

FIRST REGULAR SESSION

HOUSE BILL NO. 492

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BARNITZ (Sponsor), JETTON, KELLY, SHOEMYER,
BRINGER, SCHLOTTACH, HARRIS (110), ROBINSON, DETHROW, WAGNER, MYERS,
THRELKELD AND WELLS (Co-sponsors).

Read 1st time February 9, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1469L.011

AN ACT

To repeal sections 249.1150, 249.1152, 249.1154, 249.1155, 640.635, 644.076, 701.031,
701.033, 701.037, and 701.038, RSMo, and to enact in lieu thereof five new sections
relating to the regulation of water and sewer systems.

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

Section A. Sections 249.1150, 249.1152, 249.1154, 249.1155, 640.635, 644.076,
2 701.031, 701.033, 701.037, and 701.038, RSMo, are repealed and five new sections enacted in
3 lieu thereof, to be known as sections 644.076, 701.031, 701.033, 701.037, and 701.038, to read
4 as follows:

644.076. 1. It is unlawful for any person to cause or permit any discharge of water
2 contaminants from any water contaminant or point source located in Missouri in violation of
3 sections 644.006 to 644.141, or any standard, rule or regulation promulgated by the commission.
4 In the event the commission or the director determines that any provision of sections 644.006
5 to 644.141 or standard, rules, limitations or regulations promulgated pursuant thereto, or permits
6 issued by, or any final abatement order, other order, or determination made by the commission
7 or the director, or any filing requirement pursuant to sections 644.006 to 644.141 or any other
8 provision which this state is required to enforce pursuant to any federal water pollution control
9 act, is being, was, or is in imminent danger of being violated, the commission or director may
10 cause to have instituted a civil action in any court of competent jurisdiction for the injunctive
11 relief to prevent any such violation or further violation or for the assessment of a penalty not to

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.

12 exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and
13 continues to occur, or both, as the court deems proper. A civil monetary penalty pursuant to this
14 section shall not be assessed for a violation where an administrative penalty was assessed
15 pursuant to section 644.079. The commission[, the chair of a watershed district's board of
16 trustees created under section 249.1150 or 249.1152,] or the director may request either the
17 attorney general or a prosecuting attorney to bring any action authorized in this section in the
18 name of the people of the state of Missouri. Suit may be brought in any county where the
19 defendant's principal place of business is located or where the water contaminant or point source
20 is located or was located at the time the violation occurred. Any offer of settlement to resolve
21 a civil penalty pursuant to this section shall be in writing, shall state that an action for imposition
22 of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing
23 the department pursuant to this section, and shall identify any dollar amount as an offer of
24 settlement which shall be negotiated in good faith through conference, conciliation and
25 persuasion.

26 2. Any person who knowingly makes any false statement, representation or certification
27 in any application, record, report, plan, or other document filed or required to be maintained
28 pursuant to sections 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders
29 inaccurate any monitoring device or method required to be maintained pursuant to sections
30 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand
31 dollars, or by imprisonment for not more than six months, or by both.

32 3. Any person who willfully or negligently commits any violation set forth pursuant to
33 subsection 1 of this section shall, upon conviction, be punished by a fine of not less than two
34 thousand five hundred dollars nor more than twenty-five thousand dollars per day of violation,
35 or by imprisonment for not more than one year, or both. Second and successive convictions for
36 violation of the same provision of this section by any person shall be punished by a fine of not
37 more than fifty thousand dollars per day of violation, or by imprisonment for not more than two
38 years, or both.

39 4. The liabilities which shall be imposed pursuant to any provision of sections 644.006
40 to 644.141 upon persons violating the provisions of sections 644.006 to 644.141 or any standard,
41 rule, limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation
42 caused by an act of God, war, strike, riot, or other catastrophe.

