uses and purposes of the district;

6 (4) To dispose of property belonging to the district, under the conditions expressed in
7 sections 247.010 to 247.220;

8 (5) To build, acquire by purchase or otherwise, enlarge, improve, extend and maintain
9 a system of waterworks, including fire hydrants;

10 (6) To contract and be contracted with;

11 (7) To condemn private property within or without the district, needed for the uses and
12 purposes in sections 247.010 to 247.220 provided for;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (8) To lease, acquire and own any and all property, equipment and supplies needed
14 within or without the district in the successful operation of a waterworks system;

15 (9) To contract indebtedness and issue general or special obligation bonds, or both, of
16 the district therefor, as herein provided;

17 (10) To acquire by purchase or otherwise, a system of waterworks, and to build, enlarge,
18 improve, extend and equip such system for the uses and purposes of the district;

19 (11) To certify to the county commission or county commissions of the county or
20 counties within which such district is situate, the amount or amounts to be provided by the levy
21 of a tax upon all taxable property within the district to create an interest and sinking fund for the
22 payment of general obligation bonds of the district and the interest thereon; and also

23 (12) To create an incidental fund to take care of all costs and expenses incurred in
24 incorporating the district, and all obligations contracted prior thereto and connected therewith;
25 and

26 (13) To purchase equipment and supplies needed in the operation of the water system
27 of the district; provided, however, that the power to create an incidental fund by the levy of a
28 general property tax shall cease after two annual levies therefor shall have been made, and such
29 levy shall not exceed fifteen cents per annum on each one hundred dollars assessed valuation of
30 taxable property within the district;

31 (14) To provide for the collection of taxes and rates or charges for water and water
32 service **or sewer service and to establish, make, and collect fees and charges for the**
33 **construction of water or sewerage systems;**

34 (15) To sell and distribute water to the inhabitants of the district and to consumers
35 outside the district, delivered within or at the boundaries of the district;

36 (16) To fix rates for the sale of water; and

37 (17) To make general rules and regulations in relation to the management of the affairs
38 of the district.

247.110. 1. Subject to such regulation and control as may now exist in or may hereafter
2 be conferred upon the public service commission of the state of Missouri, the fixing of rates,
3 **fees**, or charges for **the construction of water systems or sewer systems of the provision of**
4 water or water service **or sewer service** furnished by a district incorporated under sections
5 247.010 to 247.220 is hereby vested in its board of directors. The rates, **fees**, or charges to be
6 so fixed **may be determined by any reasonable plan or reasonable method of calculation**
7 **established by the board of directors of the district and** shall, at all times, be reasonable, but
8 in determining the reasonableness of rates, **fees**, or charges, the board shall take into
9 consideration the sum or sums required to retire outstanding special obligation bonded
10 indebtedness of the district and the interest accruing thereon, the need for extensions of mains,

11 repairs, depreciation, enlargement of plant, adequate service, obsolescence, overhead charges,
12 operating expenses, and the need of an operating fund out of which the district may protect itself
13 in emergencies and out of which the incidental expenses of the district may readily be met.

14 2. Any **fee or charge for the construction of water systems or sewer systems or the**
15 **provision of** water or water services **or sewer services** levied by the board of directors of a water
16 district shall be due at such time or times as specified by the board and may be considered
17 delinquent if not paid by the due date. The board may assess penalties on delinquent payments
18 owed to the district. These penalties shall not exceed a reasonable amount.

19 3. Upon ten days prior notice to the person **delinquent in paying any fee or charge or**
20 to whom water service **or sewer service** was delivered, the board of directors of a water district
21 may cause to be filed with the recorder of deeds in the county where the land is located a legal
22 description of the property on which water **or sewer fees or** charges are thirty days or more
23 delinquent, the names and addresses of the title owners and the amount due, provided the person
24 who owns the property is the same person who owes for the water **or sewer** service delivered
25 **or who is delinquent in paying the fees or charges**, which shall constitute a lien upon the land
26 so charged. The board shall file with the recorder of deeds a notice of satisfaction when the
27 delinquent amounts, any interest on the delinquent amounts and any recording fees or attorney
28 fees have been paid in full.

29 4. The lien authorized in this section may be enforced by an action filed in the circuit
30 court having jurisdiction in the county where water services are delivered. The pleadings,
31 practice, process, and other proceedings in cases arising under this section shall be the same as
32 in ordinary civil actions and proceedings in circuit courts.

250.231. Any city, town [or] , village, **or sewer district** operating a waterworks or sewer
2 system shall have all of the powers necessary and convenient to provide for the **construction,**
3 operation, maintenance, administration and regulation, including the adoption of rules and
4 regulations, of any individual home or business sewerage systems within its jurisdiction.

250.233. Any city, town [or] , village, **or sewer district** operating a sewerage system or
2 waterworks may establish, make and collect charges **and fees for the construction of water**
3 **systems or sewerage systems and the provision of water and water services or** sewerage
4 services, including **connection fees and** tap-on fees. The charges may be set as a flat fee [or]
5 , **may be** based upon the amount of water supplied to the premises, **or may be determined by**
6 **any other reasonable plan or reasonable method of calculation established by the**
7 **governing body of the city, town, village, or sewer district**, and shall be in addition to those
8 charges which may be levied and collected for maintenance, repair and administration, including
9 debt service expenses. Any private water company or public water supply district supplying
10 water to the premises located within said city, town or village shall, at reasonable charge upon

11 reasonable request, make available to such city, town or village its records and books so that such
12 city, town or village may obtain therefrom such data as may be necessary to calculate the charges
13 for sewer service. Prior to establishing any such **water or** sewer charges, public hearings shall
14 be held thereon and at least thirty days' notice shall be given thereof.

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