

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 617
93RD GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Conservation, Parks and Natural Resources, May 3, 2005, with recommendation that the Senate Committee Substitute do pass.

1630S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 249.1150, 249.1152, 249.1154, 249.1155, 640.635, 644.076, 701.031, 701.038, and 701.053, RSMo, and to enact in lieu thereof five new sections relating to watershed districts.

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Section A. Sections 249.1150, 249.1152, 249.1154, 249.1155, 640.635, 644.076, 701.031, 701.038, and 701.053, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 249.1150, 644.076, 701.031, 701.038, and 701.053, to read as follows:

249.1150. 1. There is hereby created within any county of the third classification without a township form of government and with more than thirty-four thousand but less than thirty-four thousand one hundred inhabitants, any county of the second classification without a township form of government and with more than fifty-four thousand two hundred but less than fifty-four thousand three hundred inhabitants, [any county of the third classification without a township form of government and with more than thirteen thousand seventy-five but less than thirteen thousand one hundred seventy-five inhabitants,] any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, [any county of the third classification without a township form of government and with more than nine thousand four hundred fifty but less than nine thousand five hundred fifty inhabitants,] any county of the third classification without a township form of government and with more than twenty-eight thousand six hundred but less than twenty-eight thousand seven hundred inhabitants, **and** any county of the first classification with more than thirty-nine thousand seven hundred but less than

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

16 thirty-nine thousand eight hundred inhabitants, [any county of the third classification
17 without a township form of government and with more than thirty-one thousand but less
18 than thirty-one thousand one hundred inhabitants, and any county of the third
19 classification without a township form of government and with more than seventeen
20 thousand nine hundred but less than eighteen thousand inhabitants,] the Upper White
21 River Basin Watershed Improvement District. The watershed improvement district is
22 authorized to own, install, operate, and maintain decentralized or individual on-site
23 wastewater treatment plants. The watershed improvement district created under this
24 section shall be a body corporate and a political subdivision of the state of Missouri, shall
25 be capable of suing and being sued in contract in its corporate name, and shall be
26 capable of holding such real and personal property necessary for corporate
27 purposes. The district shall implement procedures to regulate the area within the
28 district and to educate property owners within the district about the requirements
29 imposed by the district.

30 **2. Any county of the third classification without a township form of**
31 **government and with more than thirteen thousand seventy-five but fewer**
32 **than thirteen thousand one hundred seventy-five inhabitants, any county of**
33 **the third classification without a township form of government and with more**
34 **than nine thousand four hundred fifty but fewer than nine thousand five**
35 **hundred fifty inhabitants, or any county of the third classification without a**
36 **township form of government and with more than seventeen thousand nine**
37 **hundred but fewer than eighteen thousand inhabitants shall not be included**
38 **again in a watershed improvement district under this section without a**
39 **majority vote of the qualified voters of such county.**

40 [2.] **3.** The watershed improvement district created under this section shall have
41 the power to borrow money and incur indebtedness and evidence the same by certificates,
42 notes, or debentures, to issue bonds and use any one or more lawful funding methods the
43 district may obtain for its purposes at such rates of interest as the district may
44 determine. Any bonds, notes, and other obligations issued or delivered by the district
45 may be secured by mortgage, pledge, or deed of trust of any or all of the property within
46 the district. Every issue of such bonds, notes, or other obligations shall be payable out
47 of property and revenues of the district and may be further secured by other property
48 within the district, which may be pledged, assigned, mortgaged, or a security interest
49 granted for such payment, without preference or priority of the first bonds issued,
50 subject to any agreement with the holders of any other bonds pledging any specified
51 property or revenues. Such bonds, notes, or other obligations shall be authorized by

52 resolution of the district board, and shall bear such date or dates, and shall mature at
53 such time or times, but not in excess of thirty years, as the resolution shall specify. Such
54 bonds, notes, or other obligations shall be in such denomination, bear interest at such
55 rate or rates, be in such form, either coupon or registered, be issued as current interest
56 bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon
57 bonds, be issued in such manner, be payable in such place or places, and be subject to
58 redemption as such resolution may provide, notwithstanding section 108.170, RSMo. The
59 bonds, notes, or other obligations may be sold at either public or private sale, at such
60 interest rates, and at such price or prices as the district shall determine.

