

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 501

91ST GENERAL ASSEMBLY

1007S.06T

2001

AN ACT

To repeal sections 204.300, 204.370, 250.236 and 640.755, RSMo 2000, relating to water and sewage systems, and to enact in lieu thereof sixteen new sections relating to the same subject.

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

Section A. Sections 204.300, 204.370, 250.236 and 640.755, RSMo 2000, are repealed
2 and sixteen new sections enacted in lieu thereof, to be known as sections 204.300, 204.370,
3 249.1100, 249.1103, 249.1106, 249.1109, 249.1112, 249.1115, 249.1118, 250.236, 640.755,
4 644.038, 1, 2, 3 and 4, to read as follows:

204.300. 1. In all counties except counties of the first classification which have a charter
2 form of government and which contain all or any portion of a city with a population of three
3 hundred fifty thousand or more inhabitants, the governing body of the county, by resolution,
4 order, or ordinance, shall appoint five trustees, the majority of whom shall reside within the
5 boundaries of the district. In the event the district extends into any county bordering the county
6 in which the greater portion of the district lies, the presiding commissioner or other chief
7 executive officer of the adjoining county shall be an additional member of the appointed board
8 of trustees. The trustees may be paid reasonable compensation by the district for their services;
9 except that, any compensation schedule shall be approved by resolution of the board of trustees.
10 The board of trustees shall be responsible for the control and operation of the sewer district. The
11 term of each board member shall be five years; except that, members of the governing body of
12 the county sitting upon the board shall not serve beyond the expiration of their term as members
13 of such governing body of the county. The first board of trustees shall be appointed for terms

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

14 ranging from one to five years so as to establish one vacancy per year thereafter. The trustees
15 may be paid reasonable compensation by the district for their services; except that, any
16 compensation schedule shall be approved by resolution, order, or ordinance of the governing
17 body of the county. Any and all expenses incurred in the performance of their duties shall be
18 reimbursed by the district. The board of trustees shall have the power to employ and fix the
19 compensation of such staff as may be necessary to discharge the business and purposes of the
20 district, including clerks, attorneys, administrative assistants, and any other necessary personnel.
21 The board of trustees shall select a treasurer, who may be either a member of the board of
22 trustees or another qualified individual. The treasurer selected by the board shall give such bond
23 as may be required by the board of trustees. The board of trustees shall appoint the sewer
24 engineer for the county in which the greater part of the district lies as chief engineer for the
25 district, and the sewer engineer shall have the same powers, responsibilities and duties in regard
26 to planning, construction and maintenance of the sewers, and treatment facilities of the district
27 as he now has by virtue of law in regard to the sewer facilities within the county for which he is
28 elected. If there is no sewer engineer in the county in which the greater part of the district lies,
29 the board of trustees may employ a registered professional engineer as chief engineer for the
30 district under such terms and conditions as may be necessary to discharge the business and
31 purposes of the district. The provisions of this subsection shall not apply to any county of the
32 first classification which has a charter form of government and which contains all or any portion
33 of a city with a population of three hundred fifty thousand or more inhabitants.

34 2. In any county of the first classification which has a charter form of government and
35 which contains all or any portion of a city with a population of three hundred fifty thousand or
36 more inhabitants, **and in any county of the first classification without a charter form of**
37 **government and which has a population of more than sixty-three thousand seven hundred**
38 **but less than seventy-five thousand,** there shall be [a seven-member] **an eight-member** board
39 of trustees to consist of the county executive, [three members] **the mayors of the four cities**
40 **constituting the largest users by flow during the previous fiscal year, the mayors of two**
41 **cities which are not among the four largest users and who are members** of the advisory
42 board of the district established pursuant to section 204.310, and [three members] **one member**
43 of the county legislature to be appointed by the county executive, with the concurrence of the
44 county legislature. If the county executive does not appoint such members of the county
45 legislature to the board of trustees within sixty days, the county legislature shall make the
46 appointments. The advisory board members shall be appointed annually by the advisory board.
47 In the event the district extends into any county bordering the county in which the greater portion
48 of the district lies, **the number of members on the board of trustees shall be increased to a**
49 **total of nine and** the presiding commissioner or county executive of the adjoining county shall

50 be an additional member of the board of trustees. The trustees shall receive no compensation for
51 their services, but may be compensated for their reasonable expenses normally incurred in the
52 performance of their duties. The board of trustees may employ and fix the compensation of such
53 staff as may be necessary to discharge the business and purposes of the district, including clerks,
54 attorneys, administrative assistants, and any other necessary personnel. The board of trustees
55 may employ and fix the duties and compensation of an administrator for the district. The
56 administrator shall be the chief executive officer of the district subject to the supervision and
57 direction of the board of trustees and shall exercise the powers, responsibilities and duties
58 heretofore exercised by the chief engineer prior to September 28, 1983. The administrator of the
59 district may, with the approval of the board of trustees, retain consulting engineers for the district
60 under such terms and conditions as may be necessary to discharge the business and purposes of
61 the district. The provisions of this subsection shall only apply to counties of the first
62 classification which have a charter form of government and which contain all or any portion of
63 a city with a population of three hundred fifty thousand or more inhabitants.

