

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 617
AN ACT

To repeal sections 249.1150, 249.1152, 249.1154, 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:

1 Section A. Sections 249.1150, 249.1152, 249.1154, 640.635,
2 644.076, 701.031, 701.038, and 701.053, RSMo, are repealed and
3 five new sections enacted in lieu thereof, to be known as
4 sections 249.1150, 644.076, 701.031, 701.038, and 701.053, to
5 read as follows:

6 249.1150. 1. There is hereby created within any county of
7 the third classification without a township form of government
8 and with more than thirty-four thousand but less than thirty-four
9 thousand one hundred inhabitants, any county of the second
10 classification without a township form of government and with
11 more than fifty-four thousand two hundred but less than
12 fifty-four thousand three hundred inhabitants, any county of the
13 third classification without a township form of government and
14 with more than thirteen thousand seventy-five but less than
15 thirteen thousand one hundred seventy-five inhabitants, any
16 county of the first classification with more than two hundred
17 forty thousand three hundred but less than two hundred forty

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

28 2. Any county included in the Upper White River Basin

1 Watershed Improvement District, as established in subsection 1 of
2 this section, may choose to opt out of the district in one of two
3 ways:

4 (1) Upon the filing of a petition signed by at least twenty
5 percent of the property owners residing within the county, a
6 proposal is submitted to the qualified voters within the district
7 boundaries. The ballot of submission shall be in substantially
8 the following form:

9 Shall the county of opt out of the Upper White
10 River Basin Watershed Improvement District?

11 ☐ YES ☐ NO

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

15 If a simple majority of the votes cast in the county favors the
16 proposal to opt out of district, then the county shall no longer
17 be included in the Upper White River Basin Watershed Improvement
18 district, and shall cease all imposition, collection, and
19 assessment of any taxes associated with that district, beginning
20 on the first day of the first month following the election. If a
21 simple majority of the votes cast in the county opposes the
22 proposal to opt out of the district, then the county shall remain
23 a part of the Upper White River Basin Watershed Improvement
24 District. However, if a proposal to opt out of the district is
25 not approved, the governing body of the county shall not resubmit
26 a proposal to the voters under this section sooner than twelve
27 months from the date of the last proposal submitted under this
28 section; or

1 (2) Upon the issuance of an order by the county commission,
2 a proposal is submitted to the qualified voters within the
3 district boundaries to opt out of the Upper White River Basin
4 Watershed Improvement District. The ballot of submission shall
5 be in substantially the following form:

6 Shall the county ofopt out of the Upper White
7 River Basin Watershed Improvement District?

8 ☐ YES ☐ NO

9 If you are in favor of the question, place an "X" in the box
10 opposite "Yes". If you are opposed to the question, place an "X"
11 in the box opposite "NO".

12 If a simple majority of the votes cast in the county favors the
13 proposal to opt out of the Upper White River Basin Watershed
14 Improvement District, then the county shall no longer be included
15 in the Upper White River Basin Watershed Improvement District,
16 and shall cease all imposition, collection, and assessment of any
17 taxes associated with that District, beginning on the first day
18 of the first month following the election. If a simple majority
19 of the votes cast in the county opposes the proposal to opt out
20 of the Upper White River Basin Watershed Improvement District,
21 then the county shall remain a part of the Upper White River
22 Basin Watershed Improvement District. However, if a proposal to
23 opt out of the Upper White River Basin Watershed Improvement
24 District, is not approved, the governing body of the county shall
25 not resubmit a proposal to the voters under this section sooner
26 than twelve months from the date of the last proposal submitted
27 under this section.