61 [3.] 4. The county commission of any county located within the watershed
62 improvement district may authorize individual properties to be served by the district by
63 adoption of a resolution or upon the filing of a petition signed by at least twenty percent
64 of the property owners of the proposed area. The resolution or petition shall describe
65 generally the size and location of the proposed area.

66 [4.] 5. In the event that any property within the watershed improvement district
67 proposed under this section lies within or is serviced by any existing sewer district
68 formed under this chapter, chapter 204, or chapter 250, RSMo, the property shall not
69 become part of the watershed improvement district formed under this section unless the
70 existing sewer district agrees to refrain from providing service or to discontinue service
71 to the property. No property shall become part of the watershed district until the owner
72 of that property has paid in full all outstanding costs owed to an existing sewer district
73 formed under this chapter, chapter 204, or chapter 250, RSMo.

74 [5.] 6. Upon the creation of the watershed improvement district as authorized
75 by this section, a board of trustees for the district consisting of nine members shall be
76 appointed. The governing body of each county shall appoint one member to serve on the
77 board. No trustee shall reside in the same county as another trustee. Of the initial
78 trustees appointed, five shall serve terms of one year, and four shall serve terms of two
79 years, as determined by lot. After the initial appointments of the trustees, the successor
80 trustees shall reside in the same county as the prior trustee and be elected by the
81 resident property owners of their county within the district. Each trustee may be elected
82 to no more than five consecutive two-year terms. Vacancies shall be filled by the
83 board. Each trustee shall serve until a successor is elected and sworn. The trustees
84 shall not receive compensation for their services, but may be reimbursed for their actual
85 and necessary expenses. The board shall elect a chair and other officers necessary for
86 its membership. The board shall enter into contracts with any person or entity for the
87 maintenance, administrative, or support work required to administer the district. The

88 board may charge reasonable fees and submit proposals to levy and impose property
 89 taxes to fund the operation of the district to the qualified voters in the district, but such
 90 proposals shall not become effective unless a majority of the qualified voters in the
 91 district voting on the proposals approve the proposed levy and rate of tax. The board
 92 may adopt resolutions necessary to the operation of the district.

93 [6.] 7. No service shall be initiated to any property lying within the watershed
 94 improvement district created under this section unless the property owner elects to have
 95 the service provided by the district.

96 [7.] 8. Any on-site wastewater treatment system installed on any property that
 97 participates in the watershed improvement district formed under this section shall meet
 98 all applicable standards for such on-site wastewater treatment systems under sections
 99 701.025 to 701.059, RSMo, and as required by rules or regulations promulgated by the
 100 board of trustees and the appropriate state agencies.

101 [8.] 9. Property owners participating in the watershed improvement district
 102 formed under this section shall be required as a condition of continued participation to
 103 have a maintenance plan approved by the watershed improvement district for the on-site
 104 wastewater treatment systems on their properties. Such property owners shall also
 105 execute a utilities easement to allow the district access to the system for maintenance
 106 purposes and inspections. The property owner shall provide satisfactory proof that
 107 periodic maintenance is performed on the sewage system. At a minimum the system
 108 shall be installed and maintained according to the manufacturer's
 109 recommendations. The level of satisfactory proof required and the frequency of periodic
 110 proof shall be determined by the board of trustees.

111 [9.] 10. A district established under this section may, at a general or primary
 112 election, submit to the qualified voters within the district boundaries a real property tax
 113 that shall not exceed five cents per one hundred dollars assessed valuation to fund the
 114 operation of the district. The ballot of submission shall be in substantially the following
 115 form:

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

119 YES NO

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

122 If a majority of the votes cast in each county that is part of the district favor the
 123 proposal, then the real property tax shall become effective in the district on the first day

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

132 [10.] 11. The real property tax authorized by this section is in addition to all
 133 other real property taxes allowed by law.