 701.031. Property owners of all buildings where people live, work or assemble shall
2 provide for the sanitary disposal of all domestic sewage. Except as provided in this section,
3 sewage and waste from such buildings shall be disposed of by discharging into a sewer system
4 regulated pursuant to chapter 644, RSMo, or shall be disposed of by discharging into an on-site
5 sewage disposal system operated as defined by rules promulgated pursuant to sections 701.025

6 to 701.059. [Any person installing on-site sewage disposal systems shall be registered to do so
7 by the department of health and senior services.] The owner of a single-family residence lot
8 consisting of three acres or more, or the owner of a residential lot consisting of ten acres or more
9 with no single-family residence on-site sewage disposal system located within three hundred
10 sixty feet of any other on-site sewage disposal system and no more than one single-family
11 residence per each ten acres in the aggregate, except lots adjacent to lakes operated by the Corps
12 of Engineers or by a public utility, shall be excluded from the provisions of sections 701.025 to
13 701.059 and the rules promulgated pursuant to sections 701.025 to 701.059, including provisions
14 relating to the construction, operation, major modification and major repair of on-site disposal
15 systems, when all points of the system are located in excess of ten feet from any adjoining
16 property line and no effluent enters an adjoining property, contaminates surface waters or
17 groundwater or creates a nuisance as determined by a readily available scientific method. Except
18 as provided in this section, any construction, operation, major modification or major repair of
19 an on-site sewage disposal system shall be in accordance with rules promulgated pursuant to
20 sections 701.025 to 701.059, regardless of when the system was originally constructed. The
21 provisions of subdivision (2) of subsection 1 of section 701.043 shall not apply to lots located
22 in subdivisions under the jurisdiction of the department of natural resources which are required
23 by a consent decree, in effect on or before May 15, 1984, to have class 1, National [Sanitation]
24 **Sewage** Federation (NSF) aerated sewage disposal systems.

701.033. 1. The department shall have the power and duty to:

- 2 (1) Promulgate such rules and regulations as are necessary to carry out the provisions of
3 sections 701.025 to 701.059;
- 4 (2) Cause investigations to be made when a violation of any provision of sections
5 701.025 to 701.059 or the on-site sewage disposal rules promulgated under sections 701.025 to
6 701.059 is reported to the department;
- 7 (3) Enter at reasonable times, **after receiving a complaint** and determining probable
8 cause that a violation exists, upon private or public property for the purpose of inspecting and
9 investigating conditions relating to the administration and enforcement of sections 701.025 to
10 701.059 and the on-site sewage disposal rules promulgated under sections 701.025 to 701.059;
- 11 (4) Authorize the trial or experimental use of innovative systems for on-site sewage
12 disposal, after consultation with the staff of the Missouri clean water commission, upon such
13 conditions as the department may set.

14 2. No rule or portion of a rule promulgated under the authority of sections 701.025 to
15 701.059 shall become effective unless it has been promulgated pursuant to the provisions of
16 section 536.024, RSMo.

701.037. 1. Whenever the director determines, **after receipt of a complaint**, that there

2 are reasonable grounds to believe that there has been violation of any provision of sections
3 701.025 to 701.059 or the rules promulgated under sections 701.025 to 701.059, the director
4 shall give notice of such alleged violation to the person responsible, as herein provided. The
5 notice shall:

6 (1) Be in writing;

7 (2) Include a statement of the reasons for the issuance of the notice;

8 (3) Allow reasonable time as determined by the director for the performance of any act
9 it requires;

10 (4) Be served upon the owner, operator or contractor, as the case may require, provided
11 that such notice or order shall be deemed to have been properly served upon such person when
12 a copy thereof has been sent by registered or certified mail to the person's last known address,
13 as listed in the local property tax records concerning such property, or when such person has
14 been served with such notice by any other method authorized by the laws of this state;

15 (5) Contain an outline of remedial action which is required to effect compliance with
16 sections 701.025 to 701.059 and the rules promulgated under sections 701.025 to 701.059.

