

SECOND REGULAR SESSION

# HOUSE BILL NO. 1433

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WOOD (Sponsor), KELLY (36), BLACK, DIXON, HOLAND,  
YAEGER, RUESTMAN, WASSON, KUESSNER, QUINN, MUNZLINGER, LIESE,  
SELBY AND WARD (Co-sponsors).

Read 1<sup>st</sup> time February 9, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3112L.011

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### AN ACT

To amend chapter 249, RSMo, by adding thereto one new section relating to sewer district creation in certain water pollution control basins.

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

Section A. Chapter 249, RSMo, is amended by adding thereto one new section, to be  
2 known as section 249.1150, to read as follows:

**249.1150. 1. There is hereby created within all counties located within the  
2 watersheds defined by the United States Geologic Service eight-digit Hydrologic Unit  
3 Codes 11010001, 11010002, and 11010003, the Upper White River Basin Watershed  
4 Improvement District. The watershed improvement district is authorized to own, install,  
5 operate, and maintain decentralized or individual on-site wastewater treatment plants.  
6 The watershed improvement district created under this section shall be a body corporate  
7 and a political subdivision of the state of Missouri, shall be capable of suing and being sued  
8 in contract in its corporate name, and shall be capable of holding such real and personal  
9 property necessary for corporate purposes.**

10 **2. The county commission of any county located within the watershed improvement  
11 district may authorize individual properties to be served by the district by adoption of a  
12 resolution upon the filing of a petition signed by at least sixty percent of the property  
13 owners of the proposed area. The resolution shall describe generally the size and location  
14 of the proposed area.**

15 **3. In the event that any property within the watershed improvement district  
16 proposed under this section lies within or is serviced by any existing sewer district or  
17 sewerage system formed under this chapter or chapter 204 or 250, RSMo, the property**

18 shall not become part of the watershed improvement district formed under this section  
19 unless the existing sewer district or sewerage service agrees to refrain from providing  
20 service or to discontinue service to the property.

21       **4. Upon the creation of the watershed improvement district as authorized by this**  
22 **section, a board of trustees for the district consisting of nine members shall be appointed**  
23 **by the director of the department of natural resources. No trustee shall reside in the same**  
24 **county as another trustee. Of the initial trustees appointed, five shall serve terms of one**  
25 **year, and four shall serve terms of two years, as determined by lot. After the initial**  
26 **appointments of the trustees, the trustees shall select successors for each trustee before the**  
27 **expiration of a trustee's term. Each trustee may be reappointed to no more than five**  
28 **consecutive two-year terms. Vacancies shall be filled by the board. Each trustee shall**  
29 **serve until a successor is qualified and sworn. The trustees shall not receive compensation**  
30 **for their services, but may be reimbursed for their actual and necessary expenses. The**  
31 **board shall elect a chair and other officers necessary for its membership. The board shall**  
32 **enter into contracts with any person or entity for the maintenance, administrative, or**  
33 **support work required to administer the district. The board may promulgate rules and**  
34 **regulations necessary to the operation of the district. No rule or portion of a rule**  
35 **promulgated pursuant to the authority of this section shall become effective unless it has**  
36 **been promulgated pursuant to chapter 536, RSMo.**

37       **5. No service shall be initiated to any property lying within the watershed**  
38 **improvement district created under this section unless the property owner elects to have**  
39 **the service provided by the district.**

40       **6. Any property owner participating in the watershed improvement district formed**  
41 **under this section shall provide proof of creditworthiness as required by rules or**  
42 **regulations promulgated by the board of trustees.**

43       **7. Any sewerage system installed on any property that participates in the watershed**  
44 **improvement district formed under this section shall meet all applicable standards for such**  
45 **sewerage systems as required by rules or regulations promulgated by the board of trustees**  
46 **and the appropriate state agencies.**

47       **8. Property owners participating in the watershed improvement district formed**  
48 **under this section shall be required as a condition of continued participation to have a**  
49 **maintenance plan approved by the watershed improvement district for the sewerage**  
50 **systems on their properties. Such property owners shall also execute a utilities easement**  
51 **to allow the district access to the system for maintenance purposes and inspections.**