134 [11.] 12. Once the real property tax authorized by this section is abolished or
 135 terminated by any means, all funds remaining in the trust fund shall be used solely for
 136 the purposes approved in the ballot question authorizing the tax. The tax shall not be
 137 abolished or terminated while the district has any financing or other obligations
 138 outstanding. Any funds in the trust fund which are not needed for current expenditures
 139 may be invested by the district in the securities described in subdivisions (1) to (12) of
 140 subsection 1 of section 30.270, RSMo, or repurchase agreements secured by such
 141 securities.

142 13. **For a watershed improvement district located in any county of the**
 143 **third classification without a township form of government and with more**
 144 **than thirteen thousand seventy-five but fewer than thirteen thousand one**
 145 **hundred seventy-five inhabitants, any county of the third classification**
 146 **without a township form of government and with more than nine thousand**
 147 **four hundred fifty but fewer than nine thousand five hundred fifty**
 148 **inhabitants, or any county of the third classification without a township form**
 149 **of government and with more than seventeen thousand nine hundred but**
 150 **fewer than eighteen thousand inhabitants, upon the filing of a petition signed**
 151 **by at least twenty percent of the qualified voters of the county requesting**
 152 **inclusion of the county within a watershed improvement district, the**
 153 **governing body of such county shall at the next general or primary election**
 154 **submit the question to the qualified voters of the county. The ballot**
 155 **submission shall be in substantially the following form:**

156 Shall County be included within the watershed improvement
 157 district?

158 YES NO

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

160 **you are opposed to the question, place an "X" in the box opposite "NO".**
161 **If a majority of the votes cast in the county favor the proposal submitted**
162 **under this subsection, the county shall be included within the district. If a**
163 **majority of the votes cast in the county oppose the proposal submitted under**
164 **this subsection, the county shall not be included within the district.**

644.076. 1. It is unlawful for any person to cause or permit any discharge of
2 water contaminants from any water contaminant or point source located in Missouri in
3 violation of sections 644.006 to 644.141, or any standard, rule or regulation promulgated
4 by the commission. In the event the commission or the director determines that any
5 provision of sections 644.006 to 644.141 or standard, rules, limitations or regulations
6 promulgated pursuant thereto, or permits issued by, or any final abatement order, other
7 order, or determination made by the commission or the director, or any filing
8 requirement pursuant to sections 644.006 to 644.141 or any other provision which this
9 state is required to enforce pursuant to any federal water pollution control act, is being,
10 was, or is in imminent danger of being violated, the commission or director may cause
11 to have instituted a civil action in any court of competent jurisdiction for the injunctive
12 relief to prevent any such violation or further violation or for the assessment of a penalty
13 not to exceed ten thousand dollars per day for each day, or part thereof, the violation
14 occurred and continues to occur, or both, as the court deems proper. A civil monetary
15 penalty pursuant to this section shall not be assessed for a violation where an
16 administrative penalty was assessed pursuant to section 644.079. The commission, the
17 chair of a watershed district's board of trustees created under section 249.1150 [or
18 249.1152], or the director may request either the attorney general or a prosecuting
19 attorney to bring any action authorized in this section in the name of the people of the
20 state of Missouri. Suit may be brought in any county where the defendant's principal
21 place of business is located or where the water contaminant or point source is located or
22 was located at the time the violation occurred. Any offer of settlement to resolve a civil
23 penalty pursuant to this section shall be in writing, shall state that an action for
24 imposition of a civil penalty may be initiated by the attorney general or a prosecuting
25 attorney representing the department pursuant to this section, and shall identify any
26 dollar amount as an offer of settlement which shall be negotiated in good faith through
27 conference, conciliation and persuasion.