17 2. Existing systems, as defined in section 701.025, shall not be inspected, unless the
18 director determines, **upon receipt of a complaint**, that there are reasonable grounds to believe
19 that there has been a violation of any provision of sections 701.025 to 701.059.

20 3. If an aggrieved person files a written request for a hearing within ten days of the date
21 of receipt of a notice, a hearing shall be held within twenty days from the date of the receipt of
22 the notice, before the department director, to review the appropriateness of the remedial action.
23 The director shall issue a written decision within thirty calendar days of the date of the hearing.
24 Any final decision of the director may be appealed to the administrative hearing commission in
25 the manner provided in chapter 621, RSMo, or may at the option of the aggrieved person be
26 appealed to the circuit court of the county wherein the offense is alleged to have occurred for a
27 trial de novo on the merits. Any decision of the administrative hearing commission may be
28 appealed as provided in sections 536.100 to 536.140, RSMo.

29 4. Any city or county that has adopted the state standard, or the department, may require
30 a property owner to abate a nuisance or repair a malfunctioning on-site sewage disposal system
31 on the owner's property not later than the thirtieth day from which the owner receives notification
32 from the city, county or department of the malfunctioning system or a final written order from
33 the director, if a hearing or hearings were held pursuant to subsections 2 and 3 of this section.
34 If weather conditions prevent the abatement of the nuisance or repair of the system within the
35 thirty-day period or if the owner is unable, after reasonable effort, to obtain the services of a
36 contractor or repair service within the thirty-day period, the abatement of the nuisance or repair
37 of the system shall be made, weather permitting, no later than sixty days after notification. Such

38 extension for abatement or repair shall be subject to approval by the city, county or department.
39 The department may assess an administrative penalty on the property owner of no more than fifty
40 dollars per day for each day that the on-site sewage disposal system remains unrepaired beyond
41 the last day permitted by this section for the abatement or repair. All administrative penalties
42 collected by the department under the provisions of this section shall be deposited in the state
43 treasury to the credit of the general revenue fund.

44 5. The prosecuting attorney of the county in which any noncompliance or violation of
45 sections 701.025 to 701.059 or any rule promulgated under sections 701.025 to 701.059 is
46 occurring shall, at the request of the city, county or department, institute appropriate proceedings
47 for correction in cases of noncompliance with or violation of the provisions of sections 701.025
48 to 701.059 and any rules promulgated under sections 701.025 to 701.059.

49 6. When it is determined by the department, **after receipt of a complaint**, that an
50 emergency exists which requires immediate action to protect the health and welfare of the public,
51 the department is authorized to seek a temporary restraining order and injunction. Such action
52 shall be brought at the request of the director of the department by the prosecuting attorney of
53 the county in which the violation occurred. When such conditions are corrected and the health
54 of the people of the state of Missouri is no longer threatened, the department shall request that
55 such temporary restraining order and injunction be dissolved. For the purposes of this
56 subsection, an "emergency" means any set of circumstances that constitute an imminent health
57 hazard or the threat of an imminent health hazard as defined in section 701.025.

701.038. 1. The department of health and senior services or any of its agents may not
2 investigate a sewage complaint except when necessary as part of a communicable disease
3 investigation unless the complaint is received from an aggrieved party[,] **or** an adjacent
4 landowner[, or any two residents of the county]. The department of health and senior services
5 or any of its agents may enter any adjoining property if necessary when they are making an
6 inspection pursuant to this section. The necessity for entering such adjoining property shall be
7 stated in writing and the owner of such property shall be notified before the department or any
8 of its agents may enter, except that, if an imminent health hazard exists, such notification shall
9 be attempted but is not required.

10 2. If the department or its agents make an investigation pursuant to a complaint as
11 described in subsection 1 of this section and find that a nuisance does exist, the property owner
12 shall comply with state and local standards when repairing or replacing the on-site sewage
13 disposal system.