28 3. Any county who has successfully chosen to opt out of the

Upper White River Basin Watershed Improvement District under the provisions of subsection 2 of this section, shall be allowed to rejoin the district at any time, provided the county submits the proposal to rejoin the district in one of two ways:

(1) Upon the filing of a petition signed by at least twenty percent of the property owners residing within the county, a proposal is submitted to the qualified voters within the county. The ballot of submission shall be in substantially the following form:

Shall the county ofrejoin the Upper White River Basin Watershed Improvement 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 simple majority of the votes cast in the county favors the proposal to rejoin the Upper White River Basin Watershed Improvement District, then the county shall rejoin the district. If a simple majority of the votes cast in the county opposes the proposal to rejoin the district, then the county shall remain outside the Upper White River Basin Watershed Improvement District. However, if a proposal to rejoin the Upper White River Basin Watershed Improvement District, 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; or

(2) Upon the issuance of an order by the county commission, a proposal is submitted to the qualified voters within the

district boundaries to rejoin the Upper White River Basin Watershed Improvement District. The ballot of submission shall be in substantially the following form:

Shall the county ofrejoin the Upper White River Basin Watershed Improvement 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 simple majority of the votes cast in the county favors the proposal to rejoin the Upper White River Basin Watershed Improvement District, then the county shall rejoin the Upper White River Basin Watershed Improvement District. If a simple majority of the votes cast in the county opposes the proposal to rejoin the Upper White River Basin Watershed Improvement District, then the county shall remain outside the Upper White River Basin Watershed Improvement District. However, if a proposal to rejoin the Upper White River Basin Watershed Improvement District, 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.

[2.] 4. The watershed improvement district created under this section shall have the power to borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and

1 other obligations issued or delivered by the district may be
2 secured by mortgage, pledge, or deed of trust of any or all of
3 the property within the district. Every issue of such bonds,
4 notes, or other obligations shall be payable out of property and
5 revenues of the district and may be further secured by other
6 property within the district, which may be pledged, assigned,
7 mortgaged, or a security interest granted for such payment,
8 without preference or priority of the first bonds issued, subject
9 to any agreement with the holders of any other bonds pledging any
10 specified property or revenues. Such bonds, notes, or other
11 obligations shall be authorized by resolution of the district
12 board, and shall bear such date or dates, and shall mature at
13 such time or times, but not in excess of thirty years, as the
14 resolution shall specify. Such bonds, notes, or other
15 obligations shall be in such denomination, bear interest at such
16 rate or rates, be in such form, either coupon or registered, be
17 issued as current interest bonds, compound interest bonds,
18 variable rate bonds, convertible bonds, or zero coupon bonds, be
19 issued in such manner, be payable in such place or places, and be
20 subject to redemption as such resolution may provide,
21 notwithstanding section 108.170, RSMo. The bonds, notes, or
22 other obligations may be sold at either public or private sale,
23 at such interest rates, and at such price or prices as the
24 district shall determine.

25 [3.] 5. The county commission of any county located within
26 the watershed improvement district may authorize individual
27 properties to be served by the district by adoption of a
28 resolution or upon the filing of a petition signed by at least

1 twenty percent of the property owners of the proposed area. The
2 resolution or petition shall describe generally the size and
3 location of the proposed area.

4 [4.] 6. In the event that any property within the watershed
5 improvement district proposed under this section lies within or
6 is serviced by any existing sewer district formed under this
7 chapter, chapter 204, or chapter 250, RSMo, the property shall
8 not become part of the watershed improvement district formed
9 under this section unless the existing sewer district agrees to
10 refrain from providing service or to discontinue service to the
11 property. No property shall become part of the watershed
12 district until the owner of that property has paid in full all
13 outstanding costs owed to an existing sewer district formed under
14 this chapter, chapter 204, or chapter 250, RSMo.

15 [5.] 7. Upon the creation of the watershed improvement
16 district as authorized by this section, a board of trustees for
17 the district consisting of nine members shall be appointed. The
18 governing body of each county shall appoint one member to serve
19 on the board. No trustee shall reside in the same county as
20 another trustee. Of the initial trustees appointed, five shall
21 serve terms of one year, and four shall serve terms of two years,
22 as determined by lot. After the initial appointments of the
23 trustees, the successor trustees shall reside in the same county
24 as the prior trustee and be elected by the resident property
25 owners of their county within the district. Each trustee may be
26 elected to no more than five consecutive two-year terms.
27 Vacancies shall be filled by the board. Each trustee shall serve
28 until a successor is elected and sworn. The trustees shall not

1 receive compensation for their services, but may be reimbursed
2 for their actual and necessary expenses. The board shall elect a
3 chair and other officers necessary for its membership. The board
4 shall enter into contracts with any person or entity for the
5 maintenance, administrative, or support work required to
6 administer the district. The board may charge reasonable fees
7 and submit proposals to levy and impose property taxes to fund
8 the operation of the district to the qualified voters in the
9 district, but such proposals shall not become effective unless a
10 majority of the qualified voters in the district voting on the
11 proposals approve the proposed levy and rate of tax. The board
12 may adopt resolutions necessary to the operation of the district.