28 2. Any person who knowingly makes any false statement, representation or
29 certification in any application, record, report, plan, or other document filed or required
30 to be maintained pursuant to sections 644.006 to 644.141 or who falsifies, tampers with,
31 or knowingly renders inaccurate any monitoring device or method required to be

32 maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished
33 by a fine of not more than ten thousand dollars, or by imprisonment for not more than
34 six months, or by both.

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

42 4. The liabilities which shall be imposed pursuant to any provision of sections
43 644.006 to 644.141 upon persons violating the provisions of sections 644.006 to 644.141
44 or any standard, rule, limitation, or regulation adopted pursuant thereto shall not be
45 imposed due to any violation caused by an act of God, war, strike, riot, or other
46 catastrophe.

701.031. Property owners of all buildings where people live, work or assemble
2 shall provide for the sanitary disposal of all domestic sewage. Except as provided in this
3 section, sewage and waste from such buildings shall be disposed of by discharging into
4 a sewer system regulated pursuant to chapter 644, RSMo, or shall be disposed of by
5 discharging into an on-site sewage disposal system operated as defined by rules
6 promulgated pursuant to sections 701.025 to 701.059. [Any person installing on-site
7 sewage disposal systems shall be registered to do so by the department of health and
8 senior services.] The owner of a single-family residence lot consisting of three acres or
9 more, or the owner of a residential lot consisting of ten acres or more with no single-
10 family residence on-site sewage disposal system located within three hundred sixty feet
11 of any other on-site sewage disposal system and no more than one single-family
12 residence per each ten acres in the aggregate, except lots adjacent to lakes operated by
13 the Corps of Engineers or by a public utility, shall be excluded from the provisions of
14 sections 701.025 to 701.059 and the rules promulgated pursuant to sections 701.025 to
15 701.059, including provisions relating to the construction, operation, major modification
16 and major repair of on-site disposal systems, when all points of the system are located
17 in excess of ten feet from any adjoining property line and no effluent enters an adjoining
18 property, contaminates surface waters or groundwater or creates a nuisance as
19 determined by a readily available scientific method. Except as provided in this section,
20 any construction, operation, major modification or major repair of an on-site sewage
21 disposal system shall be in accordance with rules promulgated pursuant to sections

22 701.025 to 701.059, regardless of when the system was originally constructed. The
23 provisions of subdivision (2) of subsection 1 of section 701.043 shall not apply to lots
24 located in subdivisions under the jurisdiction of the department of natural resources
25 which are required by a consent decree, in effect on or before May 15, 1984, to have class
26 1, National Sanitation Federation (NSF) aerated sewage disposal systems.

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

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

701.053. 1. A person may not represent himself as a registered on-site sewage
2 disposal system contractor in this state unless the person is registered by a county or the
3 department. A county or the department shall issue registration to a contractor if the
4 contractor completes an application form that is in compliance with sections 701.025 to
5 701.059 and the rules and regulations adopted thereunder. A registration issued by a
6 county in compliance with sections 701.053 to 701.055 shall be considered a state
7 registration and valid in all political subdivisions of the state.

8 2. To qualify for registration, a contractor must successfully complete the
9 educational training program provided by [the] department, **or a county that offers**
10 **on-site sewage disposal system contractor training and has an ordinance or**
11 **regulation that mandates contractor training.**

[249.1152. 1. Upon the adoption of a resolution by the governing
2 body of any county of the third classification located within any watershed
3 in this state, or upon the filing of a petition by the property owners
4 residing within the portion of the watershed that is located within the
5 county's boundaries, a watershed improvement district may be proposed
6 as authorized in this section. The resolution or the petition shall contain

7 the following information:

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

12 (2) The name of the proposed district;

13 (3) If the creation of the district is proposed by petition filed by
14 property owners, the name and residence of each petitioner; and

15 (4) The purpose of the district.