2 [249.1150. 1. There is hereby created within any county of
3 the third classification without a township form of government and
4 with more than thirty-four thousand but less than thirty-four thousand
one hundred inhabitants, any county of the second classification

5 without a township form of government and with more than fifty-four
6 thousand two hundred but less than fifty-four thousand three hundred
7 inhabitants, any county of the third classification without a township
8 form of government and with more than thirteen thousand
9 seventy-five but less than thirteen thousand one hundred seventy-five
10 inhabitants, any county of the first classification with more than two
11 hundred forty thousand three hundred but less than two hundred forty
12 thousand four hundred inhabitants, any county of the third
13 classification without a township form of government and with more
14 than nine thousand four hundred fifty but less than nine thousand five
15 hundred fifty inhabitants, any county of the third classification
16 without a township form of government and with more than
17 twenty-eight thousand six hundred but less than twenty-eight
18 thousand seven hundred inhabitants, any county of the first
19 classification with more than thirty-nine thousand seven hundred but
20 less than thirty-nine thousand eight hundred inhabitants, any county
21 of the third classification without a township form of government and
22 with more than thirty-one thousand but less than thirty-one thousand
23 one hundred inhabitants, and any county of the third classification
24 without a township form of government and with more than
25 seventeen thousand nine hundred but less than eighteen thousand
26 inhabitants, the Upper White River Basin Watershed Improvement
27 District. The watershed improvement district is authorized to own,
28 install, operate, and maintain decentralized or individual on-site
29 wastewater treatment plants. The watershed improvement district
30 created under this section shall be a body corporate and a political
31 subdivision of the state of Missouri, shall be capable of suing and
32 being sued in contract in its corporate name, and shall be capable of
33 holding such real and personal property necessary for corporate
34 purposes. The district shall implement procedures to regulate the area
35 within the district and to educate property owners within the district
36 about the requirements imposed by the district.

37 2. The watershed improvement district created under this
38 section shall have the power to borrow money and incur indebtedness
39 and evidence the same by certificates, notes, or debentures, to issue
40 bonds and use any one or more lawful funding methods the district
41 may obtain for its purposes at such rates of interest as the district may
42 determine. Any bonds, notes, and other obligations issued or
43 delivered by the district may be secured by mortgage, pledge, or deed
44 of trust of any or all of the property within the district. Every issue of
45 such bonds, notes, or other obligations shall be payable out of
46 property and revenues of the district and may be further secured by
47 other property within the district, which may be pledged, assigned,

48 mortgaged, or a security interest granted for such payment, without
49 preference or priority of the first bonds issued, subject to any
50 agreement with the holders of any other bonds pledging any specified
51 property or revenues. Such bonds, notes, or other obligations shall be
52 authorized by resolution of the district board, and shall bear such date
53 or dates, and shall mature at such time or times, but not in excess of
54 thirty years, as the resolution shall specify. Such bonds, notes, or
55 other obligations shall be in such denomination, bear interest at such
56 rate or rates, be in such form, either coupon or registered, be issued
57 as current interest bonds, compound interest bonds, variable rate
58 bonds, convertible bonds, or zero coupon bonds, be issued in such
59 manner, be payable in such place or places, and be subject to
60 redemption as such resolution may provide, notwithstanding section
61 108.170, RSMo. The bonds, notes, or other obligations may be sold
62 at either public or private sale, at such interest rates, and at such price
63 or prices as the district shall determine.

64 3. The county commission of any county located within the
65 watershed improvement district may authorize individual properties
66 to be served by the district by adoption of a resolution or upon the
67 filing of a petition signed by at least twenty percent of the property
68 owners of the proposed area. The resolution or petition shall describe
69 generally the size and location of the proposed area.

70 4. In the event that any property within the watershed
71 improvement district proposed under this section lies within or is
72 serviced by any existing sewer district formed under this chapter,
73 chapter 204, or chapter 250, RSMo, the property shall not become
74 part of the watershed improvement district formed under this section
75 unless the existing sewer district agrees to refrain from providing
76 service or to discontinue service to the property. No property shall
77 become part of the watershed district until the owner of that property
78 has paid in full all outstanding costs owed to an existing sewer district
79 formed under this chapter, chapter 204, or chapter 250, RSMo.