13 [6.] 8. No service shall be initiated to any property lying
14 within the watershed improvement district created under this
15 section unless the property owner elects to have the service
16 provided by the district.

17 [7.] 9. Any on-site wastewater treatment system installed
18 on any property that participates in the watershed improvement
19 district formed under this section shall meet all applicable
20 standards for such on-site wastewater treatment systems under
21 sections 701.025 to 701.059, RSMo, and as required by rules or
22 regulations promulgated by the board of trustees and the
23 appropriate state agencies.

24 [8.] 10. Property owners participating in the watershed
25 improvement district formed under this section shall be required
26 as a condition of continued participation to have a maintenance
27 plan approved by the watershed improvement district for the
28 on-site wastewater treatment systems on their properties. Such

1 property owners shall also execute a utilities easement to allow
2 the district access to the system for maintenance purposes and
3 inspections. The property owner shall provide satisfactory proof
4 that periodic maintenance is performed on the sewage system. At
5 a minimum the system shall be installed and maintained according
6 to the manufacturer's recommendations. The level of satisfactory
7 proof required and the frequency of periodic proof shall be
8 determined by the board of trustees.

9 [9.] 11. A district established under this section may, at
10 a general or primary election, submit to the qualified voters
11 within the district boundaries a real property tax that shall not
12 exceed five cents per one hundred dollars assessed valuation to
13 fund the operation of the district. The ballot of submission
14 shall be in substantially the following form:

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

19 ☐ YES

☐ NO

20
21 If you are in favor of the question, place an "X" in the box
22 opposite "YES". If you are opposed to the question, place an "X"
23 in the box opposite "NO".

24
25 If a majority of the votes cast in each county that is part of
26 the district favor the proposal, then the real property tax shall
27 become effective in the district on the first day of the year
28 following the year of the election. If a majority of the votes

1 cast in each county that is a part of the district oppose the
2 proposal, then that county shall not impose the real property tax
3 authorized in this section until after the county governing body
4 has submitted another such real property tax proposal and the
5 proposal is approved by a majority of the qualified voters voting
6 thereon. However, if a real property tax proposal is not
7 approved, the governing body of the county shall not resubmit a
8 proposal to the voters under this section sooner than twelve
9 months from the date of the last proposal submitted under this
10 section.

11 [10.] 12. The real property tax authorized by this section
12 is in addition to all other real property taxes allowed by law.

13 [11.] 13. Once the real property tax authorized by this
14 section is abolished or terminated by any means, all funds
15 remaining in the trust fund shall be used solely for the purposes
16 approved in the ballot question authorizing the tax. The tax
17 shall not be abolished or terminated while the district has any
18 financing or other obligations outstanding. Any funds in the
19 trust fund which are not needed for current expenditures may be
20 invested by the district in the securities described in
21 subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo,
22 or repurchase agreements secured by such securities.

23 14. The governing body of any county included in the Upper
24 White River Basin Watershed Improvement District established in
25 section 249.1150 may designate groundwater depletion areas within
26 specific areas of the county and may require well volume
27 monitoring. However, any county included in this district may
28 choose not to require well volume monitoring.

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

1 is located or where the water contaminant or point source is
2 located or was located at the time the violation occurred. Any
3 offer of settlement to resolve a civil penalty pursuant to this
4 section shall be in writing, shall state that an action for
5 imposition of a civil penalty may be initiated by the attorney
6 general or a prosecuting attorney representing the department
7 pursuant to this section, and shall identify any dollar amount as
8 an offer of settlement which shall be negotiated in good faith
9 through conference, conciliation and persuasion.