16 2. Upon the adoption of a resolution proposing the creation of the
17 district under this section, the governing body of the county shall, by order
18 or ordinance, provide a hearing on the creation of the district. The order
19 or ordinance providing a hearing on the creation of such a district shall
20 contain the following information:

21 (1) A description of the boundaries of the proposed district; and

22 (2) The time and place of a hearing to be held to consider
23 establishment of the proposed district.

24 3. Whenever a hearing is held as provided by this section, the
25 governing body of the county approving the proposed district shall:

26 (1) Publish notice of the hearing on two separate occasions in at
27 least one newspaper of general circulation in each county located within
28 the proposed district, with the first publication to occur not more than
29 thirty days before the hearing, and the second publication to occur not
30 more than fifteen days or less than ten days before the hearing. The
31 purpose of the district shall be published in the hearing notice;

32 (2) Hear all protests and receive evidence for or against the
33 establishment of the proposed district; and

34 (3) Rule upon all protests, which determinations shall be final.

35 4. Following the hearing, if the governing body of any county
36 located within the proposed district decides to establish the proposed
37 district, the county shall adopt an order to that effect. If the governing
38 body of any county located within the proposed district receives a petition
39 signed by at least twenty percent of the property owners in the proposed
40 district requesting establishment of the proposed district then the county
41 shall adopt an order to that effect. An order adopted under this
42 subsection shall contain the following:

43 (1) The description of the boundaries of the watershed, which shall
 44 be identical to any United States geological survey designated watershed,
 45 and the boundaries of the district within the county;

46 (2) A statement that a watershed improvement district has been
 47 established;

48 (3) The name of the district;

49 (4) A declaration that the district is a political subdivision of the
 50 state; and

51 (5) The purpose of the district.

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

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

61 YES NO

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

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

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

78 7. Once the real property tax authorized by this section is

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

87 8. There is hereby created a board of trustees to administer any
88 district created and the expenditure of revenue generated under this
89 section. The board shall consist of at least three but not more than ten
90 individuals from the district. The board shall be appointed by the
91 governing body of each county in the district. The membership of the
92 board shall to the extent practicable be in proportion to the number of
93 people living in the watershed in each county. Each county located within
94 the district shall be represented on the board by at least one trustee. Of
95 the initial trustees appointed from each county, a majority shall serve
96 terms of one year, and the remainder shall serve terms of two years, as
97 determined by lot. After the initial appointments of the trustees, the
98 trustees shall be elected by the property owners within the district. Each
99 trustee may be elected to no more than five consecutive two-year
100 terms. Vacancies shall be filled by the board. Each trustee shall serve
101 until a successor is elected and sworn. The trustees shall not receive
102 compensation for their services, but may be reimbursed for their actual
103 and necessary expenses. The board shall elect a chair and other officers
104 necessary for its membership.

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

115 10. A watershed improvement district created under this section
116 shall have the power to borrow money and incur indebtedness and
117 evidence the same by certificates, notes, or debentures, to issue bonds and
118 use any one or more lawful funding methods the district may obtain for its
119 purposes at such rates of interest as the district may determine. Any
120 bonds, notes, and other obligations issued or delivered by the district may
121 be secured by mortgage, pledge, or deed of trust of any or all of the
122 property within the district. Every issue of such bonds, notes, or other
123 obligations shall be payable out of property and revenues of the district
124 and may be further secured by other property within the district, which
125 may be pledged, assigned, mortgaged, or a security interest granted for
126 such payment, without preference or priority of the first bonds issued,
127 subject to any agreement with the holders of any other bonds pledging any
128 specified property or revenues. Such bonds, notes, or other obligations
129 shall be authorized by resolution of the district board, and shall bear such
130 date or dates, and shall mature at such time or times, but not in excess of
131 thirty years, as the resolution shall specify. Such bonds, notes, or other
132 obligations shall be in such denomination, bear interest at such rate or
133 rates, be in such form, either coupon or registered, be issued as current
134 interest bonds, compound interest bonds, variable rate bonds, convertible
135 bonds, or zero coupon bonds, be issued in such manner, be payable in such
136 place or places, and be subject to redemption as such resolution may
137 provide, notwithstanding section 108.170, RSMo. The bonds, notes, or
138 other obligations may be sold at either public or private sale, at such
139 interest rates, and at such price or prices as the district shall determine.