80 5. Upon the creation of the watershed improvement district
81 as authorized by this section, a board of trustees for the district
82 consisting of nine members shall be appointed. The governing body
83 of each county shall appoint one member to serve on the board. No
84 trustee shall reside in the same county as another trustee. Of the
85 initial trustees appointed, five shall serve terms of one year, and four
86 shall serve terms of two years, as determined by lot. After the initial
87 appointments of the trustees, the successor trustees shall reside in the
88 same county as the prior trustee and be elected by the resident
89 property owners of their county within the district. Each trustee may
90 be elected to no more than five consecutive two-year terms.

91 Vacancies shall be filled by the board. Each trustee shall serve until
92 a successor is elected and sworn. The trustees shall not receive
93 compensation for their services, but may be reimbursed for their
94 actual and necessary expenses. The board shall elect a chair and other
95 officers necessary for its membership. The board shall enter into
96 contracts with any person or entity for the maintenance,
97 administrative, or support work required to administer the district.
98 The board may charge reasonable fees and submit proposals to levy
99 and impose property taxes to fund the operation of the district to the
100 qualified voters in the district, but such proposals shall not become
101 effective unless a majority of the qualified voters in the district voting
102 on the proposals approve the proposed levy and rate of tax. The
103 board may adopt resolutions necessary to the operation of the district.

104 6. No service shall be initiated to any property lying within
105 the watershed improvement district created under this section unless
106 the property owner elects to have the service provided by the district.

107 7. Any on-site wastewater treatment system installed on any
108 property that participates in the watershed improvement district
109 formed under this section shall meet all applicable standards for such
110 on-site wastewater treatment systems under sections 701.025 to
111 701.059, RSMo, and as required by rules or regulations promulgated
112 by the board of trustees and the appropriate state agencies.

113 8. Property owners participating in the watershed
114 improvement district formed under this section shall be required as
115 a condition of continued participation to have a maintenance plan
116 approved by the watershed improvement district for the on-site
117 wastewater treatment systems on their properties. Such property
118 owners shall also execute a utilities easement to allow the district
119 access to the system for maintenance purposes and inspections. The
120 property owner shall provide satisfactory proof that periodic
121 maintenance is performed on the sewage system. At a minimum the
122 system shall be installed and maintained according to the
123 manufacturer's recommendations. The level of satisfactory proof
124 required and the frequency of periodic proof shall be determined by
125 the board of trustees.

126 9. A district established under this section may, at a general
127 or primary election, submit to the qualified voters within the district
128 boundaries a real property tax that shall not exceed five cents per one
129 hundred dollars assessed valuation to fund the operation of the
130 district. The ballot of submission shall be in substantially the
131 following form:

132 Shall the (name of district) impose a real property tax
133 within the district at a rate of not more than (insert amount)

134 dollars per hundred dollars of assessed valuation to fund the operation
135 of the district?

136 YES NO
137

138 If you are in favor of the question, place an "X" in the box opposite
139 "YES". If you are opposed to the question, place an "X" in the box
140 opposite "NO".
141

142 If a majority of the votes cast in each county that is part of the district
143 favor the proposal, then the real property tax shall become effective
144 in the district on the first day of the year following the year of the
145 election. If a majority of the votes cast in each county that is a part
146 of the district oppose the proposal, then that county shall not impose
147 the real property tax authorized in this section until after the county
148 governing body has submitted another such real property tax proposal
149 and the proposal is approved by a majority of the qualified voters
150 voting thereon. However, if a real property tax proposal is not
151 approved, the governing body of the county shall not resubmit a
152 proposal to the voters under this section sooner than twelve months
153 from the date of the last proposal submitted under this section.