10 2. Any person who knowingly makes any false statement,
11 representation or certification in any application, record,
12 report, plan, or other document filed or required to be
13 maintained pursuant to sections 644.006 to 644.141 or who
14 falsifies, tampers with, or knowingly renders inaccurate any
15 monitoring device or method required to be maintained pursuant to
16 sections 644.006 to 644.141 shall, upon conviction, be punished
17 by a fine of not more than ten thousand dollars, or by
18 imprisonment for not more than six months, or by both.

19 3. Any person who willfully or negligently commits any
20 violation set forth pursuant to subsection 1 of this section
21 shall, upon conviction, be punished by a fine of not less than
22 two thousand five hundred dollars nor more than twenty-five
23 thousand dollars per day of violation, or by imprisonment for not
24 more than one year, or both. Second and successive convictions
25 for violation of the same provision of this section by any person
26 shall be punished by a fine of not more than fifty thousand
27 dollars per day of violation, or by imprisonment for not more
28 than two years, or both.

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

7 701.031. Property owners of all buildings where people
8 live, work or assemble shall provide for the sanitary disposal of
9 all domestic sewage. Except as provided in this section, sewage
10 and waste from such buildings shall be disposed of by discharging
11 into a sewer system regulated pursuant to chapter 644, RSMo, or
12 shall be disposed of by discharging into an on-site sewage
13 disposal system operated as defined by rules promulgated pursuant
14 to sections 701.025 to 701.059. Any person installing on-site
15 sewage disposal systems shall be registered to do so by the
16 department of health and senior services. The owner of a single-
17 family residence lot consisting of three acres or more, or the
18 owner of a residential lot consisting of ten acres or more with
19 no single-family residence on-site sewage disposal system located
20 within three hundred sixty feet of any other on-site sewage
21 disposal system and no more than one single-family residence per
22 each ten acres in the aggregate, except lots adjacent to lakes
23 operated by the Corps of Engineers or by a public utility, shall
24 be excluded from the provisions of sections 701.025 to 701.059
25 and the rules promulgated pursuant to sections 701.025 to
26 701.059, including provisions relating to the construction,
27 operation, major modification and major repair of on-site
28 disposal systems, when all points of the system are located in

1 excess of ten feet from any adjoining property line and no
2 effluent enters an adjoining property, contaminates surface
3 waters or groundwater or creates a nuisance as determined by a
4 readily available scientific method. Except as provided in this
5 section, any construction, operation, major modification or major
6 repair of an on-site sewage disposal system shall be in
7 accordance with rules promulgated pursuant to sections 701.025 to
8 701.059, regardless of when the system was originally
9 constructed. The provisions of subdivision (2) of subsection 1 of
10 section 701.043 shall not apply to lots located in subdivisions
11 under the jurisdiction of the department of natural resources
12 which are required by a consent decree, in effect on or before
13 May 15, 1984, to have class 1, National Sanitation Federation
14 (NSF) aerated sewage disposal systems.

15 701.038. 1. The department of health and senior services
16 or any of its agents may not investigate a sewage complaint
17 except when necessary as part of a communicable disease
18 investigation unless the complaint is received from an aggrieved
19 party or [,] an adjacent landowner [, or any two residents of the
20 county]. The department of health and senior services or any of
21 its agents may enter any adjoining property if necessary when
22 they are making an inspection pursuant to this section. The
23 necessity for entering such adjoining property shall be stated in
24 writing and the owner of such property shall be notified before
25 the department or any of its agents may enter, except that, if an
26 imminent health hazard exists, such notification shall be
27 attempted but is not required.

28 2. If the department or its agents make an investigation

1 pursuant to a complaint as described in subsection 1 of this
2 section and find that a nuisance does exist, the property owner
3 shall comply with state and local standards when repairing or
4 replacing the on-site sewage disposal system.

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

15 2. To qualify for registration, a contractor must
16 successfully complete the educational training program provided
17 by the department, or a county that offers on-site sewage
18 disposal system contractor training that has been certified by
19 the department and has an ordinance or regulation that mandates
20 contractor training.

