

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 283

95TH GENERAL ASSEMBLY

1090S.02T

2009

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Section A. Section 393.829, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 393.829, to read as follows:

393.829. A nonprofit sewer company shall have power:

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

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.

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

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

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

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

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

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

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

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

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

46 **(15) To provide all services and assume all responsibilities authorized to a nonprofit**
47 **water company organized under sections 393.900 to 393.954, when approved by its**
48 **members, provided that no domestic water services may be provided within the boundaries**
49 **of an existing public water supply district, municipal utility, or within the certificated area**
50 **of a water corporation as defined in section 386.020, RSMo.**

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