154 10. The real property tax authorized by this section is in
155 addition to all other real property taxes allowed by law.

156 11. Once the real property tax authorized by this section is
157 abolished or terminated by any means, all funds remaining in the trust
158 fund shall be used solely for the purposes approved in the ballot
159 question authorizing the tax. The tax shall not be abolished or
160 terminated while the district has any financing or other obligations
161 outstanding. Any funds in the trust fund which are not needed for
162 current expenditures may be invested by the district in the securities
163 described in subdivisions (1) to (12) of subsection 1 of section
164 30.270, RSMo, or repurchase agreements secured by such securities.]
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2 [249.1152. 1. Upon the adoption of a resolution by the
3 governing body of any county of the third classification located
4 within any watershed in this state, or upon the filing of a petition by
5 the property owners residing within the portion of the watershed that
6 is located within the county's boundaries, a watershed improvement
7 district may be proposed as authorized in this section. The resolution
8 or the petition shall contain the following information:

9 (1) The specific description of the watershed, which shall be
10 identical to any United States geological survey designated
11 watershed, and the proposed district within the county including a
map illustrating the boundaries of both the watershed and the

12 proposed district;

13 (2) The name of the proposed district;

14 (3) If the creation of the district is proposed by petition filed

15 by property owners, the name and residence of each petitioner; and

16 (4) The purpose of the district.

17 2. Upon the adoption of a resolution proposing the creation

18 of the district under this section, the governing body of the county

19 shall, by order or ordinance, provide a hearing on the creation of the

20 district. The order or ordinance providing a hearing on the creation

21 of such a district shall contain the following information:

22 (1) A description of the boundaries of the proposed district;

23 and

24 (2) The time and place of a hearing to be held to

25 consider establishment of the proposed district.

26 3. Whenever a hearing is held as provided by this section, the

27 governing body of the county approving the proposed district shall:

28 (1) Publish notice of the hearing on two separate occasions

29 in at least one newspaper of general circulation in each county located

30 within the proposed district, with the first publication to occur not

31 more than thirty days before the hearing, and the second publication

32 to occur not more than fifteen days or less than ten days before the

33 hearing. The purpose of the district shall be published in the hearing

34 notice;

35 (2) Hear all protests and receive evidence for or against the

36 establishment of the proposed district; and

37 (3) Rule upon all protests, which determinations shall be

38 final.

39 4. Following the hearing, if the governing body of any county

40 located within the proposed district decides to establish the proposed

41 district, the county shall adopt an order to that effect. If the governing

42 body of any county located within the proposed district receives a

43 petition signed by at least twenty percent of the property owners in

44 the proposed district requesting establishment of the proposed district

45 then the county shall adopt an order to that effect. An order adopted

46 under this subsection shall contain the following:

47 (1) The description of the boundaries of the watershed, which

48 shall be identical to any United States geological survey designated

49 watershed, and the boundaries of the district within the county;

50 (2) A statement that a watershed improvement district has

51 been established;

52 (3) The name of the district;

53 (4) A declaration that the district is a political subdivision of

54 the state; and

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(5) The purpose of the district.

5. A district established under this section may, at a general or primary election, submit to the qualified voters within the district boundaries a real property tax that shall not exceed five cents per one hundred dollars assessed valuation to fund the operation of the district. The ballot of submission shall be in substantially the following form:

Shall the (name of district) impose a real property tax within the district at a rate of not more than (insert amount) dollars per hundred dollars of assessed valuation to fund the operation of the district?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast in each county that is part of the district favor the proposal, then the real property tax shall become effective in the district on the first day of the year following the year of the election. If a majority of the votes cast in each county that is a part of the district oppose the proposal, then that county shall not impose the real property tax authorized in this section until after the county governing body has submitted another such real property tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a real property tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters under this section sooner than twelve months from the date of the last proposal submitted under this section.