140 11. The county commission of any county located within a
141 watershed improvement district may authorize individual properties to be
142 served by the district by adoption of a resolution or upon the filing of a
143 petition signed by at least twenty percent of the property owners of the
144 proposed area. The resolution or petition shall describe generally the size
145 and location of the proposed area.

146 12. In the event that any property within a watershed
147 improvement district proposed under this section lies within or is serviced
148 by any existing sewer district formed under this chapter, chapter 204, or
149 chapter 250, RSMo, the property shall not become part of the watershed
150 improvement district formed under this section unless the existing sewer

151 district agrees to refrain from providing service or to discontinue service
152 to the property. No property shall become part of the watershed district
153 until the owner of that property has paid in full all outstanding costs owed
154 to an existing sewer district formed under this chapter, chapter 204, or
155 chapter 250, RSMo.

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

159 14. Any on-site wastewater treatment systems installed on any
160 property that participates in the watershed improvement district formed
161 under this section shall meet all applicable standards for such on-site
162 wastewater treatment systems under sections 701.025 to 701.059, RSMo,
163 and as required by rules or regulations promulgated by the appropriate
164 state agencies.

165 15. Property owners participating in the watershed improvement
166 district formed under this section shall be required as a condition of
167 continued participation to have a maintenance plan approved by the
168 watershed improvement district for the on-site wastewater treatment
169 systems on their properties. Such property owners shall also execute a
170 utilities easement to allow the district access to the system for
171 maintenance purposes and inspections. The property owner shall provide
172 satisfactory proof that periodic maintenance is performed on the sewage
173 system. The level of satisfactory proof required and the frequency of
174 periodic proof shall be determined by the board of trustees.

175 16. In the event that the district is dissolved or terminated by any
176 means, the governing bodies of the counties in the district shall appoint
177 a person to act as trustee for the district so dissolved or
178 terminated. Before beginning the discharge of duties, the trustee shall
179 take and subscribe an oath to faithfully discharge the duties of the office,
180 and shall give bond with sufficient security, approved by the governing
181 bodies of the counties, to the use of the dissolved or terminated district,
182 for the faithful discharge of duties. The trustee shall have and exercise
183 all powers necessary to liquidate the district, and upon satisfaction of all
184 remaining obligations of the district, shall pay over to the county treasurer
185 of each county in the district and take receipt for all remaining moneys in
186 amounts based on the ratio the levy of each county bears to the total levy

187 for the district in the previous three years or since the establishment of
188 the district, whichever time period is shorter. Upon payment to the
189 county treasurers, the trustee shall deliver to the clerk of the governing
190 body of any county in the district all books, papers, records, and deeds
191 belonging to the dissolved district.]

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

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

2 [640.635. Any person or laboratory performing an analysis of
3 wastewater shall be licensed to perform the analysis by the department of
4 natural resources. The department shall determine by rule or regulation
5 the licensing criteria. Any rule or portion of a rule, as that term is defined
6 in section 536.010, RSMo, that is created under the authority delegated in
7 this section shall become effective only if it complies with and is subject
8 to all of the provisions of chapter 536, RSMo, and, if applicable, section
9 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and
10 if any of the powers vested with the general assembly under chapter 536,
11 RSMo, to review, to delay the effective date, or to disapprove and annul a
12 rule are subsequently held unconstitutional, then the grant of rulemaking
13 authority and any rule proposed or adopted after August 28, 2004, shall
14 be invalid and void. The department may require the person or laboratory
obtaining a license under this section to pay a fee to the department for

15 licensure. The fee shall be set at a level not to exceed the cost and expense
16 of administrating this section.]

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