21 [249.1152. 1. Upon the adoption of a resolution
22 by the governing body of any county of the third
23 classification located within any watershed in this
24 state, or upon the filing of a petition by the property
25 owners residing within the portion of the watershed
26 that is located within the county's boundaries, a
27 watershed improvement district may be proposed as
28 authorized in this section. The resolution or the
29 petition shall contain the following information:

30 (1) The specific description of the watershed,
31 which shall be identical to any United States
32 geological survey designated watershed, and the
33 proposed district within the county including a map
34 illustrating the boundaries of both the watershed and
35 the proposed district;

1 (2) The name of the proposed district;
2 (3) If the creation of the district is proposed
3 by petition filed by property owners, the name and
4 residence of each petitioner; and
5 (4) The purpose of the district.

6 2. Upon the adoption of a resolution proposing
7 the creation of the district under this section, the
8 governing body of the county shall, by order or
9 ordinance, provide a hearing on the creation of the
10 district. The order or ordinance providing a hearing
11 on the creation of such a district shall contain the
12 following information:

13 (1) A description of the boundaries of the
14 proposed district; and
15 (2) The time and place of a hearing to be held to
16 consider establishment of the proposed district.

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

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

28 (2) Hear all protests and receive evidence for or
29 against the establishment of the proposed district; and
30 (3) Rule upon all protests, which determinations
31 shall be final.

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

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

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

49 (3) The name of the district;

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

1 (5) The purpose of the district.

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

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

14 ☐ YES

☐ NO

15
16 If you are in favor of the question, place an "X" in
17 the box opposite "YES". If you are opposed to the
18 question, place an "X" in the box opposite "NO".
19

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

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

39 7. Once the real property tax authorized by this
40 section is abolished or terminated by any means, all
41 funds remaining in the trust fund shall be used solely
42 for the purposes approved in the ballot question
43 authorizing the tax. The tax shall not be abolished or
44 terminated while the district has any financing or
45 other obligations outstanding. Any funds in the trust
46 fund which are not needed for current expenditures may
47 be invested by the district in the securities described
48 in subdivisions (1) to (12) of subsection 1 of section
49 30.270, RSMo, or repurchase agreements secured by such
50 securities.

51 8. There is hereby created a board of trustees to

1 administer any district created and the expenditure of
2 revenue generated under this section. The board shall
3 consist of at least three but not more than ten
4 individuals from the district. The board shall be
5 appointed by the governing body of each county in the
6 district. The membership of the board shall to the
7 extent practicable be in proportion to the number of
8 people living in the watershed in each county. Each
9 county located within the district shall be represented
10 on the board by at least one trustee. Of the initial
11 trustees appointed from each county, a majority shall
12 serve terms of one year, and the remainder shall serve
13 terms of two years, as determined by lot. After the
14 initial appointments of the trustees, the trustees
15 shall be elected by the property owners within the
16 district. Each trustee may be elected to no more than
17 five consecutive two-year terms. Vacancies shall be
18 filled by the board. Each trustee shall serve until a
19 successor is elected and sworn. The trustees shall not
20 receive compensation for their services, but may be
21 reimbursed for their actual and necessary expenses.
22 The board shall elect a chair and other officers
23 necessary for its membership.

24 9. A watershed improvement district created under
25 this section is authorized to own, install, operate,
26 and maintain decentralized or individual on-site
27 wastewater treatment plants. A watershed improvement
28 district created under this section shall be a body
29 corporate and a political subdivision of the state of
30 Missouri, shall be capable of suing and being sued in
31 contract in its corporate name, and shall be capable of
32 holding such real and personal property necessary for
33 corporate purposes. The district shall implement
34 procedures to regulate the area within and consistent
35 with the purpose of the district and to educate
36 property owners about the requirements imposed by the
37 district.