6. The real property tax authorized by this section is in addition to all other real property taxes allowed by law.

7. Once the real property tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the tax. The tax shall not be abolished or terminated while the district has any financing or other obligations outstanding. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo, or repurchase agreements secured by such securities.

8. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated under this section. The board shall consist of at least three but not more than ten individuals from the district. The board shall be appointed

98 by the governing body of each county in the district. The membership
99 of the board shall to the extent practicable be in proportion to the
100 number of people living in the watershed in each county. Each
101 county located within the district shall be represented on the board by
102 at least one trustee. Of the initial trustees appointed from each
103 county, a majority shall serve terms of one year, and the remainder
104 shall serve terms of two years, as determined by lot. After the initial
105 appointments of the trustees, the trustees shall be elected by the
106 property owners within the district. Each trustee may be elected to no
107 more than five consecutive two-year terms. Vacancies shall be filled
108 by the board. Each trustee shall serve until a successor is elected and
109 sworn. The trustees shall not receive compensation for their services,
110 but may be reimbursed for their actual and necessary expenses. The
111 board shall elect a chair and other officers necessary for its
112 membership.

113 9. A watershed improvement district created under this
114 section is authorized to own, install, operate, and maintain
115 decentralized or individual on-site wastewater treatment plants. A
116 watershed improvement district created under this section shall be a
117 body corporate and a political subdivision of the state of Missouri,
118 shall be capable of suing and being sued in contract in its corporate
119 name, and shall be capable of holding such real and personal property
120 necessary for corporate purposes. The district shall implement
121 procedures to regulate the area within and consistent with the purpose
122 of the district and to educate property owners about the requirements
123 imposed by the district.

124 10. A watershed improvement district created under this
125 section shall have the power to borrow money and incur indebtedness
126 and evidence the same by certificates, notes, or debentures, to issue
127 bonds and use any one or more lawful funding methods the district
128 may obtain for its purposes at such rates of interest as the district may
129 determine. Any bonds, notes, and other obligations issued or
130 delivered by the district may be secured by mortgage, pledge, or deed
131 of trust of any or all of the property within the district. Every issue of
132 such bonds, notes, or other obligations shall be payable out of
133 property and revenues of the district and may be further secured by
134 other property within the district, which may be pledged, assigned,
135 mortgaged, or a security interest granted for such payment, without
136 preference or priority of the first bonds issued, subject to any
137 agreement with the holders of any other bonds pledging any specified
138 property or revenues. Such bonds, notes, or other obligations shall be
139 authorized by resolution of the district board, and shall bear such date
140 or dates, and shall mature at such time or times, but not in excess of

141 thirty years, as the resolution shall specify. Such bonds, notes, or
142 other obligations shall be in such denomination, bear interest at such
143 rate or rates, be in such form, either coupon or registered, be issued
144 as current interest bonds, compound interest bonds, variable rate
145 bonds, convertible bonds, or zero coupon bonds, be issued in such
146 manner, be payable in such place or places, and be subject to
147 redemption as such resolution may provide, notwithstanding section
148 108.170, RSMo. The bonds, notes, or other obligations may be sold
149 at either public or private sale, at such interest rates, and at such price
150 or prices as the district shall determine.

151 11. The county commission of any county located within a
152 watershed improvement district may authorize individual properties
153 to be served by the district by adoption of a resolution or upon the
154 filing of a petition signed by at least twenty percent of the property
155 owners of the proposed area. The resolution or petition shall describe
156 generally the size and location of the proposed area.

157 12. In the event that any property within a watershed
158 improvement district proposed under this section lies within or is
159 serviced by any existing sewer district formed under this chapter,
160 chapter 204, or chapter 250, RSMo, the property shall not become
161 part of the watershed improvement district formed under this section
162 unless the existing sewer district agrees to refrain from providing
163 service or to discontinue service to the property. No property shall
164 become part of the watershed district until the owner of that property
165 has paid in full all outstanding costs owed to an existing sewer district
166 formed under this chapter, chapter 204, or chapter 250, RSMo.