204.370. 1. No common sewer district **in any county of the first classification which**
2 **has a charter form of government and which contains all or any portion of a city with a**
3 **population of three hundred fifty thousand or more inhabitants, or in any county of the**
4 **first classification without a charter form of government and which has a population of**
5 **more than sixty-three thousand seven hundred but less than seventy-five thousand** shall
6 issue or deliver any bonds for the purpose of acquiring, constructing, improving or extending any
7 sewerage system payable from the revenues to be derived from the operation of the system unless
8 a proposition to issue the bonds shall have received the assent of [four-sevenths] **a majority** of
9 the voters of the sewer district who shall vote on the question **or the written assent of three-**
10 **quarters of the customers of the sewer district. For purposes of this section, "customer"**
11 **shall mean:**

12 (1) **A political subdivision within the district which has a service or user agreement**
13 **with the district; or**

14 (2) **A duly created subdistrict.**

15 2. The question shall be submitted in substantially the following form:

16 Shall revenue bonds in the amount of dollars for the purpose of (acquiring,
17 constructing, improving or extending the sewerage system) be issued by the common sewer
18 district?

249.1100. 1. **Except as otherwise provided in section 30(a) of article VI of the**
2 **Missouri Constitution, regardless of being a sewer district pursuant to chapter 204, RSMo,**
3 **or this chapter, when the governing bodies of two or more contiguous sewer districts**
4 **located in any county of the first classification without a charter form of government**

5 having not less than one hundred seventy thousand and not more than two hundred
6 thousand inhabitants determine that a consolidated sewer system would better serve the
7 area within their boundaries, the governing bodies shall submit the proposal for a
8 consolidated sewer district to the governing body of such county. The governing body of
9 the county after consultation with the sewer engineer pursuant to section 204.300, RSMo,
10 and section 249.460, shall by resolution submit the question of creating a consolidated
11 sewer district to all qualified voters residing within each existing district at a municipal or
12 general or special election called for that purpose.

13 2. The resolution shall set forth the project name for the proposed consolidated
14 sewer district, the general nature of the proposed consolidated sewer district, the estimated
15 cost of the sewer improvements for such consolidated sewer district, the boundaries of the
16 existing districts to be consolidated, the proposed method or methods of assessment, and
17 a statement that the final cost of such sewer improvements assessed against property within
18 the consolidated sewer district and the amount of general obligation bonds issued therefor
19 shall not exceed the estimated cost of such sewer improvements, as stated in such notice,
20 by more than twenty-five percent.

249.1103. The governing body of the county receiving the proposal pursuant to
2 section 249.1100, shall set a day for a public hearing prior to election for the creation of a
3 consolidated sewer district and shall publish the resolution with a notice of the time and
4 place of public hearing in some local newspaper of general circulation, published in such
5 county in which any district proposed to be consolidated lies at least thirty days before the
6 date of the hearing. At such hearing anyone interested in the proposed consolidation of
7 sewer districts may appear and present their views to the governing body of the county.

249.1106. 1. The ballot upon which the question of creating a consolidated sewer
2 district is submitted to the qualified voters residing within each existing sewer district or
3 districts shall contain a question in substantially the following form:

4 Shall the (governing body's name) of (county's name) be authorized
5 to dissolve the existing (name of existing sewer district) and create a consolidated
6 sewer district proposed for the (name of existing sewer districts to be consolidated)
7 and authorize the consolidated sewer districts to incur indebtedness and issue general
8 obligation bonds to pay for all or part of the cost of the creation and maintenance of such
9 consolidated sewer district, with the cost of all indebtedness so incurred to be assessed by
10 the (name of consolidated sewer district) on the property within the consolidated
11 sewer district?

12 ☐ Yes ☐ No

13 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are

14 opposed to the question, place an "X" in the box opposite "No".

15 If a majority of the total votes cast on the proposal by the qualified voters of each existing
16 district or districts voting thereon are in favor of the proposal, then the order shall become
17 effective. If the proposal receives less than the required majority in at least one existing
18 district, then the governing body of the county shall have no power to impose the
19 consolidation of sewer districts as authorized pursuant to this section unless and until the
20 governing body of the county shall again have submitted another proposal to authorize the
21 governing body of the county to consolidate authorized by this section and such proposal
22 is approved by the required majority of the total votes cast on the proposal by the qualified
23 voters of each existing district or districts voting on such proposal.

24 2. The boundaries of the proposed consolidated sewer district shall be described
25 by metes and bounds, streets or other sufficiently specific description.

26 3. There shall be separate submissions of the question of creating a consolidated
27 sewer district to each group of voters within each existing sewer district or districts, and
28 the elections shall be held simultaneously.

