

FIRST REGULAR SESSION

# SENATE BILL NO. 232

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Pre-filed December 20, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0892S.011

## AN ACT

To repeal section 393.1003, RSMo, and to enact in lieu thereof one new section relating to population changes in a certain county for purposes of water corporations collecting an infrastructure system replacement surcharge, with an emergency clause.

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

Section A. Section 393.1003, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 393.1003, to read as follows:

393.1003. 1. Notwithstanding any provisions of chapter 386 and this  
2 chapter to the contrary, as of August 28, 2003, a water corporation providing  
3 water service in a county with a charter form of government and with more than  
4 one million inhabitants may file a petition and proposed rate schedules with the  
5 commission to establish or change ISRS rate schedules that will allow for the  
6 adjustment of the water corporation's rates and charges to provide for the  
7 recovery of costs for eligible infrastructure system replacements made in such  
8 county with a charter form of government and with more than one million  
9 inhabitants; provided that an ISRS, on an annualized basis, must produce ISRS  
10 revenues of at least one million dollars but not in excess of ten percent of the  
11 water corporation's base revenue level approved by the commission in the water  
12 corporation's most recent general rate proceeding. An ISRS and any future  
13 changes thereto shall be calculated and implemented in accordance with the  
14 provisions of sections 393.1000 to 393.1006. ISRS revenues shall be subject to  
15 refund based upon a finding and order of the commission, to the extent provided  
16 in subsections 5 and 8 of section 393.1006. **Once a county has come under  
17 the operation of this statute, a subsequent change in population shall  
18 not remove that county from the operation of that law. Such was the**

19 **intent of the general assembly in the original enactment of this section.**

20           2. The commission shall not approve an ISRS for a water corporation in  
21 a county with a charter form of government and with more than one million  
22 inhabitants that has not had a general rate proceeding decided or dismissed by  
23 issuance of a commission order within the past three years, unless the water  
24 corporation has filed for or is the subject of a new general rate proceeding.

25           3. In no event shall a water corporation collect an ISRS for a period  
26 exceeding three years unless the water corporation has filed for or is the subject  
27 of a new general rate proceeding; provided that the ISRS may be collected until  
28 the effective date of new rate schedules established as a result of the new general  
29 rate proceeding, or until the subject general rate proceeding is otherwise decided  
30 or dismissed by issuance of a commission order without new rates being  
31 established.

          Section B. Because immediate action is necessary to clarify the intent of  
2 this statute and continue accelerated replacement of aging water mains under  
3 ISRS, section A of this act is deemed necessary for the immediate preservation  
4 of the public health, welfare, peace and safety, and is hereby declared to be an  
5 emergency act within the meaning of the constitution, and section A of this act  
6 shall be in full force and effect upon its passage and approval.

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