167 13. No service shall be initiated to any property lying within
168 the watershed improvement district created under this section unless
169 the property owner elects to have the service provided by the district.

170 14. Any on-site wastewater treatment systems installed on
171 any property that participates in the watershed improvement district
172 formed under this section shall meet all applicable standards for such
173 on-site wastewater treatment systems under sections 701.025 to
174 701.059, RSMo, and as required by rules or regulations promulgated
175 by the appropriate state agencies.

176 15. Property owners participating in the watershed
177 improvement district formed under this section shall be required as
178 a condition of continued participation to have a maintenance plan
179 approved by the watershed improvement district for the on-site
180 wastewater treatment systems on their properties. Such property
181 owners shall also execute a utilities easement to allow the district
182 access to the system for maintenance purposes and inspections. The
183 property owner shall provide satisfactory proof that periodic

184 maintenance is performed on the sewage system. The level of
 185 satisfactory proof required and the frequency of periodic proof shall
 186 be determined by the board of trustees.

187 16. In the event that the district is dissolved or terminated by
 188 any means, the governing bodies of the counties in the district shall
 189 appoint a person to act as trustee for the district so dissolved or
 190 terminated. Before beginning the discharge of duties, the trustee shall
 191 take and subscribe an oath to faithfully discharge the duties of the
 192 office, and shall give bond with sufficient security, approved by the
 193 governing bodies of the counties, to the use of the dissolved or
 194 terminated district, for the faithful discharge of duties. The trustee
 195 shall have and exercise all powers necessary to liquidate the district,
 196 and upon satisfaction of all remaining obligations of the district, shall
 197 pay over to the county treasurer of each county in the district and take
 198 receipt for all remaining moneys in amounts based on the ratio the
 199 levy of each county bears to the total levy for the district in the
 200 previous three years or since the establishment of the district,
 201 whichever time period is shorter. Upon payment to the county
 202 treasurers, the trustee shall deliver to the clerk of the governing body
 203 of any county in the district all books, papers, records, and deeds
 204 belonging to the dissolved district.]

205

2 [249.1154. The governing body of any county, by order or
 3 ordinance or upon the filing of a petition signed by at least twenty
 4 percent of the property owners in an area proposed for designation
 5 under this section, may designate groundwater depletion areas within
 6 a watershed improvement district created under section 249.1150 or
 7 249.1152 and may require well volume monitoring.]

2 [249.1155. After August 28, 2004, any county within a
 3 watershed improvement district may require that all septic systems be
 4 maintained or pumped every five years by a licensed provider. In the
 5 event a county requires that all septic systems be so maintained or
 6 pumped the owner of any septic system shall submit proof of
 7 maintenance or pumping to the county department of health or the
 8 state department of health and senior services if appropriate which
 9 shall determine what shall constitute proof of compliance with the
 10 requirement. In addition, the county department of health or the state
 11 department of health and senior services if appropriate may charge
 12 septic tank owners a reasonable fee for monitoring compliance with
 13 the requirement.]

[640.635. Any person or laboratory performing an analysis of

2 wastewater shall be licensed to perform the analysis by the
3 department of natural resources. The department shall determine by
4 rule or regulation the licensing criteria. Any rule or portion of a rule,
5 as that term is defined in section 536.010, RSMo, that is created
6 under the authority delegated in this section shall become effective
7 only if it complies with and is subject to all of the provisions of
8 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
9 section and chapter 536, RSMo, are nonseverable and if any of the
10 powers vested with the general assembly under chapter 536, RSMo,
11 to review, to delay the effective date, or to disapprove and annul a
12 rule are subsequently held unconstitutional, then the grant of
13 rulemaking authority and any rule proposed or adopted after August
14 28, 2004, shall be invalid and void. The department may require the
15 person or laboratory obtaining a license under this section to pay a fee
16 to the department for licensure. The fee shall be set at a level not to
17 exceed the cost and expense of administering this section.]