249.1109. At the time of the effective date of the consolidation, all the property of
2 the original districts shall be combined and administered as one unit, which shall be
3 subject to the liens, liabilities and obligations of the original districts, provided that if any
4 district included in the consolidated district has issued general obligation bonds which are
5 outstanding at the time of the consolidation, any taxes to be levied to pay the bonds and
6 interest thereon shall be levied only upon the property within the original district issuing
7 the bonds as it existed on the date of such issuance. All special obligation or revenue bonds
8 issued by any district included in the consolidated district shall be paid in accordance with
9 the terms thereof, without preference, from the revenue received by the consolidated
10 district.

249.1112. 1. A sewer district created pursuant to sections 249.1100 to 249.1127,
2 shall have a board of directors which shall consist of five members, appointed by the
3 governing body of the county in which the consolidated sewer district is located. Each
4 member shall be a United States citizen, a registered voter, over the age of twenty-five
5 years and shall have been a resident within the consolidated sewer district for one whole
6 year prior to appointment.

7 2. The board shall be responsible for the control and operation of all such sewer
8 districts organized pursuant to section 249.1106.

9 3. Beginning with appointments made after August 28, 2001, one member shall be
10 appointed for four years, two members shall be appointed for three years and two
11 members shall be appointed for two years. Following the initial appointments, the term

12 of each board member shall be five years.

13 **4. A vacancy in the office of a member shall be filled by appointment in the same**
14 **manner as the original appointments.**

15 **5. No member of the board shall be entitled to any compensation for the**
16 **performance of the member's official duties, but each member shall be reimbursed for**
17 **necessary and actual expenses incurred in the performance of the member's official duties**
18 **by the consolidated sewer district. The board members shall be reimbursed by the district**
19 **for all reasonable expenses incurred in the performance of their duties.**

249.1115. The consolidated sewer district shall retain all the powers, privileges and
2 **duties therein conferred and provided upon each original individual sewer district**
3 **pursuant to chapter 204, RSMo, or this chapter, whichever it was created and organized**
4 **under.**

249.1118. Dissolution of a sewer district created pursuant to section 249.1106 shall
2 **follow the procedures established in sections 67.950 to 67.955, RSMo.**

 250.236. 1. Any city [with a population of at least seventy-one thousand located in a
2 county of the first classification without a charter form of government which has a population
3 of at least eighty-two thousand but less than eighty-five thousand and any city with a population
4 of at least seventeen thousand located in a county of the first classification without a charter form
5 of government which has a population of at least one hundred seventy thousand but less than one
6 hundred eighty thousand], **town or village** may contract with a private or public water company
7 to terminate water services, at the direction of the city, because a customer fails to pay his sewer
8 bill. When charges for sewer services are in arrears for more than three months and after the city
9 sends notice to the customer by certified mail, the city may disconnect the customer's sewer line
10 or request in writing that the private or public water company discontinue water service until
11 such time as the sewer charges and all related costs are paid.

12 2. A private or public water company acting pursuant to a written request from the city
13 as provided in subsection 1 of this section is not liable for damages related to termination of
14 water services. All costs related to disconnection and reconnections shall be reimbursed to the
15 private water company by the city.

 640.755. 1. No rule or portion of a rule promulgated under the authority of sections
2 640.700 to 640.755 shall become effective unless it has been promulgated pursuant to the
3 provisions of section 536.024, RSMo.

4 2. Sections 640.700 to 640.755 shall be administered by the clean water commission
5 pursuant to the provisions and requirements of chapter 644, RSMo.

6 [3. The provisions of this section shall terminate five years after June 25, 1996.]

644.038. Where applicable, under Section 404 of the federal Clean Water Act and

2 where the U.S. Army Corps of Engineers has determined that a nationwide permit may be
3 utilized for the construction of highways and bridges approved by the Missouri highways
4 and transportation commission, the department shall certify without conditions such
5 nationwide permit as it applies to impacts on all waters of the state.

Section 1. In addition to those sums authorized prior to August 28, 2002, the board
2 of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III
3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum
4 of ten million dollars in the manner described, and for the purposes set out, in chapter 640,
5 RSMo, and this chapter.

Section 2. In addition to those sums authorized prior to August 28, 2002, the board
2 of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III
3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum
4 of ten million dollars in the manner described, and for the purposes set out, in chapter 640,
5 RSMo, and in this chapter.

Section 3. In addition to those sums authorized prior to August 28, 2002, the board
2 of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III
3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum
4 of twenty million dollars in the manner described, and for the purposes set out, in chapter
5 640, RSMo, and in this chapter.

Section 4. Notwithstanding any law to the contrary, all Missouri landowners retain
2 the right to have, use, and own private water systems and ground source systems anytime
3 and anywhere including land within city limits, unless prohibited by city ordinance, on
4 their own property so long as all applicable rules and regulations established by the
5 Missouri department of natural resources are satisfied. All Missouri landowners who
6 choose to use their own private water system shall not be forced to purchase water from
7 any other water source system servicing their community.