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

1 a security interest granted for such payment, without
2 preference or priority of the first bonds issued,
3 subject to any agreement with the holders of any other
4 bonds pledging any specified property or revenues.
5 Such bonds, notes, or other obligations shall be
6 authorized by resolution of the district board, and
7 shall bear such date or dates, and shall mature at such
8 time or times, but not in excess of thirty years, as
9 the resolution shall specify. Such bonds, notes, or
10 other obligations shall be in such denomination, bear
11 interest at such rate or rates, be in such form, either
12 coupon or registered, be issued as current interest
13 bonds, compound interest bonds, variable rate bonds,
14 convertible bonds, or zero coupon bonds, be issued in
15 such manner, be payable in such place or places, and be
16 subject to redemption as such resolution may provide,
17 notwithstanding section 108.170, RSMo. The bonds,
18 notes, or other obligations may be sold at either
19 public or private sale, at such interest rates, and at
20 such price or prices as the district shall determine.

21 11. The county commission of any county located
22 within a watershed improvement district may authorize
23 individual properties to be served by the district by
24 adoption of a resolution or upon the filing of a
25 petition signed by at least twenty percent of the
26 property owners of the proposed area. The resolution
27 or petition shall describe generally the size and
28 location of the proposed area.

29 12. In the event that any property within a
30 watershed improvement district proposed under this
31 section lies within or is serviced by any existing
32 sewer district formed under this chapter, chapter 204,
33 or chapter 250, RSMo, the property shall not become
34 part of the watershed improvement district formed under
35 this section unless the existing sewer district agrees
36 to refrain from providing service or to discontinue
37 service to the property. No property shall become part
38 of the watershed district until the owner of that
39 property has paid in full all outstanding costs owed to
40 an existing sewer district formed under this chapter,
41 chapter 204, or chapter 250, RSMo.

42 13. No service shall be initiated to any property
43 lying within the watershed improvement district created
44 under this section unless the property owner elects to
45 have the service provided by the district.

46 14. Any on-site wastewater treatment systems
47 installed on any property that participates in the
48 watershed improvement district formed under this
49 section shall meet all applicable standards for such
50 on-site wastewater treatment systems under sections
51 701.025 to 701.059, RSMo, and as required by rules or

1 regulations promulgated by the appropriate state
2 agencies.

3 15. Property owners participating in the
4 watershed improvement district formed under this
5 section shall be required as a condition of continued
6 participation to have a maintenance plan approved by
7 the watershed improvement district for the on-site
8 wastewater treatment systems on their properties. Such
9 property owners shall also execute a utilities easement
10 to allow the district access to the system for
11 maintenance purposes and inspections. The property
12 owner shall provide satisfactory proof that periodic
13 maintenance is performed on the sewage system. The
14 level of satisfactory proof required and the frequency
15 of periodic proof shall be determined by the board of
16 trustees.

17 16. In the event that the district is dissolved
18 or terminated by any means, the governing bodies of the
19 counties in the district shall appoint a person to act
20 as trustee for the district so dissolved or terminated.
21 Before beginning the discharge of duties, the trustee
22 shall take and subscribe an oath to faithfully
23 discharge the duties of the office, and shall give bond
24 with sufficient security, approved by the governing
25 bodies of the counties, to the use of the dissolved or
26 terminated district, for the faithful discharge of
27 duties. The trustee shall have and exercise all powers
28 necessary to liquidate the district, and upon
29 satisfaction of all remaining obligations of the
30 district, shall pay over to the county treasurer of
31 each county in the district and take receipt for all
32 remaining moneys in amounts based on the ratio the levy
33 of each county bears to the total levy for the district
34 in the previous three years or since the establishment
35 of the district, whichever time period is shorter.
36 Upon payment to the county treasurers, the trustee
37 shall deliver to the clerk of the governing body of any
38 county in the district all books, papers, records, and
39 deeds belonging to the dissolved district.]
40

41 [249.1154. The governing body of any county, by
42 order or ordinance or upon the filing of a petition
43 signed by at least twenty percent of the property
44 owners in an area proposed for designation under this
45 section, may designate groundwater depletion areas
46 within a watershed improvement district created under
47 section 249.1150 or 249.1152 and may require well
48 volume monitoring.]
49

50 [640.635. Any person or laboratory performing an
51 analysis of wastewater shall be licensed to perform the

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